

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: 04/09/2024

Type of Investigation:

Referred to Same Service:

Referred to Other Service:

Retained by LECA:

Service Investigations Referred to:

De-identified Summary of Complaint

The Respondent Officer was conducting traffic direction at a busy intersection for a Paid Duty assignment related to long term construction.

A pedestrian crosswalk at the intersection was closed and signage was posted to circumvent pedestrians away from the construction zone.

The Complainant, a pedestrian at the time, alleges the Respondent Officer yelled at her and demonstrated harassing, unprofessional behaviour and Incivility.

The Complainant alleges the treatment was discriminatory and related to her skin colour, thereby contravening the Human Rights Code.

Unsubstantiated Code of Conduct Allegations

Allegation 1 - Interactions with the Public; Incivility, s. 12. (1) (i.e. used abusive language, treated Complainant in manner that was abusive)

Allegation 2 - Human Rights and the Charter; Treat person in contravention of HRC, s. 5(1)

Decision and Reasons

Allegation 1:

The Complainant indicated she was standing just off the sidewalk within an area cordoned off by construction barrels when the Respondent Officer yelled to inquire if she was crossing or awaiting transportation.

The Complainant alleges the Respondent Officer progressively adopted a tone while speaking, targeted and harassed the Complainant, then referred to her as "stupid".

The investigation revealed the Respondent Officer was responsible for ensuring the safety of all road users and identified the Complainant standing in an unsafe position.

The Complainant became defensive when questioned about her intentions then perpetuated and escalated the situation resulting in the Respondent Officer commenting on her behaviour as "stupid".

The Respondent Officer was in the lawful performance of her duties and abiding by all governing authorities at the time of the interaction with the Complainant.

Based on a review and analysis of the evidence collected through the investigation, there is insufficient evidence to conclude the Respondent Officer committed misconduct in relation to the allegation of Incivility.

The allegation is therefore Unsubstantiated.

Allegation 2:

The Human Rights Code of Ontario, associated legislation and case law protects people from discrimination and harassment and does so by applying the following considerations:

1. They have a characteristic protected by the Code.
2. They experienced adverse treatment or impact in a social area.

The investigation revealed no evidence to indicate the Respondent Officer identified the Complainant as a person of colour, nor that the Complainant was targeted or engaged for this reason.

Based on a review and analysis of the evidence collected through the investigation, there is insufficient evidence to conclude the Respondent Officer demonstrated discrimination or bias at any point during the interaction, nor that the Complainant was negatively impacted in a social area.

The allegation the Respondent Officer committed misconduct in relation to the allegation of contravention of the Human Rights Code is therefore Unsubstantiated.