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Investigative Report

Complaint Number: 2018.EXT-0466**OIPRD Number:** E-201807112016456196**Investigated By:** David KNOWLES
Detective 1688
Unit Complaint Coordinator
Toronto Police Service**Chief Aware Date:** 2018.10.01**Completion Date:** 2019.03.13

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Summary of Complaint(s)

The Complainant alleges that she reported violations of a Recognizance order to 22 Division, by a male party with whom she had been in a relationship with, which were not taken seriously or properly investigated.

The Complainant further alleges that she was not protected from ongoing threats, stalking and harassment as a victim with a mental disability thereby placing her in danger, and that she was treated with disrespect and bias due to her mental health status.

Code of Conduct Allegation(s)

Police Services Act – Ontario Regulation 268/10 Part VII Schedule – Code of Conduct

Allegation #1

Neglect of Duty, in that he or she,

Section 2(1)(c)(i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.

- It is alleged that the Respondent Officer failed to investigate reports of Breach of Recognizance involving a suspect with whom the Complainant had formerly been in a relationship with.

Allegation #2

Discreditable Conduct, in that he or she,

Section 2(1)(a)(i) fails to treat or protect a person equally without discrimination with respect to police services because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability.

- It is alleged that the Respondent Officer failed to protect the Complainant from ongoing threats, stalking and harassment due to her mental disability, and that the Respondent Officer treated the Complainant with disrespect and bias due to her mental health status.

Respondent Officer #1

Lhawang JONGDONG, Detective # 8342, 22 Division, Criminal Investigation Bureau



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Summary of Statements-Witness (Civilian & Police)

Complainant

The Complainant filed a six (6) page typed complaint with the OIPRD on or about July 18th, 2018. The file was assigned to the Investigator for investigation on October 2nd, 2018.

The following is a summary of the salient parts of the complaint filed with the OIPRD.

"My repeated reports of (Civilian A)'s violation of his recognizance conditions were not taken seriously or properly investigated despite evidence I would send them. 22 Division dismissed my reports and failed to investigate (Civilian A)'s violations.

22 Division refused to obey the court order. 22 Division have failed to protect me from ongoing threats, stalking, and harassment. As a victim with mental disability I was put in danger despite the conditions of his recognizance and his clear violation of those conditions."

"As a victim I was treated with disrespect and experienced bias due to my mental health status. Detective Jongdong refused to investigate despite the repeated evidence I would send him. Moreover he would condescend to me and not respect (or) treat me in accordance with the rights of victims."

Follow-up with Complainant

The Investigator contacted the Complainant on November 29th, 2018, by phone and subsequently met with her in person on December 4th, 2018.

During the meeting the Complainant confirmed the allegations made in her initial OIPRD complaint and typed statement. As a result of this confirmation, the Investigator did not see a need to take a further statement from Complainant.

The Complainant advised the Investigator that she had not physically seen (Civilian A) since his trial in March 2017, and had not spoken to him knowingly since before that except that – online you "don't know who you are speaking to"

****Civilian A is Complainant's ex-boyfriend**

Witness Officer #1

Laura MCCONNELL, Sergeant #7535, 14 Division, Primary Response Unit

Role

Assigned to investigate Domestic Incident occurrence report 2016-1649131 reported by Complainant. Spoke to Complainant. Parked occurrence pending further information.

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Sergeant Laura McConnell #7535 is a member of the Toronto Police Service and carries out her duties in a uniform capacity. She was assigned to the Youth and Family Violence Unit at 22 Division as a Detective Constable during the time of her involvement with this incident.

The following information is a verbatim copy of the TPS217 'Statement: Complaint Response' submitted by Sergeant Laura MCCONNELL on December 9th, 2018, with any civilian names, addresses, or personal identifiers removed for confidentiality:

I have no knowledge or involvement in the investigation which began on or about November 24, 2016, which is documented in GO# TP 2016-2089464.

On September 20, 2016 I was assigned to 22 Division as a Detective Constable working in a plainclothes capacity in the Youth and Family Violence office.

On September 20, 2016 I was assigned a Domestic Incident Report GO#2016-1649131 to investigate. The complainant in this report was [the Complainant]

The report detailed [the Complainant] complaint about her ex-boyfriend posting information about her on the internet on a website known as somethingawful.com. This is an open forum website which allows anyone to post information and participate in conversations. [the Complainant] reported that her ex-boyfriend used multiple on-line aliases which she advised were difficult to keep track of.

The officer who authored the initial report on September 16, 2016 had requested that [the Complainant] compile a list of forum posts that she was complaining about in order to facilitate the investigation.

On September 20, 2016, I contacted [the Complainant] by phone. During the conversation [the Complainant] advised that her ex-boyfriend has used up to 100 different names on this web-site and that it costs \$10.00 to create an account which will allow posting access to the web-site. She believes that it is her ex-boyfriend that was responsible for the posts about her because he would be the only one who would have some of the specific knowledge of her to create these derogatory posts.

[The Complainant] also advised that she reported the posts to the web-site administration and as a result, the web-site removed the posts and blocked the user that was responsible for them.

[The Complainant] advised that she had taken screen shots of the posts in question and agreed to forward them to me for investigation.

The posts are key evidence in the investigation and they would be required in order to proceed.

The information requested from [the Complainant] had not been received and I again phoned her on October 13, 2016. [The Complainant] confirmed that she was still in possession of the relevant screen shots and that she would forward them to me should she decide to proceed with the

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investigation. It was explained to her that without copies of the screenshots/posts, police would not be able to proceed.

On October 18, 2016 the screenshots/posts (evidence) had not been received from [the Complainant]. The investigation was closed with the option to be re-opened should [the Complainant] decide to proceed and forward the relevant information.

I made electronic notes of my involvement in the form of supplementary reports which are attached to the report. There are no memorandum book notes.

Witness Officer #2

Shawn MARSHALL, Detective #8003, Intelligence, Computer Cyber Crime Unit

Role

Conducted review of Cyber Crime Unit intake / results of three occurrences reported by Complainant.

Detective Shawn Marshall #8003 is a member of the Toronto Police Service and carries out his duties in a plainclothes capacity. He is assigned to the TPS Computer Cyber Crime Unit as a Detective.

The following information is a verbatim copy of the report submitted by Detective Shawn Marshall on February 13th, 2019, with any civilian names, addresses, or personal identifiers removed for confidentiality:

On Wednesday February 13th, 2019, I was working an evening shift in the Computer Cyber Crime (C3) Section of Intelligence Services. At 1225, I became aware of an intake that was waiting to be assigned. I reviewed intake 19-0195 and found it requested:

Request for information in relation to C3 intakes related to 3 occurrences.

2016-597750

2016-2089464

2016-1649131

At approximately 1245, I spoke with Det. KNOWLES who advised that a report summarizing C3 involvement in these three intakes would suffice.

ACTION TAKEN BY C3 INVESTIGATOR

I first reviewed each of the intakes and then looked at C3's actions in relation to the intake.

- 1) 2016-597750 - C3 intake 16-0479

I found that this was an intake that I worked on, starting on April 21st, 2016. At that time

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DC Rizwan MOHAMED was looking for information on the user "mad monk" in the "Tribalwar.com Forum Section". I captured the posts and consulted with DC MOHAMED via email. The consultation advised of the issues of a) proving that he wrote the posts i.e. putting him behind the keyboard and b) establishing that posting on a public form in a manner that isn't directly addressed to her would constitute communicating with her specifically. My opinion was that there was insufficient grounds to lay a charge, and that going to speak with him could be an effective solution.

- 2) 2016-2089464 - C3 intake 17-0347

I found that this intake was assigned to DC GRAVELIJN. Her notes on the intake at the time stated:

"check versadex - occurrence provided is a 2016 report. No supplementary reports added in 2017. Email sent to requesting officer - 9067 2017.03.23

Clarified Detective wanted C3 to provide subscriber information. Production order information provided.

Further conversation with OIC, he wants to close investigation, so would like c3 to review attachments in GO and provide their opinion."

I do not have any emails between DC GRAVELIJN and the OIC, and Det. GRAVELIJN is currently on maternity leave so I'm unable to attach copies of their correspondence. These can be obtained, if required.

- 3) 2016-1649131 - C3 Intake 16-1046

I found that this intake was investigated by DC Chris PURCHAS in September, 2016. The request detailed posts on the website www.somethingawful.com which were made by the suspect. DC PURCHAS entered the following:

"Unable to locate posts on forum as there are few details describing the exact location. OIC contacted and he advised that the complainant will forward copies of the forum posts detailing exact where they are located. Once this is received, they will be sent via email". There are no further entries to this intake, and no other notes available.

All 3 of these files include relatively similar circumstances. The Complainant is alleging that a male is posting about her on public forums in contravention of his bail conditions. Proving that would be extremely difficult. Posting to a large public forum, in my professional opinion, wouldn't be a breach of bail conditions not to communicate with someone even if they are a member of that same forum. I do not believe that meets the threshold of direct or indirect communication. The investigating officers in C3 appear to have come to the same conclusion.

This concludes my involvement in this matter.



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Summary of Statements-Respondent Officer(s)

Respondent Officer #1

Lhawang JONGDONG, Detective # 8342, 22 Division, Criminal Investigation Bureau

Role

Assigned Investigator for occurrence submitted by Complainant; Met with Complainant; Closed occurrence.

Detective Lhawang JONGDONG is a member of the Toronto Police Service and carries out his duties in a uniform capacity. At the time of the alleged incidents he was assigned to the 22 Division Criminal Investigation Bureau. He is currently assigned to 22 Division in the Community Response Unit.

The following information is a verbatim copy of the TPS217 'Statement: Complaint Response' submitted by Detective Lhawang JONGDONG on December 6th, 2018, with any civilian names, addresses, or personal identifiers removed for confidentiality:

On November 25th, 2016, I was assigned to an occurrence GO # 2016-2089464 by D/Sgt Madelaine TRETTER. I carefully studied the report submitted by PC Marland THOMPSON and determined that information she had provided to him were in exact duplication of information contained in GO # 2016-1649131, (2016/09/17) GO # 2016-597750, (2016/04/09) and GO #2016-444036, (2016/03/14).

The suspect in her allegation was (Civilian) who had been arrested and charged with Criminal Harassment, Utter Threats X3 on March 14th, 2016. At the time of this report, (Civilian A) had been also released on Recognizance of Bail, and (Complainant) was the victim. I learned that since then there had been two active investigations being conducted by Youth & Family Services of 22 & 41 Division for alleged Fail to Comply Recognizance of Bail, specifically the condition of "Do not possess or use any computers". I also learned from those two reports that investigators have submitted two separate C3 requests to the TPS Computer Cyber Crime Unit (C3) and one of which result yielded no account information of the suspect and one pending C3's result. Officers added the supplementary reports respectively into the original case GO #2016-444036 as part of information and disclosure for D/Cst. Tonya HILTON (7641) and the assigned A/Crown of the Ministry of Attorney General through VDX/SCOPE.

On December 26th, 2016, I left the country on a religious pilgrimage and returned to Canada on January 31st, 2017. Contrary to the (Complainant)'s belief, I did not nor did I ever attempt to end communication between (the Complainant) and D/C AREVALO anytime including on December 29th, 2016.

Due to the fact that all information contained in her allegation were already present in the case, I



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did not believe there was any immediate danger, nor any exigence circumstances for me investigate

the matter right away.

I returned to duty on February 2nd and worked my 7 evening shift in 22 Division Criminal Investigation Bureau. Sometime between February 2nd- 8th, 2017, D/C Amanda AREVALO advised me that she spoke to (the Complainant) few times and that she had added supplementary report of her investigation, including her information from the tribal war's website administrator. As a result, sometime between those evenings, I contacted (the Complainant) by phone and updated the result of the investigation conducted by D/C AREVALO. I further advised her that information contained in the report were identical to the information she had previously provided to various officers in various divisions and that those investigations are still pending. I asked her to be patient and provided personal safety information including calling 911 if she was ever in danger, and to avoid social chat forums.

On February 14th, 2017, when I returned to my first night shift, I saw two emails dating February 9th, February 13th from (the Complainant) while I was on regular scheduled day off. (The Complainant)'s email contained several pages of email thread dating back to October 25th, 2015. I reviewed the threads and determined that (Civilian A) had been charged with Criminal harassment on March 14th, 2016 as a result of these information.

On February 14th, 2017, I responded to her email advising her of the current status of my investigation. Email #1, #2 attached.

On February 18th, 2018, I received another email from (the Complainant) with two web links: 1) <https://forums.somethingawful.com/showthread.php?threadid=3810518>, and reddit site: 2) <https://www.reddit.com/user/herhehejhrekjashsd>

I reviewed the first link which contained a long gibberish rant posted in an open forum on "the something awful", on various dates with absolute no evidentiary values. The second link led to an adult content site and it required membership to access the site. Email #3 attached.

Since then, I received several emails, some containing spam from (the Complainant). Email attached.

On February 25th, 2017, I received another email from (the Complainant) indicating the physical discovery of the book. I had already reviewed the contents of the book in GO # 2016-597750 which was posted on Tribal War website by an individual by the name of "mad_monk". The "book" is a compilation of gibberish rant and it doesn't contain the author's name or any substantiable [sic] dates. The book contained several distorted photographs of several young females, animals, birds, hockey legend Don Cherry, screen shots of social media chats dated 2004-2015. Furthermore, the book had been disclosed to the previous investigators.

Sometime in the beginning of the March 13th, while following up with this occurrence, I came across GO # 2017-239350 from D41, investigation involving criminal harassment. This report had been submitted by PC Todd PARKER of 41 Division and the victim in this matter another female.

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There was some substantiable [sic] evidence and I wanted to meet with her in person to discuss investigation further.

I submitted C3 report to Computer Cyber Crime Unit for follow up with its IP address information. On March 22, 2017, I saw an email from (Complainant) asking for some clarification. I responded back in email and invited her to attend 22 division where I could explain the complexity in person. Email # 6 attached. As a result, we arranged to meet on Thursday March 23rd, 2017 at 22 Division.

On Thursday March 23rd, 2017 at 10:00PM, I met (Complainant) at 22 Division. I explained the circumstances of online cybercrime, court proceedings, evidentiary importance and personal safety measures. During our meeting I also talked about barrage of unsolicited derisive emails she had been sending me with (email # 6A). I advised her that anything she sends me would be part of the disclosures to the defense counsel if or when (Civilian A) is charged, and that her derisive emails would only serve as a distraction rather than its evidentiary value.

(The Complainant) talked about her mental health and her past history during our meeting. I asked if she was ever diagnosed with any mental illnesses and if she was taking any medications. I asked

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Analysis

The Complainant and (Civilian A) met online in early 2013 and commenced a relationship that lasted approximately 6 months before they parted ways in July of 2013.
The Complainant and (Civilian A) reunited in October of 2015 for approximately 6 weeks before again parting ways.

In March of 2016, (Civilian A) was charged with Criminal Harassment, and Uttering Threats X3, in which the Complainant was the victim. The charges spanned the time period between November 1, 2015 - March 11, 2016.

On March 16th, 2016, (Civilian A) was granted bail on these charges by entering into a Recognizance with conditions that included:

- Do not contact or communicate in any way either directly or indirectly, by any physical, electronic or other means, with following: (Complainant) or her family
- Do not possess or use any computers or any other device that has access to the Internet or other digital network
- Not to be within 300m of any place where you know (Complainant) or her family to live, work, go to school, frequent or any place you know (Complainant) or her family to be

On April 8th, 2016, the Complainant reported to Toronto Police that (Civilian A) was posting information and pictures about her online, including a 300 page document which included pictures. (TPS Occurrence Report 2016-597750 – Fail to Comply with Conditions).

That occurrence / information was subsequently attached to the occurrence in which (Civilian A) was charged with offences against the Complainant. The information was also included in disclosure materials provided to the prosecuting Crown Attorney's office and was available to the Crown prior to the eventual trial on March 27th, 2017.

The occurrence was assigned to 41 Division for investigation. During the course of the investigation, the Complainant forwarded numerous online threads, posts and account names to the assigned D41 investigator which she believed constituted evidence that (Civilian A) was breaching his recognizance.

The D41 investigation included submissions to the Toronto Police Service - Cyber Crime Unit C3, however a response from that unit on April 21st, 2016, advised that a trace of a possible profile being used by (Civilian A) did not yield any account owner information.

On April 29th 2016 the D41 investigator formally cautioned (Civilian A) for the offence of failing to

comply with his recognizance at which time (Civilian A) denied responsibility for the posts. The D41 investigator then contacted the Complainant advised her that his efforts to identify the online perpetrator were unsuccessful and therefore insufficient grounds to lay a charge existed. The occurrence was Closed on May 2nd, 2016.

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On May 3rd, 2016, the Complainant e-mailed the D41 investigator and advised that (Civilian A) was continuing to post online, that he stated multiple times that he would "break my nose" and that he delivered physical copies of his book (300 page document) to a bookstore 280m from her residence.

The D41 Investigator replied to the Complainant requesting additional information in relation to the information she supplied with no response. No further information or updates were added to the occurrence.

On September 16th, 2016 the Complainant filed a second report with Toronto Police that (Civilian A) was posting things about her on the internet. (TPS Occurrence Report 2016-1649131- Domestic Incident)

The officer taking the report attached a copy of his report to the occurrence in which (Civilian A) was charged with offences against the Complainant. That occurrence / information was included in disclosure materials provided to the prosecuting Crown Attorney's office and was available to the Crown prior to the eventual trial on March 27th, 2017.

The occurrence was assigned to D/C Laura McConnell # 7535 of 22 Division for investigation. D/C McConnell spoke on the phone with the Complainant on September 20th, 2016 and October 13th, 2016 requesting additional information from the Complainant.

No additional information was received by D/C McConnell from the Complainant and the occurrence was parked pending further information on October 18th, 2016.

On November 24th, 2016 the Complainant filed a third report with Toronto Police that (Civilian A) had posted more information directed at her on a specific website on November 10th, 15th and 16th. (TPS Occurrence Report 2016-2089464 – Fail to Comply with Conditions).

The officer taking the report attached a copy of his report to the occurrence in which (Civilian A) was charged with offences against the Complainant. That occurrence / information was included in disclosure materials provided to the prosecuting Crown Attorney's office and was available to the Crown prior to the eventual trial on March 27th, 2017.

The occurrence was assigned to Det. Jongdong #8342 in the 22 Division Criminal Investigation Bureau. Det. Jongdong is an accredited Domestic Violence Investigator.

Det. Jongdong commenced an investigation upon receiving the report and reviewed the information contained within it as well as the allegations and information contained in the previous two reports filed by the Complainant.

The latest report encompassed many of the same allegations and modus operandi collected in previous reports filed by the Complainant, specifically that (Civilian A) was posting unflattering information, innuendo, photos and comments about her on "open forum" blogs and social media.

The Investigators review of the previous reports filed by the Complainant reveal that much of the information and allegations provided were similar with some exceptions in relation to dates and/or

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suspects online user names.

There is no evidence to suggest that the Complainant was ever contacted directly by (Civilian A) during the course of the investigation. In fact, by her own admission, it was the Complainant herself who was searching open forum websites that she knew (Civilian A) to frequent and post on.

This activity contributed to the Complainant's own harm and distress by subjecting herself to the vile postings and cannot reasonably be concluded or interpreted as indirect contact. However, the postings certainly would be a breach of one of (Civilian A) conditions - *Do not possess or use any computers or any other device that has access to the Internet or other digital network* - should he be proven to be the source.

Det. Jongdong left the country on December 26th, 2016, and was away from work approximately one (1) month until February 2nd, 2017. During his absence, a Detective Constable working for Detective Jongdong reached out to the Complainant and collected additional information / web postings that were added to the original occurrence, who also did an IP Address look up which indicated that the person posting the information was located in Burlington, Ontario. (Civilian A) was living with his surety in Scarborough at the time. There was also additional information that the person posting was using the same date of birth as (Civilian A).

Upon his return to work in February 2017, Det. Jongdong reviewed the new information collected by the Detective Constable.

On February 9th the Complainant e-mailed Det. Jongdong numerous text messages which had previously formed the basis for the original charges laid against (Civilian A) from 2015.

Between February 13th, and March 22nd, 2017, approximately 4 e-mail messages were exchanged between the Complainant and Det. Jongdong. The tone and content of the e-mails varies however, the Complainant is clearly at times angry and frustrated that charges have not been laid against (Civilian A) and she also references phone calls that took place between herself and Det. Jongdong.

On March 22nd, 2017, Det. Jongdong e-mailed the Complainant advising that he reviewed the available information provided by the Complainant and the information collected during his investigation, and that he did not feel that he possessed "reasonable grounds" that are necessary to lay a charge against (Civilian A). Det. Jongdong further advised that the investigation was not closed. He subsequently requested assistance from the Toronto Police Cyber Crime Unit.

On Thursday March 23rd, 2017, Det. Jongdong met with the Complainant at 22 Division. He stated that he updated the Complainant on circumstances of online cybercrime, court proceedings, evidentiary importance and personal safety measures, and answered all of her questions. The Complainant in her OIPRD complaint states that Det. Jongdong advised her at the upcoming trial of (Civilian A) "...be respectful to the judge and inform him that Police knew - (Civilian A) was breaking his bail conditions...".

No other persons were present at this meeting between the Complainant and Det. Jongdong, and Det.

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Jongdong states that following the meeting, he drove the Complainant home.

On March 27th, 2017, (Civilian A) pled guilty to one count of Criminal Harassment and one count of Uttering Threats in relation to the Complainant. (TPS Occurrence 2016-444036 – Criminal Harassment, Threaten Death X3). (Civilian A) was given a suspended sentence and probation for 12 months with conditions similar to his previous bail conditions relating to contact with the Complainant or being within 300m of her. The Probation Order did not include a prohibition on the use of a computer or similar electronic device by (Civilian A).

A review of the investigative steps taken by Det. Jongdong corroborates that he fulfilled his duties in compliance with **Toronto Police Service Governance Section 1.9** and **Toronto Police Service Procedures 05-04 and 05-11**. No further investigation was conducted by Det. Jongdong in relation to the occurrence as he believed it had been re-assigned to another investigator following a complaint to his Detective Sergeant by the Complainant in early April 2017. Det. Jongdong in his "Statement Response" states – "...I spoke to (Complainant) over phone and advised her about this investigation being reassigned

On February 18th, 2017, the Complainant forwarded another link to Det. Jongdong indicating that Civilian A was continuing to breach his bail conditions.

On February 25th, 2017, the Complainant e-mailed Det. Jongdong and referenced the book (300 page document) citing this as the evidence of Civilian A breaching his bail conditions. The Complainant also asks in the e-mail why she was asked *"what medication I was on – Is my mental health history, alleged or real pertinent to Alex not being charged?"* The Complainant states in her statement – *"when I met him (Det. Jongdong) he first asked me my name, and then what medication I was on; I had to name the (medications) and explain what they were for, which was demeaning and discriminatory"*. The Complainant does not provide any information as to where or how this conversation took place.

This is the first indication that presumably a discussion had occurred between them in relation to the Complainant's medical history. Det. Jongdong stated that a discussion of mental health and the Complainant's past history did not occur until their subsequent meeting on March 23rd, 2017 at 22 Division, and that it was the Complainant who brought the subject up.

On March 22nd, 2017, the Complainant e-mailed Det. Jongdong in relation to a recent phone call between

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them asking for a meeting and clarification of points.

Det. Jongdong responded the next day referencing his review of the evidence and that of previous investigations and advised the Complainant that he did not have "reasonable grounds" to charge (Civilian A).

On March 23rd, 2017, the Complainant met with Det. Jongdong at 22 Division, no other persons were present.

Both parties acknowledge that a discussion was had in relation to the upcoming trial of (Civilian A) relating to the Complainant. The Complainant states that Det. Jongdong made a repugnant and ignorant statement that – *'she was smarter than Civilian A's other victims for getting out sooner'*, she found this to be inappropriate and unprofessional for an investigator assigned to work with victims of domestic violence.

Det. Jongdong in his Statement: Complaint Response states:

"I absolutely did not treat her, spoke to her, and acted in condescending manner toward her in any shape or form. Furthermore, I did not disrespect her and treat her any differently than any other victims of domestic violence. I was compassionate but objective, and impartial in my investigation, and I explained those commitments to (Complainant) during my meeting. At the end of meeting, I drove (Complainant) home."

In April 2017, Det. Jongdong believed that he had been replaced as the investigator and states he communicated that to the Complainant via a phone call.

No additional contact was made between the parties until February of 2018, at which time the Complainant sent Det. Jongdong what appears to be an unsolicited e-mail.

Following that, the Complainant sent Det. Jongdong three (3) different e-mail messages on February 27th, 2018 that were critical and disparaging of Det. Jongdong and his investigation.

Finally on March 4th, 2018, the Complainant sent another e-mail with attachments of a charitable receipt dated in 2011 and copies of text messages presumably from Civilian A dated in November 2015. The Complainant is once again critical and disparaging of Det. Jongdong and his investigation.

These emails evidence that the Complainant is dissatisfied with the outcome of the investigation. However, there is no evidence that the scope of the investigation was deficient. The evidence was evaluated by personnel from other branches of the Service who later summarized their expert opinion as to the strength of the evidence to support a charge and reasonable prospect of conviction, and was found to be too weak to withstand judicial scrutiny. This serves to demonstrate that the Respondent Officer's decisions were objective and based on the facts, and were not subjective or biased as perceived by the Complainant.



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Examination under Human Rights Lens

The Complainant alleges she was disrespected and treated with bias due to her mental status. The Complainant deems her mental status to be a disability, though the Complainant provided no corroborating evidence to support her assertion.

A disability is a prohibited ground under the **Ontario Human Rights Code, Toronto Police Service Procedure 13-14** and **Toronto Police Service Governance Section 1.9 Fairness, Discrimination and Harassment**. These authorities also secure a person's right to equal treatment without discrimination with regard to services.

How the Complainant's mental status was brought up is disputed. However, the Respondent Officer did ask questions about the Complainant's mental health and stated he did ask if she had been formally diagnosed and taking medications for it. These types of questions do not suggest that the person is biased or disrespecting the other, and one can arguably conclude they are reasonable coming from an investigator conducting an investigation involving domestic violence, demonstrating empathy and building a rapport. The Respondent Officer stated it was the Complainant that brought the topic up which is logical, considering she is a victim of domestic violence, which is widely understood to be stressful and psychologically traumatic, and he naturally then asked questions in relation to it.

Furthermore, having a mental health disorder does not immediately define or qualify a person with having a disability, given that the spectrum of mental health issues vary greatly from slight to great and such a determination is normally made by a mental health professional. The Respondent Officer would have no way of knowing that the Complainant views her mental health status as a disability for her. Hence, the question in relation to whether she had been diagnosed. The Complainant has provided no information or evidence as to how the Respondent Officer mistreated or disrespected her on the basis of her perceived mental disability. The evidence does indicate the Respondent Officer exhibited concern and empathy for the Complainant, to ask if she was getting psychological treatment and if she was alone, especially given the fact that she was a victim of domestic violence. His concern for her well-being was underscored by the fact that he even drove her home.

The Respondent Officer adhered to his requirements under the **Victims Bill of Rights** and treated her as he would with any other victim of domestic violence and criminal harassment. His investigation was thorough and his determinations were supported by subject matter experts in relation to the lack of evidence to support a charge, where the reasonable grounds needed could not be formulated to meet the threshold of a criminal offence.

It is clear the Complainant is dissatisfied with the outcome of the Respondent Officer's investigation. There is insufficient evidence that the investigation was inadequate or deficient, or that his treatment of the Complainant was biased, or that the level of service he provided to the Complainant as a victim of domestic violence was discriminatory on any prohibited ground. The evidence demonstrates that the Complainant's self disclosed disability involving her mental health was not a factor in the Respondent Officer's investigation.

In accordance with **Toronto Police Service Procedure 13-02**, this report was provided to the Service's

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Diversity and Inclusion Unit for review.

Conclusion

Allegation #1

Neglect of Duty, in that he or she,

Section 2(1)(c)(i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.

- It is alleged that the Respondent Officer failed to investigate reports of Breach of Recognizance involving a suspect with whom the Complainant had formerly been in a relationship with.

Respondent Officer #1

Lhwang JONGDONG, Detective # 8342, 22 Division, Criminal Investigation Bureau

Degree of Severity: Based on the nature of the allegation, the Investigator deemed this allegation as **less serious**.

Findings: The Respondent Officer was assigned to investigate Toronto Police Occurrence 2016-2089464 on or about November 24th, 2016. There is no doubt that the Complainant and her family have been unfairly and cruelly disparaged online by cowardly persons who hide behind the veil of anonymity that the world wide web provides. The Complainant was right to bring the matter forward to police and justified in her requests to understand the machinations of the investigation and the outcome.

The Investigator's review of the investigation reveals that a thorough review of the available evidence and information available was conducted by the Respondent Officer and that he sought assistance from subject matter experts to assist. He attempted to communicate his findings to the Complainant on more than one occasion and explained that his threshold of "reasonable grounds" had not been met in this case. The Respondent Officer additionally met in person with the Complainant to explain his process and believed he had addressed the Complainant's concerns.

Based on all the available information, the Investigator has concluded that there is insufficient evidence to establish reasonable grounds that misconduct has occurred.

Therefore the allegation is **unsubstantiated**.



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Allegation #2

Discreditable Conduct, in that he or she,

Section 2(1)(a)(i) fails to treat or protect a person equally without discrimination with respect to police services because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability.

- It is alleged that the Respondent Officer failed to protect the Complainant from ongoing threats, stalking and harassment due to her mental disability, and that the Respondent Officer treated the Complainant with disrespect and bias due to her mental health status.

Respondent Officer #1

Lhwang JONGDONG, Detective # 8342, 22 Division, Criminal Investigation Bureau

Degree of Severity: The Investigator has deemed this allegation as **serious**.

Findings: The Investigator reviewed all available material relating to the interactions, conversations, e-mail messages and information involving the investigation assigned to the Respondent Officer.

The disclosure of the Complainant's mental disability to the Respondent Officer and the circumstances surrounding that disclosure are disputed by both parties. There is no independent evidence to support the allegation of bias or mistreatment. The evidence is clear that the Complainant is dissatisfied with the Respondent Officer's investigation, in that charges were not laid. Additionally, the evidence shows that the Respondent Officer's treatment of the Complainant was fair, frank and empathetic, and there is insufficient evidence to corroborate that the Complainant's self proclaimed disability, due the nature of her mental health, was a factor in the way the Respondent Officer conducted his investigation, or in the quality and level of service he provided to the Complainant.

Based on all the available information and evidence, the Investigator has concluded that there is insufficient evidence to establish reasonable grounds that misconduct has occurred.

Therefore the allegation is unsubstantiated.

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Referenced Information

Police Services Act Section 42(1)	The Duties of a Police Officer include: <ul style="list-style-type: none"> (a) preserving the peace; (b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention; (c) assisting victims of crimes; (d) apprehending criminals and other offenders and others who may lawfully be taken into custody; (e) laying charges and participating in prosecutions; (f) executing warrants that are to be executed by police Officers and performing related duties; (g) performing the lawful duties that the chief of police assigns; (h) in the case of a municipal police force, enforcing municipal by-laws; (i) completing the prescribed training.
Police Services Act - Section 80(1)	A police officer is guilty of misconduct if he or she commits an offence described in a prescribed code of conduct;
Police Services Act Ontario Regulation 268/10 Part VII Schedule Code of Conduct	<p>1. In this code of conduct,</p> <p>2.(1) Any chief of police or other police officer commits misconduct if he or she engages in,</p> <p>Neglect of Duty, in that he or she,</p> <p>(c)(i): without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.</p> <p>Discreditable Conduct, in that he or she,</p>

(a)(i): fails to treat or protect a person equally without discrimination with respect to police services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, or handicap.

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Toronto Police Service Procedures	05 - 04: Domestic Violence 05 - 11: Fail to Comply/Fail to Appear 13 - 02: External Complaints 13 - 14: Human Rights
Toronto Police Service - Governance	1.9 Fairness, Discrimination, Harassment Reasonable Grounds - means a set of facts or circumstances that would lead a person of ordinary care and judgement to have a strong belief beyond mere suspicion
Ontario Human Rights Code R.S.O. 1990, c. H.19	Prohibited Grounds
Victims' Bill of Rights, 1995 S.O. 1995, CHAPTER 6	Principles 2 (1) The following principles apply to the treatment of victims of crime: 1. Victims should be treated with courtesy, compassion and respect for their personal dignity and privacy by justice system officials. 2. Victims should have access to information about, i. the services and remedies available to victims of crime, ii. the provisions of this Act and of the <i>Compensation for Victims of Crime Act</i> that might assist them, iii. the protection available to victims to prevent unlawful intimidation, iv. the progress of investigations that relate to the crime, v. the charges laid with respect to the crime and, if no charges are laid, the reasons why no charges are laid, vi. the victim's role in the prosecution,



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	<p>prosecution,</p> <p>viii. the dates and places of all significant proceedings that relate to the prosecution,</p> <p>ix. the outcome of all significant proceedings, including any proceedings on appeal,</p> <p>x. any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial,</p> <p>xi. the interim release and, in the event of conviction, the sentencing of an accused,</p> <p>xii. any disposition made under section 672.54 or 672.58 of the <i>Criminal Code</i> (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder, and</p> <p>xiii. their right under the <i>Criminal Code</i> (Canada) to make representations to the court by way of a victim impact statement.</p>
Criminal Code of Canada 145(3)	<p>Failure to comply with condition of undertaking or recognizance</p> <p>(3) Every person who is at large on an undertaking or recognizance given to or entered into before a justice or judge and is bound to comply with a condition of that undertaking or recognizance, and every person who is bound to comply with a direction under subsection 515(12) or 522(2.1) or an order under subsection 516(2), and who fails, without lawful excuse, to comply with the condition, direction or order is guilty of</p> <p>(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or</p> <p>(b) an offence punishable on summary conviction.</p>



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Investigator**Supervisor/Manager**

David KNOWLES
Unit Complaint Coordinator
Detective (1688)
22 Division

Riyaz HUSSEIN
Inspector (3825)
22 Division

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