

**NIAGARA REGIONAL POLICE SERVICE 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**

**NIAGARA REGIONAL POLICE SERVICE**

**-and-**

**CONSTABLE WILLIAM SCHOENHALS #9486**

**ALLEGATIONS: DISCREDITABLE CONDUCT & NEGLECT OF DUTY (2 Counts)**

**OIPRD File #180011101**

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**DISPOSITION WITH REASONS**

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**HEARING OFFICER**

**Superintendent Richard Frayne #3380**

**Niagara Regional Police Service**

**APPEARANCES**

**Prosecution: Inspector Michael Woods**

**Counsel for the Defence: Ms. Leanne McClay**

**Public Complainant: Mr. Roger Williams**

**Hearing Date: June 11, 2019**

### **Disposition With Reasons**

Prior to commencing with my decision in these matters, I wish to thank Inspector Michael Woods, Prosecutor for the Niagara Regional Police Service, Mr. Roger Williams, the complainant in these matters, and Ms. Leanne McClay, Defence Counsel, for the assistance they provided me over the course this Hearing, including their submissions and exhibits tendered, all of which aided me in reaching my decision.

### **ALLEGATIONS OF MISCONDUCT:**

Constable William Schoenhals #9486 stands charged that he:

1. On or about April 26, 2018, did commit Discreditable Conduct in that he used profane, abusive or insulting language or is otherwise uncivil to a member of the public (Roger Williams) contrary to Section 2(1)(a)(v) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.
2. On or about April 26, 2018, did commit Neglect of Duty in that he, without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force to wit: failing to provide Roger Williams with his Right to Counsel upon arrest, contrary to Section 2(1)(c)(i)(a) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.
3. On or about April 26, 2018, did commit Neglect of Duty in that he, without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force to wit: failing to make notes in his duty book regarding the incident involving Roger Williams, contrary to Section 2(1)(c)(i)(a) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.

### **THE HEARING:**

This is an Office of the Independent Police Review Director (OIPRD) ordered hearing involving a public complainant, Mr. Roger Williams. It was assigned OIPRD File #180011101.

On June 11, 2019 at a hearing held at Niagara Regional Police Service Headquarters, 5700 Valley Way, Niagara Falls, Ontario Constable William Schoenhals pleaded guilty to all counts. He was found guilty on clear and convincing evidence of all three counts; one count of Discreditable Conduct as specified in Section 2(1)(a)(v), and two counts of Neglect of Duty as specified in Section 2(1)(c)(i)(a) of the Schedule, Code of Conduct, Ontario Regulation 268/10, of the Police Services Act, R.S.O 1990 as amended.

The Hearing was open to the public at all times, and the public complainant Mr. Williams was present. Mr. Williams was aware of his right to be represented by legal counsel however he chose not to exercise this right. Instead he was assisted by the Prosecutor, Inspector Michael Woods. As Hearing Officer, I was satisfied that Mr. Williams was fully aware of the process involved and his right to fully participate. Although Mr. Williams did not exercise his right to be represented by counsel I am satisfied that he was

adequately assisted by Inspector Woods. Mr. Williams was an active participant in the process and he received disclosure on all matters. I am satisfied that he participated in a meaningful manner on discussions related to resolution of these matters, including the Agreed Statement of Facts and the joint submission on penalty.

### **EXHIBITS**

Exhibits for these matters are listed in Appendix "A", attached hereto. To avoid repetition, exhibits will be referred to by number without the preface of Appendix "A".

### **THE AGREED STATEMENT OF FACTS**

As read by Inspector Woods:

#### **Facts:**

Constable William Schoenhals, Mr. Roger Williams, Bryan MacCulloch, Chief of Police of the Niagara Regional Police Service, through Inspector Woods, agree to and admit the following facts:

1. On April 26, 2018, the Public Complainant, Roger Williams, was the owner of a dog that was bitten by another dog belonging to a female witness, which resulted in the Complainant's dog sustaining an injury that required veterinary care.
2. The Complainant wanted to take his dog to a nearby veterinary emergency clinic and asked the witness to accompany him; however she did not feel safe doing so. The witness subsequently attempted to call friends for assistance, eventually placing a call to off-duty Niagara Regional Police Service Constable Schoenhals phone.
3. Constable Schoenhals thought the witness was calling to speak with his wife and handed the phone to her to answer.
4. Constable and Mrs. Schoenhals became aware of what had transpired and Constable Schoenhals reported that he advised the witness to call the police.
5. The Complainant asked to speak with whoever the witness had called and the witness handed her phone to the Complainant Mr. Williams, however an argument then ensued between the Complainant and witness and the call was disconnected.
6. The Complainant subsequently refused to return the witness's cell phone, advising her that he was going to take her phone and go to the veterinary clinic. He asked her to accompany him, however she refused and the complainant left with the witness's phone in his possession.
7. The Complainant later indicated to OIPRD investigators that he maintained the cell phone in his possession to ensure that the witness would attend and pay for the required veterinary care.

8. Concerned about the witness's well-being, Constable Schoenhals and his wife attended the location where the incident had occurred, located the witness and then contacted police, waiting for them to arrive.
9. The witness expressed concern that her phone was unlocked and contained banking and other personal information.
10. While waiting Constable Schoenhals reports that a phone call was received from the Complainant, who wanted the witness to attend the veterinary clinic to pay for the treatment required by his dog.
11. Constable Schoenhals reports he identified himself as a police officer and advised the Complainant to return the phone or he would be charged with Theft. Although the Complainant stated he was at the clinic, Constable Schoenhals did not know where it was.
12. Using a phone app that identified the location of the witness's phone, Constable Schoenhals attended the emergency veterinary clinic where he met the Complainant.
13. During the course of their subsequent interaction, Constable Schoenhals indicates he identified himself as a police officer and placed the Complainant under arrest for the offence of Theft Under \$5,000.
14. With respect to Allegation #1 –Discreditable Conduct – Uses profane, abusive or insulting language or is otherwise uncivil to a member of the public. This incident occurred at an emergency veterinary clinic, where the Complainant was having his visibly injured dog treated. A number of civilian witnesses advised that Constable Schoenhals was yelling at the Complainant for at least a few minutes and standing closely to him. The Complainant was generally unresponsive during the interaction. The civilian witnesses indicated that they intervened twice and asked the men to lower their voices because they were in an emergency animal hospital.
15. In light of the circumstances, location and witness statements, investigators determined that Constable Schoenhals' behaviour, which appeared to be disproportionate to the situation, was uncivil and therefore the allegation of Discreditable Conduct was substantiated.
16. With respect to Allegation #2 – Neglect of Duty - Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force. The Complainant alleged that Constable Schoenhals did not advise him of his Right to Counsel upon arrest.
17. Constable Schoenhals stated that he provided partial Right to Counsel by advising the Complainant he could contact a lawyer. He did not provide full Right to Counsel because he did not have it memorized and did not have his duty book with him.

18. Four civilian witnesses at the clinic did not hear Constable Schoenhals provide Right to Counsel, partial or otherwise. Constable Schoenhals did not reference providing any form of Right to Counsel in the occurrence report, in duty notes or in his written statement to the OIPRD.
19. While it is recognized that an officer faces a unique predicament in effecting an off-duty arrest in that they may not have their duty book or police equipment with them, an officer may discharge his Charter obligation to provide Right to Counsel by providing an informal version that communicates the basic elements and provides an opportunity for an accused person to exercise those rights until on-duty officers arrive.
20. Investigators determined that the evidence does not support that Constable Schoenhals discharged his Charter obligation to provide Right to Counsel and as a result, the allegation of Neglect of Duty was substantiated.
21. With respect to Allegation #3 – Neglect of Duty – Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force. Constable Schoenhals did not record the incident in his duty book and stated that he thought it would have looked strange to record it after the fact.
22. Section 3.5 of NRPS General Order 186.06 requires members to account for every calendar day, including days off. Constable Schoenhals did not demonstrate a legitimate reason to not have met that requirement. Accordingly, investigators determined that the allegation of Neglect of Duty was substantiated.
23. Upon the arrival of on-duty officers, the arrest of the Complainant was continued and he was fully advised of his Right to Counsel.
24. Following an investigation, which took into account the circumstances, the fact that the witness's phone was returned to her and that the witness did not support a criminal charge being laid, the Complainant was released unconditionally.
25. The witness subsequently paid the cost of veterinary treatment for the Complainant's dog.

**ADMISSIONS:**

Based on the foregoing facts, Cst. Schoenhals acknowledged and admitted that he:

- a. On or about April 26, 2018, he did commit Discreditable Conduct in that he used profane, abusive or insulting language or was otherwise uncivil to a member of the public (Roger Williams) contrary to Section 2(1)(a)(v) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.

- b. On or about April 26, 2018 he did commit Neglect of Duty in that he, without lawful excuse, neglected or omitted to promptly and diligently to perform a duty as a member of the police force to wit: failed to provide Roger Williams with his Right to Counsel upon arrest, contrary to Section 2(1)(c)(i)(a) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.
- c. On or about April 26, 2018, he did commit Neglect of Duty in that he, without lawful excuse, neglected or omitted to promptly and diligently to perform a duty as a member of the police force to wit: failed to make notes in his duty book regarding the incident involving Roger Williams, contrary to Section 2(1)(c)(i)(a) of the Scheduled Code of Conduct Regulation 268/10 of the Revised Regulations of Ontario as amended and did thereby commit misconduct pursuant to Section 80(1)(a) of the Police Services Act.

### **SUBMISSIONS ON DISPOSITION**

Constable William Schoenhals, Roger Williams, and Inspector Woods, suggest that the appropriate penalty for the three misconducts set out above is the global forfeiture of twenty four hours from Constable Schoenhals' annual leave bank.

### **DISPOSITION CONSIDERATIONS**

The goals of the police discipline process include the maintenance of discipline through the correction of behaviour of the involved officer, while deterring other officers from engaging in the same behaviour. Police discipline also has the goal of reassuring and restoring public confidence in the police service, by demonstrating that officers will be held to a higher standard of conduct and be held accountable for their actions, while ensuring the fair treatment of the involved officer in the disciplinary process, and in the case of a public complaint, ensuring that the interests of the complainant are protected.

It is well established in police discipline matters, that it is proper for the Tribunal to consider the relevancy of a variety of elements in arriving at a disposition.

In *Krug and the Ottawa Police Service, January 21, 2003 OCCPS* pages 12-13 the Ontario Civilian Commission on Police Services (The Commission) sets out 13 factors to be considered in determining a disposition.

Paul Ceysens, Volume 1, at page 5-246-248 of *Legal Aspects of Policing*, EarlsCourt Legal Press, Inc. (updated 21, December 2005) summarized the mitigating and aggravating (or neutral) considerations governing disposition in relation to proportionality, being the fourth principle governing the determination of a disposition. That list of (15) considerations include the (13) factors from *Krug and Ottawa Police Service* and are as follows:

1. Public Interest
2. Seriousness of the Misconduct
3. Recognition of the Seriousness of the Misconduct
4. Disability and Other Relevant Personal Circumstances
5. Provocation
6. Procedural Fairness Considerations
7. Employment History
8. Potential to Reform or Rehabilitate the Police Officer
9. Effect on Police Officer and Police Officer's Family
10. Consistency of Disposition
11. Specific and General Deterrence
12. Systemic Failure and Organizational/Institutional Context
13. Damage to the Reputation of the Police Force
14. Effect of Publicity
15. Loss Resulting from Unpaid Interim Administrative Suspension

### **SUBMISSIONS BY THE PROSECUTION**

Inspector Woods began his submissions by recognizing the goals of police discipline outlined above. Inspector Woods stated that the proposed penalty of a global loss of three days (24 hours) leave was appropriate in the circumstances taking into account all the mitigating and aggravating factors.

He submitted a letter of apology (Exhibit 6) prepared by Constable Schoenhals that had been provided to Mr. Williams. The letter, dated June 11, 2019, read into the record by the Tribunal, stated:

*"To the Attention of: Roger Williams*

*Dear Mr. Williams: Re: Interaction on April 26, 2018*

*I am writing to you to apologize for my behaviour during our interaction on April 26, 2018. My connection with the woman who was the owner of the dog who bit your dog was one that made me react emotionally to your possession of her cell phone. At the time, this was my focus and as a result I was insensitive to the emotional situation you were experiencing given your dog's injuries. Reflecting back on that day, I realize my reaction must have made a bad situation so much worse for you.*

*I want to apologize for reacting in a way that was not necessary and that caused you further distress and I hope that you will not feel negatively toward the Niagara Regional Police Service based on my actions on that day.*

*Yours truly, Constable William Schoenhals."*

### **Public Interest**

Inspector Woods stated that there is an overriding interest to ensure that police officers maintain the highest standards of professional conduct during their interactions with members of the public. He emphasised that the public must have confidence that police officers will conduct themselves appropriately, including while off-duty, and that the Charter rights of an accused person will be respected in every

circumstance. The public must also be reassured that police officers who do not maintain the required standards will be held to account and that the public will be protected.

#### Seriousness of the Misconduct

While Constable Schoenhals has acknowledged his unprofessional behaviour in this circumstance which has caused the complainant significant distress and falls below the expectations of members of this Police Service, it could be suggested that the lack of comparable case decisions reflecting similar circumstances are the result of similar matters often being addressed through the informal discipline process. Comparative to many of the cases listed on the OIPPRD website, this matter would be at the lower end of the spectrum in terms of seriousness, Inspector Woods suggested this could be considered a mitigating factor.

#### Recognition of the Seriousness of the Misconduct

Inspector Woods stated that Constable Schoenhals has accepted responsibility for his actions, as demonstrated by his guilty plea, his written apology to Mr. Williams, and his agreement to a forfeiture of hours which will result in the loss of vacation time. By acknowledging his misconduct and therefore eliminating the requirement for the prosecution to call witnesses to testify, Inspector Woods submitted that Constable Schoenhals deserves credit in mitigation of the final disposition.

#### Employment History

Inspector Woods advised that that Constable Schoenhals is in his 16th year as a police officer, having started his career with the Niagara Regional Police Service in January 2004. At the time of this incident, Constable Schoenhals was assigned to uniform patrol duties in 2 District Niagara Falls. He is currently assigned to uniform patrol duties in 5 District Fort Erie. In Exhibit 4, Inspector Woods pointed out the Performance Appraisal and Development Plans for Constable Schoenhals for the years 2016, 2017 and 2018. It was identified, generally speaking, that Constable Schoenhals performance is described as "effective", and despite the facts of the matter before the Tribunal today, various supervisors have described him as professional, competent, approachable, knowledgeable, respectful and courteous. Inspector Woods identified that Constable Schoenhals has a discipline record with the Niagara Regional Police Service.

Inspector Woods stated that four disciplinary incidents resulted from misconduct allegations in 2012 and 2013, and occurred more than 5 years prior to the matter before the Tribunal. There were no related disciplinary matters during the intervening years. These previous matters were addressed through informal discipline processes, unlike the matter today, which is being addressed as serious misconduct within a formal disciplinary hearing, which will also impose a McNeil reporting obligation on Constable Schoenhals, likely for the remainder of his police career in the absence of a legislated expungement policy. Inspector Woods took the position that Constable Schoenhals disciplinary history was concerning, and he should not be entitled to mitigation that might be expected in the case of an officer with an unblemished 16 year career of service, however he felt that these matters are somewhat dated and were separated from the case before the Tribunal today by a significant period of time with no related discipline.



### Potential to Reform or Rehabilitate the Police Officer

Constable Schoenhals, according to Inspector Woods, has demonstrated that reform and rehabilitation remains a potentially attainable goal, given the content of his performance appraisals, his lack of disciplinary history in the 5 years proceeding to this incident, and the fact that he has taken responsibility for his actions as demonstrated by his plea of guilt and his apology letter to Mr. Williams. Inspector Woods stated that at the mid-point of his career, Constable Schoenhals is at a crossroads with respect to determining his future path. At this point, he should be serving as a role model for his peers in all aspects of police work. He remains deserving of the opportunity to demonstrate a renewed sense of professionalism in his interactions with the public going forward, and toward the policing profession as a whole.

### Consistency of Disposition

Inspector Woods directed the attention of the Tribunal to three relatively recent Tribunal decisions arising from public complaints to provide guidance with respect to consistency of disposition noting that the cumulative total of hours specified in the joint submission is within the mid-range of the cases presented, and appropriate in the circumstance when viewed comparatively to each of the referenced cases and the individual considerations reflected in each matter.

In *Sergeant Scott Elliott and the Niagara Regional Police Service - October 11, 2016*, Inspector Woods felt that case reflects a similarity to the matters involving Constable Schoenhals. Sergeant Elliott also failed to provide a male in custody with his Right to Counsel. In the Elliott case, two allegations of Unlawful or Unnecessary Use of Authority were substantiated for an unlawful arrest and causing a minor injury to the male during the course of that arrest. Inspector Woods submitted that the seriousness of that misconduct is higher on the spectrum than Constable Schoenhals, and also involves incivility on the course of a lawful arrest, and the failure to complete notes. Although his responsibility was said to be greater given that he was a supervisor, Sergeant Elliott's penalty was mitigated by his 30 year positive employment history. In a joint submission, Sergeant Elliott received a penalty of 24 hours of community service which was suggested by the complainant and agreed to by Sergeant Elliott. 8 hours penalty were attributed to each allegation in that matter, for a total of 24 hours.

In *Constable John Eddolls and the Halton Regional Police Service - March 29, 2017*, Eddolls was alleged to have committed 2 counts of Discreditable Conduct for arbitrarily detaining a male and failing to provide the male with his Right to Counsel. Constable Eddolls was also alleged to have committed Neglect of Duty for failing to complete required reports. Inspector Woods advised that this matter bears similarities to the matter before the Tribunal today in that Constable Eddolls did not provide Right to Counsel or complete required documentation, but it is dissimilar in that the male was arbitrarily detained whereas with Constable Schoenhals, the male was lawfully detained but was treated in an uncivil manner. Following a joint submission, Constable Eddolls received a global penalty of 18 hours forfeiture of time which was mitigated by his apology to the male, guilty plea and positive employment record.

In *Constable Jason Mathers and the Halton Regional Police Service June 11, 2018*, Constable Mathers was alleged to have committed Unlawful or Unnecessary Exercise of Authority in arresting a male. The male was handcuffed and transported to a police station, spent time in custody and was charged with offences, which

were subsequently withdrawn by the Crown when the arrest was determined to be unlawful. Inspector Woods advised that although dissimilar in facts involving Constable Schoenhals, he was submitting it for consideration with respect to the higher end of penalty in a case that was clearly more serious with regard to the circumstances. In Mathers, the penalty was aggravated by the seriousness of the misconduct; however, it was also mitigated by a guilty plea. Four previous disciplinary convictions for unrelated neglect of duty allegations that had occurred in the previous four years were balanced against positive appraisals which resulted in it being considered a neutral factor. Following a joint submission, a penalty of 39 hours forfeiture of time was imposed, in addition to refresher training in arrest authorities.

#### Specific and General Deterrence

Inspector Woods submitted that the proposed disposition was sufficient to provide specific deterrence, given that it arises within the context of a formal disciplinary hearing as opposed to an informal process, and that the allegations of serious misconduct in this venue will result in a McNeil reporting obligation going forward. With respect to general deterrence, Inspector Woods stated this disposition will serve as a reminder to all members of the Niagara Regional Police Service that professionalism in all aspects of policing must be demonstrated in every circumstance, whether on duty or off duty, and that the failure of officers to conduct themselves in an exemplary manner carries serious consequences.

#### Damage to the Reputation of the Police Service

Inspector Woods submitted that anytime the actions of a member of the police service result in a substantiated allegation of misconduct, it damages the reputation of the Service as a whole, however the process of publicly addressing the misconduct as it has been in this case should serve to restore confidence that substantiated allegations will be appropriately addressed by the Police Service and that members will be held accountable when they commit misconduct.

#### Effect of Publicity

Inspector Woods advised that although the matters were unreported in the media to date, the fact that this matter has been addressed in a public forum may result in media attention at a later time. In that event, this matter will no doubt impact Constable Schoenhals and his family, as it will reflect on the reputation of the Police Service, however this is the cost of an open and transparent disciplinary process.

In closing, Inspector Woods submitted that the proposed disposition is reasonable, proportional, and balances the need for specific and general deterrence in the unique circumstances of this particular incident, while also taking into consideration the input of the complainant and procedural fairness toward Constable Schoenhals.

#### **SUBMISSIONS BY MR. ROGER WILLIAMS**

The Tribunal provided the public complainant, Roger Williams, an opportunity to provide input into the disposition of this matter. Mr. Williams raised no concerns with the proposed penalty, however he did have two items that he wished the Tribunal to consider:

### Letter of Apology

Mr. Williams acknowledged that he had received a copy of the letter of apology from Constable Schoenhals. Mr. Williams expressed that he felt that an oral apology, or the apology being read by Constable Schoenhals aloud himself, would demonstrate greater remorse than a written apology being given to him.

### Counselling

Mr. Williams requested that the Tribunal consider requiring that Constable Schoenhals participate in counselling in addition to any other penalty imposed. Mr. Williams recognized that Constable Schoenhals appraisals had identified that he was known for good dealings with the public, but that had not been Mr. Williams's experience at all with Constable Schoenhals. In particular Mr. Williams felt that Constable Schoenhals should behave himself and control his temper.

Mr. Williams advised that he had thought of counselling overnight and had not raised it previously with Inspector Woods when potential dispositions were being discussed. Inspector Woods advised that he had only learned of the suggestion moments before the Tribunal commenced. Ms. McClay advised the Tribunal that she would be addressing the concerns of Mr. Williams in her submissions.

### **SUBMISSIONS BY THE DEFENCE**

Ms. McClay commenced her submissions on behalf of Constable Schoenhals by confirming that Constable Schoenhals was a member of the Niagara Regional Police since 2004 and he was pleading guilty to two counts of Neglect of Duty of Duty and one count of Discreditable Conduct. He was prepared to accept an appropriate penalty for committing such offences, and that the proposed penalty of 24 hours (3 days) loss of leave was a joint submission by the Prosecution and the Defence.

Ms. McClay spoke to the form of apology prepared by Constable Schoenhals and identified that the reason that the apology was written was that he was just not comfortable doing a public apology. There had been discussions about this form of apology and Ms. McClay stated that Constable Schoenhals had no issue doing a written apology whatsoever and her experience has been that officers do not do that (apologize in writing) if they're not sincere.

Ms. McClay advised that the proposed disposition was reached following numerous discussions between herself and the Prosecutor with input from the complainant and an in-depth analysis of the relevant sentencing considerations. Ms. McClay spoke to the following disposition factors and submitted Exhibit 7 in support of her comments:

### Employment History

Ms. McClay referenced the 3 most recent performance evaluations indicate that he performs his police duties in an effective to outstanding manner and pointed out that while there are many positive comments contained within Constable Schoenhals' Performance Evaluations, she would focus on a selected a few comments that are relevant to these allegations.

His 2018 Performance Appraisal states that Constable Schoenhals is "courteous, polite and professional when dealing with members of the public." Bill completes his workflow items in a timely manner without many items being overdue. Constable Schoenhals is a personable officer who interacts well with the public as well as his platoon mates and supervisors."

In his 2017 appraisal, Constable Schoenhals is referenced as "a polite, professional experienced officer. He completes his reports and workflow in a timely manner. His interactions with the public are respectful and courteous."

Constable Schoenhals' 2016 appraisal states that "He responds for calls of service in a professional manner and reacts to the members of the community with appropriate levels of communication and empathy."

Ms. McClay advised that Constable Schoenhals was the recipient of a Chief of Police Commendation in 2017 for his part in the response to a call for a suicidal female. The Commendation read that "The female who was armed with a knife, bleeding from self-inflicted wounds and suffering from delusions and paranoia was ultimately able to be taken into custody by officers and transported to hospital for treatment. Without the actions of the officers and their ability to quickly control the situation, the female would have instead been faced with life threatening conditions."

As well, he was the recipient of a Certificate of Appreciation from the Mayor of Toronto, David Miller and Chief of Police, Bill Blair in 2011 for his interaction and work on the success of the 2010 G10 Summit.

Ms. McClay also advised that Constable Schoenhals has also been recognized formally on numerous occasions for his perfect work attendance which is highly valued at this Service.

Ms. McClay summarized that Constable Schoenhals work performance has and continues to be at a good standard. Ms. McClay advised that his behaviour on April 26, 2018, as it relates to incivility was an aberration to his similar on-duty work behaviour. For this reason, she asked that strong weight be given to how he generally conducts himself with members of the public. Ms. McClay recognized that he does have prior discipline issues, but that the issues were non-recent, occurring in 2012 and 2013 and were not dealt with through the hearing process. He has had a significant period of employment since then unblemished by misconduct. All of the prior discipline occurred within close proximity and during a difficult personal period. It hasn't occurred since.

#### Damage to Reputation of Police Force

Ms. McClay stated that only the Discreditable Conduct charge and Neglect of Duty charge pertaining to Rights to Counsel were contained within the public complaint. The complainant's complaint to the OIPRD did not reference the failure of the officer to take notes. While Constable Schoenhals raised voice level in the Emergency Animal hospital did cause the complainant and several of the witnesses to have a negative experience with one officer of the NRPS, this was not reflective of their interaction with the NRPS as a whole, and therefore was not an interaction which caused widespread reputational damage. The call was attended by on-duty officers who dealt with the matter in a professional and efficient manner. The complainant indicated in his complaint that "I have no issue with the two members of the NRPS – no

complaint against them.” In addition, the concerns of the witnesses related to Constable Schoenhals' raised voice and what they felt was a more aggressive response than what was necessary in the situation and to the disturbance caused in a hospital setting. There was no media coverage of this incident and it therefore did not extend beyond a small group of individuals. Ms. McClay stated that although the Prosecutor did comment that there may be media attention following today's Hearing, that potential result is not a factual finding. Ms. McClay added that the fact that Constable Schoenhals was not in uniform at the time is a factor that creates some disassociation of him from the NRPS.

#### Seriousness of the Misconduct

Ms. McClay advised that she was taking a very similar position to the one taken by Inspector Woods regarding the seriousness of the misconduct. Ms. McClay advised that typically, formal hearings deal with serious charges or where there is an inability to deal with the matter informally or through a disposition without a hearing. In her experience, the matters currently before the Tribunal have historically been identified as being of a less serious nature. Ms. McClay stated that that she wanted to distinguish this as her personal opinion and it is not that of the officer.

Ms. McClay provided the following information for consideration. The conduct relating to incivility has been recognized by Constable Schoenhals as behaviour that was inappropriate. While Constable Schoenhals became involved as a private citizen in this matter he ultimately put himself on-duty to affect the arrest. His involvement began out of concern for the other dog owner who had called him for assistance. Her call was cut off before he could ascertain her whereabouts and whether she was safe. For the period where he did not know if she was safe he was in a state of worry. That emotional state did not dissipate instantly upon locating the female. From that point, re-acquiring the female's phone, which property the complainant had no right to take in the first place, became the priority given the phone was unlocked and contained financial and other private information. While incivility is never appropriate, Ms. McClay stated that this is not a typical police case of incivility where profane, discriminatory or abusive language is generally present or part of the incivil behaviour. In this incident, the incivility, was limited to a raised voice or yelling depending on the witness account, and as such it should be considered at the lower end of the spectrum for these types of discreditable conduct offences.

Ms. McClay directed the Tribunals' attention to the following decisions:

*Toronto Police Service and Constable Philip D'Souza* which involved Constable D'Souza uttering a rude remark along the lines of "everyone's a moron" to the complainant. When the complainant asked for Constable D'Souza's badge number, the officer charged him with two unlawful provincial offences. In that case, Constable D'Souza was reprimanded for the rude comment and the Hearing Officer commented specifically that the incivility was not as troubling as the other charges (abuse of authority and insubordination for not attending court on the matter) in terms of considering the issue of seriousness.

With respect to the Neglect of Duty relating to failure to give the complainant the Right to Counsel, Ms. McClay advised that whenever there is a breach of Charter Rights it is significant; however, the situation at hand is not one where there was some inappropriate reason behind the failure to provide the complainant

with his counsel rights. It was an oversight by Constable Schoenhals, who did not have his police resources with him at the time and was not done intentionally for some investigative gain. The complainant was read his rights by the attending officers shortly after the arrest. As well, the complainant remaining at the Emergency Animal Hospital was not a result of the arrest but rather because he was waiting for his dog to be treated. The complainant did not suffer any actual significant detriment, as a result of Constable Schoenhals failure to caution him. Therefore, it too should be considered at the lower end of the spectrum for this type of Neglect of Duty offence.

Ms. McClay took the position that the failure to complete notes in this situation is more of an employment related issue in that it did not impact future court proceedings nor was it an issue of concern raised by the complainant. If there had not been an OIPRD complaint, there would likely have not been any external related consequences whatsoever and note taking would have been dealt with by Constable Schoenhals Supervisor in the normal course. For all these reasons, Ms. McClay felt that the tribunal should consider the seriousness of this offence to be at the lower end of the spectrum for seriousness.

#### Remorse/Guilty Plea

Ms. McClay advised the Tribunal that Constable Schoenhals has demonstrated remorse by entering a plea of guilty at the first opportunity in this Tribunal. He has also prepared a written apology for the complainant.

#### Need for Deterrence

Ms. McClay submitted that the joint penalty submission sends both the appropriate message that civility and Charter Rights are considered to be very important by this police service and that officers must be cognizant of how they conduct themselves at all times, including when they put themselves on-duty. It will also serve as a deterrent for other officers who may consider putting themselves on duty in non-urgent situations rather than wait for on-duty officers to attend. As such general deterrence will be achieved by this joint penalty submission. Through this process, Constable Schoenhals has learned that his public behaviour, as a member of the police service, is always important, whether or not he is in uniform and that his duties and obligations to act professionally do not change regardless of how his need to respond has arisen. Specific deterrence has been achieved not only through the penalty but as a result of the formal record which will result from this Hearing.

#### Potential to Reform/Rehabilitate

Ms. McClay advised the Tribunal that the subject actions do not give rise to any concerns relating to ability to reform and rehabilitation is not an issue in this situation. His employment history does not indicate that this type of behaviour has been an issue when he has been on-duty and it is not expected that this will be the case in future.

Ms. McClay spoke to the suggestion by the complainant that Constable Schoenhals be required to undergo training (counselling). She advised that this does not appear to be a case where Constable Schoenhals would require training. It was a one-off situation and the Tribunal had evidence before it that would indicate that

he is a very courteous officer with the public. There were a lot of factors at play that day, one being that the public complainant did commit theft. He was lawfully arrested for that. Ms. McClay summarized by stating that perhaps everyone was emotional that day, and that should be taken into account when we consider training.

#### Consistency of Penalty

Ms. McClay stated that the joint submission reflects the principle, as set out in Schofield and Metropolitan Toronto Police, that the penalty being considered be fair. She advised that she and Inspector Woods are in agreement, after reviewing the available case law, that the penalty proposed is within the range of appropriate penalty for this type of misconduct. While noting that it was difficult to find a matter with the same facts in issues because charges of this nature are not generally dealt with by way of a formal hearing she provided the Tribunal with the following comments to aid in determining an appropriate resolution.

The first charge of Neglect of Duty relates to Constable Schoenhals' failure to make notes following the incident in accordance with Service policy. Ms. McClay noted that there are not many Neglect of Duty cases dealing with failure to write notes while an officer is dealing with a matter off-duty. She stressed that it is important that the Tribunal consider the context within which the failure to take notes occurred. Ms. McClay stated that Constable Schoenhals does not have an issue with note taking while on-duty. In this particular instance, he was not working and he did not have his duty book with him and as such it was not a familiar situation. At the time, he thought the inclusion would look strange, as a stand-alone insert in his notebook as he was not on-duty that day and there would be no other entries for that day. He should have ascertained his responsibilities but the arrest was not continued, the vet bill was paid and everyone went on their way. He knew the attending officers would be taking notes relating to the call. If this matter had happened in isolation it would not be before the Tribunal. Disciplinary hearings for failure to write notes are more often where there are multiple occasions upon which an officer did not take notes, where the failure to take notes occurs over a long period of time, where the missing notes relate to a serious offence and jeopardize the court proceedings or where the officer also failed to do an investigation.

Ms. McClay drew the Tribunals' attention to *Toronto Police Service and Burkholder* which dealt with a Supervisor's failure to take notes in relation to cautions he gave to his subordinates on 3 separate occasions. Sergeant Burkholder received a reprimand. The case references other cases where reprimands were also referred to and also a case where it was recognized that the officer had an honest but incorrect belief for failing to write notes and that was also a reprimand.

Ms. McClay also drew the Tribunals' attention to *Halton Regional Police Service and Constable Jason Mathers*. In that case, the officer received a penalty of 24 hours for not including an important detail in his notes, which was the presence of a large butcher knife at the crime scene which was central to the laying of criminal charges in the subject incident. It was his third time in two years that he had been disciplined for failing to keep complete or adequate notes and that he was in front of the Tribunal for committing the same offence was considered to be very relevant in sentencing by the Hearing Officer. Ms. McClay felt that is clearly not the situation we are dealing with and suggested that the current matter is more of an internal conduct issue, rather than a public interest issue or a progressive discipline issue and as such, even a formal

reprimand could be considered to be at the high end of the range as an appropriate penalty. She advised that the eight hours agreed to is reflective of how the Prosecutor and Defence Counsel have determined to deal with the three charges in their totality.

The second charge of neglect of duty relates to Constable Schoenhals' failure to provide the complainant with his Rights to Counsel. Ms. McClay urged the Tribunal to note that the complainant was provided with his Rights to Counsel by the attending officers. Ms. McClay directed the Tribunal's attention to *Blakely v Quinte West Police Service 2007 Ontario Divisional Court*. The facts of this case involve the arrest of Mr. Parker for theft and possession of stolen property. Parker was kept incommunicado for almost 28 hours after his arrest under the direction of Sergeant Blakely in order to prevent him from notifying others, known to be part of a dangerous crime group, about the related police investigation. As a result, Mr. Parker's right to counsel was delayed for officer safety. The officer safety concerns ceased approximately 90 minutes before Parker was permitted to call his lawyer. As a result, Sergeant Blakely was found guilty of neglect of duty for failing to provide Parker with his right to retain and instruct counsel without delay under section 10(b) of the Charter for the 90 minute period. The Hearing Officer took into account that Blakely's conduct was not arbitrary and that he had taken steps to ensure that no advantage was taken by the police of the deferral of the right to counsel. The penalty imposed by the Hearing officer was a verbal reprimand and this penalty was upheld by the Divisional Court.

In relation to the discreditable conduct for incivility toward the complainant, Ms. McClay stated that the nature of the incivility is important in relation to sentencing. There is no question that Constable Schoenhals spoke very loudly when addressing the complainant and that witnesses have indicated that he was yelling. The animal hospital environment is one which is typically quiet. As a result, raised voices will stand out more than in a restaurant for example. Although, Constable Schoenhals was identified as yelling, that was the full nature of the incivility – he was not found to have used profane or threatening language toward the complainant or physical aggression. The situation that the complainant found himself in was very unfortunate. While noting that it must be terrible to have your pet hurt, this did not give him the right to take another person's property regardless of the reasons why he may have determined to do so and the arrest made by Constable Schoenhals was lawful, indicating that the complainant did in fact do something wrong.

Ms. McClay advised that it had taken 45 minutes for Constable Schoenhals and his wife to find the female, and he was concerned about her welfare. He was on a day off, and he didn't have to do anything. He reacted out of concern for the female. Constable Schoenhals, by his guilty plea, recognizes that regardless of the situation, as an officer he is to practice courtesy and restraint. Most of the incivility cases are distinguishable in that they do involve "profanity, racial commentary, name-calling or threats." but they can be used to ascertain that the penalty proposed is in the range.

In *Dr. Jeffrey Charendoff and PC Frederick Hicks of the Toronto Police*: The officer called the complainant an "asshole, a jerk and/or a goof". There was also evidence that the officer threatened to throw the complainant out of an interview room if he did not "shut-up". The officer received a reprimand.



*Christine Sinclair and P.C. Michael Walt of the Toronto Police:* The officer called the complainant a “bitch” and made a reference to “the n word” and indicated when he found the complainant’s brother he was going to tear him apart.” The officer received a reprimand.

*Ethel Patterson and Sgt Daniel Kelly of the Toronto Police:* The officer called the complainant’s thirteen year old son a “little fat fuck” or “fucker”. The prosecutor requested 3 days because the officer was offensive to a thirteen-year-old boy and his comments related to physical characteristics. The officer received a reprimand.

*Nasri Khoury and PC Ralph Pike of the Toronto Police:* Involved swearing, threatening (specifically I will smash your fucking head) and raising the middle finger at the complainant. The officer received a reprimand.

*George Mitri and Constable Sansom of Toronto Police:* Involved swearing and physical aggression. It was included because the Hearing Officer noted that the matter could have been best resolved by way of an apology.

Ms. McClay stated that all of these situations can be distinguished from the one before the Tribunal. Constable Schoenhals raised his voice at the complainant. Some witnesses said he was yelling but no witnesses indicate that he was swearing, making threats or physically aggressive. Officers are not typically charged with incivility for “yelling” – as officers often use forceful and direct language. Generally incivility involves profane or threatening language although we accept that incivility is not dependent on the use of profane language. Regardless, Constable Schoenhals recognizes that he could have handled the situation differently and that is why he has pled in this instance rather than debate the charge of discreditable conduct. He has also written an apology to the complainant in that regard which reinforces that he understands his behavior was not appropriate.

#### Officer’s Personal Circumstances including Effect on Officer’s Family

Ms. McClay pointed out that in addition to the penalty, it must be recognized that this is a formal hearing and as such will be on Constable Schoenhals' record for a period of 6 years. Far longer than is typical for the type of offences we are dealing with, which are generally dealt with by way of apology, informally or at district command level. Constable Schoenhals was on a day off and as such was with his wife at the time of the incident. His wife had a relationship with the owner of the dog who bit the complainant’s dog. As such, she went with Constable Schoenhals to find this female when there was a concern about her safety. She also attended at the Animal Hospital with Constable Schoenhals and as a result was peripherally involved in the incident. As a non-police member, as well as Constable Schoehals' spouse, the process has been foreign and difficult and has certainly affected the entire family.

Ms. McClay spoke in support of the cases identified by the Prosecutor and indicated that Inspector Woods friend did a good job setting out cases that support the joint submission. Ms. McClay agreed with the distinctions the Prosecutor made in the *Elliott* and *Eddols* cases on the basis that they do deal with more serious offences that are the nature of the ones before the Tribunal. Ms. McClay reiterated that the

proposed disposition was a joint submission that reflects a consideration of the relevant sentencing factors and is not contrary to the public interest nor would it bring the administration of justice into disrepute

### ANALYSIS

In considering a disposition I must identify all applicable or factors in a particular set of circumstances. In assessing proportionality, my task is to determine if these factors are mitigating, aggravating, or neutral.

#### Public Interest

Public interest is relevant to this matter. This matter is a result of a public complaint received through the OIPRD. The public complainant fully participated in this process and appeared before the Tribunal. The circumstances occurred in a public setting of an animal hospital, and there were members of the public who became involved in the process by telling the officer to lower his voice. The matter also involved the failure, (albeit briefly), of a police officer to provide an arrested party with his Charter Rights to Counsel.

I find this to be an aggravating factor.

#### Seriousness of the Misconduct

The seriousness of the misconduct is a key factor to be considered in any disposition. In this matter Constable Schoenhals was off duty when he became aware of the dispute between the complainant and other member of the public. While he acted out of concern for the safety of his wife's friend, emotions ended up ruling the day. Although his behavior appears to have been motivated by good faith rather than intentional misconduct, he made errors in judgment and responded in a way that was not appropriate. The consequences of his behavior were limited, and I agree with both Inspector Woods and Ms. McClay that the behaviour was at the lower end of the misconduct spectrum.

I find this to be a mitigating factor.

#### Recognition of the Seriousness of the Misconduct

Constable Schoenhals has demonstrated remorse for his actions. He pleads guilty at the earliest opportunity. The Ontario Police Commission in *Purbrick and Ontario Provincial Police OCPC, 25 May 2011 para 81 affd 2013 ONSC 2276 (Div Ct.)* has characterized a guilty plea as "one of the most indisputable forms of admission of culpability, wrong doing, and responsibility." In his written apology to Mr. Williams, Constable Schoenhals stated:

*"Reflecting back on that day, I realize my reaction must have made a bad situation so much worse for you.*

*I want to apologize for reacting in a way that was not necessary and that caused you further distress and I hope that you will not feel negatively toward the Niagara Regional Police Service based on my actions on that day."*

It is key that in his letter of apology Constable Schoenhals recognizes that his reaction was improper, and that it caused harm to Mr. Williams. Constable Schoenhals takes the step of accepting personal responsibility for his behaviour, and directs criticism away from the Niagara Regional Police.

Mr. Williams stated that he would have preferred that Constable Schoenhals apologized in person rather than in writing.

The Tribunal had the opportunity to read the apology and consider the contents. I found that the apology to be a robust demonstration of acceptance and responsibility and not a hollow expression of remorse. The contents were not qualified in any manner, and were not contrived. I found the written apology to be very sincere and am not swayed that it would have been more sincere if provided orally.

I find this to be a significantly mitigating factor.

#### Disability and Other Relevant Personal Circumstances

This factor was not raised by any party and does not appear to be a relevant consideration.

#### Provocation

This factor was not raised by any party and does not appear to be a relevant consideration.

#### Procedural Fairness Considerations

This factor was not raised by any party and does not appear to be a relevant consideration.

#### Employment History

Constable Schoenhals has been a member of the Niagara Regional Police Service since 2004. The Tribunal was provided with the three most recent performance appraisals of Constable Schoenhals which included the years 2016, 2017, and 2018. I fully read each appraisal and found that they were generally positive and indicative of a police officer who is performing well. I also reviewed the Commendation the Constable Schoenhals received in 2017.

The Tribunal was also provided with the discipline record of Constable Schoenhals which included one informal discipline matter 2014 and three informal discipline matters in 2014. Ms. McClay advised that Constable Schoenhals' past discipline matters were during a difficult personal time for him and had not been repeated.

While the past discipline issues are becoming older and appear to be unrelated in nature to the current matters before the Tribunal, I do have a concern with the growing discipline record of Constable Schoenhals. Matters of discipline can quickly erase other positive work performance.

I find Constable Schoenhals discipline record to be an aggravating factor.

### Potential to Reform or Rehabilitate the Police Officer

The Commission made it clear in *Andrews and Midland Police Service, May1, 2003 OCCPS #03-12* that rehabilitation is a key factor to be taken into consideration when penalty is imposed. Rehabilitation has been closely linked to remorse and employment history, which have been analyzed above.

Constable Schoenhals has been very remorseful in this matter which strongly indicative of a potential rehabilitation, however his employment record is rather aggravating. I agree with Inspector Woods that Constable Schoenhals, having now entered into formal discipline, is at a crossroads in his career.

I also agree with Ms. McClay that perhaps everyone was emotional that day, and this matter may be an isolated event distinguishable from Constable Schoenhals' previous discipline.

Constable Schoenhals previous discipline issues do cause some concern, however it is clear that he is taking the matter very seriously. In his letter of apology, Constable Schoenhals recognizes that he reacted "emotionally" and was "insensitive" to Mr. Williams. He also recognized that he was "reacting in a way that was not necessary and that caused you (Mr. Williams) further distress."

Given Constable Schoenhals contrition and recognition of his short-comings in this matter, I believe rehabilitation is attainable however Constable Schoenhals must be aware that he is indeed at a crossroad in his career.

I find this is to be a neutral factor.

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

This factor generally considers the economic impact that a disposition may have on the officer or their family. Ms. McClay requested that the Tribunal consider the impact that this matter may have had on Constable Schoenhals' family as they were present during the incident, and had been peripherally exposed to a foreign and complex system discipline situation which they were not familiar with. It is worthy to note that it was Constable Schoenhals who drew his family into this matter and no other.

I find this is to be a neutral factor.

### Consistency of Disposition

Both Inspector Woods and Ms. McClay provided me with several cases to consider in this matter. They also indicated that they could find no specific case that that was all on points with this situation. Both Inspector Woods and Ms. McClay agreed that the severity of the misconduct was on the lower end of the spectrum, and as such it was challenging to find documented cases to rely on, as often this type of behavior was dealt with in other formats rather than a full hearing.

It was however clear that the prosecution, the defence and generally the complainant were in full agreement with the joint submission on penalty.

I find this to be a neutral factor, and found the joint submission to be compelling.

#### Specific and General Deterrence

Specific deterrence of the involved officer, and general deterrence of others is a long recognized legitimate objective of police discipline.

I am satisfied that Constable Schoenhals is well aware of the inappropriateness of his behavior, as well as demonstrating an understanding of the cause (letting his emotions rule the day). With the disclosure provision of *R v McNeil SCC 2009*, Constable Schoenhals will likely be reminded of this matter in each criminal case he is involved in for the remainder of his career. I am satisfied that specific deterrence had been achieved.

This matter was conducted in a public hearing at the Niagara Regional Police Headquarters and the disposition will be posted on the OIPRD public website viewable by all. I am satisfied that general deterrence will be achieved.

I find this to be a mitigating factor.

#### Systemic Failure and Organizational/Institutional Context

This factor was not raised by any party and does not appear to be a relevant consideration.

#### Damage to the Reputation of the Police Force

Damage to the reputation of the Niagara Regional Police Service is a factor to be considered. This was a public hearing, and the results will be publicly available. While it can be said that any police misconduct can damage the reputation of the police service, I do take into account the fact that Constable Schoenhals publicly apologized to Mr. Williams, and in his apology stated "... *I hope that you will not feel negatively toward the Niagara Regional Police Service based on my actions on that day.*" While the actions of Constable Schoenhals were clearly inappropriate, I do also take note that Mr. Williams, whose actions themselves that day were not perfect, did state "I have no issue with the two members of the NRPS – no complaint against them." even though those officers continued the arrest of Mr. Williams.

Given Constable Schoenhals' plea at the first opportunity, admissions, acceptance of the suggested disposition and his sincere apology, I find this to be a mitigating factor.

### Effect of Publicity

There was no media attention given to this matter, however the hearing was public, and the disposition will be placed on the OIPRD website.

I find this to be an aggravating factor.

### Loss Resulting from Unpaid Interim Administrative Suspension

This factor was not raised by any party and does not appear to be a relevant consideration.

### DISPOSITION

Mr. Williams suggested that in addition to any penalty, Constable Schoenhals should be required to complete some form of counseling to help him behave himself and control his temper. A Tribunal does have the authority under Section 85(7)(b) of the Police Services Act to direct that an officer undergo specified counselling, treatment or training in addition to or instead of any penalty.

I have given this suggestion serious consideration and note that neither the prosecutor nor the defence suggested I make such a direction. Given the totality of the situation, and after careful consideration of all of the factors discussed above, I do not feel that additional counselling, treatment, or training is warranted in this matter.

The Prosecution and the Defence, with the input of the public complainant are jointly recommending a disposition. I have carefully weighed the disposition factors and principles. I have reviewed all of the cases and materials presented to me. As a result I am satisfied the joint submission presented to me falls within the realm of acceptable dispositions, and I am prepared to accept the joint submission.

Accordingly, this Tribunal Orders that:

- a) Constable William Schoenhals #9486 shall immediately forfeit a total of 24 hours leave (3 days) to be taken from his Annual Leave Bank.

This decision is pursuant to Section 85(1)(b) of the Police Services Act.



Supt. Richard Frayne  
Niagara Regional Police

## Appendix A

### Exhibit List

Exhibit Number	Exhibit
<b>1</b>	<b>Designation of Hearing Officer</b>
<b>2</b>	<b>Designation of Prosecutor</b>
<b>3</b>	<b>Notice of Hearing and Allegations</b>
<b>4</b>	<b>Prosecution Book of Authorities</b> Tab 1 - Performance Appraisals 2016/2017/2018 Tab 2 - Timms-Fryer and Amherstberg Police OCPC 2015 Tab 3 - Sr. Constable Alexander Krug and Ottawa Police OCCOPS 2002 Tab 4 - Sergeant Scott Elliott and Niagara Regional Police Service 2016 Tab 5 - Constable John Eddolls and Halton Police 2017 Tab 6 - Constable Jason Mathers and Halton Police 2018
<b>5</b>	<b>Agreed Statement of Facts</b>
<b>6</b>	<b>Letter of Apology</b>
<b>7</b>	<b>Defence Sentencing Submissions</b> Tab 1 - Performance Appraisals 2016/2017/2018 Tab 2 - Commendations 2017/10 Tab 3 D'Souza and Toronto Police 2006 & OCCPS 2007 Constable Schofield and Toronto Police OCCPS 1984 Sergeant Burkholder and Toronto Police 2015 Constable Mathers and Halton Police 2015 Blakely v Quinte West Police Service, (2007) O.J. No. 3109 Dr. Jeffery Charendoff and PC Hicks Toronto Police Board of Inquiry 1984 Sinclair and PC Walt Toronto Police Board of Inquiry 1994 Patterson and Sgt. Kelly and Det. Tanouye Toronto Police Board of Inquiry 1988 Constable Ralph Pike and Toronto Police 1985 PC Sansom and Toronto Police Board of Inquiry 1987 Sergeant Scott Elliott and Niagara Regional Police Service 2016 Constable John Eddolls and Halton Police 2017