

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: 07/15/2024

Type of

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

The complainant contacted the [REDACTED] Police to report an unknown male had been harassing them and had attempted to assault them. Respondent Officer 1 and Respondent Officer 2 attended and investigated the complaints report.

The complainant alleged that Respondent Officer 1 and Respondent Officer 2 neglected to complete their required investigative duties.

Unsubstantiated Code of Conduct Allegations

Allegation 1 – Failure to Perform Duties Appropriately

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

Allegation 2 – Undermine Public Trust in Policing

Decision and Reasons

Allegation 1 - Failure to Perform Duties Appropriately

The actions performed by Respondent Officer 1 and Respondent Officer 2 were measured against an investigating officers required duties that are set out in [REDACTED] Police policies. It was determined that all fundamental and essential tasks were completed by the Respondent Officers.

Several duties set out in policy were not completed. An examination of the Respondent Officers account revealed that after assessing the needs of the investigation, they identified that the completion of some tasks was not required. The officers exercised their discretion in not completing these tasks. After seeking direction from Hill v. The Hamilton-Wentworth Police (2007) and Korchinski v. The Office of the Independent Review Director (2022) it was determined that the officers use of discretion was within the boundaries of reasonableness and the standard of care was in no way breached.

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.

Allegation 2 - Undermine Public Trust in Policing

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 Officers 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.