

DISCLAIMER: In accordance with the *Community Safety and Policing Act* and the *Freedom of Information and Protection of Privacy Act*, the summary below has been de-identified to remove the personal information of individuals, including public complainants and persons who were the subject of the investigation.

DE-IDENTIFIED SUMMARY UNDER SECTION 167(2) OF THE CSPA

Original Police Service:

Date of Complaint: 09/19/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

The complainant filed this complaint with the Law Enforcement Complaints Agency (LECA) on June 21, 2024. The complaint was referred to the [Police Service] on August 14, 2024.

On June 20, 2024, the complainant was involved in a landlord tenant dispute that escalated to an assault investigation.

Upon police arrival, two independent witnesses were spoken to as well as the complainant and [the complainant's] landlord. After speaking with all involved parties and examining the evidence, the Responding officer, determined that the fight was consensual, but did state the complainant was the instigator in the matter.

While dealing with the complainant, the responding officer told him to shut up and listen you are acting like a child, as the complainant was constantly speaking over the officer and laying on the grass with his head in his hands. On one other occasion the responding officer told the complainant to shut up and listen while attempting to explain the allegations.

The complainant attempted to speak with the on-duty Staff Sergeant but was turned away and believes the responding officers actions were biased and he was being victimized.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Conduct Undermines Public Trust Section 10

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

It is alleged that [Respondent Officer's] conduct undermined public trust by telling [the Complainant] to shut up and stop acting like a child.

Decision and Reasons

Allegation 1 – Conduct Undermines Public Trust Section 10

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

It is alleged that the responding officer conduct undermined public trust by telling the complainant to shut up and stop acting like a child.

Based on the evidence obtained and the analysis outlined above, the PSU investigation found that the conduct of the responding officer does not undermine public trust.

The responding officer's BWC was reviewed and although the responding officer does state to the complainant “listen shut up and listen” and “shut up and listen you’re acting like a child”, the PSU does not believe the words were meant to be uncivil, unprofessional or demeaning to the complainant. In reviewing the responding officer BWC and duty report, it is clear the responding officer is attempting to provide essential information to the complainant, however the complainant keeps interrupting and at one point is laying on the grass with his head in his hands.

It is clear from the BWC that the complainant was not going to accept the conclusion that the responding officer came to during the investigation.

The complainant was adamant that the responding officer was the one who conducted the threats investigation in which he was criminally charged, as well as an investigation from 2017. It should be noted that the responding officer was hired by the [Police Service] in 2022. the responding officer was not involved in the investigation in which the complainant was criminally charged.

After reviewing all the evidence, this investigation was completed in full and without bias or discrimination.