

**IN THE MATTER OF  
Services Act, R.S.O. 1990, c.P.15, as amended**

**AND IN THE MATTER OF:  
TO: Police Constable Brian Arcand (9923)  
AND TO: Police Constable Jermaine Fuller (9767)  
AND TO: Police Constable Blair Liburd (10112)  
AND TO: Sergeant Douglas Rose (3478)**

**HEARING DATES:**

June 14 and 27, 2016.

**COUNSEL:**

Prosecution: Fredrick Schumann

Defence: Richard Diniz

## **AMENDED DECISION AND PENALTY (REPLACING ORIGINAL DECISION)**

I have had the benefit of reading the prosecution's submission on penalty together with the accompanying casebooks (Exhibits 16 and 17), and the further oral submissions of both counsel.

The joint submissions as to sentencing in respect to the subject officers is accepted by this Hearing Officer following the facts, sentencing principles, and precedents as set out in Exhibits 16 and 17. The sentences will be as follows:

The penalties will be as follows:

### **Sergeant Douglas Rose**

The penalties in this matter imposed under section 85(1)(f) of the Police Services Act will be:

1. For unlawful or unnecessary arrest --forfeiture of five (5) days
2. For unlawful or unnecessary force --forfeiture of five (5) days

The penalties will be served concurrently.

### **Constable Brian Arcand**

The penalties in the matter imposed under section 85(1)(d) of the Police Services Act will be:

1. For unlawful or unnecessary arrest --suspension without pay for a period of ten (10) days
2. For unlawful or unnecessary force --suspension without pay for a period of ten (10) days

The penalties will be served concurrently.

### **Constable Blair Liburd**

The penalty in this matter imposed under section 85(1)(f) of the Police Services Act will be:

1. For discreditable conduct--forfeiture of five (5) days

**Constable Jermaine Fuller**

The penalty in this matter imposed under section 85(1)(e) of the Police Services Act will be:

1. For discreditable conduct--forfeiture of two (2) days

DATED at Toronto, this 4<sup>th</sup> day of July, 2016.

A handwritten signature in black ink, appearing to read "W. S. Gonet", with a long, sweeping flourish extending to the right.

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Walter S. Gonet  
Hearing Officer