

IN THE MATTER OF

POLICE CONSTABLE STEPHEN WILLIAMS #410412

**AND IN THE MATTER OF A HEARING INTO THE ALLEGATIONS OF MISCONDUCT PURSUANT TO PART V,
SECTION 76(9) OF THE *POLICE SERVICES ACT***

AND IN THE MATTER OF A PROPOSED PLEA OF GUILTY

COUNT ONE – Discreditable Conduct

Contrary to section 2(1)(a)(xi) of the *Code of Conduct, Police Services Act* - acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force.

COUNT TWO – Neglect of Duty

Contrary to section 2(1)(c)(i) of the *Code of Conduct, Police Services Act* - without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.

COUNT THREE – Discreditable Conduct

Contrary to section 2(1)(a)(xi) of the *Code of Conduct, Police Services Act* - acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force.

AGREED STATEMENT OF FACTS

Background

1. Constable Stephen Williams has been employed as a Police Officer with the London Police Service since August 30, 2015. He is presently a 2nd Class Constable. At the time of the facts underlying this public complaint and hearing, Constable Williams was a 3rd Class Constable.
2. Constable Williams grew up with and was friends with the Complainant's now ex-husband (CW#2).
3. At the time of the facts underlying this complaint and hearing, the Complainant had recently separated from CW#2.
4. CW#2 had on-going communications with Constable Williams with respect to his separation from the Complainant.
5. Constable Williams provided advice to CW#2 with respect to the separation and related family court processes.

6. On March 30, 2017 the Complainant was arrested and charged with Harassing Telecommunication contrary to section 372(3) of the Criminal Code of Canada. Following her arrest, she was released by the Officer in Charge subject to specified undertakings.

Count 1 – Discreditable Conduct

Contrary to section 2(1)(a)(xi) of the *Code of Conduct, Police Services Act* - acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force.

7. The Complainant was subject to an undertaking to reside at a specified address in the City of London.
8. Following the Complainant's arrest, Constable Williams became aware of the Complainant's conditions of release as a result of a conversation with the complainant's husband.
9. On April 12, 2017, Constable Williams contacted two other London Police Service Officers and requested that a bail check to be conducted on the Complainant to determine if she was abiding by the terms of release.
10. When the Officers conducted the bail check, the Complainant was not at the address as noted within the CIPC system.
11. Upon further investigation it was determined that the Complainant was residing at the permitted address and that the address as noted in the CPIC system was incorrect.
12. In requesting that his fellow officers undertake the bail check, Constable Williams acknowledged that doing the bail check himself would be a conflict of interest and advised his fellow officer that he had a conflict.
13. Constable Williams' request for a bail check was personally motivated. In his related police witness statement, Constable Williams stated the following as the reason he requested the bail check to be done:

"I requested the bail check as I became aware that my personal email account was breached and pictures on my email account were used without my knowledge. I recall [CW#2] state in the past that AGORA would gain access to his personal phone and email's (sic) and delete messages without his knowledge."
14. Constable Williams had no independent investigative purpose for inserting himself into the police involvement relating to the Complainant.

15. Constable Williams did not report the conflict of investigative interest to his Supervisor as required by LPS Procedure.
16. Constable Williams did not document in his duty book that he requested the bail check or the reasons that the bail check be completed.

Count 2 – Neglect of Duty

Contrary to section 2(1)(c)(i) of the *Code of Conduct, Police Services Act* - without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.

17. Commencing in approximately December 2016, Constable Williams communicated with CW#2 on multiple occasions discussing the challenges CW#2 was experiencing in his relationship with the Complainant, including incidents of police involvement. Constable Williams advised that he could not assist because it would be a conflict of interest, as they were friends.
18. On February 17, 2017 Constable Williams received a number of messages from the Complainant through Facebook Messenger. At some point between February 23, 2017 and March 30, 2017, Constable Williams contacted the Complainant via Facebook Messenger and informed her not to contact him either directly or indirectly.
19. At some point between February 17, 2017 and March 30, 2017, CW#2 sought advice from Constable Williams with respect to unwanted communications from the Complainant. Constable Williams provided CW#2 with a draft message to send to the Complainant to assist him in his desire to stop the unwanted communications from the Complainant.
20. Following the Complainant's arrest on March 30, 2017, Constable Williams had two further conversations with CW#2. Initially CW#2 sought advice regarding what to do if the Complainant contacted him. Constable Williams states that he advised that this would be a breach of conditions and that CW#2 should call the police. CW#2 later sought advice on how to gain custody of his child and related issues around child support.
21. Constable Williams failed to make any notes regarding his conversations with CW#2.
22. The extent of Constable Williams duty book notes with respect to his involvement with CW#2 and the Complainant is as follows:

"2056 Follow-up to 17-36622 Supplemental Statement in regards to bail check on Agora, Andrea 1979-June-11 2202 clear call"
23. On April 13, 2017, Constable Williams did complete a Police Witness Statement with respect the bail check. Constable Williams completed the Police Witness Statement at the direction of his Supervisor.

24. The Police Services Act provides for the duties of a police officer, including the duty to assist in the laying of charges and in prosecutions and performing the lawful duties that the chief of police assigns. The requirement to prepare accurate, detailed and comprehensive notes is part of the duty to assist in the laying of charges and in prosecutions.
25. LPS procedure requires that a member's notes contain a complete and accurate record of the significant events in an occurrence. LPS procedure further requires that all members shall, while on duty, keep up to date notes containing independent recollections with sufficient detail to account for their observations, location, activities and actions.

Count 3 – Discreditable Conduct

Contrary to section 2(1)(a)(xi) of the Code of Conduct, Police Services Act - acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force.

26. Constable Williams ran multiple unauthorized computer checks on the Complainant through both CPIC and the LPS Records Management System.

27. Constable Williams conducted improper CPIC queries on the Complainant on the following:

| | DATE | TIME |
|-----|------------|------|
| i | 2017-02-24 | 2127 |
| ii | 2017-03-25 | 1747 |
| iii | 2017-04-01 | 1705 |
| iv | 2017-04-11 | 1707 |

28. Constable Williams conducted CPIC Vehicle queries on the Complainant's vehicle on the following:

| | DATE | TIME |
|---|------------|------|
| i | 2017-03-05 | 1454 |

29. The CPIC Manual and LPS Procedure dictate that CPIC access is only permitted where there is a valid investigative or business purpose and that CPIC access for personal use is not permitted.
30. LPS Procedure directs that where there is any doubt as to what constitutes professional use versus personal use, the member shall contact a supervisor for direction. If there is a legitimate purpose, the Supervisor may conduct the CPIC query and must submit an occurrence report outlining the purpose of the query, the actions taken and the rationale for such actions.
31. Constable Williams had no lawful or business reason to run either LPS Records or CPIC checks relating to the Complainant.

32. Constable Williams acknowledges that he ran and reviewed LPS records relating to the Complainant because he was told by a fellow officer that the Complainant was making allegations about him.