

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: 08/25/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

The Complainant alleged that while stopped at an intersection on [Redacted] Street, the Respondent Officer (RO) used profanity and threatened him.

Unsubstantiated Code of Conduct Allegations

Public-Undermine Public Trust - Sec 10 CSPA Reg. 407/23

Public -Uncivil – Sec 12 CSPA Reg. 407/23

Decision and Reasons

Allegation #1 - Undermine Public Trust

Section 10(1) of the Community Safety and Policing Act (CSPA) states that a police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.

It is alleged that the RO undermined public trust by threatening to “make the Complainants life hell” if he continued to speak negatively about him.

Pursuant to Section 82 of the CSPA, the RO was acting in the lawful execution of his duties while patrolling the Town of [Redacted] and subsequently when he cautioned the Complainant, who was observed operating a motor vehicle without a fastened seatbelt. Additionally, Section 106(2) of the Ontario Highway Traffic Act requires that every person driving a motor vehicle on a highway wear the complete seatbelt assembly provided for the driver.

In this instance, the RO observed the Complainant operating a motor vehicle without a fastened seatbelt assembly. In accordance with [Redacted] Procedure [Redacted] – Traffic Enforcement, which permits officers to issue verbal warnings at their discretion for minor, singular traffic violations, the RO elected to issue a verbal caution to the Complainant. The Complainant alleged that during this verbal caution, the RO threatened to make his life hell if he continued speaking negatively about him. The RO, however, stated that he merely asked the Complainant to stop speaking negatively and denied issuing any threats, confirming that he did not lose control of his emotions at any point during the interaction.

Given the contradictory accounts of the parties involved and the absence of independent evidence, there is insufficient evidence to substantiate a breach of the Code of Conduct. Therefore, the allegation that the RO undermined public trust is unsubstantiated.

Allegation #2- Uncivil

Section 12(1) of the Community Safety and Policing Act (CSPA) states that a police officer shall not, in the course of their duties, use abusive language with any person or otherwise treat any person in a manner that is abusive.

It is alleged that the RO was uncivil to the Complainant by directing profanity at him.

As previously noted, the RO was acting in the lawful execution of his duties and, in accordance with CPS procedures, issued a verbal caution to the Complainant for operating a motor vehicle without a fastened seatbelt assembly. The Complainant alleged that during this verbal caution, the RO directed profanity and abusive language toward him and that the interaction lasted two to three minutes, during which the traffic light cycled twice. The RO, however, stated that he issued the verbal caution without using profanity or abusive language and that the interaction was brief, concluding when the light turned green and both vehicles proceeded. His account is consistent with GPS data from his police vehicle.

Given the contradictory accounts and the absence of independent evidence, there is insufficient evidence to substantiate a breach of the Code of Conduct. Therefore, the allegation that the RO was uncivil to the Complainant is unsubstantiated.