

Peel Regional Police

Police Services Act R.S.O. 1990, c. P. 15, as amended

IN THE MATTER OF a hearing held in accordance with section 76(9) of the *Police Services Act* into allegations of misconduct against

Constable Bernard Trlaja #2644

**Allegations:
Discreditable Conduct &
Unlawful or Unnecessary Exercise of Authority – Unlawful arrest**

Disposition

Hearing Officer	Superintendent Graham Symington Peel Regional Police
Prosecutor	Ms. Jovana Orabovic Peel Regional Police
Defence	Ms. Joanne Mulcahy
Public Complainant	Mr. Bashar Masad
Date of Hearing	November 9, 10, 12, 13, 2020

PART I: OVERVIEW

Allegations of Misconduct

It is alleged that Constable Bernard Trlaja, a member of the Peel Regional Police (PRP), committed the following acts of misconduct contrary to section 80(1)(a) of the *Police Services Act, R. S. O. 1990 c. P. 15*, as amended;

Count One: Discreditable Conduct

It is alleged that Constable Trlaja committed Discreditable Conduct in that on November 18, 2018 he acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Peel Regional Police constituting an offence against discipline as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*, as amended.

Count Two: Unlawful or Unnecessary Exercise of Authority – Unlawful Arrest

It is alleged that Constable Trlaja committed Unlawful or Unnecessary Exercise of Authority – Unlawful Arrest, in that on November 18, 2018 he without good and sufficient cause made an unlawful or unnecessary arrest, constituting an offence against discipline as prescribed in section 2(1)(g)(i) of the *Code of Conduct, Ontario Regulation 268/10*, as amended.

Background

Constable Trlaja appeared before Acting Superintendent Hewison on November 19, 2019 in answer to a Notice of Hearing that was issued on October 30, 2019 alleging two counts of misconduct contrary to section 80(1)(a) of the *Police Services Act*. The two counts, Discreditable Conduct, as prescribed in section 2(1)(a)(xi) and Unlawful or Unnecessary Exercise of Authority – Unlawful Arrest in section 2(1)(g)(i), constitute offences against discipline of the *Code of Conduct, Regulation 268/10*, as amended.

Plea

On November 9, 2020, Constable Trlaja appeared before me and entered a guilty plea to count one - Discreditable Conduct. Ms. Orabovic tendered an Agreed Statement of Facts that she read into the record. The Agreed Statement of Facts was entered as Exhibit #5. Based on those facts, in conjunction with the confirmation by Ms. Mulcahy that the facts were correct, I determined that the allegation of Discreditable Conduct had been proven on clear and convincing evidence and as such, I made a finding of misconduct (guilty).

Ms. Orabovic then requested that count two – Unlawful or Unnecessary Exercise of Authority – Unlawful Arrest be withdrawn. Ms. Mulcahy and Mr. Masad did not object to this request and as a result, this count was withdrawn.

Decision

After analyzing and weighing all of the evidence presented I impose on Constable Bernard Trlaja #2644 of the Peel Regional Police for one count of Discreditable Conduct:

- a) **A Forfeiture of twenty (20), eight (8) hour days (160 hours) to be served (worked) at the discretion of the Unit Commander.**
- b) **Complete the Ontario Anger Management 16 hour on-line program. Enrollment verification letter and certificate of completion is to be provided to Inspector Niles of the Learning & Development Bureau within 60 days of this decision.**

The penalty is submitted in accordance with section 85(1)(f) and section 85(7)(b) of the *Police Services Act*.

PART II: THE HEARING

Exhibits

The Exhibits for this matter are as follows:

- Exhibit #1: Delegation of Powers and Duties to the Hearing Officer (A/Superintendent Lisa Hewison)
- Exhibit #2 Prosecutor's Designation (Ms. J. Orabovic)
- Exhibit #3 Prosecutor's Designation (Ms. S. Wilmot)
- Exhibit #4 Delegation of Powers and Duties to the Hearing Officer (Superintendent Graham Symington)
- Exhibit #5 Agreed Statement of Facts
- Exhibit #5A Video Footage of Masood Masad at Shawarma Royale
- Exhibit #5B Audio of call to Communications Bureau #180434934
- Exhibit #5C CAD Event Chronology 180434934
- Exhibit #5D Internet review of Shawarma Royal by Masood Masad
- Exhibit #5E Video/Audio recording on Masood Masad's cellphone of interaction with police in residence
- Exhibit #5F Video/Audio recording on Massod Masad's cellphone of interaction with police in police cruiser
- Exhibit #5G Notes Constable Trlaja November 18, 2018 #180434934
- Exhibit #6 Transcript of call to Communications Bureau #180434934
- Exhibit #7 Transcript of the audio recording from Masood Masad's cellphone of the interaction with police at residence (transcribed by Internal Affairs)
- Exhibit #8 Transcript of the audio recording from Masood Masad's cellphone of the interaction with police in police cruiser (transcribed by Internal Affairs)

- Exhibit #9 Materials Relied Upon by Police Constable Trlaja #2644
- Exhibit #10 Materials Relied Upon by Police Constable Trlaja #2644 Volume 2
- Exhibit #11 Character Witness Letter Constable Yule #3328
- Exhibit #12 Second Internet Review of Shawarma Royale by Masood Masad
- Exhibit #13 Time stamped Internet Review by Masood Masad
- Exhibit #14 Transcript of the audio recording from Masood Masad's cellphone of the interaction with police at residence. Includes Arabic portions being translated (transcribed by private company)
- Exhibit #15 Transcript of the audio recording from Masood Masad's cellphone of the interaction with police at residence. Includes Arabic portions being translated (transcribed by Constable Sami Alsharif #4170)
- Exhibit #16 Character Reference Letter Justin Torek
- Exhibit #17 Transcript of Internal Affairs interview with Constable Trlaja (December 27, 2018)
- Exhibit #18 Cases Relied Upon by Police Constable Tralja #2644 (Volumes I, II, III, IV)
- Exhibit #19 Gloucester Police Force et al. and Tremblay
- Exhibit #20 Book of Documents – Prosecution
- Exhibit #21 Brief of Authorities on Penalty – Prosecution
- Exhibit #22 Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, 2019 CSC

Representation

In this matter, Ms. Joanne Mulcahy represented Constable Trlaja, Ms. Jovana Orabovic represented the Peel Regional Police and Mr. Bashar Masad (Mr. Masad) had standing at the tribunal as a Public Complainant.

Agreed Statement of Facts

Count One – Discreditable Conduct

1. On November 18, 2018, Constable Bernard Trlaja (Cst. Trlaja) was working from 12 noon to midnight. He had a busy shift going call to call.
2. On November 18, 2018, Mr. Masood Masad (“Masood”) was working as a delivery driver for Door Dash, a food delivery application. At approximately 6:15 p.m. Masood attended at Shawarma Royale located in Mississauga for a food delivery pick up. An altercation occurred between Masood and restaurant staff. The video footage of Masood at Shawarma Royale is appended to this Agreed Statement of Facts (“Video footage of Masood Masad at Shawarma Royale”).
3. As a result of the incident, the owner of Shawarma Royale called Peel Regional Police (“PRP”) in order to advise police of what had occurred. The caller was advised that an officer would attend at the restaurant that evening to take a statement and obtain more details. The audio recording of the call made to PRP is appended to this Agreed Statement of Facts

- (“PR180434934 Complainant Call”).
4. The call was then dispatched to PRP officers as a threatening call. The event chronology is appended to this Agreed Statement of Facts (“Event chronology for event 180434934”).
 5. Cst. Trlaja responded to the call by himself. During his time at Shawarma Royale, Cst. Trlaja spoke to the owner of the restaurant and an employee of the restaurant. He reviewed the video surveillance pertaining to Masood’s interactions with Shawarma Royale staff. He also spoke with other staff regarding the incident, and also reviewed a negative internet review of Shawarma Royale authored by Masood.
 6. Shawarma Royale employees indicated to Cst. Trlaja that Masood used profane language and was yelling and swearing while waiting for his delivery order, drawing the attention of the employees and customers. He was then asked to leave. They also indicated that upon leaving the restaurant and getting into his vehicle, Masood drove aggressively back towards them and continued to yell profanities and make utterances which they perceived as threatening.
 7. After discussions with Cst. Trlaja, the owner of Shawarma Royale indicated that he did not wish to press charges, however he did not want Masood entering the restaurant again.
 8. At this point, Cst. Trlaja determined that he would need to speak to Masood in order to come to a resolution of the matter and caution him that he was not allowed back in the restaurant.
 9. Cst. Trlaja received confirmation of Masood’s name and contacts from Door Dash. He ran Masood’s name on PQT and Niche.
 10. Cst. Trlaja subsequently called the cell number associated with Masood’s account, however was ultimately unable to get in touch with Masood. The first time he called he identified himself as Cst. Trlaja from PRP, and said he needed to speak with him regarding an incident that happened at Shawarma Royale. Masood responded to him in Arabic, a language Cst. Trlaja does not understand. Masood then hung up, Cst. Trlaja attempted to contact Masood again, but the call went to voicemail.
 11. When he was unable to reach Masood on his cell phone, Cst Trlaja called Masood’s home phone number. Cst. Trlaja spoke with someone who he later determined was Masood’s mother. Cst. Trlaja told Masood’s mother that he was a police officer and that he was looking to speak with Masood. He asked whether he was at home. She asked who it was. Cst. Trlaja identified himself by name, division and that he was investigating a matter that happened at Shawarma Royale. Masood’s mother questioned how she would know he was police officer and how she could know this was not a Canada tax scam. Cst. Trlaja explained that he understood what she was saying because he gets the same calls. He said he would spell out his first name, last name and badge number; that he was going to give her the phone number to the division and the extension; and that she could call them and they would be able to patch her back to the cruiser. Mr. Bashar Masad has advised that his wife does not recall at this time hearing the reference to the phone number or the reference to being patched back to the cruiser. Cst. Trlaja began to spell his name out. Masood’s mother interrupted that Cst. Trlaja was calling from an anonymous number, that she did not believe he was a police officer, that he might have been a tax scammer, and that if he really is a police officer, he could come to the house but she was not going to speak to him. She then hung up on him. Mr. Bashar Masad advised PRP Internal Affairs that they had received calls from a variety of scammers to the home; however, Cst. Trlaja would not have been aware of that. Cst. Trlaja called back and no one answered the phone.
 12. As such, Cst. Trlaja decided that he would attend Masood’s home in order to speak to him and to advise him that Shawarma Royale did not want him back on the premises.
 13. Cst. Trlaja called for backup from his colleagues. PRP Constables Kudzma and Maye. Upon arriving at Masood’s home (“the Masad home”), Cst. Trlaja was greeted by Mr. Bashar Masad (“Bashar”). Cst. Trlaja advised Bashar that there had been a problem at a restaurant involving

- his son, and asked to speak with him. He advised that he could not provide any further details, as Masood was an adult. Bashar advised the officers that his son had mental health problems, although there was no diagnosis. Bashar then went downstairs and got his son.
14. Masood came up the stairs from the home basement while holding his cellphone. Cst. Kudzma believed that Masood looked worked up when he was coming up the stairs. Cst. Trlaja believed that the manner in which Masood came up the stairs was in a fast aggressive manner. Masood stated that he was recording the conversation. He asked the officers “what do you guys want?” He also said other things to the officers. The recorded conversation between Cst. Trlaja and Masood forms the basis for the discreditable charge before this tribunal, and was captured on Masood’s cell phone, as appended hereto (“2018-IA-063 – Video from Masood cell phone 1”).
 15. After he was arrested, Masood was escorted onto the driveway of the Masad home, where he was searched by Cst. Maye. Cst. Maye noticed that Masood’s cell phone was still recording, and stopped the recording. He then handed Masood’s belongings to Cst. Trlaja, and Cst. Trlaja placed those same belongings and Masood in his vehicle for transportation to 11 Division.
 16. Unbeknowst to Cst. Trlaja, while placing Masood’s cell phone in his cruiser, he pressed the play button on Masood’s cell phone’s camera, which continued to record the conversation between Cst. Trlaja and Masood while Masood was being transported to 11 Division. The conversation between Cst. Trlaja and Masood similarly forms the basis of the discreditable charge before this tribunal and is appended hereto (2018-IA-063 – Video from Masood cell phone 2”).
 17. The recording ends when Cst. Trlaja’s cruiser arrives at the sally port in 11 Division.
 18. Masood was released from 11 Division on November 18, 2018 at 11:21 p.m. On November 19, 2018, following his release from 11 Division, Masood noticed the recording on his phone, capturing his conversation with Cst. Trlaja as he was driven to the police station. On the same date, Masood advised his father, Bashar, that he discovered the recording on his cell phone. Bashar proceeded to contact news outlets regarding the incident and the recording.
 19. Cst. Trlaja’s actions as described above constitute Discreditable Conduct in accordance with section 2(1)(a)(xi) of the prescribed Code of Conduct.
 20. The following materials are tendered on consent of all parties and are agreed to be authentic:
 - a. Video and audio footage of Cst. Trlaja and Masood Masad’s interactions at the Masad home and in Cst. Trlaja’s cruiser.
 - i. 2018-IA-063 – Video from Masood cell phone 1;
 - ii. 2018-IA-063 - Video from Masood cell phone 2;
 - b. Video footage of Masood Masad at Shawarma Royale.
 - c. Audio recording of Shawarma Royale owner’s call to PRP non-urgent line (PR180434934 Complainant Call):
 - d. Event Chronology for event 180434934: and
 - e. Constable Trlaja’s notebook entries pertaining to this incident.
 - f. The review posted by Masood Masad regarding Shawarma Royale.

I am satisfied on clear and convincing evidence as presented in the agreed statement of facts that the actions of Constable Trlaja constitute Discreditable Conduct as prescribed within section 2(1)(a)(xi) of the *Code of Conduct, Ontario Regulation 268/10, as amended*.

Positions on Penalty

The prosecutor takes the position that the appropriate penalty in this matter is dismissal in accordance with section 85(1)(a) of the Police Services Act.

Defence takes the position that the appropriate penalty in this matter is forfeiture of between 5 and 15 days in accordance with section 85(1)(f) of the Police Services Act.

Mr. Masad does not take a specific penalty position in this matter but is not seeking dismissal.

Penalty Hearing

Defence presented evidence during the penalty hearing. The prosecutor and Mr. Masad did not. However, each made submissions at the conclusion of the penalty hearing.

Defence tendered into evidence the transcript of a 911 call from Mohammed Roumia to the PRP Communications Bureau. The transcript is marked as Exhibit #6.

Defence tendered into evidence the transcript of the Audio Recording from Masood Masad's cellphone of the interaction with police at his residence (transcribed by Internal Affairs). This transcript is marked as Exhibit #7.

Defence tendered into evidence the transcript of the Audio Recording from Masood Masad's cellphone of the interaction with police in the police cruiser (transcribed by Internal Affairs). This is marked as Exhibit #8.

Defence tendered into evidence Materials Relied Upon by Police Constable Trlaja #2644. The materials include: Character Reference Letters, Employment History, Activities and Apologies of Constable Trlaja. This is marked as Exhibit #9.

Defence tendered into evidence a second volume of Materials Relied Upon by Police Constable Trlaja #2644. This is marked as Exhibit #10.

Defence tendered into evidence a Character Reference Letter from Constable Yule. This is marked as Exhibit #11.

Constable Trlaja read an apology letter directed to Masood Masad (Exhibit #9, Tab #82) and a second apology letter directed to Bashar Masad (Exhibit #9, Tab #83). Mr. Masad thanked Constable Trlaja for the apology and advised that he would pass on the information to Masood.

Defence tendered into evidence a second Internet Review that was posted by Masood Masad. This is marked as Exhibit #12.

Defence tendered into evidence another Internet Review that was posted by Masood Masad. This

review is limited to illustrating the date and time the review was posted (not the content). This is marked as Exhibit #13.

Defence tendered into evidence a second transcribed accounting of the Video/Audio recording on Masood Masad's cellphone of the interaction with police at the residence. The first transcription of this was already marked as Exhibit #7. This version was translated by a private company and contains translation of passages of a language other than English. This is marked as Exhibit #14.

Defence tendered into evidence a third transcribed accounting of the Video/Audio recording on Masood Masad's cellphone of the interaction with police at the residence. This version was translated by Constable Sami Alsharif of PRP and contains translation of passages of a language other than English. This is marked as Exhibit #15.

The Defence called thirteen witnesses to give testimony during the penalty hearing: Constable Sami Alsharif, Jeoff Shiekh, Constable Mariusz Kudzma, Constable Michael Dixon, Constable Kevin McCulloch, Acting Sergeant Todd Chapman, Constable Alex Boychuk, Constable Ovidiu Cornea, Constable Ghassan Atme, Sergeant Chad Lemaire, Constable Paul Binns, Constable David Marcoccia and Constable Adam Barringer. A summary of the evidence is as follows:

Constable Sami AlSharif (Exhibit 9, Tab #A1 – Character Reference Letter)

1. He is a police officer employed by PRP for 3 ½ years. He is currently assigned to 11 Division.
2. Constable Trlaja is on his shift.
3. He is aware that Constable Trlaja pled guilty to the Police Service Act charge. He is aware of what Constable Trlaja said. He does not agree with it or condone it.
4. This is out of character for Constable Trlaja. Constable Trlaja shows up for calls and he is respectful and helpful.
5. Constable Trlaja is professional to members of the public when he attends calls with him.
6. He is from the Middle East and speaks a different language. Constable Trlaja is not racist. He is respectful and friendly. Constable Trlaja has communicated remorse to him. He wants Constable Trlaja back on the platoon.
7. He knows Constable Trlaja as a person and Constable Trlaja did not mean anything by his comments. It was not racist. It was old school parenting.
8. If he felt Constable Trlaja was a racist he would distance himself from him.
9. As a PRP officer and a person from the Middle East, he understands where the public is coming from on this situation.

Jeoff Shiekh (Exhibit #9, Tab #A24 – Character Reference Letter)

1. He has been a lawyer for 19 years and currently is counsel for a major bank.
2. He has known Constable Trlaja since 2002 or 2003. They know each other through previous employment.
3. He knows this is a penalty hearing. He has read the transcripts and listened to the audio. He does not approve of the content.
4. He has always had a positive experience with Constable Trlaja. He views Constable Trlaja as

- objective, honest, grounded and levelheaded. A trustworthy friend.
5. The behavior was uncharacteristic of Constable Trlaja. It was a lapse in judgement and a poor choice of words. He sensed frustration.
 6. Constable Trlaja told him he was remorseful and embarrassed for the way he spoke to Masood.
 7. He thinks it is absurd to think Constable Trlaja is a racist.
 8. He has a very diverse group of friends and Constable Trlaja is included in that group.
 9. He was not born in Canada and has experienced racism as a person of mixed race (East Indian and African).
 10. He states that people assume racism when dealing with a minority. He is not surprised people make that assumption. If it is a negative interaction involving a minority group of people, it's thought to be racism.
 11. He has known Constable Trlaja for 19 years. Constable Trlaja is not a racist; he has a deep appreciate of other cultures.
 12. He states that we all have had a lapse in judgement. We are not at our best every day. Need to look at the totality of the person and not judge on one incident. Constable Trlaja did not use the right choice of words. Soundbites are not reflective of the individual.
 13. Constable Trlaja has expressed remorse. He is embarrassed.
 14. He states it would be a mistake for the police not to let him continue as an officer. Constable Trlaja is committed to the community.
 15. He states that interactions with the police are not always pleasant.
 16. He does not view this situation as racist. He views it, as that's not how we do things in Canada. We are a little more socially receptive. Threatening in restaurants is not allowed in Canada.
 17. He has been subjected to racism previously and would not dismiss Constable Trlaja's behavior if he was racist.
 18. As an attorney, he is an Officer of the Court. He took time out of his day to be here. Constable Trlaja did not manage the situation well but he is not racist.

Constable Mariusz Kudzma (Exhibit #9, Tab #A15 – Character Reference Letter)

1. He is a PRP officer, joined in 2014 and is assigned to 11 Division.
2. He is aware that Constable Trlaja pled guilty to a Police Services Act charge. He does not approve of the conduct.
3. He attended on the call with Constable Trlaja at the Masad residence.
4. Masood Masad had an edge to him. Masood came upstairs quickly and was yelling. He was tense.
5. Constable Trlaja was frustrated. The original plan was to talk with Masood.
6. What happened in the cruiser was out of character for Constable Trlaja. Constable Trlaja is respectful, calm and ethical.
7. Constable Trlaja expressed remorse to him. He said sorry a day or two later after this incident.
8. Constable Trlaja is an excellent officer. He stands by his character reference letter and wants him back on the platoon.

Detective Constable Michael Dixon (Exhibit #9, Tab #A11 – Character Reference Letter)

1. He is a member of PRP. Joined in 2008 and is assigned to 22 Division, Break and Enter Unit.
2. He knows Constable Trlaja as they worked together previously and have been in touch for 12 years.

3. He is aware this is a penalty hearing. He does not condone the conduct.
4. He has never experienced Constable Trlaja to be prejudice. Constable Trlaja wants to do the right thing.
5. Constable Trlaja is remorseful and he would work with him again.

Constable Kevin McCulloch (Exhibit #9, Tab #A18 – Character Reference Letter)

1. He has been a PRP officer since 2006. Assigned to 11 Division.
2. He knows Constable Trlaja from the Airport and 11 Division.
3. He knows this is a penalty hearing. He does not condone the conduct; it is a discredit to PRP.
4. Constable Trlaja is mature and responsible. He has been to calls with him and he is sympathetic and willing to listen.
5. Constable Trlaja has expressed remorse to him.
6. He identifies as a Person of Colour and he has no concerns that Constable Trlaja is a racist.
7. He would like him back at 11 Division and he would work with him again.

Acting Sergeant Todd Chapman (Exhibit #9, Tab #A8) – Character Reference Letter

1. He has been a PRP officer for 19 years and is currently assigned to 12 Division.
2. He knows Constable Trlaja as they have worked together previously and have kept up.
3. He is aware this is a penalty hearing. He does not condone Constable Trlaja's behaviour.
4. He believes this is an isolated incident and out of character. Constable Trlaja is down to earth, likable, easy going, soft spoken and polite. He has a calming effect on people.
5. Constable Trlaja is remorseful and he would take him back.

Constable Alex Boychuk (Exhibit #9, Tab #A7) – Character Reference Letter

1. He has been a PRP officer for 16 years. He knows Constable Trlaja from 12 Division and the Airport.
2. He is aware this is a penalty hearing. He disagrees with what Constable Trlaja said.
3. He states that Constable Trlaja is a good officer, a good friend and a good person. He has never seen Constable Trlaja act in a discriminatory manner.
4. This incident is out of character. Constable Trlaja is remorseful.
5. He would work with him again in a heartbeat.

Constable Ovidiu Cornea (Exhibit #9, Tab #A9) – Character Reference Letter

1. He has been a PRP officer since 2009. He worked with Constable Trlaja at 11 Division.
2. He is aware this is a penalty hearing. He agrees that this situation is a discredit to PRP and he does not condone the behavior.
3. This is out of character for Constable Trlaja. He is respectful with members of public and treats people fairly.
4. What Constable Trlaja did was wrong but not racist.
5. Constable Trlaja has expressed remorse and he would like him back on the platoon.

Constable Ghassan Atme (Exhibit #9, Tab #A3) – Character Reference Letter

1. He has been a PRP officer since 2015. He knows Constable Trlaja from 11 Division.
2. He is aware that this is a penalty hearing. He does not condone the conduct.
3. This is 100 % out of character for Constable Trlaja. He has been to lots of calls with him and Constable Trlaja is respectful and keeps his cool. Constable Trlaja is a positive person.
4. He is born and raised in Canada and has a middle-eastern background. He appreciates that Peel is a diverse region.
5. Constable Trlaja apologized to him. He is not prejudice.
6. He would want Constable Trlaja back at 11 Division.

Sergeant Chad Lemaire (Exhibit #9, Tab #A16) – Character Reference Letter

1. He has been a PRP officer for 17 years, currently assigned to 21 Division.
2. He has known Constable Trlaja since 2010 and worked with him at 11 Division.
3. He is aware this is a penalty hearing.
4. Constable Trlaja is competent, as he would deal with his calls properly. He is reliable, ethical and an excellent officer. He is empathic and has the ability to calm a situation down.
5. This situation is out of character for Constable Trlaja. He has expressed remorse and is embarrassed.
6. He would welcome Constable Trlaja back.

Constable Paul Binns (Exhibit #9, Tab #A5) – Character Reference Letter

1. He has been a police officer with PRP since 2006. He has known Constable Trlaja since they worked together in 2009.
2. He is aware this is a penalty hearing and he does not condone the conduct.
3. This is out of character for Constable Trlaja and very surprising. He is a hard-working, fair and just officer. He has never seen Constable Trlaja lose his cool.
4. Constable Trlaja has expressed remorse.
5. He states that this does reflect poorly on PRP. It is not professional. He is mixed race and knows racism. This is not a race issue at all.
6. This is an issue of understanding Canadian culture. It was a blanket comment in an attempt to mentor a kid.
7. Comments were not racially or culturally motivated at all, just an attempt to say you need to follow the law.

Constable David Marcoccia (Exhibit #9, Tab #A17) – Character Reference Letter

1. He has been a PRP police officer for 15 years. He knows Constable Trlaja from work.
2. He understands this is a penalty hearing.
3. The conduct is out of character for Constable Trlaja.
4. As a police officer, Constable Trlaja has good energy, is charismatic, helps morale and

conducts himself professionally.

5. Constable Trlaja is genuine and takes an interest in people. He would work with him tomorrow.

Constable Adam Barringer (Exhibit #9, Tab #A4) – Character Reference Letter

1. He has been a PRP police officer for 17 years. He worked with Constable Trlaja for four years at the Airport Division and they car-pooled. He knows him on a professional and personal level.
2. He understands that Constable Trlaja pled guilty to misconduct. He does not condone the behavior.
3. He states it is out of character for Constable Trlaja.
4. Constable Trlaja is fair and open-minded. He is known as the mayor of T3 at the Airport.
5. Constable Trlaja has expressed remorse. The media portrayal of him is not accurate.
6. Constable Trlaja is not a racist. He would welcome him to the division.

Defence tendered into evidence a Character Reference Letter from Justin Torek. This is marked as Exhibit #16.

Defence tendered into evidence the transcript of the Constable Trlaja interview with Internal Affairs (December 27, 2018). This is marked as Exhibit #17.

Constable Trlaja read an apology letter into the record. The letter was directed to myself and Peel Regional Police. It is located at Exhibit #10, Tab #4.

This concluded the evidence presented by the defence at the penalty hearing and the hearing moved into submissions.

Submissions

Submissions – Public Complainant - Bashar Masad (Mr. Masad)

Mr. Masad acknowledges that all humans make mistakes and his family accepts the apology from Constable Trlaja. He feels that it is important that he and his family stand up for their rights.

Mr. Masad states that his son (Masood) does have a mental illness and the family has been trying to get help. Constable Trlaja told Masood in the cruiser that he was talking like a 15 year old. His son is 25 and not mentally mature. This is the situation his family lives with.

Mr. Masad states that his family came to Canada in 1999. Masood was six years old and his daughter was three. Masood went to school in Canada so he grew up in the culture.

Mr. Masad states that in 2004 the family moved to California because of a job offer. In 2007, the

family moved back because his children wanted to move back to Canada.

Mr. Masad submits that two days before this incident he received a call from a scammer pretending to be an RCMP officer. He put the phone on speaker so his wife could listen and learn. The scammer was threatening him with arrest by police unless he paid \$5000.

Mr. Masad highlighted certain information he considers facts:

1. When officers came to their house he let them in and Constable Trlaja said his wife was rude. He apologized and explained the incident with the scammer.
2. His son was never rude or disrespectful of the officers. Constable Kudzma said his son was yelling and that did not happen.
3. His son was arrested less than 30 seconds into a conversation with the officers.
4. His son was not allowed to put his shoes on. He had to assist because his son was handcuffed.
5. What happened in the cruiser was really hurtful. Profanity, racism, name-calling and making fun of wife's accent.
6. The arrest of his son was unlawful.
7. The charges against his son were dropped but will be on his record forever.
8. Other officers at the station were making fun of his son.
9. Constable Trlaja promised his son he would be fired from Door Dash. Masood was fired the same day and has not worked since.

Mr. Masad submits that this incident was devastating for his family and going to the media helped get the matter to where it is now. His son and daughter now want to return to the USA and he is arranging to move his business there.

Mr. Masad questions as to whether or not any changes have been made by PRP when dealing with families having someone with mental illness, racialized families or new immigrants. Also, finding a way that police are no longer calling from anonymous phone numbers and screening for calls to the police that show racism. In addition, cellphone calls from officers should be recorded.

Mr. Masad demands his family receive a public apology from Peel Regional Police at the conclusion of this process.

Submissions - Defence – Ms. Mulcahy

Defence submits that the reasonable penalty in this matter is a forfeiture of between five and fifteen days. What is being sought by the prosecutor is unreasonable and without precedent.

Defence provided the Tribunal with four volumes of Cases Relied Upon by Police Constable Trlaja #2644. These materials are marked as Exhibit #18.

Defence references the List of Disposition Considerations in the Ceysen's Book located at Exhibit #18, Tab #92.

Defence takes the position that it is important to take into account not only the agreed statement of facts but also the section of the Code of Conduct to which Constable Trlaja actually pled guilty. Section 2(1)(a)(xi) is what he pled guilty to and this section speaks to acting in a disorderly manner. This is not a penalty hearing into section 2(1)(a)(i) or 2(1)(a)(ii), these sections speak to failing to treat people equally and using abusive language that is insulting to one's race, place origin etc.

Defence submits that context is very important to the Agreed Statement of Facts and there are a number of exhibits that provide context. Context is provided in the Transcript of the Call from Shawarma Royale to the PRP Communications Bureau (Exhibit #6). Masood Masad yelled and swore in the store. He was told to leave and in front of customers, he was threatening store employees. He used language such as "there are laws in this country" and similar language in his Internet Review (Exhibit #5D), "there are laws here." There is context and it flows from what Masood said. This is the information that Constable Trlaja had received and it is relevant to context when considering some of the language in the police cruiser. Defence admits that the language used by Constable Trlaja is discreditable and inappropriate but it's being taken out of context to suggest it is racist.

Defence further submits in relation to context that on Masood's Internet Review (Exhibit #12), he introduces ethnicity and culture by bringing up Syria and the difference with Canada and stating, "these people do not understand customer service."

Defence submits that Constable Trlaja was emotionally frustrated after calling Masood and his mother but being unable to communicate with Masood. Defence then references various passages from the transcript of the interview between Internal Affairs and Constable Trlaja (Exhibit #17) as to context of the entire event.

Defence references the Video/Audio Recording of Masood Masad's Cellphone of the Interaction with Police in the Residence (Exhibit #7) to illustrate the feeling of frustration that was increasing and to provide context to the event.

Defence then references the Video/Audio Recording of Masood Masad's Cellphone of the Interaction with Police in the Police Cruiser (Exhibit #8). Defence submits that the behaviour and language used by Constable Trlaja is discreditable conduct but the context is important. In the cruiser Masood Masad was engaged in the conversation, a lot of the information that was being exchanged between Constable Trlaja and Masood Masad was true, profanity was utilized by both participants and the culture references originate from the original the radio call. Defence submits that this is a situation of an officer giving a person a stern talking to that went too far. It is not conduct deserving of dismissal.

Defence points out that officers of Middle Eastern background's have testified that this is being taken out of context. Constable Alsharif viewed the incident as old school parenting.

Defence points to the evidence of Jeoff Shiekh that when it was said that in Canada we do not behave in this violent aggressive way, this does not make it racist. The context needs to be considered.

Defence submits that Constable Trlaja spoke to Masood Masad at a level that he would listen to. He regrets his approach, the words he used and he lost his cool. He has apologized to Masood Masad as he should not have spoken to him in this manner. Contextually, Constable Trlaja did not use threats, violence, an assault, use of force, a criminal offence was not committed, no spite, no malice and no deceit.

Defence points out that Constable Trlaja has no formal misconduct convictions and that numerous officers have testified that they would embrace having him back at work.

Defence submits that the Disposition Factor of Public Interest is addressed by the fact that this hearing has originated from a public complaint and that Mr. Masad has had standing at these proceedings as the public complainant.

Defence concedes that the conduct by Constable Trlaja is serious. The conduct was unprofessional and condescending but not motivated by spite or malice. Defence references the Mulville/Azaryev and York Regional Police Service matter (Exhibit #18, V-IV, Tab #77) that certain language is acceptable in a given situation. Defence contends that the misconduct is serious but it's not like other officer conduct whether the behavior is violent, assaultive or deceitful.

Defence submits that Recognition of the Seriousness of the Misconduct is a significant mitigating factor. Constable Trlaja acknowledges and was remorseful for his conduct during the Internal Affairs interview and witnesses have testified that he has expressed remorse and apologized to them. Defence references Provincial Constable C.S. Purbrick and the Ontario Provincial Police (Exhibit #18, V-IV, Tab #96, paragraph #81) to illustrate the importance of a guilty plea when considering ones Recognition of the Seriousness of the Misconduct. The Constable Steven Carson and Pembroke Police Service matter (Exhibit #18, V-IV, Tab #94, page #7) is also referenced to highlight that a guilty plea should not receive less weight because one was caught. Constable Trlaja has also apologized to Mr. Masad, Masood Masad and to PRP. Defence also references the notes of Detective Ismail of the Equity and Inclusion Bureau (Exhibit #10, Tab #1, #2) made during a meeting with Constable Trlaja to illustrate both the remorse of Constable Trlaja and the actions he's taken for self-improvement since this incident.

Defence submits that the disposition factor of Disability and Other Relevant Personal Circumstances is a mitigating factor when provocation is considered. Provocation is not an excuse but it is relevant to the defence position on context. The provocation comes from the emotional frustration that Constable Trlaja was experiencing.

Defence advances the position that the Employment History of Constable Trlaja is a significant mitigating factor. He does not have prior formal discipline and a number of officers have testified about their positive experiences with him. Defence references Constable Trlaja's career resume (Exhibit #9, Tab #B26) and also 25 Character Reference Letters (Exhibit 9, Tab #A1 – #A25) to support the defence position. Defence references two positive performance appraisals as further evidence of a positive Employment History (Exhibit #9, Tab #29 and Tab #31) as well as supervisory comments in Applications for Transfer located Exhibit #9.

Defence submits that the disposition factor of Potential to Reform or Rehabilitate the Police Officer is important when considering matters for dismissal. Favretto and the OPP (Exhibit #18, V-IV, Tab #93) is a case that lays out the test for dismissal and also speaks to the importance of determining whether or not the police officer can be rehabilitated. Carson and Pembroke Police Services (Exhibit #18, V-IV, Tab #94, page #11) reinforces the need to consider rehabilitation when imposing a penalty. Police officers in this matter have testified that rehabilitation has occurred. Defence lists the steps Constable Trlaja has taken to atone for his behavior including: his guilty plea, apologies, Activities Undertaken by Constable Trlaja (Exhibit #9, Tab #70 – Tab #74 and Tab #77 – Tab #79).

In relation to the disposition factor of Effect on Police Officer and Police Officer's Family defence submits that a five-day penalty would result in \$2,098 of lost salary and a fifteen-day penalty would result in \$6295 of loss salary. The entire process and media coverage has also had a significant impact on Constable Trlaja.

Defence contends that the range of disposition suggested is well within the range of other reasonable dispositions. Dismissal for the first finding of guilt is contrary to the principles of correcting errant behavior, contrary to the principles of progressive discipline and contrary to the principle that consistency is the hallmark of fairness. Constable Trlaja has not committed a criminal offence and the penalty being proposed by the police service disregards the importance of parity, consistency and proportionality.

To emphasize its position that the penalty being sought by the prosecution is totality out of range as to what is appropriate defense provided the Tribunal with 98 previous disposition cases/general principle matters for consideration. The matters are located within Exhibit #18 and are submitted in the following order: Exhibit #18, V-I, Tab #1 – Tab #26 Peel Regional Police dispositions (includes Informal Discipline Review Committee and formal discipline decisions), Tab #27 and Tab #28 Thunder Bay Police Services cases, Tab #29 – Tab #33 York Regional Police cases. Exhibit #18, V-II, Tab #34 – Tab #46 Toronto Police Service cases, Tab #47 Sault Ste. Marie Police Service case, Tab #48 Brantford Police Service case, Tab #49 – Tab #53 and also Exhibit #18, V-III, Tab #54 – Tab #59 Ontario Provincial Police cases, Tab #60 Niagara Regional Police case, Tab #61 – Tab #73 Board of Inquiry cases. Exhibit #18, V-IV, Tab #74 – Tab # 91 Ontario Civilian Police Commission matters and Tab # 92 – Tab #98 General Principles.

Defence reviews all of the matters in Exhibit #18, V-I – V-IV Tab #1 to Tab #98 to illustrate that the appropriate penalty in this matter is a forfeiture of days. A few of the matters are emphasized more than others.

In the Peel Regional Police and Inspector Biring matter (Exhibit #18, V-I, Tab #3) it is pointed out that the police service only sought a 20 day penalty (the hearing officer ultimately imposed 15 days). This matter involved inappropriate and offensive remarks towards a police recruit applicant and to his religion, creed, ethnic origin and race. It is the position of defence that the conduct of Inspector Biring is much more serious taking into account his rank, responsibilities, his not guilty plea and absence of an apology.

In the Toronto Police Service and Constable Sljivo/Constable Saris matter (Exhibit #18, V-II, Tab

#34) the officers were unaware they were being recorded and used insensitive mocking comments directed at a vulnerable member of society. This incident caused damage to the reputation of the police service due to the amount of Publicity. One of the officers also had prior discipline. The penalties for the two officers ranged from two to five days forfeiture.

In the Toronto Police Service and Constable David Deviney, matter (Exhibit #18, V-IV, Tab #84) a penalty of 15 days forfeiture was imposed for the officer that used insulting language directed at a person's race that was highly offensive and unacceptable.

After reviewing, the entire disposition cases forwarded in Exhibit #18 to the Tribunal defence reiterated that the range of penalty is 5 to 15 days forfeiture and the position of dismissal of the police service is way outside of the appropriate range.

Defence addressed the disposition factor of Specific and General Deterrence by taking the position that Specific Deterrence is not necessary for Constable Trlaja as he has already taken ownership, admitted and learned from this incident. This incident also has a strong General Deterrence aspect as the 11 officers that gave evidence and the 27 people that have provided character reference letters have also had the opportunity to learn from this incident and share with others.

When considering the disposition factor of Damage to the Reputation of the Police Force defence submits that Constable Trlaja has acknowledged the damage. He acknowledged it in his Internal Affairs interview and in his interviews with Detective Ismail.

Defence contends that the Effect of Publicity disposition factor can be viewed as both a mitigating and an aggravating factor. It is important to bear in mind that the media does not determine if someone is dismissed or not. The media does not have all the information.

Defence states that the prosecution has advised that they are seeking dismissal. The test for dismissal can be located in Favretto and the OPP (Exhibit #18, V-IV, Tab #93, page #1549). "A penalty must be tailored to both punish and deter while not causing undue or excessive hardship. The penalty of dismissal is the ultimate penalty. It should be reserved for the most serious offences committed by a police officer where there is no hope for rehabilitation, there are no significant mitigating factors and where the police officer is of no further value to the police service or the community in general." Defence submits that this is serious misconduct but is not the most serious, there is hope for rehabilitation and there are many mitigating significant factors. In addition, when considering value to the police service and community every officer that testified would welcome Constable Trlaja back.

Defence continues by citing the Carson and Pembroke Police Service matter (Exhibit #18, V-IV, Tab #94, page #13). "The penalty must be tailored to both punish and deter while not causing undue or excessive hardship. At the same time, the penalty must be sufficient to demonstrate that any reoccurrence will not be tolerated. It is of the utmost importance that a proper balance be achieved. Above all, the penalty must be consistent with similar decisions in order to maintain consistency in sentencing."

Further to the defence position on the appropriateness of dismissal, the following cases are also referenced; Cate and Peel Regional Police (Exhibit #18, V-IV, Tab # 95) and Purbrick and OPP (Exhibit #18, V-IV, Tab # 96).

Schofield and Metro Toronto Police (Exhibit #18, V-IV, Tab #97, page #615) is referenced by defence to illustrate the hallmark of fairness and consistency when determining penalty. “Consistency in the discipline process is often the earmark of fairness.”

Blakely v. Quinte West Police Service (Exhibit #18, V-IV, Tab #98) is referenced by the defence to illustrate the importance of considering all circumstances and context when considering penalty.

Submissions - Prosecutor – Ms. Orabovic

The prosecutor provided the tribunal with a Book of Documents. This is marked as Exhibit #20.

The prosecutor also provided the tribunal with a Brief of Authorities on Penalty. This is marked as Exhibit #21.

The prosecutor submits that this is a case for dismissal. The suitability of Constable Trlaja to remain a serving member of the Peel Regional Police has been annulled. The misconduct has been very disturbing for the Masad family, the police service and the policing community.

The prosecutor provided the tribunal with a Supreme Court of Canada case for reference purposes. Canada (Minister of Citizenship and Immigration) v. Vavilov. This case is marked as Exhibit #22. The prosecutor points out that starting at paragraph #99 the reasonableness standard is discussed highlighting the need to ensure reasons are offered in a decision and not merely a conclusion. Vavilov is considered the new standard on reasonableness. (Exhibit #21, Tab #14) Ceysens Legal Aspects of Policing page #5-390 is also referenced when considering the reasonableness standard.

The prosecutor points out that the relevancy of referencing these decisions is to highlight that one of the fundamental aspects of administrative law and administrative decision-making is that a Tribunal is permitted to change its position in accordance with changing circumstances. This is important for the flexibility of Administrative Tribunals and ensuring decisions are reflective of changing values. The prosecutor submits that the number of cases provided by defence in their Book of Authorities is not strictly binding on the hearing officer so long as any decision the hearing officer arrives at is reasonable.

The prosecutor takes the position that the Informal Discipline Review Committee decisions (from Peel Regional Police) forwarded by defence to the Tribunal are often factually irrelevant and irrelevant from a seriousness perspective. In addition, many of the decisions referenced by defence are joint submissions so it is difficult to assess the conditions that warranted the penalties. As a result, the prosecutor will provide comment on a few select decisions provided by defence.

In the Peel Regional Police and Inspector Biring matter (Exhibit #18, V-I, Tab #3) the prosecutor

submits that it can be differentiated from this matter in that the statement was not made to a room of people, the statement was not disseminated far and wide and the statement was not widely publicized. In addition, the comments used by Constable Trlaja were much more serious. Further, in the Biring matter the situation involved a Sikh man addressing a Sikh man in Punjabi, a fact the Hearing Officer took into account.

In the Toronto Police Service and Constable Sljivo/Saris matter (Exhibit #18, V-II, Tab #34) the prosecutor takes the position that the comments by Constable Trlaja are more offensive/lengthy, the comments were not directed at the individual and did not involve a berating.

The prosecutor reiterates that the other cases provided by defence are often not relevant, less severe, involve less media or do not involve discrimination. There should not be a mathematical approach to sentencing. The sentence should be based on the facts.

The prosecutor submits that there are distinctions between this matter and the Toronto Police Service and Deviney matter (Exhibit #18, V-IV, Tab #84). The Deviney matter is a 20 year old decision, the incident involved a two way conversation that was only heard by three parties, it was only one comment (although the comment is highly offensive) and not a rant.

The prosecutor disagrees with the defence submission that Constable Trlaja was provoked on culture by Masood Masad's negative internet reviews and his inability to get in touch with Masood Masad by phone. The prosecutor takes the position that Constable Trlaja agitated the situation and was the most aggressive person. Whether or not Masood Masad posted offensive remarks about culture does not warrant engaging in a similar debate by an experienced officer with Masad. The language used by Constable Trlaja is clearly discriminatory.

The prosecutor submits that Constable Trlaja mocks Masood Masad's mother's accent on the audio and there is no justification. Defence is making convenient excuses in an attempt to gloss over the transcript and portray the conversation in a more positive light. If this is not discrimination then why does Constable Trlaja meet with Detective Ismail, clearly he has concerns that discrimination was at play.

The prosecutor submits that after reviewing the notes of Detective Ismail (Exhibit #10, Tab #2) she still questions whether Constable Trlaja understands the issue. He has not come to terms with the fact that his conduct was objectively discriminatory. The evidence from his friends and colleagues is that he is generally not racist or a discriminatory person but what is problematic is that there is no express recognition that these comments were objectively prejudicial. The attempt to justify is tone deaf.

The prosecutor concedes that Constable Trlaja has been a member or PRP for some time and does not have a formal disciplinary record.

The prosecutor references the Constable O'Farrell/Wlodarek and Metro Toronto Police Force matter (Exhibit #21, Tab #9) to illustrate that as early as 1976 it was recognized that police have an extremely high standard to not exhibit racial prejudice. The Charter and the Human Rights Code have reinforced the need to ensure police are held to a high standard.

The prosecutor references Constable Williams and the OPP matter (Exhibit #21, Tab #13) to highlight the three areas to be considered when determining usefulness of the officer: nature and seriousness of misconduct, ability to reform or rehabilitate the officer and damage to the reputation of the police force that would occur should the officer remain on the force.

The prosecutor references Constable Krug and the Ottawa Police Service matter (Exhibit #21, Tab #7) to highlight that no one disposition factor be given more weight than another. The seriousness of the offence alone may justify dismissal.

The prosecutor submits that the seriousness of this matter is clear. The recorded comments of Constable Trlaja are objectively xenophobic discriminatory comments that cannot be attributed to a slip of the tongue or an unfounded allegation.

The prosecutor submits that when considering the core disposition factor of Public Interest it is important to recognize that the misconduct has undermined the public confidence. The Public Interest is engaged in this situation to a high degree. Constable Trlaja made disparaging, discriminatory comments and his tone was aggressive. This is the type of conduct that the public expects the police not to engage in. Public Interest is an aggravating factor.

When addressing the disposition factor of Seriousness of the Misconduct the prosecutor reviews the actions of Constable Trlaja during this incident pointing out that at the residence he had no patience, used discriminatory comments, mimicked Masood's mothers accent, demonstrates an inability to remain level headed and objective. Once Constable Trlaja is in the cruiser and out of public scrutiny his tone changes and his approach is even more severe.

The prosecutor takes the position that the common theme among the character witnesses for Constable Trlaja is that the dialogue is not discriminatory or racist. This assessment is just outright incorrect. The prosecutor states that this is direct and brazen discriminatory conduct. The prosecution leaves it to the Tribunal to make its evaluation. The behavior is clearly contrary to the Code of Conduct (Exhibit #20, Tab #3).

The prosecutor continues that the misconduct is extremely serious. It is not limited to a single comment; it is an entire conversation within the foyer and the cruiser, a 16-minute berating. As a diverse region in Canada Constable Trlaja's behaviour falls well below the high standard for our officers. The Seriousness of the Misconduct is an aggravating factor.

The prosecution submits that the disposition factor of Recognition of the Seriousness of the Misconduct is a neutral factor. Although it is conceded that, the Constable Trlaja entered a guilty plea, apologized and cooperated with the investigation. There is no acceptance that the misconduct was objectively discriminatory and it is not indicative of someone who has profound remorse.

When addressing the disposition factor of Employment History the prosecutor agrees that, there are no previous findings of misconduct on the employment record. Many items in the employee file seem to indicate that Constable Trlaja is dedicated and exemplary. However, even the most exemplary conduct cannot excuse certain behavior.

The prosecutor submits that the Ability to Reform or Rehabilitate the Officer is an important disposition consideration even in matters of serious misconduct. The character witnesses called by defence all suggested that the officer has good rehabilitative potential but the Tribunal is better suited to comment on rehabilitation. The Prosecutor submits that when addressing the disposition factor of Specific and General Deterrence the service needs to send a clear message that officers cannot allow their emotions to get the best of them or their implicit prejudices to override their statutory duties.

When considering the disposition factor of Damage to the Reputation of the Police Service the prosecutor submits that, in this case the reputation of Peel Regional Police has been quite marked. This type of incident can be very crippling to public confidence. The prosecutor references several examples of media reports in this matter (Exhibit #20, Tab #4 – Tab #10). The media coverage is negative and this disposition factor is certainly an aggravating factor.

The prosecutor addresses the Consistency of Disposition factor by referencing Favretto and the OPP matter (Exhibit #21, Tab #3) to highlight that decisions in Administrative Tribunals unlike courts are not binding. An Administrative Tribunal is not bound by any *stare decisis* rule.

The prosecutor references the Husseini v. York Regional Police Service matter (Exhibit #21, Tab #5) to illustrate that there is sometimes regional variation in decisions. This matter is a benefits frauds case where the officer was dismissed and it is noted that not all benefit fraud cases across the province result in dismissal. The prosecutor takes the position that the employer is entitled to take a different perspective on a misconduct issue in accordance with evolving views of society and how we perceive issues. Peel Regional Police have reached a point where there is a zero tolerance approach to discrimination and misconduct of this nature cannot be condoned. Dispositions or findings of misconduct can shift over time in response to decreased tolerance for particular behavior.

The prosecutor references the Constable Shorey and Belleville Police Service matter (Exhibit #21, Tab #10). This is a criminal harassment case that resulted in dismissal even though previous similar incidents of misconduct may have resulted in lesser penalties.

The prosecutor references the Edward King and Metro Toronto Police matter (Exhibit #21, Tab #6) as a case where the Commission viewed an officers inability to maintain control as a serious aggravating factor.

The prosecutor references Staff Sergeant Kyle and York Regional Police (Exhibit #21, Tab #8), Constable O'Farrell/Wlodarek and Metro Toronto Police (Exhibit #21, Tab #9) and Constable Venables and York Regional Police (Exhibit #21, Tab #12) as previous decisions involving racism.

The prosecutor concludes submissions by referencing the Trumbley and Toronto Police Service matter (Exhibit #21, Tab #11) to illustrate that the seeking of dismissal in this matter is not to punish the officer but to end the relationship between the employer and the employee when the employee is no longer a fit. Discriminatory conduct cannot be tolerated and this is discriminatory conduct.

The prosecution also made submissions on its position to the issue of chargeable sections under the

Code of Conduct [2(1)(a)(xi) vs. 2(1)(a)(i) or 2(1)(a)(ii)]. The service sees the misconduct of swearing, elevated tone and discriminatory conduct as a whole. The prosecution maintains the ability to lay the charge under the general discreditable section to avoid being unduly repetitious and case law supports that general discreditable conduct does cover discriminatory language.

Reply Submissions - Defence – Ms. Mulcahy

Defence submits that decisions of other jurisdictions may not be binding on the hearing officer but they are of precedential value. Consistency is the hallmark of fairness.

Defence references the Carson and Pembroke Police Service matter (Exhibit #18, Tab #94) again to reiterate that the penalty must be consistent with similar decisions in order to maintain consistency in sentencing.

Defence does not agree with the submission of the prosecutor that Informal Discipline Review Committee decisions are limited in value and joint submission matters are difficult to assess. Each of these types of decisions contain facts and details for consideration.

Defence disagrees with the position of the prosecution when distinguishes cases. On the Biring matter, defence states that it does not make inappropriate conversation okay just because both men were Sikh. The Del Cogliano, Andrews, Ryce, Steudle, Sljivo and Deviney matters are all also referenced by defence.

The prosecution made the submission that provocation does not function as a formal defence. Defence never took the position that provocation is a defence but the Commission has stated that it is a disposition factor.

Defence contends that the prosecution took the position that she would not comment on the remarks made by Masood. The prosecution should have commented on the remarks as the remarks are disparaging, offensive and the misconduct cannot be taken in a vacuum.

The prosecutor's submission that Constable Trlaja mocked Masood's mother's accent is subjective. Just an assumption by the prosecution.

Defence states that Constable Trlaja is not trying to justify his conduct. He has pled guilty and admitted what he said was inappropriate. However, there is context and that needs to be taken into account.

The prosecutor queries whether Constable Trlaja understands the key issue. Defence contends that the key issue is discreditable conduct and he has pled guilty to that charge. Submissions have been made in reference to the Agreed Statement of Facts saying that there is a relationship between his comments and the reviews. The position of the prosecution that these submissions are tone deaf just invites the hearing officer to ignore the Agreed Statement of Facts.

The prosecutor provided the Constable Groizer and Waterloo Regional Police Service case (Exhibit #21, Tab #1). Defence submits that case was a much worse case than this and it resulted in demotion and not dismissal.

The prosecutor made the submission that the character witnesses did not view the dialogue as discreditable or discriminatory. Defence contends that every witness make it clear that they do not agree, condone or approve of this conduct. They also made it clear that the comments brought discredit. The tenor of the submissions from the prosecutor are as if we are at the Human Rights Tribunal.

Defence contends that the submissions of the prosecutor with respect to the disposition factor of Recognition of the Seriousness of the Misconduct are very troubling. The submission that this is somehow a neutral factor invites the Hearing Officer to make the same error as was made in the Purbick matter, where the Hearing Officer failed to acknowledge the mitigating nature of the guilty plea. It also invites the Hearing Officer to ignore the apologies, character letters, the witnesses and the words of Detective Ismail.

Defence contends that there is evidence before the Tribunal that demonstrates that the usefulness of Constable Trlaja has not been nullified. The position of the police service that they would like to turn this into a test case to send a clear message to officers about zero tolerance is fundamentally unfair. The case must be determined on facts and not turned into a promotional press thing for the service.

Defence notes that the media has reported on this event but it is important to note that the Tribunal has so much more information than the media had. The media did not have the video at the restaurant, did not have the call to PRP, did not have the reviews, did not have the apologies, the character witnesses and the remorse from Constable Trlaja.

Defence submits that there are notable distinctions between this matter and a number of matters forwarded by the prosecution including: Hussein, Shorey, King, Kyle and Venables.

Defence concludes by stating that the position of the police service cannot be reconciled with the position the service took in the Biring matter. In this matter, the misconduct is serious but not egregious, it is not a case without mitigation, rehabilitation or where usefulness has been nullified.

PART III: ANALYSIS

The extent of informative detail before the Tribunal is limited to what is listed in the Agreed Statement of Facts, the exhibits that have been filed, the witness testimony and by the submissions made by the Public Complainant, Prosecution and Defence with their supporting materials. I have reviewed all of the information and evidence that was submitted.

This matter is, in many ways, unique. Constable Trlaja has pled guilty to one count of Discreditable Conduct. I have made a finding of misconduct (guilty) as there is no doubt that the Agreed Statement of Facts (Exhibit #5) is proof that the conduct is discreditable. The prosecution and defence have presented a very wide range as to appropriate penalty. The prosecution seeks dismissal; defence seeks a forfeiture of between 5 – 15 days, Mr. Masad, as the Public Complainant, does not propose a penalty but is not seeking dismissal.

The wide variation in penalty proposals derives from two main points of discussion. First, the prosecutor and defence take opposing views, not just on appropriate penalty, but also on the relevant approach of sentencing specific to these types of matters. Second, despite the filing of the Agreed Statement of Facts the reality is that the parties do not agree on what the facts mean.

Prior to me being able to analyze the appropriate disposition factors as submitted by the parties in this matter, it is important for me to address the sentencing approach and my interpretation of the Agreed Statement of Facts.

In my view, the sentencing approach of the prosecution is reasonable. Dispositions or findings of misconduct can shift over time in response to decreased tolerance for particular behaviour. Peel Regional Police have reached a point where there is a zero tolerance approach to discrimination. Peel Region is very diverse and the community has the right to demand a zero tolerance approach to discrimination from their police service. To be blunt, the prosecution seeks to *move the needle* on appropriate penalty when police officers engage in discriminatory and racist behaviour.

The prosecution has illustrated that the legal building blocks exist for flexibility of Administrative Tribunals to ensure decisions are reflective of changing values. This has been accomplished by referencing the Vavilov decision (Exhibit #22) on the reasonableness standard, the Favretto decision (Exhibit #21, Tab #3) on an Administrative Tribunal not being bound by any *stare decisis* rule and the Hussein (Exhibit #21, Tab #5) and Shorey decisions (Exhibit #21, Tab #10) on the issue that dispositions can shift over time to reflect changing values.

The Deviney and Toronto Police Service matter (Exhibit #21, Tab #2) has been referenced by both the prosecution and defence. Although every case has its own set of facts/issues and must be adjudicated individually it is certainly easy to conclude that the racially charged language utilized in the Deviney matter would be viewed (from a penalty perspective) different in 2021 in Peel Region than in 1998 in Toronto.

In my view, the sentencing approach of defence is also very reasonable. Consistency is the hallmark of fairness. This principle has been well documented by defence in matters such as Schofield (Exhibit #18, V-IV, Tab #97) and Carson (Exhibit #18, V-IV, Tab #94).

The prosecutor submitted that there should not be a mathematical approach to sentencing. It has certainly been my experience, as a hearing officer, that this mathematical exercise takes place at all disposition hearings and the prosecution is always a willing and active participant. I agree that Consistency of Discipline is only one disposition factor, but it is a vital one that must be respected. Decades of Police Service Act Code of Conduct dispositions cannot be erased or ignored. As a Hearing Officer, if I do not consider and apply appropriate weight to previous decisions then the very essence of procedural fairness is lost.

To state my view on the two broad and different approaches to sentencing by the prosecutor and defence is to illustrate that I am open to the positions of both parties. I agree with defence that it is fundamentally unfair to turn this matter into a test case. Consistency is the hallmark of fairness. I also agree with the prosecutor that dispositions can shift over time to meet changing values.

The prosecutor and defence do agree that the appropriate sentence must be based on the facts. As I have already stated there is an Agreed Statement of Facts but not agreement on what the facts mean. Prior to commenting on my interpretation of the facts, I will address an objection that was raised by defence in relation to an attempt by the prosecution to submit certain documents as part of their supporting materials.

During submissions by the prosecution, defence objected to three documents being submitted as exhibits. The three documents included a Memorandum of Understanding (MOU) between Peel Regional Police and the Ontario Human Rights Commission effective October 14, 2020, a Peel Regional Police directive on Diversity Relations and Anti-discrimination policy effective September 17, 2020 and a Reddit thread.

The position of the prosecutor is that despite the first two documents not being in effect at the time of the misconduct of Constable Trlaja the documents go towards Public Interest. The third document is similar to a media article.

The defence takes the position that the first two documents were not in effect at the time of the misconduct and that this hearing has nothing to do with officer misconduct of violating something in the Human Rights Code. Defence states that this is not the section of the Code of Conduct to which Constable Trlaja pled guilty. Defence also contends that the Human Rights Commission has no standing under the Police Services Act in disciplinary matters. The defence position on the Reddit thread is that it is completely different from media articles.

It was acknowledged by both the prosecution and defence that the MOU and the PRP Directive were not in effective at the time of the misconduct, as such, both items were not allowed into evidence. My decision was to allow the Reddit thread into evidence recognizing the need to give it proper weight in the social media era.

The disagreement on the interpretation of the facts in this matter is very clear. The prosecution takes the position that the recorded comments of Constable Trlaja are objectively xenophobic and discriminatory. Defence submits that that the language used by Constable Trlaja is discreditable and inappropriate but it's being taken out of context to suggest it is racist.

It is my position that reasonable people can agree that certain behavior or language is objectively discriminatory or racist. Using the N-word, in matters such as Mohammed and Toronto Police (Exhibit #18, V-II, Tab #36), does not require context for reasonable people to agree that the language is racist.

Reasonable people can also agree that there is subjectivity on whether or not certain behavior or language is discriminatory or racist. Jeoff Shiekh is a powerful witness. He has been a lawyer for 19 years, he works at a major bank, he has testified that he has experienced racism, he is a person of

mixed-race and he has read the transcripts in this matter and listened to the audio recordings. He does not view this situation as racist. He has a relationship with Constable Trlaja that could taint him as a witness but he was very clear that he understands his responsibilities as an officer of the court.

A number of other witnesses in this matter testified that the language and the behavior of Constable Trlaja was not discriminatory conduct. These witnesses were police officers; some of whom identified as racialized. Some may take the position that fellow police officers may be sympathetic towards Constable Trlaja. In my view, being a reasonable person is a prerequisite to being a police officer, although I do recognize there can be exceptions to this rule. In this matter, I will not dismiss the testimony from 12 different reasonable people from throughout the Peel Regional Police organization.

The prosecution has taken the position that the behavior of Constable Trlaja was objectively direct and brazen discriminatory conduct. The prosecutor dismisses the evidence of the character witnesses as outright incorrect. The prosecutor leaves it to the Tribunal to make its evaluation of the information.

Jeoff Shiekh is a reasonable person. He was very clear in his testimony that people assume racism when there is a negative interaction involving a minority group. He states that Constable Trlaja did not manage this situation well but he does not view this situation as racist. This does not mean that I accept his evidence that this is not discriminatory behavior. However, his position reinforces the need to provide clarity on the Agreed Statement of Facts. As I stated, reasonable people can agree that one's position on whether or not certain language or behavior is discriminatory can be subjective.

This matter is not as clear as the *Mohammed* or *Deviney* matters as it relates to discriminatory or racist language and behavior. This does not mean that a case cannot be made to illustrate that within the context of the interaction between Masood Masad and Constable Trlaja discriminatory behavior did occur. However, the prosecution chose to assume discrimination rather than equip the Tribunal with the necessary information to make an informed decision. To assist me in arriving at a conclusion on the context of the conversation it would have been beneficial to hear, under oath, from Masood Masad, Bashar Masad or any other witness that could provide a relevant perspective.

Context is required as there is disagreement on the meaning of the facts. Assumptions are only valuable when there is agreement by all involved reasonable people. That is not the situation in this matter.

I agree with the position of the defence that it is important to take into account the section of the Code of Conduct to which Constable Trlaja pled guilty. Section 2(1)(a)(xi) speaks to acting in a disorderly manner as opposed to 2(1)(a)(i) or 2(1)(a)(ii) that speak to discrimination and racial issues.

The prosecutor is right that it is not practical to parse out every single allegation into numerous counts. I also agree with the prosecutor that there should be zero tolerance to racism in policing. Officers that engage in discriminatory or racist behavior should be subject to the most severe penalties. Police Service Act Code of Conduct penalties that involve such conduct require a specific

lens to arrive at an appropriate penalty.

In this case, the prosecutor is seeking a penalty of dismissal based on the prosecution position that this is discriminatory conduct. Defence disputes that Constable Trlaja is pleading guilty to discriminatory conduct. In my view, the prosecutions position on penalty results in a fairness consideration to charge under section 2(1)(a)(i) or 2(1)(a)(ii). There is a need to be clear that Constable Trlaja is facing allegations of discrimination. Charging under section 2(1)(a)(i) or 2(1)(a)(ii) does not preclude the prosecution from also charging under 2(1)(a)(xi).

The approach to charge under section 2(1)(a)(xi) does not fit with the elevated penalty position relating specifically to discriminatory behavior. Even though the prosecution can charge for discriminatory conduct under the charged section. The right thing to do would have been to lay a charge under the specific section for which the prosecutor is seeking dismissal. This would send a very clear message to the officer and the Tribunal of the nature of the jeopardy.

I cannot with any certainty predict the direction this hearing would have taken if Constable Trlaja had been charged under section 2(1)(a)(i) or 2(1)(a)(ii) of the Code of Conduct. However, based on the evidence submitted at this penalty hearing, it is probable that a guilty plea would not have occurred and a proper hearing on the context of the facts would have ensued.

Defence has provided the Tribunal with evidence relating to the context of the interaction Constable Trlaja had with Masood Masad. The evidence includes the 911 call from Mohammed Roumia to the PRP Communication Bureau (Exhibit #6), the Internet Reviews posted by Masood Masad (Exhibit #12, #13), more complete transcripts of the interaction at the residence (Exhibit #14, #15) and a transcript of the internal affairs interview with Constable Trlaja (Exhibit #17).

Absent the required contextual evidence from the prosecution on the interaction between Masood Masad and Constable Trlaja, it is not clear that the behavior and/or language is discriminatory or racist. The apology letter from Constable Trlaja to Bashar Masad (Exhibit #9, Tab #83) is quite direct that this incident was “not from any prejudice against your ethnicity or culture.” There is certainly evidence that it was Masood Masad that introduced culture and ethnicity into this situation (Exhibit #6, #12 and #13) well before the involvement of Constable Trlaja. This does not make it appropriate for Constable Trlaja to engage in continued similar discussions but it is relevant to the context of the conversation.

The prosecutor takes the position that the mimicking/mockng of Masood’s mother’s accent is clearly discrimination. The defence takes the position that it is subjective. It is very difficult to read into intent and unless it is clear and convincing, one should not. Mimicking/mockng the accent of someone to disparage his or her culture/ethnic group is discriminatory behaviour. Mimicking/mockng a person for their position on an issue is unprofessional and inappropriate. It can be, but is not necessarily a form of discrimination. The interpretation is subjective. As I have stated, reasonable people have determined that the behavior in this circumstance is, subjectively, not discriminatory conduct.

I find myself in the position of concluding that the ethnic and cultural background of the Masad family was not relevant to the treatment they received from Constable Trlaja. Based on the way this situation unfolded anyone, regardless of race or ethnic background, would have experienced the

same shocking behaviour from Constable Trlaja. As I stated earlier, Police Service Act Code of Conduct penalties that involve discriminatory conduct require a specific lens to arrive at an appropriate penalty. It would not be fair for me to apply that lens in this matter based on the evidence before the Tribunal.

In my view, the actions of Constable Trlaja on November 18, 2018 stem not from racism but from a loss of control. He was frustrated by a lack of compliance from Masood Masad and his mother. The frustration quickly evolved into a quasi-state of anger that was evident on the recording in the police cruiser (Exhibit #5F).

This situation called for a police officer that was calm, patient, level headed and reasonable. All traits that should be innate to officers. Constable Trlaja offered none of these qualities. The Masad family did not deserve to be treated the way they were treated by Constable Trlaja.

In their submissions, both the Defence and the Prosecution referred to disposition considerations in Ceysans, Legal Aspects of Policing (Exhibit #18, V-IV, Tab #92) and commission case law, Krug and the Ottawa Police Service (Exhibit #21, Tab #7). The factors that I find relevant to focus on in assessing the misconduct of Constable Trlaja are as follows:

- a) Seriousness of the Misconduct
- b) Recognition of the Seriousness of the Misconduct
- c) Public Interest
- d) Employment History
- e) Ability to Reform or Rehabilitate the Police Officer
- f) Consistency of Disposition
- g) Specific and General Deterrence
- h) Damage to the Reputation of the Police Service

I find the misconduct very serious. The expectation is that Peel Regional Police officers will uphold the values of our police service. The actions of Constable Trlaja are the opposite of our expectations and are deeply concerning. I do not agree with the position of defence that Constable Trlaja did not act out of spite or malice. The verbal berating that occurred on the ride back to the police station was not an old school parenting talk. This verbal berating easily could have, and probably did, cause emotional harm to Masood Masad. The tone and aggressiveness of the conversation is beyond inappropriate. Referring to someone as being retarded just demonstrates a lack of awareness and decency. Mocking Masood's mothers position is totally inappropriate and doing it within the context of such a power imbalance that exists between a police officer and a detained person takes the misconduct to a heightened level. The misconduct of Constable Trlaja is very serious. I considered it a strong aggravating factor.

I reject the position of the prosecution that the disposition consideration of Recognition of the Seriousness of the Misconduct is somehow a neutral factor. Constable Trlaja has apologized to Masood Masad, Bashar Masad and his family, to Peel Regional Police and to me. He has expressed remorse to his co-workers (Character Witnesses) and he has pled guilty to the Police Service Act Code of Conduct charge that he was facing. The activities that Constable Trlaja has undertaken

since December 2018 (Exhibit # 9, Tab #70 - #81) have been substantive. The notes of Detective Ismail (Exhibit #10, Tab #1, #2) illustrate an effort to appreciate how his actions can be interpreted and affect others. I agree with defence that it is incumbent on the Hearing Officer to ensure the actions of Constable Trlaja are accorded appropriate weight as highlighted in the *Purbrick and Carson* decisions. I consider the Recognition of the Seriousness of the Misconduct to be a strong mitigating factor.

The position of defence that the disposition factor of Public Interest is served by the fact that this hearing has originated from a public complaint and that Mr. Masad has had standing at these proceedings is true but it trivializes this consideration. The prosecution is right that the Public Interest is engaged in this situation to a high degree. The remarks, tone and aggressiveness that Constable Trlaja demonstrated is exactly the behavior that the public do not want the police to engage in. Public Interest is an aggravating factor.

The Employment History of Constable Trlaja is a strong mitigating disposition consideration. The prosecution does not dispute that the employee file seems to indicate an officer that is dedicated and exemplary. As identified by defence and agreed to by the prosecution, Constable Trlaja does not have any previous formal discipline on his record. The length of service is also extensive as his service commenced in 2002. The character witnesses that have testified coupled with the Character References letters received (Exhibit #9, Tab #A1 - #A25) are all very complimentary of Constable Trlaja's performance. The performance appraisal's forwarded by defence (Exhibit #9, Tab #29 and Tab #31) are positive. Overall, the employment history illustrates an officer that has made valuable contributions to Peel Regional Police and the community.

In my view, the evidence supports the position that Constable Trlaja can recover from this event. The Ability to Reform or Rehabilitate the Officer is an important disposition factor and the testimony from the character witnesses coupled with documented steps taken by Constable Trlaja to atone for his misconduct illustrate that rehabilitation has commenced and continues to occur. This is a mitigating factor.

The exercise of reviewing previous decisions is obviously very important when considering the disposition factor of Consistency of Disposition. In this matter, defence has provided an extensive number of cases (Exhibit #18, V I, II, III, IV, Tab #1 - #98) in an effort to support their penalty position. I accept the underlying tone of the defence submission that there are very serious examples of officer misconduct, both in the Region of Peel and throughout the Province of Ontario that resulted in a penalty of forfeiture of days. In contrast, the prosecution's penalty position of dismissal was, in my view, predicated on the element of discriminatory conduct. Every matter is unique and it is always difficult to find cases that are substantially on point for definitive penalty conclusions. I have reviewed all of the defence matters listed above in Exhibit #18 and the matters provided by the prosecution (Exhibit #19, Tab #1 - #16). The matters that have resonated the most with me in relation to this case are as follows:

The King and Metro Toronto Police matter (Exhibit #21, Tab #6) is an OCPC decision where a sentence of resignation or dismissal was imposed by the Trials Officer but ultimately overturned by the Commission to a penalty of demotion. This was a loss of control matter where the conduct of the officer was "outrageous, insulting and shameful."

The Andrews and Peel Regional Police matter (Exhibit #18, V-I, Tab #6) is a local decision where a penalty of a forfeiture of 5 days was imposed. The element of a loss of control is present coupled with criminal charges against the officer. However, it is acknowledged that this was an off-duty incident within a specific environment.

In the Tighe and York Regional Police matter (Exhibit #18, V-I, Tab #32) a forfeiture of 36 hours as a penalty was imposed. This was an on-duty situation where the officer was unprofessional, quick-tempered and angry during an interaction with two young students.

The Sljivo/Saris and Toronto Police Service matter (Exhibit #18, V-II, Tab #34) has some obvious parallels. The officers used very offensive language, the conversation was recorded on a “hot mic” and there was significant media attention. However, there are also a number of distinctions. The officers, in this matter, received penalties of 5 and 2 days forfeiture.

The Karklins and Toronto Police Service matter (Exhibit #18, V-II, Tab #41) resulted in a penalty of 3 days forfeiture. This was an on-duty incident where the officer lost control and used inappropriate language.

In the Rattie and Brantford Police Service matter (Exhibit #18, V-II, Tab #48) a penalty of a forfeiture of 15 days was imposed. The inappropriate behaviour of the officer in this case was loud, aggressive, involved numerous people and was sustained over a period of time.

The Consistency of Disposition as a consideration factor is not necessarily mitigating or aggravating but the matters supplied by both the prosecution and defence are helpful in assisting me in arriving at the appropriate penalty.

I agree with defence that Constable Trlaja has already taken ownership, admitted and learned from this incident but I do not agree that Specific Deterrence is no longer required. An appropriate penalty will ensure that Constable Trlaja has a reminder of the seriousness of his misconduct. The penalty will complement the continuing rehabilitative steps undertaken. These two combined measures are important to prevent a repeat of this type of behavior. The penalty must also address the importance of General Deterrence in the form of a clear message that officers cannot allow their emotions to get the best of them in the performance of their duties. This is an aggravating factor.

I agree with the prosecution that the Damage to the Reputation of the Police Service is significant. An incident like this can be crippling to public confidence. The media coverage (Exhibit #20, Tab #4 - #10) is extensive and negative. The position of defence, that the Tribunal has much more information than the media to consider when determining facts and penalty is true, but it does not change the result. The media rightfully reported the information. The significant damage to the reputation of Peel Regional Police is solely and squarely on the shoulders of Constable Trlaja. I consider this a strong aggravating factor.

There are aggravating and mitigating disposition factors for me to consider in determining the appropriate penalty. I accept the notion, and well-documented principle, that consistency is the hallmark of fairness. A forfeiture of days is appropriate for this type of officer misconduct. I am also sensitive to the seriousness of this particular misconduct, the public interest and the damage that has been caused to the reputation of our police service. These considerations have lead me to

conclude that the penalty should be at the highest level of forfeiture. The anger issues displayed by Constable Trlaja must also be addressed in the disposition.

PART IV: DISPOSITION

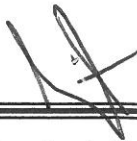
I have reviewed all of the available evidence. This penalty is fair and addresses the need for specific and general deterrence. It provides the necessary balance between the public interest, the interests of Constable Trlaja and the interests of the Peel Regional Police. It provides assurance to the public and to the policing community that Peel Regional Police is prepared to impose severe sanctions on officers when required.

Penalty

For the noted reasons, on the one (1) count of Discreditable Conduct, I impose on Constable Bernard Trlaja #2644 of the Peel Regional Police:

- a) A Forfeiture of twenty (20), eight (8) hour days (160 hours) to be served (worked) at the discretion of the Unit Commander.**
- b) Complete the Ontario Anger Management 16 hour on-line program. Enrollment verification letter and certificate of completion is to be provided to Inspector Niles of the Learning & Development Bureau within 60 days of this decision.**

The penalty is submitted in accordance with section 85(1)(f) and section 85(7)(b) of the *Police Services Act*.



Superintendent Graham Symington #1354
Peel Regional Police – Hearing Officer

2021-02-24

Date