OPAAC ADJ #26-036

ST. THOMAS POLICE SERVICE

And

CONSTABLE HELAINE HINDLEY

Adjudicator:
Colin Osterberg

Appearances:
I. Johnstone, for St. Thomas Police Service
H. Hindley, self-represented

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

Date of decision:
August 25, 2026

Length of decision:
30 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 195(a), 200(1), 201(6), 201(10)
O. Reg. 407/23, ss. 27 and 30
O. Reg. 404/23, ss. 51 and 53
Occupational Health and Safety Act, R.S.O. 1990, c. O.1, s. 1(1)

COMPLIANCE WITH PROCEDURES - Failure to comply with procedures established by chief - Elements of offence under s. 27 of Code of Conduct - Necessary to show that a procedure was established by chief of police and a wrongful failure to comply with procedure - Service by-law prohibited members from making complaints or representations to board except through chief - Prohibition was a procedure established by chief - Series of direct communications with chair of board violated by-law - Breach of s. 27 established.

HARASSMENT - Vexatious comments or conduct - Definition of harassment under *Occupational Health and Safety Act* incorporated in s. 30 of Code of Conduct - Emails sent to senior officers and board chair amounted to a course of vexatious comment or conduct - Communications were abusive, offensive, embarrassing, and disparaged deputy chief - Breach of s. 30 established.

EVIDENCE - Standard of proof - Onus on police service to prove misconduct on the basis of clear and convincing evidence - Police service alleging officer violated procedure against

making complaints or representations directly to board - Service also alleging content of communications amounted to harassment - Clear and convincing evidence that officer violated ss. 27 and 30 of Code of Conduct.

Summary of Reasons for Decision

The St. Thomas Police Service (STPS) alleged that Cst. Helaine Hindley breached ss. 27 and 30 of the Code of Conduct, O. Reg. 407/23. Section 27 states that a police officer "shall comply with the procedures established by their chief of police". Section 30 states that 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*".

The s. 27 allegation arose from the act of sending certain messages; the s. 30 allegation arose from the content of these messages. Constable Hindley denied the allegations and requested the appointment of an adjudicator pursuant to s. 201(6) of the *Community Safety and Policing Act*.

Violation of Procedures

With respect to the first allegation of misconduct, the service asserted that between February 6, 2025 and July 4, 2025, Cst. Hindley sent a series of messages that were highly critical of the service, in particular, Deputy Chief Bogart, in violation of clear directives: 1) to cease sending written communications to members of the STPS directly, and 2) to cease making complaints or other representations to the police services board. The first directive was issued by Chief Roskamp in a letter dated April 9, 2025, in response to an email that Cst. Hindley sent on April 7, 2025 to Chief Roskamp, Deputy Chief Bogart, Cst. Paul Tunks (St. Thomas Police Association), and Board Chair Dan Reith. The second directive was found in s. 7.7 of Service By-Law 3-2024, which stated: "Members shall not make complaints or other representations to the Board or members of the Board except through the Chief of Police."

Constable Hindley had been off work for a period of time, after being diagnosed with PTSD. On February 6, 2025 Cst. Hindley sent an email to Deputy Chief Bogart, which was also sent to Chief Roskamp and Cst. Tunks. Constable Hindley expressed concern about a wellness check on her earlier that day, initiated by the STPS, following an incident in a store. The STPS were called to attend the store on February 6th, where they found Cst. Hindley in a state of emotional distress. In her email message, Cst. Hindley was highly critical of Deputy Chief Bogart's handling of the incident.

On April 7, 2025, having had no reply to this message, Cst. Hindley sent another email to Chief Roskamp, Cst. Tunks, Deputy Chief Bogart, as well as Chair Reith of the Board; she attached the February 6th email and made additional statements. In response to the April 7th email, Chief Roskamp wrote to Cst. Hindley, ordering her to "immediately cease sending any further emails, and/or other communications to members of the police service", other than via her Association representative.

On April 10, 2025 Ian Johnstone wrote to Cst. Hindley, copying Chair Reith and Chief Roskamp. He identified himself as counsel for the Board, advised that her April 7th email caused members of the Board distress, and indicated that any further correspondence with the Board should be directed to his office.

On June 11, 2025 Cst. Hindley sent an email to Chair Reith, suggesting that Ian Johnstone's representation of both the Board and the chief of police amounted to a conflict of interest. On June 16, 2025 Chair Reith wrote back to Cst. Hindley, describing her letter as offensive, and telling her to consult with the Association and refrain from contacting members of the Board.

On July 4, 2025 Cst. Hindley again wrote to Chair Reith, invoking her rights under the Ontario *Human Rights Code,* reiterating her concerns about a conflict of interest, and questioning the integrity and impartiality of the Board's decision-making process.

Harassment

With respect to the second allegation of misconduct, the STPS asserted that the content of these various emails and communications which Cst. Hindley sent amounted to workplace harassment, as that term is defined in the *OHSA*; they were highly critical of Deputy Chief Bogart, accused him of unprofessional conduct, and described his actions as motivated by control, ego, and a lack of compassion, all of which contributed to her PTSD.

Held, misconduct proved; violations of ss. 27 and 30 established.

Under the *CSPA,* in police misconduct cases the onus rests with the police service to prove its allegations with clear and convincing evidence. In order to meet this onus and standard, the evidence, as described in the case law, must be clear, convincing, cogent, and reliable.

With respect to the first allegation of misconduct – failure to comply with procedures established by the chief – the issue was whether Cst. Hindley's communications violated directives from the chief. With respect to the second allegation – workplace harassment – the issue was whether any of those communications amounted to workplace harassment, contrary to s. 30 of the Code.

The first procedure was a direction not to communicate with members of the service. The second procedure was a direction not to communicate with members of the police services board. Contrary to Cst. Hindley's argument, the By-Law amounted to a "procedure". The evidence indicated that the proscription against communicating with Board members was a procedure established by the chief and later incorporated in By-Law 3 -2024. On the other hand, as Cst. Hindley submitted, the April 9th letter from Chief Roskamp directed Cst. Hindley not to communicate with members of the service directly, only through her Association; there was no mention in the April 9th letter of Board members. Constable Hindley did not breach the first procedure because she did not directly communicate with members of the STPS, other than her STPA liaison, after that date. However, Cst. Hindley's emails and communications with Board Chair Reith on April 7th, June 11th, and July 4th did violate the second procedure. The fact that she may have had concerns about the behaviour of others did not permit her to disregard

established procedures. Accordingly, the failure to comply with the second procedure amounted to a violation of s. 27 of the Code of Conduct.

With respect to the second allegation of misconduct, the content of certain communications amounted to workplace harassment, as that term is defined in s. 1(1) of the *OHSA*, a definition incorporated in s. 30 of the Code. The email of February 6th was highly critical of Deputy Chief Bogart and his handling of the wellness check. There was no evidence to support Cst. Hindley's assertion that he was the person who ordered the wellness check or that he did so for an improper purpose – viz. retaliation for her filing a complaint with the Human Rights Tribunal of Ontario. The email targeted and criticized Deputy Chief Bogart in a personal way. The attack on his professionalism, leadership, and psychological characteristics had a profound, negative impact on the Deputy Chief. She attached the unanswered February 6th email to her April 7th email, and included additional allegations: that Deputy Chief Bogart initiated the wellness check without justification; that he overreached his authority; that his actions represented an abuse of power against a police officer with known PTSD who had an open HRTO complaint; and in the context of that complaint, his actions were reckless and possibly retaliatory. The email went on to threaten legal action and alleged that the Deputy Chief's actions could amount to criminal harassment.

Under s. 1(1) of the *OHSA,* workplace harassment is defined as "engaging in a course of vexatious comment or conduct against a worker in a workplace…" The emails of February 6th and April 7th amounted to a course of vexatious comment: the messages were abusive, offensive, embarrassing, humiliating, harmful, and disparaging. There was no exculpatory medical evidence supporting Cst. Hindley's argument that these emails could be attributed to her mental or psychological state on February 6th, the date of her significant mental health incident; instead, the repetition of her allegations, long after the incident, was inconsistent with any notion of a momentary outburst.

However, the emails of June 11, 2025 and July 4, 2025 were not workplace harassment. The June email did not mention Deputy Chief Bogart; rather, it was concerned with an alleged conflict of interest. Similarly, the July 4th email was focussed on matters separate from the allegations of harassment, involving, instead, the Board's response to Cst. Hindley's allegation of conflict of interest.

The email communications of February 6th and April 7th amounted to workplace harassment. Accordingly, the STPS proved with clear and convincing evidence that Cst. Hindley breached s. 30 of the Code.

Authorities cited

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Jacobs v. Ottawa (Police Service), 2016 ONCA 345 (CanLII)
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Provincial Constable Neil Gonzalez and Ontario Provincial Police, 2006 CanLII 84676

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