

OPC File# 2019-008

On August 11, 2019 an online complaint was received alleging that the Chief of the Charlottetown Police Service breached the Code of Conduct by not laying charges of defamatory libel. The alleged libel occurred during the spring of 2019. The story in question was removed from the website shortly after the publisher received notice of the allegation.

The Commissioner found that the complaint did not allege any facts that could support a finding of a breach of the Code of Conduct. The choice by a police officer to lay a charge is a discretionary choice. Reviewing authorities should only interfere with that choice if there is evidence that improper factors were considered ([R v Beaudry \(2007\) SCC](#)). The complaint did not allege any improper factors and therefore the Commissioner declined to proceed with an investigation.

The Complainant made several further submissions regarding this matter. On April 30th, 2020 he made an application for judicial review of the Commission's decision in this matter which had not been issued as of that date. The [Commission's decision was issued on June 11, 2020](#).

NB - The Commission's normal practice is not to release full decisions. Its view is that releasing summaries promotes transparency regarding policing but still protects the privacy of complainants. However, the decision in this matter is available for inspection at the Court Registry. There is also a public interest in judicial review of the Commission's proceedings. The documents in support of the decision are available for inspection at the Commission's offices upon appointment.