

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: [REDACTED]

Date of Complaint: 05/28/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

On May 27, 2024, in a school parking lot, the Complainant (COMPL) was attempting to park his vehicle and almost caused a collision with Respondent Officer 1 (RO1)'s personal vehicle. RO1 was off duty at the time and had to activate his horn to prevent the collision. RO1 exited his vehicle and spoke to COMPL briefly. COMPL was agitated and proceeded to yell at RO1 and used profanities. Respondent Officer 2 (RO2) was conducting school patrol at the time and witnessed COMPL yelling and swearing in front of children waiting to be picked up from school. RO1 was calm and spoke in a normal voice. RO2 investigated the incident forming Reasonable and Probable Grounds (RPG) for the offence of Causing a Disturbance contrary to the Criminal Code of Canada CC. COMPL was warned by RO2 and he filed a public complaint, E202405281026260203 with the Law Enforcement Complaints Agency (LECA) the day after the incident on May 28, 2024.

Unsubstantiated Code of Conduct Allegations

Section 10 Ontario Regulation 407/23, Code of Conduct of the Community Safety and Policing Act, 2019 (CSPA) states: “A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.”

Decision and Reasons

COMPL alleged that RO1 engaged in unprofessional behaviour by yelling in a “very assertive, loud and authoritative voice” when he spoke to COMPL regarding a parking dispute in the school parking lot. In his duty report to the Professional Standards Unit (PSU), RO1 stated he was off duty at the time, picking up his children from school. RO1 believed a collision was imminent, so he activated the horn of his vehicle to stop COMPL from striking his vehicle while reversing. RO1 exited his vehicle observing the trailer hitch of COMPL’s vehicle was approximately 12 inches from his front bumper. RO1 advised PSU that he spoke to COMPL briefly in a “respectful” tone saying, “Be more careful...” “Just be more careful, you almost hit my truck...,” and “it’s why I honked.” During the discussion RO1 observed COMPL was losing his temper so RO1 returned to his vehicle to de-escalate the situation. While in his vehicle RO1 observed COMPL continued to yell but could not discern what was being said. COMPL then departed in his vehicle. In Civilian Witness 1 (CW1) statement he stated he was parked behind RO1 and witnessed the incident. CW1 confirmed it was COMPL that had been yelling. CW1 could not hear anything RO1 said because he spoke in a normal voice. CW1 witnessed COMPL yell “did I hit you, did I hit you? Shut up then.” RO2 was on duty conducting school patrol and stood on the sidewalk by the passenger side of the vehicle. She confirmed RO1 was not “shouting, heated, or loud.” Therefore, there is no evidence to support that RO1’s actions or comments were unprofessional, and his actions did not undermine public trust in policing.

COMPL alleged that RO2 conducted an improper investigation that led to him being warned for causing a disturbance contrary to the CC, and he denied using profanity. COMPL alleged RO2 was picking her children up from school while in uniform was unable to overhear what was said between the COMPL and RO1. COMPL stated, “The distance alone could make it difficult to discern (distance of over 20 feet away, sound barrier from my diesel truck idling).” COMPL in his written submission contradicted himself when he stated, “I put my truck in park and turned it off.” RO2 was conducting school patrols and was not picking up her children as alleged by COMPL. RO2 witnessed the incident and clearly heard COMPL say “Did I hit your truck? Then I think you should shut the fuck up.” Multiple students were present on the sidewalk at the time. RO2 was lawfully placed and in lawful execution of her duties. RO2 completed a CC investigation where