

**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: 04/15/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

### De-identified Summary of Complaint

The complainants son was driving the complainants vehicle and was stopped by the Police. The complainant attended the scene of the vehicle stop and alleged that the officer confrontational for no reason. The officer was described by the complainant as being aggressive and intimidating and did not act in a professional manner.

## Unsubstantiated Code of Conduct Allegations

### Allegation 1 - Interactions with Public

A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing. Community Safety and Policing Act O/Reg. 407/23 section 10(1).

### Allegation 2 - Performance of Duties

A police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately. Community Safety and Policing Act O/Reg. 407/23 section 19.

## Decision and Reasons

Police received a 911 call regarding a reckless driver. The Respondent Officer located the vehicle and issued two Provincial Offence Notices. The Respondent Officer was lawfully positioned to stop the vehicle.

### Allegation 1 - Interactions with the Public

The case of *Toy v. Edmonton Police Service (2014)* provided the test for general discreditable conduct that ultimately affects the public's trust in policing. The analysis conducted for allegation 1 revealed that the investigation conducted by the Respondent Officer was reasonable and did not breach the standard of care. As such, it was concluded that, a dispassionate reasonable person fully apprised of the circumstances and with due regard for any applicable rules and regulations (or law) in force and with due regard to good faith considerations would not determine that the Respondent Officers actions would undermine the public's trust in policing. As a result, with respect to this allegation, the conclusion was unsubstantiated.

### Allegation 2 - Performance of Duties

The actions performed by the Respondent Officer were measured against an investigating officers required duties that are set out in Police policies. It was determined that all fundamental and essential tasks were completed by the Respondent Officers.

After seeking direction from *Korchinski v. Office of the Independent Police Review Director (2022)* and following an examination of the Respondent Officer and Witness Officers accounts it was determined there was no evidence of misconduct.

Based on the review and analysis of the information, it was determined that there was insufficient evidence to establish that the alleged misconduct occurred. As a result, with respect to this allegation, the conclusion was unsubstantiated