



On the 17th of September 2013, Inspector Egidio Roseto of 11 Division Toronto Police Service, received a complaint via Twitter advising that motorists were not obeying the school crossing guard stationed at Dundas Street West and Indian Road Crescent. Members of the community were very concerned about this traffic problem because it was occurring during the after-school hours near a school that is attended by children with special needs. The potential for tragedy was great. Immediately upon becoming aware of this issue, Inspector Roseto assigned officers from the 11 Division Traffic Response Unit to visit the crossing and address this community concern.

The attending officers found the crossing to be in good working order. All of the lights were functioning properly and the signage and road markings relating to the crossing were clearly visible and unobstructed. The officers spent nearly two hours at the crossing during the after-school hours and as a result of their efforts, one Highway Traffic Act charge was laid.

That very same day, a Twitter message was received by 11 Division from area parents advising that they had observed the police at the intersection and they were grateful for the quick response.

Police returned to the crossing again the following day and spent another hour conducting enforcement during the after-school hours. An additional 4 charges were laid under the Highway Traffic Act, several of which were related to the use of hand-held devices while driving. Since September 19th, officers from 11 Division have visited the pedestrian crossing on several more occasions during the after-school hours and have laid 9 more charges under the Highway Traffic Act. The majority of those charges related to motorists using hand held-devices while driving.

There are far too many distracted driving-related offences occurring. Whether, you're a pedestrian or a motorist and irrespective of your age everyone is at risk; distracted driving, like impaired driving compromises the safety of everyone using our roads. All motorists should be aware that it is an offence under section 78.1(1) of the Highway Traffic Act to use a wireless communication device while driving.

Highway Traffic Act

78.1(1) No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages.

Motorists should also be aware that on the 27th of September 2013, the Ontario Court of Appeal ruled **that it is not only an offence to use one of these devices while driving but it is also an offence to be holding such a device while driving.** This case law comes from a ruling by Justice Stephen T. Goudge where a driver was convicted under section 78.1(1) of the Highway Traffic Act for holding a cellular phone while driving, even though she was not using the phone at the time when she was observed by the police officer.

The purpose of this section of the Highway Traffic Act is not to inconvenience people but to make the roads safer for everyone using them, pedestrians and motorists alike. The Toronto Police Service encourages all drivers to focus on the task of driving while behind the wheel of their vehicle and wait until they arrive at their destination before using their cellular phones.

Students are now back in school and the daylight hours are becoming less. We still have some nice weather ahead of us so pedestrians and cyclists will still be on the roadways in abundance. Halloween is here and the Toronto Police Service wants all people to be safe and to enjoy themselves while out on our streets.

Motorists must be extra cautious while driving in the area of schools and crosswalks to help keep everyone safe. We can help to accomplish this by being vigilant at all times and by eliminating all unnecessary distractions while driving. Drivers must be alert and follow the rules of the road just as pedestrians need to pay attention at intersections and when crossing streets.

11 Division would like to thank the members of the Junction Community that brought this problem to our attention. Twitter and Facebook are powerful tools which help us to communicate. The Toronto Police Service encourages everyone to use social media to bring issues like this to our attention in a similar timely and effective way.

However, in the event of an emergency do not contact us through social media. Call 911 for immediate assistance. 11 Division thanks everyone for joining us in adherence to our Mission Statement, "We are dedicated to delivering police services in partnership with our community to keep Toronto the best and safest place to be."