

**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: 07/03/2024

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 had recently been evicted from their residence by the local Sheriff's office as a result of their failure to pay their mortgage. The mortgage company obtained Superior Court Orders that had been properly served and notifications given to the complainant months prior to the evictions and took possession of the residence.

The complainant returned to the residence and removed the new locks and entered the residence. The mortgage company contacted police to assist with the removal of the complainant. Police attended the residence and attempted to speak with the complainant who would not respond to the officers. The officers reviewed the documentation and determined the court orders and process was legitimate and properly served and determined the complainant was unlawfully in the residence and committed mischief in removing the locks.

Officers entered the residence lawfully and arrested the complainant for being unlawfully in the residence and removed them from the residence. Due to the difficult circumstances involving the complainant, the offices used discretion and did not charge the complainant with a criminal offence but alternatively issued a Provincial Offence Notice under the Trespass to Property Act.

**Unsubstantiated Code of Conduct Allegations**

Allegation 1 – UNLAWFUL ARREST - Section 7

Allegation 2 – NEGLECTS TO DO DUTY – Section 19 - Unsubstantiated

**Decision and Reasons****Allegation 1 - UNLAWFUL ARREST - UNSUBSTANTIATED**

Interviewed witnesses, reviewed Superior Court Orders, Sheriff notifications and spoke with mortgage company lawyers and determined that the complainant was unlawfully in the residence and furthermore did not have legal ownership of the residence due to the mortgage company lawfully repossessing the residence. Officers formed reasonable and probable grounds that the complainant committed mischief by removing the locks from the residence to gain unlawful entry into the residence. The officers lawfully arrested the complainant.

**Allegation 2 – NEGLECTS TO DO DUTY – UNSUBSTANTIATED**

The complainant alleged that the officers that attended the residence failed to investigate their reported fraud by the mortgage company. After full review of the incident report, witnesses interviewed and lawful court orders reviewed it was determined there was no fraud to investigate. Furthermore, the complainant failed to mention their complaint of fraud at the time the officers removed them from the residence. It was later learned the complainant reported a fraud post this incident and did not involve the respondent officers who were unaware of a reported fraud investigation. Neglect of duty was unsubstantiated.