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: 10/30/2024

Type of Investigation:

Referred to Same Service: ◉ Referred to Other Service: ○ Retained by LECA: ○

Service Investigations Referred to:

De-identified Summary of Complaint
On August 3, 2024, the Complainant (CO), alleged that the Respondent Officer (RO), failed to identify himself and acted unprofessional while detaining them self during an unlawful traffic stop.

Unsubstantiated Code of Conduct Allegations

Public-Undermine Public Trust – Sec 10 CSPA Reg. 407/26
Charter of Rights – Breach – Sec 6 CSPA Reg, 407/23
Public-Conceal Identity – Sec 13 CSPA Reg. 407/29

Decision and Reasons

Allegation #1 – Unlawful/Unsafe Traffic Stop

Referenced legislation: CSPA Section 10(1) , CSPA Section 10(2), CSPA Section 82, Ontario Highway Traffic Act Section 216(1), OPP Police Orders Sec 2.37.2, Supreme Court of Canada (SCC).

The CO had alleged the RO conducted a traffic stop without lawful authority and in so doing drove in a dangerous manner putting the safety of themself and other members of the public at risk.

The SCC has ruled in both R. v. Ladouceur (1990) and R. v. Hufsky (1988) that random stops for legitimate highway safety reasons such as checking for drivers' licences, ownerships, insurance and for the sobriety of a driver are a justified infringement of the Charter as they serve a greater public purpose, road safety.

The RO was in the lawful execution of his duties, pursuant to Section 82 of the CSPA while he patrolled and made observations of the vehicle operated by the CO, who queried police sources and learned the vehicle was registered to an elderly person, which did not match the CO's apparent age. The RO acted in good faith and was justified when he stopped and requested the CO produce documents and to investigate the circumstances as to why the CO had possession of a vehicle not registered to them self. The CO informed the PSU investigator that the RO had explained that he had information the vehicle was registered to a seventy-five-year-old and the purpose of the traffic stop was to confirm the CO was a licenced driver.

The In Car Camera System (ICC) system confirmed that no vehicles were placed at an unsafe risk.

Allegation #2 – Breach of Rights

Referenced legislation : Community Safety and Policing Act (CSPA) Section 6, O/Reg 407/23 and