

**ONTARIO PROVINCIAL POLICE DISCIPLINE HEARING
IN THE MATTER OF ONTARIO REGULATION 268/10**

**MADE UNDER THE *POLICE SERVICES ACT*, RSO 1990,
AND AMENDMENTS THERETO;**

AND IN THE MATTER OF

ONTARIO PROVINCIAL POLICE

AND

PROVINCIAL CONSTABLE Ryan CHRISTIE, #11432

CHARGE:

DISCREDITABLE CONDUCT

DISPOSITION WITH REASONS

Before:	Superintendent Melissa Barron
For the Prosecution:	Mr. Jason Kirsh Ontario Provincial Police
Counsel for the Defence:	Mr. James Girvin Ontario Provincial Police Association
Public Complainant:	Mr. Phillip Jones
Hearing Date:	March 21, 2024

This decision is parsed into the following parts:

PART I: OVERVIEW;

PART II: SUBMISSIONS, ANALYSIS and FINDINGS; and,

PART III: DISPOSITION

PART I: OVERVIEW

On September 27, 2021, P/C Christie arrested and charged Mr. Phillip Jones with theft of hay. This was in relation to a long-standing dispute over property rights regarding land that Mr. Jones' mother was renting. As a result of that incident, P/C Christie was charged with misconduct. At his *PSA* hearing on October 4 and 5, 2023, P/C Christie pled guilty to discreditable conduct, and not guilty to unlawful exercise of authority.

The written decision was released on October 31, 2023, finding P/C Christie guilty of discreditable conduct and not guilty of unlawful exercise of authority. On March 21, 2024, a hearing was held to determine his *PSA* disposition.

Representation

The hearing was held at OPP General Headquarters. P/C Christie was represented by Mr. Girvin; Mr. Kirsh represented the OPP; Mr. Phillip Jones was present as the public complainant.

Penalty Position

Mr. Kirsh submitted that a disposition of 40 hours forfeiture was appropriate. Mr. Girvin submitted between 20 – 30 hours forfeiture. These proposals were supported with submissions which are referenced in Part II below. Mr. Jones was asked, but declined to make submissions on disposition.

Decision

After reviewing all the evidence and considering the submissions, I order that P/C Christie forfeit 30 hours, to be worked. This decision is pursuant to section 85(1)(f) of the *Police Services Act, R.S.O. 1990 (PSA)*.

Part III: SUBMISSIONS, ANALYSIS AND FINDINGS

The exhibits for this matter are listed in Appendix A. The following analysis is based on submissions of the prosecution and defence counsel, which form part of the record and will be referenced where appropriate below.

Without repeating the analysis and findings at length, P/C Christie was found guilty of discreditable conduct based on an interaction he had with Mr. Phillip Jones. The decision¹ included the following excerpt –

At the beginning of the interaction, P/C Christie was abrupt and defensive, repeatedly telling Mr. Jones to remove his hands from his pockets and questioning why he had approached the cruiser. It appears from the video that Mr. Jones did not initially hear P/C Christie's demands to remove his hands from his pockets, but ultimately did so, replying "Sure". When Mr. Jones explained he was "just wondering what's going on," P/C Christie offered no explanation, instead insisting on an answer to whether Mr. Jones owned the property. When Mr. Jones questioned why it was relevant, P/C Christie became aggressive, stepping towards Mr. Jones with clenched fists, raising his voice and swearing at him. P/C Christie's behaviour was belligerent, provocative, and confrontational. In his testimony, Mr. Jones stated that he was shaken and nervous by the incident – I find that based on the video evidence, this is an entirely reasonable reaction to P/C Christie's behaviour.

In considering specifically Section 2(1)(a)(v) of the Code of Conduct (the use of profane, abusive or insulting language or is otherwise uncivil to a member of the public), P/C Christie not only unjustly swore at Mr. Jones, but he was also verbally aggressive, causing him at one point to step backwards away from the officer. During the entire interaction, Mr. Jones remained calm and polite, even when he refused to answer the question regarding property ownership. From the perspective of a reasonable, objective observer, there could be absolutely no excuse for P/C Christie's antagonistic and offensive language and tone towards Mr. Jones, and it certainly meets the test for discreditable conduct.

Section 2(1)(a)(xi) of the Code of Conduct addresses misconduct that is disorderly, prejudicial to discipline or likely to bring discredit upon the reputation of the Ontario Provincial Police (OPP). Prior to effecting the arrest, P/C Christie had given no indication of why he was there or why he was asking about ownership of the property, even after Mr. Jones pointed out he didn't know why the officer was there. He focused on one specific question, and when that went unanswered, he effected the arrest without first providing any explanation for his presence or why he was arresting Mr. Jones. At no time during the interaction did P/C Christie reference the incident in August.

There is clear and convincing evidence that P/C Christie was uncivil towards Mr. Jones – his language was patently inappropriate and aggressive. Additionally, I find there is clear and convincing evidence that the interaction itself – the failure to properly explain to Mr. Jones what was happening or why he was being placed under arrest (beyond "theft of hay"), coupled with

¹ Ontario Provincial Police and P/C Ryan Christie, 2023, pages 13-14

his rude and belligerent manner – would bring discredit upon the reputation of the OPP. Any dispassionate, reasonable person, fully apprised of the facts, would expect that an officer would behave in a more professional, courteous, and restrained manner, particularly since Mr. Jones offered no deliberate provocation from the start and did not appear to know why P/C Christie was even there.

With regards to a suitable disposition, the prosecution submitted it must be proportionate to the misconduct, and referenced the 15 penalty factors described by Paul Ceyskens both in his annotated *Police Services Act* and *Legal Aspects of Policing*. These factors are assessed to be either mitigating, aggravating or neutral, with some factors having more weight than others, depending on context.

Defence counsel noted that a disposition should accord with the purposes of police discipline, that include the employer interests in maintaining discipline, the rights of a police officer to be treated fairly, and the public interest (ensuring a high standard of conduct, maintaining public confidence, and ensuring a public complaint is dealt with appropriately). He noted there is a general philosophy that discipline should be remedial and corrective, rather than purely punitive; there is a presumption of the lowest disposition; and the officer is entitled to the most favourable disposition in the circumstances.

I am familiar with the disposition factors to be considered and will assess them below.

Seriousness of the Misconduct

It was submitted by Mr. Kirsh that this factor alone may justify a disposition, and while P/C Christie's misconduct was not the *most* serious, it was still at the high end when compared to other cases of profane or uncivil language and behaviour. He submitted that members of the public expect that police officers will be helpful. Not only did P/C Christie engage in inappropriate language, but he also failed to properly explain what was happening, or why Mr. Jones was under arrest. Additionally, there was an aggressive, threatening aspect to P/C Christie's language that caused Mr. Jones to be shaken and nervous. Furthermore, there was no excuse for P/C Christie's antagonistic language towards Mr. Jones, who offered no provocation, but rather remained calm throughout the entire event.

The GoPro camera that Mr. Jones was wearing captured the incident in its entirety. Mr. Jones had approached P/C Christie who was sitting in his cruiser, parked a distance down the roadway. Upon his approach, P/C Christie ordered Mr. Jones to take his hands out of his pockets four times, asked if he was Phil Jones, and asked him if he owned the property. P/C Christie had offered no explanation of why he was there, or why he was asking the question regarding property ownership. Mr. Jones did not directly answer the question and stated that he didn't see

why it was relevant. P/C Christie stepped towards Mr. Jones, clenching his fists, and raising his voice, saying *"You don't see how it's relevant? I asked you a question. It's a fucking simple answer, alright? I'm on edge right now, you don't want to fuck with me, okay? Do you own the property?"* Mr. Jones backed away from P/C Christie and asked for his name, and P/C Christie replied *"Constable Christie. 11432. Put the complaint in. I'm waiting for it. Alright? What are you gonna do? You're gonna take a swing at me? You're gonna take a swing at me? Do it!"* P/C Christie asked Mr. Jones if he knew who he was, telling him *"Twenty years on the job buddy, dealing with this stuff. Okay? Dealing with your complaints. I asked you a simple question, and you can't see why it's relevant"*. When Mr. Jones pointed out that he hadn't called the officer and didn't know why he was there, P/C Christie asked if he was going to answer his question regarding property ownership. When Mr. Jones stated he wasn't, P/C Christie arrested him for theft without any further explanation beyond advising it was theft of hay.

P/C Christie's misconduct went beyond the use of profane or uncivil language. Not only did he swear at Mr. Jones, but both P/C Christie's behaviour and language were threatening and aggressive. Stepping towards Mr. Jones with clenched fists while stating *"I'm on edge right now, you don't want to fuck with me"* is exacerbated by his provocation regarding Mr. Jones "taking a swing" at him. I agree with Mr. Kirsh that P/C Christie's uncivil language was compounded by his hostility and pugnacity, particularly when Mr. Jones remained calm throughout.

This misconduct is not at the highest end of the spectrum, but I concur with the prosecution's position that it is a more serious example of discreditable, uncivil language due to the added hostility and aggression displayed by P/C Christie, particularly in the absence of any provocation by Mr. Jones. This is considered aggravating.

Public Interest

It was submitted by Mr. Kirsh that an officer's primary function is to serve the public, and there is public interest in police officers being held to a high standard of professional conduct. He submitted that the public's confidence is higher when there is a high level of police conduct, and conversely, unprofessional conduct damages the public confidence. It is in the public interest for officers to behave professionally, and when they fall short of expectations, the public trust is eroded. It was submitted that the public expects that when an officer is in a controlled situation, members tasked with interacting with public will do so in good faith, will not swear, will treat the public courteously and fairly, be helpful, answer questions, and explain why they are doing certain actions. It is also expected that officers will allow members of the public to be heard. The public does not expect police to act aggressively, clench their fists, or swear at them.

Mr. Girvin agreed that the public has an interest in how officers conduct themselves, and that clearly during this incident, P/C Christie did not meet those expectations. However, he noted

that P/C Christie had made spontaneous utterances that he was “*on edge*,” referring to personal challenges he was experiencing, and while it doesn’t excuse his actions, it is a consideration. He also submitted that members of the public would be aware that the OPP takes unprofessional conduct seriously, as demonstrated by the finding of guilt and penalty imposed.

This is obviously not how officers are relied upon to behave during interactions with members of the public. It is contrary to both the OPP and the public’s expectations, and the values of the OPP, which include interacting with respect, compassion, and fairness. P/C Christie was on-duty, responding to a call for service and following up on an investigation. His manner and language were unprovoked, and his hostility and aggression caused a member of the public – who did not know why P/C Christie was there – to step back away from him and feel nervous. Mr. Jones was then arrested and placed in the rear of the cruiser with no explanation beyond theft of hay. It hardly needs to be said that this type of behaviour offends the public interest and damages the public confidence. During this incident, P/C Christie failed to demonstrate fundamental values of professionalism, courtesy, and respect, and in doing so, directly impacted a member of the community. The public must also be assured that the OPP takes this type of behaviour seriously and appropriately addresses the misconduct.

The public interest is considered aggravating.

Recognition of the Seriousness of Misconduct

It was submitted by the prosecution that P/C Christie did enter a guilty plea to discreditable conduct at his hearing, which does have a mitigating effect, but not as significant as a plea entered at an earlier stage would have. In contrast, Mr. Girvin noted there is no process in place for a guilty plea to one count, but not another, to be given in advance of a hearing. He submitted that P/C Christie’s guilty plea is a clear indicator of his recognition of the seriousness of his misconduct. Further, Mr. Girvin noted that evidence had been tendered during the hearing that P/C Christie had contacted his supervisor and acknowledged that his behaviour was not proper, and that he would likely be receiving a public complaint.

While I acknowledge that P/C Christie pled guilty to discreditable conduct, I am cognizant that the circumstances surrounding the guilty plea, including the timing and the strength of the case, may affect mitigation². P/C Christie was aware he was inviting a public complaint by his actions, telling Mr. Jones “*Put the complaint in. I’m waiting for it. Alright?*” before asking if Mr. Jones – who had backed away by this point - was going to “take a swing” at him. In fact, P/C Christie’s demeanour only changed once he arrested Mr. Jones and realised that his actions were being recorded. Even when he messaged his supervisor, nine days after the incident, P/C Christie

² *Kobayashi and Waterloo Regional Police Service, 2015 ONCPC, para 60*

appeared to deflect responsibility by saying “*You know, it was you that asked me to get on that, eh? And I did,*” before saying that he regretted it. He told his supervisor that he knew he’d “*eventually lose my shit on someone,*” and indicated that the GoPro video wouldn’t “*tell the whole story*”³.

Faced with the incontrovertible video evidence, it may have been challenging for P/C Christie to otherwise defend his behaviour on that date. As far as I am aware, there has been no apology issued to Mr. Jones by P/C Christie, nor was there one issued on his behalf. However, P/C Christie has been away from the workplace for a considerable period of time, and I do consider it mitigating that he was willing to have the matter finally proceed and be resolved, despite his absence.

I accord some mitigation to this factor, given the plea (particularly while the officer is away from the workplace), and his acknowledgement to his supervisor. However, this is tempered by the circumstances of the incident and his awareness of his actions at the time.

Employment History

Mr. Kirsh submitted three of P/C Christie’s Performance, Learning and Development Plans (PLDPs). These plans contain twenty specific performance requirements contained within four broader categories of Personal Qualities, Technical Skills, Core Competencies and Ontario’s Mobilization and Engagement Model of Community Policing. An officer is rated as having exceeded, met, or not met the expected performance level.

April 2018 – 2019

During this period, P/C Christie did not meet *Commitment to Unit/Detachment Goals*, but he exceeded in *Communication Skills, Integrity, and Teamwork*. His supervisor noted that his proactive enforcement was “*inconsistent*” but that he had “*greatly improved his efforts*” during the last month of his evaluation. Other comments included – “*P/C Christie is a masterful report writer... P/C Christie consistently takes accountability for any errors and seeks to correct them thoroughly... He is always willing to take on any duty asked of him without complaint and is respectful of the general public and colleagues... P/C Christie responds to calls for service in a timely manner and completes his investigations thoroughly and with judicious application of federal and provincial legislation... P/C Christie is an extremely capable officer who can be trusted to complete any task which he is assigned*”.

April 2019 - 2020

P/C Christie again did not meet *Commitment to Unit/Detachment Goals*, but he achieved an

³ S/Sgt Davidson’s testimony, page 19 of *Ontario Provincial Police and P/C Ryan Christie, 2023*

exceeds in *Problem Solving*. It was noted that while he had increased his enforcement activity, he still “*struggled to meet monthly performance expectations*”. He was the most senior member of his platoon and “*generally a voice of calm common sense and restraint*”. Additionally, his supervisor commented – “*When conflict does develop between P/C Christie and any other party, colleague or public, P/C Christie approaches the situation calmly and with honesty. He freely expresses his opinion and respects the opinions of his peers. P/C Christie is a member who can be relied upon regardless of how dynamic the situation may become*”.

April 2020 - 2021

For nine months of this evaluation, P/C Christie was either away from the workplace or on light duties. He met all of the requirements with the exception, again, of *Commitment to Unit/Detachment Goals*, with his supervisor noting he “*rarely engages in proactive enforcement*”. It was also noted – “*When engaged in his work, P/C Christie is capable of work exemplifying quality commensurate with his level of experience. P/C Christie is willing to take on any task which he is assigned and is accepting of constructive criticism. He is aware of his areas of improvement and acknowledges feedback well... P/C Christie does however have a great knowledge of the local community and a genuine interest in the wellbeing of the public*”. Both his supervisor and detachment commander commented this had been a “*challenging period*” for P/C Christie, resulting in a partial disengagement when at work, and a withdrawal from the workplace.

It was submitted by Mr. Girvin that despite consistently failing to meet his commitment to detachment goals, P/C Christie had otherwise been performing at or above expectations, and that he is a very knowledgeable officer who was evidently having some personal challenges in the latter part of his career.

The evidence shows that P/C Christie had a consistent pattern of failing to meet proactive enforcement goals, to the extent that he did not meet the standards for three consecutive years. As the most senior member of his platoon, it is disappointing that he failed in this respect three years in a row. However, his supervisor also acknowledged many positive qualities – P/C Christie is a good report writer, he takes accountability for his errors, and readily responds to calls for service. There were some examples of exceeding standards in the earlier years, and there is also no evidence of prior discipline for P/C Christie. While I am mindful of Mr. Girvin’s submission regarding P/C Christie’s challenges, I am unable to draw any conclusions, as they were – appropriately – not fully detailed or explained in the evaluations. It is therefore difficult to assess whether the challenges were separate from his police duties or whether there was a direct correlation to his inability to meet standards.

P/C Christie was an 18-year member of the OPP at the time of this misconduct, and his performance evaluations were mixed – while there were a few positive skills displayed between

2018 – 2020, P/C Christie otherwise repeatedly failed in one requirement, despite direction to improve. Even if I accepted that the challenges he was facing contributed to the decline in his performance, the 2018 – 2020 evaluations are, at best, average for an officer of his tenure.

The performance evaluations submitted are not sufficiently favourable to warrant mitigating disposition, but neither are they aggravating. P/C Christie's performance has not been fully up to standard, but he has no prior discipline on file, and he does have some commendable skills. I consider his employment history to be a neutral factor.

Ability to Reform and Rehabilitate

Defence counsel submitted that P/C Christie recognized, shortly after the incident, that his conduct was not appropriate, and accordingly, there should be no concern regarding his recognition of the misconduct and his ability to reform. His text message to his supervisor, sent nine days after the incident, stated - *"You know it was you that asked me to get on that, eh?... And I did. Now I regret it... I knew I'd eventually lose my shit on someone... But like I said, not going to deny anything"*⁴.

In his 2018-19 evaluation, his supervisor observed that *"P/C Christie consistently takes accountability for any errors and seeks to correct them thoroughly"*. In his 2019-20 evaluation, it is noted he is *"generally a voice of calm common sense and restraint"*. Additionally, his supervisor commented – *"When conflict does develop between P/C Christie and any other party, colleague or public, P/C Christie approaches the situation calmly and with honesty"*. Furthermore, in his most recent evaluation, he was found to be *"accepting of constructive criticism. He is aware of his areas of improvement and acknowledges feedback well"*. These comments all suggest that not only has P/C Christie clearly displayed the necessary competencies in the past, but that he also has the ability to accept responsibility and change his behaviour.

And yet, this is contrasted by P/C Christie's repeated inability to meet the required performance standard of Commitment to Detachment Goals, despite being consistently directed to improve for three years.

P/C Christie was noted to have faced challenges in his 2020-21 evaluation that prevented him from performing full duties, and based on his text message, he knew that he was not in full control of his composure. It can only be hoped that since this incident, P/C Christie has addressed whatever challenges he was facing so that he can return to the *"voice of calm common sense and restraint"* that he was previously.

⁴ Ontario Provincial Police and P/C Ryan Christie, 2023, page 19

Given that P/C Christie has acknowledged his misconduct, accepted responsibility and has demonstrated good interpersonal skills in the past, I am prepared to accord him mild mitigation for this factor, but it is, unfortunately, somewhat tempered by his demonstrated inability to improve when directed regarding other skills.

Specific and General Deterrence

The prosecution submitted that P/C Christie's behaviour was serious, and that the public expects that officers will behave above reproach. He stated that a 40-hour forfeiture was proportionate to the misconduct and would send a message that such conduct will not be tolerated. Specifically, he submitted that such a disposition would be a reminder to P/C Christie to conduct himself differently in the future, adding it was necessary to prevent repetition of the misconduct.

OPP officers interact with members of the public on a daily basis, frequently in difficult or stressful circumstances. Additionally, police officers are not immune to personal struggles or health challenges, but they are expected to maintain their composure and act professionally in spite of external influences. An appropriate disposition will be one that reminds all officers, including P/C Christie, of the importance of civility and self-control. Our officers are all aware that profanity and aggression are unacceptable, particularly when dealing with members of the public. Based on his message to his supervisor, P/C Christie appeared to know that at some point, he would react badly, and unfortunately, he did not take appropriate steps to prevent it. It is quite possible that other members may also find themselves in similar circumstances. Given the frequency with which our members interact with the public, I find that both specific and general deterrence is required in this matter.

Damage to the Reputation of the Police Service / Effect of Media

Mr. Kirsh submitted that when an officer engages the public in an uncivil manner, it damages the reputation of the OPP, harms the public trust, and reduces the public's willingness to cooperate, thereby lessening the effectiveness of police. He stated he was not aware of any media articles regarding the incident, but observed that the media often requests disciplinary decisions, and the OIPRD also publishes decisions on their website. If, and when, the public learns of P/C Christie's misconduct, this would likely cause significant concern and undermine the reputation of the police.

Mr. Girvin submitted that members of the public would be aware that the OPP takes unprofessional conduct seriously, given the finding of guilt and penalty imposed. He noted that a penalty in the range of 20 – 30 hours would equal approximately \$1000 - \$1500, which would appropriately address P/C Christie's misconduct.

P/C Christie's belligerent and uncivil manner does not reflect well on the OPP. This is not how our members are trained or expected to conduct themselves, and his incivility and belligerence are totally contrary to the organization's values. The public would expect a suitable sanction for this type of behaviour, one that would address concerns about professionalism and discipline within the OPP. A disposition within the range proposed by counsel should serve to alleviate any reputational damage caused by P/C Christie's behaviour, both from the perspective of the general public, and Mr. Jones.

Consistency in Disposition

Mr. Kirsh submitted six cases for consideration of penalty -

Ontario Provincial Police and P/C Siriska, 2021

Following a hearing, P/C Siriska was found guilty of using profane and uncivil language with members of the public in relation to a traffic stop, having *made a number of uncivil and inappropriate comments over a sustained period*. The hearing officer noted that one of the members of the public additionally became confrontational, but found that it was incited by P/C Siriska, and not a provocation for the misconduct. P/C Siriska's employment history was considered a strongly mitigating factor, but the hearing officer noted *some consternation as to his inclination or desire to reform*, and recognition of the seriousness of the misconduct was considered a neutral factor. He was ordered to forfeit 24 hours and undergo communications training. P/C Christie does not have the same mitigation afforded to his employment record, but he did plead guilty, thereby acknowledging his misconduct. Additionally, I consider P/C Christie's aggression, with his clenched fists and provocation to fight, to be more serious than the rudeness displayed by P/C Siriska.

Ontario Provincial Police and P/C Stephen Quinn, 2018

P/C Quinn was found guilty of discreditable conduct following a plea and a joint penalty submission. P/C Quinn, while off-duty, challenged a jet ski rental invoice in a *heated verbal exchange*. He identified himself as a police officer, used profane, abusive, or insulting language towards a member of the public, told that person he was going to be charged criminally, and then made disrespectful and unprofessional comments regarding his staff sergeant. The hearing officer accepted the joint penalty submission of 30 hours forfeiture. P/C Quinn's employment history was a neutral factor while the plea and joint penalty position were considered very mitigating. Given that it was a plea and joint penalty position, the details of the verbal exchange were not provided, but I note that P/C Quinn not only engaged in a heated argument, but he also identified himself as a police officer and was disrespectful of a higher-ranking member. These are elements not present in P/C Christie's matter, however it appears that the P/C Quinn matter lacked the physical aggression inherent in P/C Christie's misconduct.

York Regional Police and Cst. Pha-Luan Ho, 2014

While conducting a drug investigation, Cst. Ho apprehended four males, two of which refused to obey his direction to stop moving. He unholstered his firearm, pointed it at the ground and told them “*Don’t try anything or I’ll bust a cap*”. He pled guilty to discreditable conduct for using profane, abusive, or insulting language, and on a joint penalty submission received a disposition of 39 ½ hours. His employment record was considered extremely mitigating along with his plea and joint penalty submission. I note that Cst. Ho was in a dynamic detention of four males when he drew his handgun, although there is no indication he had sufficient grounds to do so. While P/C Christie did act in an aggressive and provocative manner, I find that Cst. Ho’s use of a firearm during an arrest, and his threat to use it, raises the seriousness beyond that of P/C Christie’s matter.

Windsor Police Service and Cst. Christopher Bernadon, 2012

Cst. Bernadon inserted himself into an on-duty situation, and his derogatory statements escalated the incident, which resulted in the grounding/submission and arrest of two bystanders. He pled guilty to two counts of discreditable conduct and on a joint submission was demoted for one month. His employment record was found to be excellent, and his plea and joint penalty position were considered mitigating. Unlike P/C Christie, P/C Bernadon’s unnecessary involvement directly provoked two uninvolved bystanders, which then resulted in their grounding, submission, and arrest.

D’Souza v. Toronto Police Service and Berger, 2007 ONCPC

This was an appeal to the Ontario Civilian Police Commission of three findings of misconduct (two counts of discreditable conduct and one count of insubordination) for an incident that occurred during a traffic stop. Cst. D’Souza was performing traffic control at the CNE when he denied entry to one of the CNE employees. Cst. D’Souza was found to have uttered “*everyone’s a moron*,” before issuing a traffic ticket for disobeying an officer, and then subsequently failing to attend court regarding that ticket. Cst. D’Souza was initially issued a reprimand for being uncivil and failing to attend court, and 40 hours forfeiture for the issuance of a questionable ticket. The Commission upheld the findings of guilt and reduced the penalty for the issuance of the ticket to 24 hours forfeiture. In this matter, the substantive penalty was for the issuance of the ticket, rather than the incivility.

Buks v. Durham Regional Police Service, 2006 ONCPC

In 2004, while off duty, Cst. Buks stopped a member of the public for an alleged driving offence, and following a verbal interaction, issued a traffic ticket. He was charged with discreditable conduct, and at his PSA hearing, it was found that Cst. Buks’ comment - “*if you decide to fight the charge, a dangerous driving charge could be laid*” was made in an attempt to intimidate the civilian to plead guilty. He was demoted to second class constable for 6 months, subsequently affirmed by the Commission given Cst. Buks’ past discipline. In this matter, the misconduct was

related to the threat of increasing a charge, rather than for incivility. I find that Cst. Buks' abuse of authority, particularly given his prior discipline, is more serious than P/C Christie's matter.

Mr. Girvin also submitted four cases for consideration -

Ontario Provincial Police and P/C David Grady, 2021

P/C Grady was on-duty in court and after the sitting Justice left, made a comment to the effect of "what a bitch". This comment was overheard by at least one other member of the court staff. On a plea and joint penalty position, P/C Grady was ordered to forfeit 30 hours, but unlike P/C Christie, it was noted he did have prior serious discipline on file. In contrast, P/C Christie was directly uncivil and aggressive towards a member of the public, but has no previous discipline.

Ontario Provincial Police and D/Sgt. Christopher Bennett, 2021

D/Sgt Bennett was found to have made sexually inappropriate comments in front of other OPP members and external stakeholders on two separate occasions. Following a plea to discreditable conduct, on a joint penalty submission he was ordered to forfeit 40 hours. It was noted that D/Sgt Bennett was in a supervisory position, however his performance evaluations were excellent. By contrast, P/C Christie directly affected a member of the public, but this occurred on only one occasion, and he was not of rank.

Ontario Provincial Police and Sgt. Scott Rome, 2018

Between the timeframe of October 2016 to June 2017, *Sgt. Rome made inappropriate and unprofessional comments. He slept in a police cruiser on duty at a call for service and in the presence of a member of the public. Sgt. Rome also yelled and swore at an officer under his command and failed to abide by the instructions of a senior officer.* He pled guilty to discreditable conduct and on a joint penalty position received a 40 hour forfeiture. His employment history was found to be neutral, and he had prior informal discipline on his record. The hearing officer also noted this was repeated misconduct over a period of time, committed by a supervisor. This matter is less helpful in that it was a prolonged period of varied misconduct by a sergeant (who had prior discipline), which did not involve any members of the public.

Ontario Provincial Police and P/C Matthew Kokot, 2011

P/C Kokot was off-duty and attempted to gain entry to a bar with another off-duty officer. Upon showing his police badge, and being denied entry for being intoxicated and argumentative, P/C Kokot then lunged at the bar manager, grabbed him around the neck and tore his shirt. He was escorted to the parking lot, yelling, and screaming profanities at the bar staff. He was found guilty of discreditable conduct and ordered to forfeit 24 hours on a joint penalty submission. It was noted that P/C Kokot was a junior officer and was very remorseful of his actions. I am mindful that this decision was the result of a joint penalty position, because I would have expected a higher disposition considering the physical assault committed by P/C Kokot.

Having considered all of the cases above, I find that *Siriska* is closest in terms of the actual incident and behaviours – both involved an on-duty verbal interaction with members of the public. While there was reference to P/C *Siriska* being aggressive, it was not to the level of P/C *Christie*, whose clenched fists and invitation to fight escalated the seriousness of his misconduct.

In *Grady*, the officer was on-duty and made a profane and insulting comment about the justice of the peace. While there was no direct interaction with the justice, both court staff and members of the public were present. As already noted, there was no aggression involved, but P/C *Grady*'s penalty was aggravated by prior discipline.

Ho and *Bernadon* involved on-duty interactions with the public where incivility and a level of force were used – in *Ho*, the officer drew his weapon, in *Bernadon* his actions led to the grounding and arrest of bystanders he had provoked. These resulted in dispositions of 39 ½ hours forfeiture and a one-month demotion, respectively. While I consider the use of force to have elevated the seriousness of their matters, they are both dated decisions.

The remaining decisions either involved different types of misconduct or additional circumstances, and were assistive only in that they provided a range for generally uncivil or unprofessional behaviour. I am satisfied that the range for misconduct similar to that of P/C *Christie*, would be higher than the 24 hours issued in *Siriska*, but less than the 39 ½ hours ordered in *Ho*.

Conclusion

P/C *Christie*'s misconduct was totally inappropriate given the circumstances, and he was belligerent, aggressive, and rude. He caused a member of the public to be fearful of his conduct, and his actions reasonably damaged the reputation of the OPP. P/C *Christie* was unprofessional and disrespectful in both his language and demeanour, and such behaviour is not tolerated by either the organization or the public.

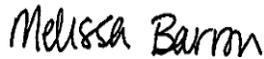
Evidence tendered to the tribunal indicates that P/C *Christie* has demonstrated common sense, restraint, and respect in the past, but that his performance was declining in the years leading to his misconduct. His most recent evaluation, completed just five months before the incident with Mr. Jones, stated that he had experienced challenges and a partial withdrawal from work. Following his misconduct, P/C *Christie* sent a message to his supervisor, writing that he knew at some point he would "lose his shit" on someone. To P/C *Christie*'s credit, he entered a plea and moved forward with the proceedings despite being absent from the workplace.

As in any police discipline matter, P/C *Christie*'s disposition must be proportionate to his misconduct, and the relevant disposition factors must be balanced in accordance with the facts.

The principles regarding the crafting of an appropriate disposition⁵ state that the penalty should, where possible, be corrective rather than punitive. Having reviewed similar jurisprudence, I am satisfied that a forfeiture of 30 hours, to be worked, will satisfy the goals of discipline, which include the employer's interests regarding conduct and public safety; the public interest; the interests of Mr. Jones; and the rights of P/C Christie. This is not an insignificant penalty – P/C Christie will be obliged to work 30 hours without compensation as a result of his misconduct on September 27, 2021. This will serve as a deterrent for him and other officers, and provide a measure of reassurance to the public, that the OPP will not tolerate this type of treatment towards the communities we are mandated to serve.

PART III: DISPOSITION

I order P/C Christie to forfeit 30 hours, to be worked. This order is being made pursuant to section 85(1)(f) of the *Police Services Act*.



Melissa Barron
Superintendent
OPP Adjudicator

Date electronically delivered: April 12, 2024

⁵ Paul Ceyssens' *Legal Aspects of Policing*, §5.10 Disposition (a) Principles Governing the Determination of a Disposition

Appendix “A”

The following exhibits were tendered during the hearing:

- Exhibit 14: Prosecution Book of Documents and Authorities:
 - 3 Performance Learning and Development Plans for P/C Christie (2018 – 2021)
 - *Ontario Provincial Police and P/C Siriska, 2021*
 - *Ontario Provincial Police and P/C Stephen Quinn, 2018*
 - *York Regional Police and Cst. Pha-Luan Ho, 2014*
 - *Windsor Police Service and Cst. Christopher Bernadon, 2012*
 - *D’Souza v. Toronto Police Service and Berger, 2007 ONCPC*
 - *Buks v. Durham Regional Police Service, 2006 ONCPC*
- Exhibit 15: Defence Book of Authorities:
 - *Ontario Provincial Police and P/C David Grady, 2021*
 - *Ontario Provincial Police and D/Sgt. Christopher Bennett, 2021*
 - *Ontario Provincial Police and Sgt. Scott Rome, 2018*
 - *Ontario Provincial Police and P/C Matthew Kokot, 2011*