

**In the matter of a Notice of Disciplinary Measures pursuant to s. 200 of the
Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched. 1**

St. Thomas Police Service

and

Constable Helaine Hindley

MISCONDUCT DECISION

Adjudicator: Colin Osterberg

Participants:

For the St. Thomas Police Service: Ian Johnstone, Counsel

For Constable Helaine Hindley: Self-represented

Hearing Dates: April 7, 8, 9, 13, May 27, and July 7, 2026

BACKGROUND

- [1] The chief of police of the St. Thomas Police Service (“STPS”) alleges that Constable Helaine Hindley (“Cst. Hindley”) has engaged in conduct that constitutes misconduct or unsatisfactory work performance, and seeks to impose disciplinary measures on Cst. Hindley in accordance with s. 200(1) of the *Community Safety and Policing Act, 2019*, S.O. 2019, c.1, Sched. 1 (“CSPA”).
- [2] Pursuant to s. 195(a) of the CSPA, a police officer engages in conduct that constitutes misconduct if they contravene their applicable prescribed code of conduct. Section 200 of the CSPA authorizes the chief of police to impose specified disciplinary measures on a police officer where there are reasonable grounds to believe that the officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance.
- [3] The STPS alleges that Cst. Hindley committed acts of misconduct in that she breached ss. 27 and 30 of O. Reg. 407/23 under the CSPA (“Code of Conduct”). Those sections state:

27. A police officer shall comply with the procedures established by their chief of police.

30. A police officer shall not engage in workplace violence or workplace harassment, including workplace sexual harassment, as those terms are defined in the *Occupational Health and Safety Act*.
- [4] Cst. Hindley denies that she engaged in any conduct which constitutes misconduct and made a formal request for the appointment of an adjudicator pursuant to s. 201(6) of the CSPA on October 19, 2025.
- [5] In accordance with s. 201(6.2) of the CSPA, I was appointed by the Ontario Police Arbitration and Adjudication Commission to conduct a hearing as to whether Cst. Hindley’s conduct constitutes misconduct and, if so, to determine what, if any, disciplinary measure or measures should be imposed in accordance with s. 201(10) of the CSPA.
- [6] A hearing was conducted on April 7, 8, 9, 13, May 27, and July 7, 2026 in accordance with s. 53 of O. Reg. 404/23 under the CSPA (the “Regulation”). The STPS called three witnesses at the hearing: Chief Inspector John Cosby (“Insp. Cosby”), Deputy Chief Steve Bogart (“Deputy Chief Bogart”) and Nathaniel Marshall. Cst. Hindley did not testify at the hearing and called no witnesses.
- [7] In accordance with s. 53 of the Regulation, if I determine on clear and convincing evidence that the conduct of Cst. Hindley constitutes misconduct, I am required

to determine the disciplinary measure or measures to be imposed, and a further hearing will be held with respect to that issue.

ALLEGATIONS OF MISCONDUCT

- [8] The STPS alleges that Cst. Hindley breached s. 27 of the Code of Conduct by failing to comply with the procedures established by her chief of police and thereby engaged in conduct that constitutes misconduct.
- [9] The STPS alleges that Cst. Hindley breached s. 30 of the Code of Conduct by engaging in workplace harassment as that term is defined in the *Occupational Health and Safety Act*, R.S.O. 1990. c. O.1 (“OHSA”) and thereby engaged in conduct that constitutes misconduct.

RESULT

- [10] Cst. Hindley breached s. 27 of the Code of Conduct by failing to comply with the procedures established by her chief of police and thereby engaged in conduct that constitutes misconduct.
- [11] Cst. Hindley breached s. 30 of the Code of Conduct by engaging in workplace harassment as that term is defined in the OHSA and thereby engaged in conduct that constitutes misconduct.

ANALYSIS

Standard of proof

- [12] In police misconduct cases under the CSPA, the onus is on the police service, in this case the STPS, to prove on clear and convincing evidence that the conduct of the police officer constitutes misconduct or unsatisfactory work performance.
- [13] In *Penner v. Niagara (Regional Police Services Board)*, 2013 SCC 19, the Supreme Court of Canada held that proof “on clear and convincing evidence” is a higher standard of proof than is proof on a “balance of probabilities”. This was followed by the Ontario Court of Appeal in *Jacobs v. Ottawa (Police Service)*, 2016 ONCA 345 (CanLII).
- [14] In determining what constitutes clear and convincing evidence, it has been described in *Santiago v. Peel Regional Police*, 2021 ONCPC 4 (CanLII) para. 17 and *Provincial Constable Neil Gonzalez and Ontario Provincial Police*, 2006, CanLII 84676 para. 61, among others, as meaning weighty, cogent and reliable

evidence upon which a trier of fact acting with care and caution can come to a fair and reasonable conclusion that the officer is guilty of misconduct.

First allegation: Section 27 of the Code of Conduct

- [15] In the STPS's notice of alleged misconduct issued in compliance with s. 51 of the Regulation, the STPS set out the particulars of the alleged breach of s. 27 of the Code of Conduct as follows:

Alleged Misconduct

Between February 6, 2025, and July 4, 2025, Cst. Hindley engaged in written communications that were critical of senior leadership and, in some instances, in direct contravention of a formal directive.

On April 10, 2025, Cst. Hindley was issued a clear written directive to cease direct communication with members of the St. Thomas Police Services Board (the "Board") and to route all further communications through legal counsel. Despite this instruction, Cst. Hindley continued to send emails directly to the Board between April 10 and July 4, 2025.

On April 16, 2025, Constable Paul Tunks ("Cst. Tunks") wrote a letter to the Board Chair, Dan Reith ("Chair Reith"). Cst. Tunks clearly outlined in the letter that Cst. Hindley's email to the Chief and Chair Reith was not sent with the St. Thomas Police Service Association's (the "Association") knowledge or endorsement. Cst. Tunks described the email as "completely unprofessional" and reiterated that disputes should run through the Association channels.

While acknowledging the complexity and strain of WSIB-related cases, Cst. Tunks emphasized that the Association must act in good faith and that Cst. Hindley's chosen approach circumvented established processes.

The evidence supports that Cst. Hindley failed to comply with a formal directive, repeatedly communicated with prohibited recipients, and continued a pattern of distributing accusatory allegations across a broad audience.

Particulars of the Misconduct

.....

2. Ontario Regulation 407/23 – section 30 (sic) – Failure to Comply with Procedures Established by their Chief of Police

The investigation considered both the content and context of Cst. Hindley's emails. The Service recognizes that certain communications from members may fall under protected activity (i.e. rights-based advocacy under the *Human Rights Code or OHSA*). Those protections, however, do not override lawful directives, nor do they exempt members from the standards outlined in the CSPA Code of Conduct.

Cst. Hindley's communications after April 10, 2025, meet this threshold. The continued breach of a written directive, the nature of the language used, and the repeated escalation via wide internal distribution constitute conduct inconsistent with professional obligations.

Additionally, while the Association acknowledged its duty to represent Cst. Hindley, it explicitly rejected her method of direct communication with senior leadership and the Police Services Board. This independent position supports the conclusion that, regardless of Cst. Hindley's intentions, her approach was inconsistent with established procedures and considered inappropriate by both management and her own Association.

Cst. Hindley made direct representations to members of the Board outside of the required chain of command. As outlined in Section 7.7 of By-Law 3-2024, members are prohibited from making complaints or representations directly to the Board unless it is through the Chief of Police with the sole exception being recognized Association matters under the *Police Services Act* or collective agreements.

The communications sent by Cst. Hindley to the Board Chair included in communications to the Board, were direct and outside the permitted channel. These emails were not relayed via the Chief and were not made in Cst. Hindley's capacity as a representative of the Association.

While Cst. Hindley's emails were part of her ongoing advocacy and related to her HRTTO complaint, the regulation does not allow for exceptions in those circumstances. Regardless of her intent or the content being tied to protected disclosures, Cst. Hindley's direct outreach to the Board members violated the prescribed communication protocol.

- [16] As noted above, s. 27 of the Code of Conduct states that a "police officer shall comply with the procedures established by their chief of police." Although the notice of the alleged misconduct sent to Cst. Hindley incorrectly refers to s. 30 of the Code of Conduct, Cst. Hindley did not take the position that she was misled by that error, and she presented no evidence to suggest that she did not know which section she was alleged to have breached. It was clear in the notice that the allegation is that Cst. Hindley failed to comply with a procedure established by the chief of police. Cst. Hindley presented no evidence, and did not argue,

that she was prejudiced by the error made in the notice of alleged misconduct or that she might have prepared for the hearing in a different manner had the correct section been cited. In my view, Cst. Hindley had sufficient notice of the allegation being made, that is that she breached s. 27 of the Code of Conduct, and I find that the error on the notice of alleged misconduct did not result in a denial of fairness to Cst. Hindley.

[17] Neither of the parties referred me to any authorities which set out the facts that must be established to establish that an officer is in breach of this section of the Code of Conduct. However, in my view, the wording of the section is clear on its face and requires that the police service establish that:

1. A procedure has been established by the chief of police; and
2. The police officer wrongfully failed to comply with that procedure.

Procedures established by the chief of police

[18] I am satisfied, based on clear and convincing evidence presented at the hearing, that the procedure established by the chief of police is that members of the STPS, including Cst. Hindley, are prohibited from making complaints or other representations to the St. Thomas Police Services Board (the "Board") or members of the Board except through the chief of police.

[19] I am also satisfied that the procedure established by the chief of police on April 9, 2025 is that Cst. Hindley is to communicate with members of the STPS through her St. Thomas Police Association ("STPA") liaison. She is prohibited from communicating with members of the STPS directly.

[20] Insp. Cosby testified that he conducted an investigation into concerns which were raised regarding the conduct of Cst. Hindley with respect to her direct communications with senior members of the STPS and with the Board. Insp. Cosby prepared a report with respect to his investigation, dated October 1, 2025, which was presented as an exhibit at this hearing.

[21] Insp. Cosby identified three ways in which he says procedures were established by the chief of the STPS with respect to communicating complaints and making other representations to the Board and other members of the STPS. Insp. Cosby pointed to: (1) s. 7.7 of By-Law 3-2024 - Regulations of the St. Thomas Police Service ("By-Law 3-2024"); (2) a letter from Chief Roskamp to Cst. Hindley dated April 9, 2025; and (3) a letter from Ian Johnstone, counsel for the Board, Chief Roskamp, and the STPS, to Cst. Hindley dated April 10, 2025.

Section 7.7 of By-Law 3-2024

[22] Section 7.7 of By-Law 3-2024 provides that:

Members shall not make complaints or other representations to the Board or members of the Board except through the Chief of Police.

[23] The STPS submits that s. 7.7 of By-Law 3-2024 is clear. Cst. Hindley did not argue that the wording of s. 7.7 of By-Law 3-2024 was ambiguous or that she did not understand its meaning. Rather, Cst. Hindley argued that s. 7.7 of By-Law 3-2024 was enacted by the Board and was therefore not a procedure established by the chief of police as is required by s. 27 of the Code of Conduct. She also argues that s. 7.7 of By-Law 3-2024 was enacted in 2024 and may not have been in force in 2025 when the conduct that is the subject of the allegations against her took place.

[24] Insp. Cosby and Deputy Chief Bogart testified that, although s. 7.7 of By-Law 3-2024 was enacted by the Board, it was established by the chief of police and approved by the Board. Further, Insp. Cosby and Deputy Chief Bogart testified that the relevant sections of By-Law 3-2024 were still in force throughout 2025.

[25] I do not accept Cst. Hindley's submission. I accept the evidence of Insp. Cosby and Deputy Chief Bogart that s. 7.7 of By-Law 3-2024 was a procedure established by the chief of police and later incorporated into By-Law 3-2024 by the Board. Cst. Hindley elected not to testify or to present evidence at the hearing and there was no evidence presented which contradicted the evidence of Insp. Cosby and Deputy Chief Bogart in that regard and I accept their evidence that the proper chain of command at STPS, established by the chief of police, requires that police officers shall not communicate complaints or make representations directly to the Board.

[26] With respect to Cst. Hindley's suggestion that s. 7.7 of By-Law 3-2024 was not in force at the material time, the only evidence presented at the hearing was that of Deputy Chief Bogart and Insp. Cosby, who testified that s. 7.7 of By-Law 3-2024 was in effect in 2025 and there was no evidence presented at the hearing which was inconsistent with that evidence. I accept that evidence.

[27] In all the circumstances, and based on the evidence presented at the hearing, which I find to be clear and convincing, I find that s. 7.7 of By-Law 3-2024 is a procedure established by the chief of police of the STPS, and that the procedure prohibits the STPS members, including Cst. Hindley, from making complaints or other representations to the Board or members of the Board except through the chief of police.

Letter dated April 9, 2025

- [28] On April 9, 2025, Chief Roskamp wrote to Cst. Hindley in response to an email that she sent on April 7, 2025 to Chief Roskamp, Deputy Chief Bogart, Constable Paul Tunks (“Cst. Tunks”), and Board Chair Dan Reith (“Chair Reith”). In his letter, Chief Roskamp demanded that Cst. Hindley “cease and desist” from sending any correspondence, by electronic means or other, to the STPS. Chief Roskamp’s letter in part states:
- ...I am ordering you to immediately cease sending any further emails, and/or other communications to members of the police service. Should you communicate regarding any specific matters, please contact your STPA liaison representative via an STPA email listing...Communication or attendance contrary to this order will be considered a misconduct violation pursuant to the Community Safety and Policing Act, and/or STPS Policy and Procedures and Regulations, and may result in further action.
- [29] It should be emphasized that Chief Roskamp’s April 9, 2025 letter does not prevent Cst. Hindley from presenting her concerns to members of the STPS. Rather, it specifically sets out the procedure that she is required to follow when doing so and that is by contacting her STPA liaison representative via an STPA listing and not by directing emails directly to the STPS or its members.
- [30] The STPS argues that the April 9, 2025 letter from Chief Roskamp also prohibits Cst. Hindley from communicating directly with members of the Board. The April 7, 2025 email was the first complaint or representation which Cst. Hindley sent directly to a member of the Board and the STPS argues that Chief Roskamp’s April 9, 2025 letter is in response to that email.
- [31] Cst. Hindley submits that the letter dated April 9, 2025 from Chief Roskamp does not mention the Board and only orders her to cease and desist from communicating directly with other members of the STPS.
- [32] I agree with Cst. Hindley. Although Chief Roskamp’s letter may have been sent in response to Cst. Hindley’s April 7, 2025 email, his letter does not mention the Board at all. It only refers to communications with other members of the STPS. If Chief Roskamp had intended to include the Board in his order, then he could have done so explicitly.
- [33] In addition, Chief Roskamp’s letter directs Cst. Hindley to contact her STPA liaison if she needed to communicate with respect to specific matters. In my view, this does not refer to communications with the Board since communication with the Board through the STPA would be contrary to s. 7.7 of By-Law 3-2024.

- [34] Finally, on April 10, 2025, Ian Johnstone, as counsel for the Board, sent a letter to Cst. Hindley, discussed further below, which set out an entirely different procedure for communicating with the Board than is set out in Chief Roskamp's letter. Ian Johnstone directed Cst. Hindley to send her communications to the Board through him. Ian Johnstone's letter was copied to Chief Roskamp. In my view, if Chief Roskamp had established a procedure for communicating with the Board in his April 9, 2025 letter, there would be no need for Ian Johnstone to send the April 10, 2025 letter with a different direction.
- [35] Chief Roskamp did not testify at the hearing and in my view the submission that his April 9, 2025 letter applies to communications with the Board is not supported by the evidence.
- [36] In her duty statement, which was referred to in Insp. Cosby's October 1, 2025 investigation report, Cst. Hindley submitted that, in her view, Chief Roskamp's April 9, 2025 cease and desist letter amounted to "*de facto* discipline without due process." She further states: "It was procedurally unfair, lacking any of the safeguards typically required under the collective agreement or principles of administrative fairness. More concerning, it came after I raised concerns about mental health, accommodation, and reprisal, ALL protected activities under the Human Rights Code." Cst. Hindley alleges that the cease and desist order was unjustified and appeared retaliatory and deeply damaging personally and professionally.
- [37] In my view, Cst. Hindley's submissions and accusations in her duty statement are unsupported by specific evidence presented either in the duty statement or at the hearing, are without merit, and do not go to the issue in dispute related to s. 27 of the Code of Conduct. Cst. Hindley does not set out why the cease and desist letter should be considered *de facto* discipline and does not explain what procedural requirements were breached in issuing the directive. In my view Chief Roskamp's directive that Cst. Hindley refrain from communicating directly with the STPS and to communicate through the STPA is consistent with his authority as police chief and his duties to employees of the STPS. Cst. Hindley did not have a right to send her complaints directly to the STPS members, and she did not have the right to direct emails to members of the STPS which are disparaging of specific STPS members. Ordering her to stop doing so and to direct her complaints through her STPA liaison does not amount to discipline and does not require more in order to be procedurally fair.
- [38] Further, Cst. Hindley does not, in her duty statement, set out what procedural steps were required under the collective agreement or principles of administrative fairness in order to set out the procedures Cst. Hindley was required to follow in communicating her complaints to members of the STPS. She also does not set out any facts or argument with respect to how the procedures established might be retaliatory or how they may have damaged her personally or professionally.

- [39] In all the circumstances, and based on the evidence presented at the hearing, which I find to be clear and convincing, I find that the letter of April 9, 2025, sets out the procedure established by the chief of police for the purposes of s. 27 of the Code of Conduct. I find that Cst. Hindley was required by the procedure established by Chief Roskamp set out the April 9, 2025 letter to communicate with members of the STPS through her STPA liaison and not directly.

Letter dated April 10, 2025

- [40] Ian Johnstone sent a letter to Cst. Hindley on April 10, 2025. In this letter, Ian Johnstone identified himself as counsel for the Board. This letter advises Cst. Hindley that her email of April 7, 2025 had caused members of the Board distress and states:
- ...going forward if you or the Association deem it necessary to correspond with the STPSB (the Board), please ensure that all correspondence be directed to my office in order to alleviate any further distress you may cause to Board members and STPS members.
- [41] Mr. Johnstone's letter was copied to Chair Reith and Chief Roskamp.
- [42] The STPS submits that the letter of April 10, 2025 clearly sets out the procedure Cst. Hindley is to follow if she deems it necessary to communicate with the Board and that is to direct all such correspondence to Ian Johnstone and not directly to members of the Board.
- [43] Cst. Hindley argues that the April 10, 2025 letter from Ian Johnstone does not state that it was being sent on behalf of Chief Roskamp or that Chief Roskamp was establishing the procedure set out in that letter. She argues that since the April 10, 2025 letter was not sent by, or on behalf of Chief Roskamp, it does not qualify as a procedure established by the chief of police for the purposes of s. 27 of the Code of Conduct.
- [44] I agree with Cst. Hindley. The April 10, 2025 letter states that Ian Johnstone was sending the letter as counsel for the Board, not as counsel for Chief Roskamp. Further, the reason given for the direction in the letter was that Cst. Hindley's communications to the Board were upsetting to its members, not that Chief Roskamp had establish this procedure.
- [45] There was no evidence presented that Chief Roskamp intended that the April 10, 2025 letter be established as a procedure and there was no evidence presented at the hearing that Chief Roskamp even knew the April 10, 2025 letter was being sent let alone that he directed it. While I agree with the STPS that the April 10, 2025 letter was a clear directive regarding how she was to communicate with the

Board, the evidence does not establish that directive came from the chief of police.

- [46] I am not satisfied that the April 10, 2025 letter sets out procedures that were established by the chief of police for the purposes of s. 27 of the Code of Conduct.

Failure to comply with the established procedures

- [47] I find that Cst. Hindley's conduct constitutes a breach of s. 27 of the Code of Conduct in that she failed to comply with the procedures established by her chief of police.
- [48] Insp. Cosby referred in his testimony to a number of emails which were entered as exhibits at the hearing and which are discussed below. Several of those emails are relevant to the allegations of misconduct under s. 27 of the Code of Conduct.
- [49] On February 6, 2025, Cst. Hindley sent an email to Chief Roskamp, Deputy Chief Bogart, and Cst. Tunks. In that email, which was directed to Deputy Chief Bogart, Cst. Hindley makes a number of allegations regarding the conduct of Deputy Chief Bogart including that his behaviour was unprofessional, malicious, injurious, and lacking in compassion.
- [50] On April 7, 2025, having received no response to her February 6, 2025 email, Cst. Hindley sent an email to Chief Roskamp, Deputy Chief Bogart, Cst. Tunks, and Chair Reith which attached the February 6, 2025 email. Cst. Hindley repeated the allegations contained in the February 6, 2025 email, made additional allegations as well as a number of requests, and listed consequences that would follow in the event that the requests were not satisfied by April 18, 2025.
- [51] Insp. Cosby testified that, in his view, Cst. Hindley's April 7, 2025 email to Chair Reith was improper in that it was outside the chain of command and was contrary to s. 7.7 of By-Law 3-2024 which provides that members shall not make complaints or other representations to the Board or members of the Board except through the chief of police.
- [52] As noted, Cst. Hindley did not testify at the hearing and presented no evidence with respect to the issue of whether the April 7, 2025 email was sent to Chair Reith in breach of s. 7.7 of By-Law 3-2024. In her duty statement provided to Insp. Cosby during his investigation, Cst. Hindley provides her justification for sending the April 7, 2025 email but does not address the alleged failure to comply with s. 7.7 of By-Law 3-2024. She states that the purpose of the April 7,

2025 email was to “escalate” her previous complaint of February 6, 2025, which had received no response.

- [53] Cst. Hindley made no submissions to the effect that sending the April 7, 2025 email to Chair Reith does not amount to a breach of s. 7.7 of By-Law 3-2024. As noted above, her submissions on this issue focused on whether that section was a procedure established by the chief of police. I have found that it was.
- [54] In my view, Cst. Hindley’s April 7, 2025 email, which was sent to Chair Reith, amounts to a failure to comply with the procedures established by her chief of police by way of s. 7.7 of By-Law 3-2024. This email is clearly a “complaint” and a “representation” within the meaning of s. 7.7 of By-Law 3-2024. The email was directed to a member of the Board, Chair Reith, and he was, in fact, the only recipient of the email who had not already received the email of February 6, 2025, which covered the same, or similar, complaints.
- [55] The evidence with respect to this breach of s. 27 of the Code of Conduct is clear and convincing. Cst. Hindley sent this complaint directly to Chair Reith and not through Chief Roskamp. Cst. Hindley did not dispute this. In fact, her duty statement describes the email as an escalation of her complaint to the Board. I find that she did so contrary to the procedure set out in s. 7.7 of By-Law 3-2024.
- [56] I find that by sending the April 7, 2025 email to Chair Reith, Cst. Hindley failed to comply with the procedures established by the chief of police and thereby acted in breach of s. 27 of the Code of Conduct.
- [57] On June 11, 2025, Cst. Hindley sent an email to Chair Reith expressing concern that Ian Johnstone was representing both the Board and the chief of police. She raises several concerns including whether Ian Johnstone’s representation of the Board and Chief Roskamp amounted to a conflict of interest, and suggests that she has experienced actions, which may amount to reprisals under the Ontario Human Rights Code, relating to her long-standing and still-active human rights complaint involving members of the STPS. In this email, Cst. Hindley questions whether the Board is taking steps to ensure that the alleged conflict of interest does not impact the impartiality and integrity of the Board’s decision-making process.
- [58] On the face of it, the June 11, 2025 email is not compliant with s. 7.7 of By-Law 3-2024. The June 11, 2025 email is clearly a “representation” made directly to a member of the Board which is prohibited under s. 7.7 of By-Law 3-2024.
- [59] Cst. Hindley did not testify and did not present any evidence that she was not aware of, or did not understand, the clear prohibition of direct communications with the Board as set out in s. 7.7 of By-Law 3-2024.

- [60] Cst. Hindley argues that her June 11, 2025 email to Chair Reith must be taken in the context of two emails sent to her by Ian Johnstone. Both emails are dated April 7, 2025, and follow Cst. Hindley's April 7, 2025 email. The first includes the wording of s. 25 of the OHS Act and the second contains the wording of s. 346 of the *Criminal Code of Canada* which sets out the offence of extortion. Both of these emails were sent to Cst. Hindley as well as Chief Roskamp, Deputy Chief Bogart, Cst. Tunks, and Chair Reith. Other than the wording of the statute sections, there is no other content in the emails.
- [61] It was Insp. Cosby's evidence that he understood those emails were sent to Cst. Hindley by mistake and that they were intended for the other recipients only. In her duty statement, Cst. Hindley states that she felt threatened by the two emails from Ian Johnstone.
- [62] Although Cst. Hindley's interpretation of the two emails sent by Ian Johnstone was understandable, particularly since she was never told that they were sent to her in error until two days before this hearing, in my view, the emails from Ian Johnstone are not relevant to the issue of whether the email of June 11, 2025, was in breach of a procedure established by the chief of police as set out in s. 27 of the Code of Conduct. It clearly was.
- [63] Further, Cst. Hindley's June 11, 2025 email to Chair Reith does not mention Ian Johnstone's April 7, 2025 emails or their contents, and Cst. Hindley did not suggest, either in her duty statement or in evidence at the hearing, that the June 11, 2025 email was in response to the Ian Johnstone emails, or that they were related in any way. Cst. Hindley did not explain how, and nor do I find that, Ian Johnstone's two April 7, 2025 emails impact whether the June 11, 2025 email is a breach of s. 27 of the Code of Conduct.
- [64] I find that by sending the June 11, 2025 email to Chair Reith, Cst. Hindley failed to comply with the procedures established by her chief of police, contrary to s. 27 of the Code of Conduct. I find that the evidence that she did so is clear and convincing in that she sent the email directly to a member of the Board contrary to s. 7.7 of By-Law 3-2024.
- [65] On June 16, 2025, Chair Reith wrote to Cst. Hindley expressing concern with the allegations made by Cst. Hindley in her June 11, 2025 email. Specifically, Chair Reith states:

This letter is offensive and should not be sent directly to the Chief, Board Members, or to our Counsel. Instead, if you have an issue please consult with your Association and they will do what they deem necessary with consultation. Your own Association has access to counsel, and I am told that you have also retained your own counsel.

In the interim, please correspond directly with your Association representative and refrain from contacting myself or other members of the Board.

- [66] Cst. Hindley, on July 4, 2025, wrote again to Chair Reith purporting to assert her rights under the Ontario Human Rights Code and to express concern with respect to Chair Reith's June 16, 2025 correspondence. She again raises the alleged conflict of interest and questions the integrity and impartiality of the Board's decision-making process.
- [67] Cst. Hindley's July 4, 2025 correspondence to Chair Reith is in breach of s. 7.7 of By-Law 3-2024. This correspondence is a "representation" to a member of the Board made directly and not through the chief of police and is therefore contrary to that by-law.
- [68] I find that, by sending the July 4, 2025 correspondence to Chair Reith, Cst. Hindley failed to comply with the procedures established by her chief of police, contrary to s. 27 of the Code of Conduct. I find that the evidence in support of this conclusion is clear and convincing.
- [69] I find that Cst. Hindley did not breach the procedure established by Chief Roskamp in his April 9, 2025 letter since she did not directly communicate with members of the STPS other than her STPA liaison after that time.
- [70] In coming to my conclusions, have considered Cst. Hindley's submissions that her actions were in response to what she perceived to be improper behaviour on the part of Deputy Chief Bogart, Ian Johnstone, and other senior officers. For example, Cst. Hindley submitted that she felt that Deputy Chief Bogart ordered a wellness check on February 6, 2025 as a reprisal for her commencing the ongoing Human Rights Tribunal of Ontario ("HRT0") proceeding, and that Ian Johnstone's emails of April 7, 2025, were threatening and a warning that she would face further reprisals should she continue to pursue her rights in that HRT0 proceeding.
- [71] I have found, and ruled at various times during the hearing, that it is not my mandate to rule on the conduct of Deputy Chief Bogart, Ian Johnstone, or others, with respect to the merits of the HRT0 complaint, or otherwise. If Cst. Hindley has concerns with respect to the conduct of others, then she is free to pursue those concerns using proper procedures for doing so.
- [72] That Cst. Hindley may have concerns about the behaviour of others does not permit her to disregard the Code of Conduct and the procedures established by the chief of police, or to pursue her concerns in whatever way she deems appropriate. In this case, procedures were established by which Cst. Hindley was permitted to communicate her concerns, through Chief Roskamp or the STPA. It

was not open to Cst. Hindley to disregard the established procedures because of what she considered to be the misconduct of others.

- [73] I find that the STPS has established on clear and convincing evidence that Cst. Hindley's conduct constitutes a breach of s. 27 of the Code of Conduct in that she failed to comply with the procedures established by her chief of police. Therefore, I find that Cst. Hindley engaged in conduct that constitutes misconduct.

Second allegation: Section 30 of the Code of Conduct

- [74] Section 30 of the Code of Conduct provides that a police officer shall not engage in workplace violence or workplace harassment, including workplace sexual harassment, as those terms are defined in the OHSA.
- [75] The STPS alleges that Cst. Hindley breached s. 30 of the Code of Conduct by engaging in workplace harassment toward Deputy Chief Bogart in the manner described below.
- [76] In the STPS notice of alleged misconduct issued in compliance with s. 51 of the Regulation, the STPS sets out the particulars of this alleged breach as follows:

Between June 2023 and July 4, 2025, Cst. Hindley sent a series of communications to members of the Service Executive Leadership, the Board, and the Association. These communications, primarily via email, addressed Cst. Hindley's mental health, workplace experiences, and concerns about the department's handling of Cst. Hindley's Human Rights Tribunal of Ontario (HRT) complaint.

On February 6, 2025, Cst. Hindley sent a lengthy email to Deputy Chief Bogart ("Deputy Bogart"). In the email, Cst. Hindley accused Deputy Bogart of unprofessional conduct, overriding the judgment of attending officers, and engaging in actions Cst. Hindley alleged contributed to Cst. Hindley's PTSD.

The language was highly critical and personal in nature, describing Deputy Bogart's actions as motivated by control, ego, and a lack of compassion.

On April 10, 2025, amid ongoing legal proceedings, Cst. Hindley was issued a formal directive instructing Cst. Hindley to cease direct communication with members of the Board and to route all such correspondence through the Board's legal counsel. Despite this, Cst. Hindley continued to send direct emails to the Board between April 10 and July 4, 2025.

The tone throughout was accusatory and highly critical of leadership, frequently challenging the integrity, professionalism and motives of senior members of the Board.

The manner, tone, and frequency of Cst. Hindley's communications created a sustained pattern of behaviour directed toward specific individuals in positions of authority. This conduct meets the threshold for harassment under the Service's Policy (AI-003 – Equal Opportunity, Harassment, Discrimination, Violence Prevention and Resolution) and under the *Occupational Health and Safety Act* ("OHSA"), as it constitutes behaviour that was known, or ought reasonably to have been known to be unwelcome.

- [77] The STPS does not take the position that Cst. Hindley's conduct constituted workplace violence or workplace sexual harassment under the OHSA. The only issue is whether her conduct amounted to workplace harassment which is defined under s. 1(1) the OHSA as:

(a) engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome

- [78] In *Cara Operations Ltd. and Teamsters Chemical Energy and Allied Workers' Union, Loc. 647 (Palmeri)* 2005 CanLII 94066 ("*Palmeri*"), Arbitrator Luborsky was considering an allegation of harassment under the OHSA in the context of a grievance by an employee and her union. The arbitrator in that case cited the decision in *Re Toronto Transit Commission and A.T.U. (Stina)* (2002), 132 L.A.C. (4th) 225, which defined workplace harassment as:

...works, gestures and actions which tend to annoy, harm, abuse, torment, pester, persecute, bother and embarrass another person, as well as subjecting someone to vexatious attacks, questions, demands or other unpleasantness. A single act, which has a harmful effect, may also constitute harassment.

- [79] The arbitrator in *Palmeri* cited the Supreme Court of Canada case of *Janzen v. Platy Enterprises Ltd.*, [1989] 1 S.C.R. 1252 ("*Janzen*"), for the proposition that an objective standard is to be applied in determining whether workplace abuse and/or harassment have occurred, as opposed to the subjective impressions of the alleged victim. Thus, in order to determine if harassment has occurred, an objective standard is to be applied and the alleged victim's subjective belief, perceptions, and results are not enough, in themselves, to support a finding of harassment.

- [80] *In Ontario Public Service employees Union (Fortin) and The Crown in right of Ontario (Ministry of Finance)*, 2017 CanLII 16719 (GSB) ("*Fortin*"), the Grievance Settlement Board ("GSB") considered allegations that a grievor was subjected to bullying, harassment, and discrimination over a period of approximately one year at the hands of her manager. In that case, the GSB defines vexatious comment or conduct to refer to words or actions without sufficient grounds or *bona fide* purposes other than to cause annoyance, frustration and/or worry to an employee, constituting a form of bad faith and that this must be distinguished from words or actions which are reasonably known to be unwelcome but are nevertheless part of the legitimate exercise of the speaker's right of conduct under the terms of employment or, as in the *Fortin* case, the collective agreement.
- [81] The GSB in *Fortin* cites *Nunavut v. P.S.A.C.*, in which the arbitrator considered the onus of proof and the test that arbitrators should apply in evaluating allegations of harassment and abusive conduct, and that a finding of harassment should only be found:
- ...if the objective evidence supports a finding that there has been abusive conduct as a result of improper use of power or a departure from reasonable norm.
- [82] In *Ontario Provincial Police v. Constable Mark Condrón*, a decision of Adjudicator Chris Renwick pursuant to the CSPA, November 28, 2025, the adjudicator found that the accused officer slapped his superior officer, a sergeant, on the buttocks with an open hand after a golfing event. The adjudicator stated:
- Workplace harassment can involve unwelcome words or actions that are known or should have been known to be offensive, embarrassing, humiliating, or demeaning to a worker in a workplace and there may be situations where the conduct happens only once.
- [83] I find that workplace harassment for the purposes of the CSPA includes a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome. Vexatious conduct includes communications that are known or should have been known to be abusive, offensive, embarrassing, humiliating, harmful, or demeaning to a worker in a workplace and that a single communication is sufficient to qualify as harassment.

Allegations of harassment

- [84] The STPS alleged at the hearing that the workplace harassment committed by Cst. Hindley consisted of a series of communications commencing February 6, 2025, and ending July 4, 2025. Those communications consisted of:
- i. Email dated February 6, 2025, from Cst. Hindley to Chief Roskamp, Deputy Chief Bogart, and Cst. Tunks.
 - ii. Email dated April 7, 2025, from Cst. Hindley to Chief Roskamp, Deputy Chief Bogart, Cst. Tunks, and Chair Reith.
 - iii. Email dated June 11, 2025, from Cst. Hindley to Chair Reith, the St. Thomas mayor's office, Ian Johnstone, and Cst. Tunks.
 - iv. Correspondence dated July 4, 2025, to Chair Reith.
- [85] The STPS argues that those communications amount to workplace harassment according to the OHSA, in that they were vexatious comments that were known or ought reasonably to have been known to be unwelcome.
- [86] Cst. Hindley argues that the STPS failed to establish that these communications, in their proper context, rose to a level which meets the definition of workplace harassment under the OHSA. Cst. Hindley admits that the communications were likely upsetting to Deputy Chief Bogart in particular and were likely unwelcome, but she alleges that the communications presented in evidence were justified, do not establish a pattern of unwelcome communications, and that some of the correspondence was sent in response to letters which she received from the STPS or their counsel which she found improper, threatening, or abusive. Cst. Hindley also argues that the STPS failed to show how the impugned communications caused actual harm to Deputy Chief Bogart whether it be to his reputation, career advancement, or otherwise.

Context

- [87] The STPS submitted a number of emails and correspondence, as well as other interactions, between the parties dating back to 2021, in order to establish the context in which to consider the 2025 emails which form the basis for the s. 30 allegation.
- [88] Although Cst. Hindley did not testify and did not present evidence after the STPS had closed its case, she did put questions to the STPS's witnesses, and her duty statement was put into evidence through Insp. Cosby.

- [89] Insp. Cosby was assigned to investigate a complaint made by Deputy Chief Bogart with respect to the conduct of Cst. Hindley. As part of his investigation, Insp. Cosby undertook to compile a history of Cst. Hindley's service and conduct as it relates to the events leading up to Cst. Hindley's February 6, 2025 email and subsequent correspondence.
- [90] As noted above, it is not alleged that the conduct history prior to February 6, 2025 constitutes workplace harassment, and this history was only presented to establish the context in which the impugned events took place.
- [91] Since 2017, Cst. Hindley worked for the STPS in its criminal investigation unit. In approximately 2020, she was assigned a role investigating child exploitation matters. In May 2021, Cst. Hindley went off work on a medical leave and was later diagnosed with post-traumatic stress disorder ("PTSD"). She has remained on a medical leave since that time.
- [92] At the hearing, Deputy Chief Bogart testified he was not Cst. Hindley's direct supervisor when she went off work, and he was not aware that she had PTSD at that time. His evidence was that he did have some conversations with Cst. Hindley before she went off work, but that those related to Cst. Hindley's concern that she was being assigned a new office since the office she had been using was large enough to accommodate three people but Cst. Hindley had to have a private office in order to conduct some of her work in the child exploitation investigations. The decision to move Cst. Hindley was made by then-Chief Herridge and was communicated to Cst. Hindley by her direct supervisor, Luke Cummings.
- [93] Insp. Cosby testified that on March 25, 2022, Cst. Hindley made a formal complaint to the chief of police through her police association. The complaint alleged that then-Chief Chris Herridge, then-Deputy Chief Marc Roskamp, and then-Staff Sergeant Steve Bogart, had violated the STPS policies AI-003 (Equal Opportunity, Harassment, Discrimination, Violence Prevention and Resolution) and HR-18 (PTSD Prevention Plan). A law firm was then retained by the STPS to conduct an investigation. The investigation concluded that the allegations were unsubstantiated.
- [94] Deputy Chief Bogart testified that he has not initiated any contact with Cst. Hindley since she filed the formal complaint. He was told that Cst. Hindley preferred that she have no contact with himself or other senior officers and he has respected that request. Cst. Hindley presented no evidence that contradicts Deputy Chief Bogart's evidence in this regard.
- [95] Deputy Chief Bogart also testified about some videos and social media statements he believed were posted by Cst. Hindley which he took to be critical of himself and the STPS. None of those videos or posts were submitted into

evidence and they do not form the basis for the allegations against Cst. Hindley. The STPS has not taken the position that the videos or social media statements are relevant to my determination as to s. 30 of the Code of Conduct. Having not seen the videos, I am not able to make a determination as to whether they are relevant to the issues in dispute and they will not be considered in this decision.

[96] In February 2023, Cst. Hindley filed a complaint with the HRTO, alleging that then-Chief Herridge, Chief Roskamp, Deputy Chief Bogart and the STPS failed to fulfill their obligations under internal policies, the OHSA, and the Human Rights Code in that they failed to take reasonable steps to prevent psychological harm, disregarded clear signs of distress, and did not provide appropriate accommodations, all of which contributed to the development and worsening of her PTSD. The HRTO complaint has not been resolved and was ongoing at the time of this hearing. The HRTO complaint was not submitted into evidence, and I was asked to make no determination as to the veracity of the claims contained in that complaint.

[97] I note at this point that it is not my role to determine the merits of Cst. Hindley's allegations in her complaint to the chief of police in 2022 or her complaint to the HRTO in 2023. Nathaniel Marshall was called as a witness to testify as to the outcome of Cst. Hindley's complaint to the chief of police, but I make no determination as to the merits of his determinations with respect to that complaint as I consider that complaint not relevant to the issues that are before me. Whether Cst. Hindley made a meritorious complaint relating to matters which took place prior to 2023 does not affect whether emails she sent in 2025 amount to harassment for the purposes of determining whether Cst. Hindley breached s. 30 of the Code of Conduct.

[98] Similarly, the merits of Cst. Hindley's HRTO complaint, which deals with matters which took place prior to 2023, are not relevant to determining whether her actions in 2025 constitute harassment.

[99] The fact that these two formal complaints were made, and that the HRTO complaint is ongoing, is helpful in placing the impugned communications in context and in explaining the circumstances in which they were sent, but in my view, the existence and merits of the complaints would not act to either justify harassing behaviour on the part of Cst. Hindley, nor would it support that communications that would otherwise be acceptable amount to harassment.

[100] Insp. Cosby testified that between June 27, 2023 and December 4, 2024, Cst. Hindley sent five email messages to various members of the leadership team at the STPS. According to Insp. Cosby, many of these emails seemed to target Deputy Chief Bogart and his involvement in her mental health circumstances.

- [101] Insp. Cosby points to the June 27, 2023 email to Chief Roskamp and Cst. Tunks which expresses Cst. Hindley's concerns about systemic failures in supporting mental health within the STPS. Cst. Hindley states that her email was not being sent to Deputy Chief Bogart because she does not believe he is capable of learning from his mistakes or that he would change the way he treats people. She states that Deputy Chief Bogart does not have empathy or the ability to see someone else's pain. Insp. Cosby testified that he considered this email targeted toward Deputy Chief Bogart and he believed it to be inappropriate.
- [102] In my view, nothing significant turns on this email and I do not consider this email to be "harassment" as that term is defined by the OHSa or the authorities interpreting that term. The comments about Deputy Chief Bogart are part of a long letter to Chief Roskamp and appear to be an expression of Cst. Hindley's own distress rather than a targeted attack on Deputy Chief Bogart personally. In fact, Chief Roskamp later, on June 30, 2023, sent an email to Cst. Hindley telling her that he was pleased to receive the email, commending her for her progress in her healing journey, committing to making improvements to the STPS in terms of the mental health of its officers, and thanking her for her willingness to open lines of communication. There was nothing in Chief Roskamp's response which expressed any concern with Cst. Hindley's comments about Deputy Chief Bogart.
- [103] Emails sent by Cst. Hindley on August 4 and 22, 2024, and on December 4, 2024, contain requests for details of an internal investigation that she believed was being conducted at that time and those emails do not mention Deputy Chief Bogart, much less target him. In my view, these emails do not constitute harassment as that term is defined in the OHSa.
- [104] An email sent by Cst. Hindley on November 8, 2024, to Chief Roskamp and Cst. Tunks is primarily concerned with the dissatisfaction Cst. Hindley felt with respect to the manner in which her HRT0 complaint was being handled by the STPS. She states that she received "harsh treatment" from Deputy Chief Bogart but otherwise does not comment on him in a significant way in that email.
- [105] While the November 8, 2024 email is highly critical of the STPS and the way that it handles mental health complaints and other matters, in my view, that letter cannot be said to focus on or target Deputy Chief Bogart to any significant degree. To that extent, I do not accept Insp. Cosby's characterization of this letter as representing targeted criticism of Deputy Chief Bogart.
- [106] In my view, the context provided by the history prior to February 6, 2025, is of some limited importance in the assessment of Cst. Hindley's conduct thereafter. It appears that Cst. Hindley and Deputy Chief Bogart had no direct communications with one another since 2023 and Cst. Hindley's criticisms of Deputy Chief Bogart were limited prior to February 6, 2025, and primarily in the

context of her mental health recovery. Cst. Hindley received no indication from the STPS, or anyone else, that the concerns she expressed were inappropriate or that they might constitute a breach of the Code of Conduct. I note that both the June 27, 2023 email and the November 8, 2024 email, the only two which mentioned Deputy Chief Bogart, were sent to Chief Roskamp and were copied to Cst. Tunks, as representative of the STPA, and that there was no evidence presented to suggest that either recipient had any concerns about the fact that the emails were sent or about their contents. Neither Chief Roskamp nor Cst. Tunks were called as witnesses at the hearing.

- [107] The relevant context for what follows then is that Cst. Hindley went on medical leave in 2021, submitted a complaint with respect to Chief Roskamp, Deputy Chief Bogart, and the STPS in 2022 which was investigated, and filed an application with the HRTO in 2023, naming as respondents Chief Roskamp, Deputy Chief Bogart, and the STPS, and relating to events which took place prior to Cst. Hindley taking her medical leave in 2021. That appeal is ongoing. Cst. Hindley sent five emails to various members of the STPS after June 2023 and before February 6, 2025, two of which were critical of Deputy Chief Bogart, and none of which are alleged to amount to misconduct.

February 6, 2025

- [108] It is undisputed that on February 6, 2025, the STPS were called to a Home Hardware store after Cst. Hindley was found visibly upset and unresponsive in an aisle. Police and paramedics attempted to engage with her but she did not respond. Cst. Hindley's husband was called and she became calmer and was taken home without further incident. The parties agree that this event can be described as a significant mental health incident.
- [109] According to Deputy Chief Bogart, Cst. Hindley's husband was an acting sergeant with the STPS as of February 6, 2025. When the senior officers at the STPS became aware that Cst. Hindley had a significant mental health incident in public, and that the STPS constables released her into the care of her husband, a higher-ranking member of the force than those two attending officers, there was some concern that there may have been a perceived conflict of interest in releasing her without further action.
- [110] Chief Roskamp decided that there should be a wellness check in order to ensure that Cst. Hindley was not a risk to herself or to others. Chief Roskamp ordered that the Ontario Provincial Police be requested to attend at Cst. Hindley's home to conduct a wellness check. That was done on February 6, 2025, and resulted in no further action being taken.
- [111] Cst. Hindley did not testify at the hearing and presented no evidence to contradict Deputy Chief Bogart's account of the decision-making process relating

to the wellness check that was ordered. While it is apparent that Cst. Hindley believes the wellness check was ordered by Deputy Chief Bogart, and for reasons other than a concern for her safety and well-being, she presented no evidence with respect to her reasons for that belief.

[112] According to the uncontradicted testimony of Deputy Chief Bogart, the decision to order a wellness check was made by Chief Roskamp. Although Deputy Chief Bogart did participate in the conversations leading up to that decision, he did not make that decision and did not determine how the wellness check was to be carried out.

[113] At 11:09 p.m. on February 6, 2025, Cst. Hindley sent an email to Chief Roskamp, Deputy Chief Bogart, and Cst. Tunks. The email was directed to Deputy Chief Bogart. In this email, Cst. Hindley expressed concern that a wellness check was conducted. The email specifically criticizes Deputy Chief Bogart's handling of the events of that day and states, among other things, the following:

- i. Deputy Chief Bogart's decision to send the OPP officers to check on her well-being was unnecessary and deeply unprofessional;
- ii. Deputy Chief Bogart's choice to override the judgment of the attending officers shows a disturbing lack of respect for their professionalism;
- iii. It is clear that Deputy Chief Bogart does not trust his own people or had some personal motive for involving himself;
- iv. Deputy Chief Bogart's decision to involve himself was even more disturbing given that he knew that his own past behaviour had contributed to her PTSD;
- v. Deputy Chief Bogart's actions were not about her well-being but about Deputy Chief Bogart's control, ego, and complete lack of compassion;
- vi. Deputy Chief Bogart's actions did not demonstrate leadership, integrity, or accountability; and
- vii. Deputy Chief Bogart needed to reflect seriously on the harm that he caused.

[114] The STPS argues that this email of February 6, 2025, constitutes "vexatious comment" that is known or ought reasonably to be known to be unwelcome in relation to the OHSA definition of workplace harassment. Deputy Chief Bogart testified that he considered the email vexatious and that it was unwelcome.

- [115] In her duty report, Cst. Hindley alleges, without evidence, that Deputy Chief Bogart had initiated the wellness check improperly. She suggests that her intention behind the February 6, 2025 email was to communicate the harm the wellness check had done to her. Cst. Hindley reiterated her allegations against Deputy Chief Bogart set out in the email. Cst. Hindley's stance appears to be that her statements about Deputy Chief Bogart were justified by her belief that the wellness check was inappropriate and that it was initiated by Deputy Chief Bogart for improper reasons. She denies that the email was vexatious or malicious and reiterates that she was attempting to convey the harm the wellness check had caused her and to request that the Board be informed.
- [116] I will first note that Cst. Hindley has never suggested that she has any evidentiary basis for her belief that Deputy Chief Bogart ordered, initiated, or even suggested that the wellness check on February 6, 2025, take place. It is clear that she believes that to be the case, but that belief appears to be informed by factors other than any actual evidence. Deputy Chief Bogart testified that he did not initiate the wellness check but that it was the result of a discussion in which several senior officers took part and was ultimately ordered by Chief Roskamp.
- [117] I also note that Cst. Hindley has never suggested that she has any evidentiary basis for her belief that the wellness check was ordered for any inappropriate reason or that it was the result of anything beyond a concern for Cst. Hindley's safety and potentially the safety of others. Cst. Hindley clearly believes this to be the case, but has never had any factual basis to support that belief.
- [118] That said, in my view, whether Deputy Chief Bogart ordered the wellness check, or whether it was ordered for a reason other than as an attempt to comply with the STPS's obligations under the OHSA to take reasonable steps to ensure the safety of its employee as asserted by Deputy Chief Bogart, it is clear that the February 6, 2025 email goes far beyond expressing any impact the wellness check might have had on Cst. Hindley. In fact, the email barely mentions that alleged impact at all. The email was largely targeted at criticizing and denigrating Deputy Chief Bogart in a personal way. The email was shared with Chief Roskamp.
- [119] While Cst. Hindley alleges in her duty statement that the email is within the scope of protected activity under the OHSA and the Ontario Human Rights Code in that she was responding to what she perceived as retaliatory conduct in the context of her human rights complaint, psychological injury, and pattern of workplace mistreatment, in my view, this argument is without merit. There is no basis for Cst. Hindley's suggestion that Deputy Chief Bogart was engaging in retaliatory conduct by allegedly ordering the wellness check.
- [120] In fact, the conduct which is the subject of Cst. Hindley's workplace complaints occurred in 2021, almost four years before the February 6, 2025 email. Neither

Deputy Chief Bogart nor Cst. Hindley had had any contact or communication with one another since the HRT0 complaint was filed in early 2023, two years before the February 6, 2025 incident. Cst. Hindley made no suggestion at any time that Deputy Chief Bogart had done anything inappropriate between 2021 and 2025 which might amount to retaliation or mistreatment. The suggestion that Deputy Chief Bogart ordered a wellness check following the significant mental health incident which occurred on February 6, 2025, as some sort of retribution or retaliatory conduct is not supported by the evidence.

- [121] In any event, it is not my role in this proceeding to make determinations with respect to the merits of Cst. Hindley's HRT0 complaint or whether Deputy Chief Bogart's conduct, or that of the STPS, might be impugned in some way related to that complaint. The role of this tribunal is to determine whether Cst. Hindley's conduct amounts to workplace harassment as that term is defined by the OHSA and I have found that it does.
- [122] Cst. Hindley also argues that the STPS did not present evidence as to which parts of the February 6, 2025 email Deputy Chief Bogart considered false, offensive or unwelcome, and that there was no evidence presented as to how this email caused harm.
- [123] With respect to the parts of the February 6, 2025 email that are vexatious, the STPS takes the position that the whole of the email consisted of statements that are personally disparaging to Deputy Chief Bogart. While Cst. Hindley argues that her intent was to express her own injury and pain which resulted from the wellness check, she instead personally disparaged Deputy Chief Bogart as set out above. In fact, the February 6, 2025 email says almost nothing about the way Cst. Hindley felt about the wellness check. It simply lists ways in which Deputy Chief Bogart is deficient.
- [124] As set out above, the Supreme Court of Canada in *Janzen* held that an objective standard is to be applied in determining whether workplace abuse and/or harassment have occurred, as opposed to the subjective impressions of the alleged victim. Thus, in order to determine if harassment has occurred, an objective standard is to be applied and the alleged victim's subjective belief and perceptions and results are not enough, in themselves, to support a finding of harassment. Therefore, even if it were true that Deputy Chief Bogart did not suffer actual harm, that does not mean that Cst. Hindley's communications to him are not harassment when considered objectively.
- [125] That said, Deputy Chief Bogart testified that he did suffer harm as a result of the Cst. Hindley's communications. Specifically, Deputy Chief Bogart described the significant emotional impact that Cst. Hindley's allegations caused to himself and his family. The February 6, 2025 email was sent not only to Deputy Chief Bogart, but also to Chief Roskamp and Cst. Tunks. Deputy Chief Bogart was concerned

that the allegations in that email, which speak to his professionalism, leadership, and psychological characteristics, might have an impact on his career and reputation within the STPS.

- [126] Deputy Chief Bogart's testimony with respect to the stress caused by Cst. Hindley's email was credible and compelling. At the time the email was sent, Deputy Chief Bogart was in the process of seeking promotion which he was concerned might be impacted by the allegations Cst. Hindley made in the February 6, 2025 email. In addition, Deputy Chief Bogart believes that in the next couple of years he may apply for other professional opportunities which may be impacted by the allegations made by Cst. Hindley. I accept Deputy Chief Bogart's evidence that the February 6, 2025 email caused him to experience significant stress and worry.
- [127] In my view, the February 6, 2025 email was vexatious and amounts to workplace harassment in that it is communication which is known or should have been known to be abusive, offensive, embarrassing, humiliating, harmful, or demeaning to a worker in a workplace, in this case Deputy Chief Bogart. Cst. Hindley accuses Deputy Chief Bogart of being unprofessional, disrespectful of other police officers' judgment, having a personal motive for his actions, knowing that he had contributed to her PTSD, acting out of a desire for control, ego, and lack of compassion, and lacking in leadership, integrity, and accountability. These are objectively vexatious and appear to have been intended to disparage Deputy Chief Bogart on a professional and personal basis to his superior officer and to another member of the STPS.
- [128] The email was sent, not only to Deputy Chief Bogart, but to his superior, Chief Roskamp and to a member of the Police Association, Cst. Tunks. In my view, this is an email which a reasonable person would know was abusive, offensive, embarrassing, humiliating, harmful, or demeaning to Deputy Chief Bogart and is written in objectively vexatious and harassing language. In my view, sending this email to Chief Roskamp and Cst. Tunks, indicates that Cst. Hindley intended to cause harm to Deputy Chief Bogart's reputation and standing at the STPS.
- [129] On April 7, 2025, after not having heard a response to her February 6, 2025 email, Cst. Hindley sent an email to Chief Roskamp, Cst. Tunks, Deputy Chief Bogart, and Chair Reith. That email attaches the February 6, 2025 email in its entirety, which I have found to be vexations and unwanted, to an email which includes the following statements:
- i. Deputy Chief Bogart acted without new or credible information in initiating the wellness check;

- ii. Deputy Chief Bogart's decision to authorize the wellness check appears to be an alarming overreach of authority, lacking in any meaningful justification;
- iii. Deputy Chief Bogart's actions represent an abuse of power against a police officer with known PTSD diagnosis and an open HRT0 complaint; and
- iv. Deputy Chief Bogart's actions in the context of the HRT0 complaint were reckless and possibly retaliatory.

[130] The April 7, 2025 email requests various information with respect to the basis upon which Deputy Chief Bogart authorized the wellness check, the list of all individuals who were contacted in relation to the check, all internal reports and other documents related to the incident, and confirmation as to whether any information about her mental health, employment history, or HRT0 matter were disclosed to another agency.

[131] The email goes on to state that if she does not receive a full and transparent response to her request, she will have no choice but to pursue the matter through:

- i. Supplementary filing to the HRT0;
- ii. Legal action for breach of confidentiality;
- iii. Criminal charges.

[132] The email alleges that Deputy Chief Bogart's actions could be considered criminal harassment and that they may have been intended to intimidate or distress her, exacerbating her PTSD.

[133] Deputy Chief Bogart testified that the April 7, 2025 email caused him to experience additional stress and worry. He stated that when this issue was raised with the Board in addition to Chief Roskamp, he again experienced stress and worry associated with the impact the harassment complaint might have on his professional life.

[134] In addition, Deputy Chief Bogart testified that he has been committed to helping police officers with their mental health for many years and that harming any officer who is experiencing mental health issues is contrary to his personal beliefs and morals. He gave evidence with respect to a number of programs that he has been involved in implementing within the STPS. These programs are directed at helping members with mental health issues, a goal which he is committed to.

- [135] Deputy Chief Bogart also pointed out that his wife has worked in group homes supporting adults with mental health issues and he considers many of those individuals to be a part of his family. Deputy Chief Bogart testified that any suggestion that he would intentionally harm someone with mental health issues is deeply hurtful to him. Deputy Chief Bogart's evidence was credible and compelling.
- [136] In her duty statement, Cst. Hindley says that the intent of the April 7, 2025 email was to "escalate" her concerns as she had not received a response to her earlier emails. Cst. Hindley set out justification for sending this email in the same terms as she describes why she sent the February 6, 2025 email. Again, I find no support for Cst. Hindley's allegations and reiterate that the role of this hearing is to determine whether Cst. Hindley's conduct amounts to harassment. I find that it does, and I do not accept that workplace harassment may be justified in these circumstances, as Cst. Hindley appears to be suggesting.
- [137] In my view, the April 7, 2025 email is vexatious on an objective basis in that it is abusive, offensive, embarrassing, humiliating, harmful, or demeaning toward Deputy Chief Bogart. The February 6, 2025 email is attached, presumably so that the Chair of the STPS Board would see the allegations. In my view, making the types of serious allegations against another worker, whether in a superior or inferior position, that Cst. Hindley makes in these two emails, is clearly within the definition of workplace harassment in that it is vexatious comment against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.
- [138] Cst. Hindley's submission that the STPS did not point to the specific parts of the email which was disparaging to Deputy Chief Bogart is without merit. The April 7, 2025 email complains to Chief Roskamp and Chair Reith that Deputy Chief Bogart, or his actions, were unprofessional, disrespectful to members of the STPS, injurious, guided by ego, control, and lack of compassion, lacking in leadership, integrity, or accountability, an overreach of authority without meaningful justification, an abuse of power, reckless and retaliatory. These accusations are clearly disparaging to Deputy Chief Bogart.
- [139] Cst. Hindley also argued that her February 6, 2025 and April 7, 2025 emails must be viewed in the context of her significant mental health incident of February 6, 2025, which required the intervention of emergency services providers and the police. However, there was no evidence presented at the hearing that the emails Cst. Hindley sent had anything to do with her mental or psychological state. Cst. Hindley did not testify that this was the case and she presented no medical evidence which might support that allegation. That Cst. Hindley has maintained her statements about Deputy Chief Bogart are accurate and justified long after the February 6, 2025 mental health incident, supports the position of the STPS

that the subject emails cannot be excused as a product of Cst. Hindley's acute mental condition of February 6, 2025.

- [140] On April 9, 2025, Chief Roskamp wrote to Cst. Hindley and in that email addressed, among other things, the emails which were sent to Deputy Chief Bogart. The letter states that Cst. Hindley's emails were unlawful and infringe on Deputy Chief Bogart's rights in that they are threatening and unwanted and "clearly intended to create a hostile and unsafe work environment and cause undue stress and anxiety for the recipients". Chief Roskamp's letter repeatedly describes the emails as harassing and unwanted and that they were detrimental to the well-being of the recipients and the health of the organization.
- [141] Cst. Hindley sent two further emails which the STPS argues are relevant to the allegations against Cst. Hindley pursuant to s. 30 of the Code of Conduct. Those emails are dated June 11, 2025 and July 4, 2025.
- [142] The June 11, 2025 email, addressed to Chair Reith, the mayor of St. Thomas, Ian Johnstone, and Cst. Tunks, is specifically in respect of her concern that the legal representation of both the Chief of Police and the Board are provided by one counsel and that this represents a conflict of interest. The email does not mention Deputy Chief Bogart or Cst. Hindley's complaints against Deputy Chief Bogart in respect of the February 6, 2025 wellness check or otherwise. While the email may be inappropriate in a number of ways and may even contravene Cst. Hindley's duties under the Code of Conduct, it does not specifically involve a breach of s. 30 of the Code of Conduct. In my view this email does not meet the definition of workplace harassment under the OHSA.
- [143] The July 4, 2025 email, addressed to Chair Reith, is likewise focussed on matters that appear to be separated from the allegations of harassment. In this email, Cst. Hindley states her concern about the response she received from the Board following her June 11, 2025 email regarding her allegation of conflict of interest. Deputy Chief Bogart is not referred to in this email and Cst. Hindley's criticisms appear to be directed at Chief Roskamp and the Board, as well as Ian Johstone, none of whom Cst. Hindley is being accused of harassing.
- [144] Again, while Cst. Hindley's email of July 4, 2025, may be inappropriate, and may amount to misconduct under the Code of Conduct, it is not directly relevant to the allegations of misconduct under s. 30 of the Code of Conduct that are before me.
- [145] I find that Cst. Hindley's emails dated February 6, 2025 and April 7, 2025, amount to a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome and therefore are workplace harassment as that term is define in the OHSA.

- [146] I find that the STPS has established based on clear and convincing evidence that Cst. Hindley engaged in workplace harassment as that term is defined in the *Occupational Health and Safety Act*, and breached s. 30 of the Code of Conduct. Therefore, I find that Cst. Hindley engaged in conduct that constitutes misconduct.

DECISION

- [147] I find that Cst. Hindley breached s. 27 of the Code of Conduct by failing to comply with the procedures established by her chief of police and thereby engaged in conduct that constitutes misconduct.
- [148] I find that Cst. Hindley breached s. 30 of the Code of Conduct by engaging in workplace harassment as that term is defined in the OHSA and thereby engaged in conduct that constitutes misconduct.

Date Issued: August 25, 2026



Colin Osterberg, Adjudicator