

**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: 01/30/2025

Type of Investigation:

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

Service Investigations Referred to:

### De-identified Summary of Complaint

On June 7, 2024, members of the (Redacted) responded to a vehicle operated by an off-duty police officer, hitting a flag person at a road construction site. Officers determined the incident to be a non-reportable Motor Vehicle Collision (MVC) and no charges were initiated as a result of the investigation.

On January 30, 2025 a complaint was received by the Law Enforcement Complaint Agency (LECA) alleging that officers did not complete a full or proper investigation, and further that investigative information requested by the complainant had not been provided.

## Unsubstantiated Code of Conduct Allegations

### Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/23

### Decision and Reasons

#### Allegation of Neglect of Duty

##### Failure to Complete Full and Proper Investigation

It is clear that both officers made no observations that led them to believe CO1 had suffered any bodily harm or injury. CO1 complained of no injury in speaking with officers at the scene or during his recorded statement. CO1 was asked a number of times if he required medical assistance and responded he did not. Witnesses reported that CO1 was not injured indicating CO1 made no complaint of injury to them. Although complaint of injury was made by CO1 subsequent to the investigation, RO1 and RO2 were not advised of this at the time of the investigation.

Based on these factors, RO1 and RO2 correctly classified the incident as a Non-Reportable MVC, and no further collision reporting to the Ministry was required as per (Redacted) Orders and the HTA.

CW1 and CW2 both indicate they were stopped behind another vehicle where CO1 was controlling traffic with a stop sign. They both indicated the intention in moving out of line (of traffic) was to enter the pharmacy parking lot next to them, not to proceed beyond where CO1 had traffic stopped. It appears from the evidence that CO1 left his post where he stood controlling traffic and moved in front of the CW1 vehicle as it was attempting to turn into the parking lot. Words were exchanged and CO1 and witness CW3 stated the truck was nudging forward until it came into contact with CO1. CW1 states at no time did the truck contact CO1, that when CO1 moved in front of the truck he stopped, and did not move forward. The involved persons and witnesses state that CW1 reversed his truck on the roadway away from CO1, as directed by CO1, before entering the parking lot at the next access point.

The officers canvassed all the businesses around the incident location seeking security camera footage of the incident to confirm the actions of all involved, however no such footage was available.

CO1 stated the entrance to the parking lot that CW1 was attempting to access, was located beyond where he was posted to stop traffic. CW1 and CW2 stated the access was located adjacent to the stopped vehicle ahead of them. They stated they were not traveling beyond where CO1 was posted to stop traffic, that he moved up and into the next lane in front of the truck as they were trying to turn into the lot. Witness CW4 confirms this. Although she did not witness the incident herself, it was reported to her that CO1 had moved out into the lane that CW1 truck was in, and he was struck in the knee as the truck was turning into the lot. This suggests the lot entrance was not beyond the point of traffic control. It is clear from the evidence that CW1 intended to enter the parking lot, not to proceed beyond the point of the traffic control, enter the worksite at the intersection or disobey the stop sign. It appears that traffic control was being conducted to prevent vehicles from approaching the intersection where construction was taking place, not from accessing the pharmacy parking lot while it was open for business and public access.

The investigation was completed in accordance with [REDACTED] policy and was proper for a non-reportable MVC.

#### Failure to Provide Investigative Information

There is no indication that RO1 or RO2 were contacted directly requesting they provide investigative information to the complainant. The evidence is that a FOIPPA request for this information was submitted by or for the complainant, with Freedom of Information and Protection of Privacy Services requesting this from the [REDACTED] on January 13, 2025. This information was provided to them on January 20, 2025, unredacted. The information was vetted, not by the involved officers, but outside of the [REDACTED] under FOIPPA provisions. There is evidence the redacted information was provided to counsel for CO1, therefore the investigative information that could be provided was obtained through the appropriate channels.