

Portions of this decision have been redacted as they relate to an allegation made in the public complaint which predated the opening of the OIPRD in October 2009. The OIPRD cannot investigate or order an investigation into matters which predate its creation; however, the Ottawa Police Service decided to conduct an internal investigation into this matter. As the results of internal police investigations are not posted on the OIPRD's website, those portions of the decision that refer to that internal investigation have been redacted.



# PENALTY DECISION WITH REASONS

## Agreed Statement of Facts

The agreed statement of facts was entered as Exhibit #6. The agreed statement of facts support the finding of guilt in a clear and convincing manner.

### Joint Submission on Penalty

Both Counsel have agreed to a joint submission on penalty of a 4 month demotion and have offered the following additional comments upon which to base my decision:

#### Prosecutor-Mr. Westwick

These matters are very serious.

The Prosecutor was very impressed with the way Constable Bond dealt with this situation. When confronted Constable Bond was honest and forthright and at the first opportunity he took complete ownership for his actions.

The Prosecutor is satisfied this was a one-time incident.

Constable Bond's candor avoided a difficult and messy hearing.

#### Defence-Mr. Carroll

The officer could not have done more to acknowledge his responsibility for his actions.

Constable Bond provided the correct date for the incident despite the investigation being conducted based on erroneous information about the date.

This incident and the subsequent charges have had a significant impact on his personal and professional life and he wants to move on.

The charges have weighed heavily on the officer's stress level.

[REDACTED]

Highlighted that all negotiations on disposition were approved by Constable Bond and it was his direction to get these charges dealt with as soon as possible.

### **Disposition Considerations**

I have considered a number of factors in reaching my final disposition and they result from *Carson and Pembroke Police Service* (March, 2006).

“The factors to be taken into account when assessing a suitable penalty are well-established. In *Williams and Ontario Provincial Police* this Commission identified three key elements. They include the nature and seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage to the reputation of the police service that would occur if the police officer remained on the force”.

Constable Bond’s acts are considered serious and are in direct contravention of policies governing members of this Service. Constable Bond’s conduct will no doubt tarnish the reputation of the Ottawa Police Service in the eyes of the public. In addition, this occurrence has tarnished the reputation of the service in the eyes of the public complainant, Mr. Miller who did not respond to two separate methods of invitation to attend the hearing (Exhibit 5 & 5A). Media will report on this incident and other hard-working officers will have to overcome the embarrassment caused by this incident.

### **Factors for Consideration**

In order to determine an appropriate penalty for this particular misconduct, I have taken into consideration specific factors identified in *Blowes-Aybar v Toronto Police Service* (March, 2003) based on the principles of public interest, recognition of the seriousness of the misconduct, employment history, potential to reform or rehabilitate the police officer, effect on the police officer and the police officer’s family, consistency of the disposition, specific and general deterrence, damage to the reputation of the police service and the effect of publicity.

#### **Public Interest**

The public has an expectation that police officers will conduct themselves professionally and ethically while on and off duty. When determining disposition, strong consideration must be given to maintaining public trust and confidence. Police services cannot fulfill their mandated duties without this trust. Constable Bond’s action of inviting a civilian into his marked cruiser and then having inappropriate contact with that person will not be tolerated. His actions rendered him unavailable to respond to calls for service or an ability to assist other officers.

[REDACTED]

[REDACTED]

[REDACTED]

### **Seriousness of the Misconduct**

The police service has indicated the seriousness of this offence by conducting an investigation, laying charges and by serving a notice of increased penalty on Constable Bond.

### **Employment History**

Constable Bond has never had any involvement with PSS and his supervisors all indicate he is a good performer. These were mitigating factors in arriving at the disposition.

### **Potential to Reform and Rehabilitate the Officer**

Constable Bond has accepted responsibility for his actions by pleading guilty at the first opportunity to the allegations. Mr. Westwick commented on Constable Bond's honesty and forthrightness, as soon as the allegations came forward. Constable Bond corrected the date of the offence with the Investigator at the outset which speaks volumes to his desire to put this incident behind him. By accepting responsibility and taking additional steps to receive counseling Constable Bond has acknowledged his error in judgment and taken the steps towards rehabilitation. He has indicated that he took those steps so that he never makes that mistake again. I believe that to be true.

### **Effect on the Police Officer and the Police Officer's Family**

It is acknowledged by this tribunal that any penalty involving a demotion will have an economic consequence for Constable Bond. It is also recognized that media attention related to his inappropriate behaviour may have additional negative consequences for his family. [REDACTED]

[REDACTED]

[REDACTED] Since these are public hearings, he may at some point have to explain his inappropriate behaviour to his child and, while that will be a very difficult situation, those consequences are due to his own actions. Any consequence will be the direct result of decisions made by Constable Bond to conduct himself inappropriately so he must accept any subsequent effects.

### **Consistency of the Disposition**

I have reviewed previous cases involving similar inappropriate behaviour and noted there is no consistent disposition. As the Prosecutor pointed out there is a wide range of dispositions and the proposed disposition falls about the middle. [REDACTED]

[REDACTED] I also note there was a joint submission on penalty and I find no reason to override these submissions.

### **Specific and General Deterrence**

Specific and general deterrence are strong considerations in determining an appropriate penalty for the misconduct identified in this matter. Constable Bond's behaviour is in direct conflict with the Ottawa Police Service values statement of ethical and professional behaviour. This incident has compromised the trust that the community places in its police service. Every member of the police service must understand that without the trust of the community the police service will struggle. There is a need for specific and general deterrence to send a message to both Constable Bond and others that the Ottawa Police Service will not condone or tolerate inappropriate conduct by their officers. [REDACTED]

### **Damage to the Reputation of the Police Service and Effect of Publicity**

The Ottawa Police Services allocates a significant amount of time, effort and resources in its commitment to providing quality service to our community. The Ottawa Police Service's Chief Bordeleau has sent a clear message that "Everyone matters" and is committed to working with the community to increase engagement. Instances such as this create barriers to open communication and trust. The media will report this incident and the disciplinary disposition will be posted on the Ottawa Police Service website for the public and our own members to read. This will undoubtedly have a negative impact on the reputation of the police service.

### ***As to mitigating factors,***

The mitigating factors identified were a positive employment history, lack of previous similar misconduct and Constable Bond's immediate recognition of his misconduct. This recognition as well as steps to ensure he will not make this error in judgment again are strong mitigating factors.

***As to aggravating factors,***

The aggravating factors were the damage to the reputation of the police service, the public interest and the seriousness of the misconduct.

**Conclusion**

In determining a suitable disposition in this matter I have reviewed both the mitigating and aggravating circumstances, considered aspects of Constable Bond's career that have been brought before me, and carried out my duties as the public would expect.

**Disposition**

I accept the guilty plea and on clear and convincing evidence, I find you, Constable Bond # 1844 guilty of one count of Discreditable Conduct [REDACTED]

The penalty for the misconduct for which you have pled guilty is as follows:

A demotion of 4 months to take place immediately in relation to the Discreditable Conduct [REDACTED]

Jill Skinner

Adjudicator