

**PEEL REGIONAL POLICE SERVICE DISCIPLINARY 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**

**POLICE CONSTABLE ANTHONY GANGADEEN #3746**

**AND THE PEEL REGIONAL POLICE SERVICE**

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**PENALTY DECISION**

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**BEFORE: SUPERINTENDENT (RETIRED) DEBRA PRESTON**

**APPEARANCES:**

**COUNSEL FOR THE PROSECUTION: MS. SHARON WILMOT**

**COUNSEL FOR THE DEFENCE: MR. HARRY BLACK**

**HEARING DATES: January 17 & 18, 2022**

## **PENALTY DECISION**

### **CONSTABLE ANTHONY GANGADEEN #3746**

**DATE: February 18, 2022**

**Superintendent (Ret'd) Preston:** Before delivering the penalty in this matter, I would like to thank Ms. Sharon Wilmot, counsel and Service prosecutor, and Mr. Harry Black, defence counsel, for their submissions and exhibits tendered, all of which have assisted me in reaching my decision.

#### **Prosecutor Submissions**

Constable Gangadeen plead guilty to two counts of misconduct and was found guilty of ten counts of misconduct. The first Notice of Hearing (NOH #1) mainly focused on his misuse of CPIC and other databases for unauthorized purposes, including queries on himself, family members and criminal associates of his brother. He was neglectful with his notetaking and was discreditable and insubordinate towards other Service members. The Service prosecutor is seeking dismissal within seven days unless he resigns. Her position is the sheer extent and seriousness of the misconduct has annulled his usefulness as a police officer, and he cannot be rehabilitated.

The cases of Morden and Peel Regional Police, 1996, OCPC, and Favretto and Ontario Provincial Police, 2002, OCCPS (Exhibit 58, Tabs 2 &3) outline that the ultimate test for dismissal is whether the employee continues to be useful to the employer. In *Morden*, the Commission has ruled that a hearing officer may order dismissal where a police officer has committed serious misconduct, and his or her usefulness as a police officer has been annulled. The Commission noted,

“In order to assess usefulness, as a police officer, the Commission must not only consider the particular offences for which he has been convicted, but must also consider his employment history...Moreover, if a police officer who is unable to carry out their duties effectively is retained on the force and given the same responsibilities as every other officer, in the eyes of the public, the effectiveness of the service as a whole and, therefore, the administration of the law will be brought into disrepute. Where the public has no faith in the police service to carry out its function effectively the police service loses its ability to preserve the peace and protect society from crime”. (Exhibit 58, Tab 2)

In Favretto, the Commission noted,

“The penalty of dismissal is the ultimate penalty. It should be reserved for the most serious offences committed by a police officer where there is no hope for rehabilitation, there are no significant mitigating factors and where the police officer is of no further value to the police service or the community in general” (Exhibit 58, Tab 3).

Constable Gangadeen committed offences that are so serious that he has demonstrated there is no hope for rehabilitation and his service is of no value to the PRPS. Repeated use of the CPIC system despite being given a warning and a second chance coupled with insubordinate behaviour and discreditable conduct makes him unsuitable to continue as a police officer.

The case of Krug and Ottawa Police Service, 2003, OCPC (Exhibit 58, Tab 1) notes that I must consider all the disposition factors and appropriately balance the considerations in the case before me. The prosecutor noted that the relevant factors include the nature and seriousness of the misconduct, public interest, acceptance of responsibility, ability to rehabilitate, employment history and consistency of discipline. When these areas are balanced against all the

aggravating factors, Constable Gangadeen's usefulness to the organization has been annulled and dismissal is appropriate.

### **Seriousness of the Misconduct**

CPIC is a core issue of the findings against Constable Gangadeen. Over a two-year period, Constable Gangadeen conducted over 100 unauthorized queries on himself, his family and criminal associates of his family member. This was a course of conduct over an extended period and not a lapse in judgement. Case law is clear that these actions are a significant aggravating factor when considering the seriousness of the misconduct as outlined in Bargh and Ottawa Police Service, 2011, OCPC, Barlow and Ottawa Police Service, 2011, OCPC, and McPhee and Brantford Police Service, 2012, OCPC (Exhibit 58, Tabs 4, 5 & 7). Several charges came after Constable Gangadeen was warned about his CPIC misuse. He was given a second chance and returned to work. On December 12, 2017, he was charged with six counts of misconduct after being served a Notice of Hearing, followed by a lengthy investigation and interview. This included counts involving his family and associates of his brother. Five days later, Constable Gangadeen queried a criminal associate, and he queried his parents again which he plead guilty to and recognized his misconduct. He was convicted of a second round of misconduct.

The Commission recognizes CPIC misuse as major misconduct. In Coon and Toronto Police Service, 2003, OCPC (Exhibit 58, Tab 8),

“The Commission has ruled in the past that the personal use of CPIC constitutes major misconduct. The use of CPIC must be solely reserved for official police work and must never be used for personal reasons. Fundamental to the successful functioning of the CPIC

system is a strong sense of trust; trust that the system is there to help police officers in pursuit of their official duties and trust that no police officer will purposely or wilfully misuse the system”.

Further, in *Coon*, the Commission noted, “the sheer number of the counts before the Hearing Officer were a factor. As we have stated in previous cases, the seriousness of the offence alone can justify dismissal. Further, the Hearing Officer felt that the penalty should send a message concerning the misuse of CPIC. He considered the need for deterrence” (Exhibit 58, Tab 8).

This concept was held by the Commission in the case of Mamak and Ottawa Police Service, 2011, OCPC (Exhibit 58, Tab 9) wherein it was noted,

“The Hearing Officer properly concluded that abuse of CPIC is a serious offence. CPIC is relied on by police officers in the performance of their duties. The restricted use and the sanctity of the CPIC database goes to the heart of officer safety. Unauthorized use cannot be condoned and must be deterred (Exhibit 58, Tab 9).

When Constable Gangadeen was asked why he queried known criminal associates of his brother, he stated that he was curious. He started his day with queries for no operational reason and he was not involved in an investigation. There is a clear expectation of privacy when using a police database which has been repeatedly upheld by the Commission, especially with family members and criminal associates. There was a clear conflict of interest, and breach of trust issues sparked a criminal investigation into this matter. It is serious when Constable Gangadeen was warned about his actions, was the subject of a detailed investigation on CPIC use on Notice of Hearing #1, yet he returned to work and his behaviour continued. There was no evidence that he released information but there was an appearance that he may have done so, and the resultant investigation is the reason why there are strict rules that must be adhered to. He

queried his parents to ascertain if there were any open investigations. This is clearly a conflict of interest, and if there was such an investigation, Constable Gangadeen would have been in a further conflict and jeopardized any ongoing investigations.

Constable Gangadeen acknowledged that Ms. Narine called him during a criminal investigation and she asked about the investigation. He made no notes and did not tell a supervisor. Constable Gangadeen demonstrated a failure to abide by the rules and this is a significant aggravating factor.

The misuse of CPIC combined with his insubordination and discreditable conduct towards other members does not respect Service policy or fellow Service members. At the concert, Constable Gangadeen kissed his teeth and swore. His fellow Service member was doing her job and his behaviour prompted Constable Brown to investigate him. His shocking behaviour made her tell Constable Gangadeen to keep his hands out of his pockets which is egregious. This is a fundamental character flaw coupled with his behaviour during the interview where he was confrontational, insolent, and defiant. Constable Gangadeen believes because he made a lot of arrests he is above his colleagues. This is not the officer that PRPS wants to represent them and the community.

### **Public Interest and Damage to the Reputation of the Police Service**

Constable Gangadeen's actions significantly undermined public interest and confidence. In Montreal (City) v. Quebec, 2008, SCR (Exhibit 58, Tab 10), the court noted, "Police have considerable power and discretion over matters that can affect the fundamental rights of the members of the public whom they encounter. Police work requires individuals not only to exercise a significant

degree of judgment and integrity, it is also a position that requires the utmost public trust". My decision found that Constable Gangadeen has broken that trust. The public has an interest that officers will follow the rules, direction and CPIC rules to maintain the sanctity of police investigations. Any breaches must be addressed to show the public that policies are taken seriously. Constable Gangadeen was expected to follow policies and the Service was impacted negatively. The reputational impact where there were involved criminal associates coupled with family members was significant. He used the system to query persons where others are not entitled to do so. This is significantly aggravating to warrant dismissal.

### **Lack of Acceptance and Potential to Rehabilitate**

At law, Constable Gangadeen cannot be faulted for pleading not guilty, but he does not receive mitigating consideration for any acceptance as a result. He plead guilty to two counts but given the numbers and weight of all the counts, this should be given no weight towards his acceptance of responsibility and is a neutral consideration.

Constable Gangadeen submitted a letter to me for consideration (Exhibit 55, Tab 1). The officer did not testify and was not subject to cross examination. The letter is irrelevant to my findings and not supported by independent evidence. He noted that he accepted my findings but did not explain his acceptance other than he was performing properly so there is no evidence he will act differently in the future.

### **Employment History**

Constable Gangadeen was a sworn member for a very short time before this pattern of CPIC misuse was noted. He was a cadet with the Service long enough to understand confidentiality.

There are only a few performance reviews showing a brief employment history. Nothing is remarkable or extenuating. In his 2017 evaluation, he met expectations in most areas. He did not exceed and there were no comments that he had extreme enforcement numbers to be exemplary. His evaluation is not bad, but it is not remarkable. In 2016, he progressed in most areas. The Service prosecutor read comments from Constable Gangadeen's performance evaluations and noted there was nothing exemplary or outstanding. His information in the letter is not evidence. Who he queried does not support what information he relied on and whether he obtained good intelligence. This is serious misconduct with little to no mitigation during a short career.

In 2014-2015 Constable Gangadeen was suspended for much of this period and failed to recognize his mistakes. He felt superior to his colleagues and was not concerned with following procedure. He was a very junior officer who established at the onset that he was unmanageable and unable to follow directions. This was not a simple mistake. The cases of Groot and Peel Regional Police Service, 2002, OCCPS and Clough and Peel Regional Police Service, 2014, OCPC (Exhibit 58, Tabs 11 & 12), although not on point, speak to the principle that brief and undistinguished careers may be an aggravating factor.

### **Rehabilitation**

This misconduct is not an isolated lapse of judgement or a mistake. Constable Gangadeen showed repeated disregard for rules, procedures, his colleagues, and



superiors. This is a fundamental character flaw and Constable Gangadeen is unsuitable for policing. All misconduct on the second Notice of Hearing (except the Jab Jab concert) occurred after being suspended for similar behaviour. In *McPhee*, the Commission recognized the following,

“...the Hearing Officer considered certain aggravating factors. These included the fact that the misconduct was not an isolated occurrence but a series of serious breaches of CPIC and PIP searches over an extended period of time. In addition, they occurred notwithstanding that Constable McPhee had already received discipline for similar type of misconduct and in some cases, almost immediately afterwards. The evidence confirmed that he displayed a dismissive and cavalier attitude towards the discipline. The Hearing Officer was correct in his assessment that these actions constituted an overt display of a repudiation of the employment relationship and made it very difficult to consider the possibilities of rehabilitation or reform” (Exhibit 58, Tab 7).

These comments are similarly appropriate in the case involving Constable Gangadeen.

Case law is clear that negative findings of credibility are one component to consider towards potential rehabilitation. Untruthful evidence of Constable Gangadeen at the hearing will aggravate the potential to rehabilitate, as confirmed in Trumbley and Pugh and Metropolitan Toronto Police Force, 1992, OCPC (Exhibit 58, Tab 13). In *Trumbley*, the Hearing Officer found the respondent’s testimony to be not credible or truthful. On appeal, it was found that it was appropriate to consider an officer’s lack of truthfulness or credibility in response to an allegation of misconduct. The Commission noted,

“There is no doubt that it is clearly improper to impose a penalty, or increase a penalty, because of the false testimony of an accused person at his own trial. Such can only be done by way of laying a

charge relating to the allegedly false testimony and providing the person with an opportunity to defend. However, one of the most important considerations in discipline matters is the future conduct of the employee being disciplined. In many situations the penalty of dismissal can only be justified where it is found that the employee's usefulness to the organization is lost. One of the major considerations, then, is reformation—the likelihood that the employee may continue such conduct in future. In our view it was clearly appropriate for the Trials Officer to consider the evidence of Constable Pugh on this issue of reformation or probably future conduct. He committed no error in doing so" (Exhibit 58, Tab 13).

Constable Gangadeen's character is inconsistent to be an officer and goes directly to his ability to be rehabilitated.

### **General Deterrence**

Rules and procedures must be adhered to, and the serious message of dismissal will send a message that no CPIC breach will be tolerated irrespective of the breach.

### **Medical**

There was no medical evidence that anything, including provocation, led to this misconduct.

### **Consistency of Discipline**

There is a range of days including dismissal for CPIC abuse. The penalty applied depends on the number of offences, the period of time when the misconduct occurred, intent, public interest, and aggravating circumstances such as insubordinate behaviour and a short, unremarkable employment history.

In *Coon*, the case is almost directly on point, and I was urged to read the comments of the Commission and applicability to this matter. Officer Coon conducted many improper CPIC checks on a former spouse and her new spouse and their vehicles. Coon became aware of a breach of conditions of the new spouse and failed to report which is on point with the Abitibi matter. Officer Coon had a lengthy employment history. The Commission upheld dismissal and noted,

“The sheer number of the counts before the Hearing Officer were a factor. As we have stated in previous cases, the seriousness of the offence alone can justify dismissal. Further, the Hearing Officer felt that the penalty should send a message concerning the misuse of CPIC. He considered the need for deterrence...In our opinion, there was ample evidence before him to support a dismissal. There was no error in his interpretation of the evidence. The penalty of dismissal falls within the acceptable range considering the seriousness of the matter and the repeated abuse of the CPIC system by Constable Coon. Further, Constable Coon, although stating he was remorseful, tried to justify his behaviour by stating that S.C. was a criminal, and he had every right to do a CPIC enquiry for that reason. Constable Coon felt justified in doing the searches for the safety and well being of his children. As a police officer, he should not be in a better position than an ordinary citizen who would not have access to CPIC in similar circumstances. This panel believes that Constable Coon, to this date, still does not believe that he acted inappropriately. We are not convinced that Constable Coon would not use the CPIC system again for his own personal use”. (Exhibit 58, Tab 8)

The case of *Coon* is similar as it was without mitigating factors. Constable Coon had a lengthy and unblemished career. The case of Constable Gangadeen includes Insubordination, Discreditable Conduct and Neglect of Duty which aggravates the CPIC abuse.

Constable McPhee was a third-class constable who plead guilty to multiple, unauthorized queries. He had an added allegation of sending a sexually charged email using Service equipment. The Commission confirmed dismissal was reasonable for significant CPIC abuse. The Commission noted,

“Based upon the record of the disciplinary hearing, we can find no error in the Hearing Officer’s description of these events or his characterization of the Appellant’s misconduct as the most serious, egregious, and repetitive behavior violating the Service’s policies on the use of CPIC and PIP and also breaching privacy rights and the licensing agreement with the RCMP. The acknowledged facts as outlined in the Agreed Statement clearly establish that the Appellant not only breached the policies of the Service on more than one occasion but did so repeatedly and almost immediately after receiving verbal and written admonishments and being penalized by forfeiture of time off for similar behavior (Exhibit 58, Tab 7).

The Commission upheld the penalty decisions and referred to the case of *Mamak* wherein the Commission noted,

“The Hearing Officer accepted the Agreed Statement which confirmed approximately 150 unauthorized searches of CPIC and PIP. The Hearing Officer properly concluded that such extensive and repeated abuse is at the highest end of serious misconduct. The Appellant’s cavalier response to his prior informal discipline and continued misconduct including leaving an auxiliary officer unsupervised compounds the seriousness and, in our opinion, falls into the most egregious type of misconduct...We agree with the Hearing Officer’s conclusion that dismissal is within the range of penalties for serious breaches of the policies and rules regarding use of CPIC and PIP systems...When the conduct of Constable McPhee is viewed in totality, the Hearing Officer correctly concluded that his usefulness as an employee of the Service has been annulled. By his actions, the Appellant willfully disregarded Service rules and regulations, breached his oath of office and core values of the service...The conduct of Constable McPhee has seriously undermined

the public's confidence and trust that police officers will honour their sworn oath to protect the public and uphold the laws including those governing the use of the confidential CPIC and PIP systems. Such conduct has also seriously eroded the trust with the other police services, specifically the RCMP, under the terms of the operating agreements allowing the Service to access these search systems." (Exhibit 58, Tab 7).

These comments are appropriate to be considered in the case involving Constable Gangadeen.

The case of *Mamak* involved an allegation of Breach of Confidence where Constable Mamak was found querying members of a criminal investigation that came through via a silent hit. The circumstances of this case also came through a silent hit. In *Mamak*, the Commission noted,

"When the totality of Constable Mamak's testimony during the compelled interview and at the hearing and the evidence of the other witnesses is examined, we are convinced that there is clear and convincing evidence that Constable Mamak was insubordinate and committed a breach of confidence. He failed to follow a lawful order with respect to use and confidentiality of CPIC and had no lawful excuse...The Hearing Officer properly concluded that abuse of CPIC is a serious offence. CPIC is relied on by police officers in the performance of their duties. The restricted use and the sanctity of the CPIC database goes to the heart of officer safety. Unauthorized use cannot be condoned and must be deterred" (Exhibit 58, Tab 9).

The Commission acknowledged a range of outcomes, but the Hearing Officer looked at the circumstances of the case and decided the outcome. The case of Constable Gangadeen focused on CPIC and the combined aggravating factors of Neglect of Duty, Insubordination and Discreditable Conduct which makes the comments of the Commission more appropriate.

In *Bargh*, the officer received a demotion, but significant comments were made by the Commission and the Hearing Officer that are appropriate in this case. The Commission noted, "...We are mindful of decisions in which deceit and abuse of the CPIC system were at issue and more severe penalties, up to dismissal, were imposed. As such, a penalty of demotion falls within the available range of sanctions" (Exhibit 58, Tab 4).

The Commission has found that while a demotion was in the reasonable range, that dismissal is available to a hearing officer in these circumstances.

The case of *Barlow* is less on point as it involved significant issues with mishandling informants, but it demonstrates that dismissal is appropriate.

There is a very broad range of penalties with CPIC abuse. In this case, when patterns of CPIC combined with neglectful notetaking and being insubordinate with superior officers, acting in a discreditable manner at a public event while interacting with a fellow officer and the failure to report information known to him of a criminal associate during a criminal investigation show his actions are significant.

Dismissal is well within the range, is reasonable, and is the only appropriate finding in this case. We have a short and unremarkable career, repeat offences some of which occurred after suspension, and further charges, a lack of respect for Service policy, insubordination towards a senior officer, discreditable conduct towards a fellow officer, notetaking, and Constable Gangadeen's credibility in response to this matter. Constable Gangadeen is no longer a useful employee and should be dismissed unless he resigns.

### **Defence Counsel Submissions**

The first NOH states that demotion may be imposed if misconduct is found based on clear and convincing evidence. Under s85 of the *PSA*, the Chief shall not impose the penalty of demotion or dismissal unless the NOH or subsequent NOH indicated that. The only NOH about the over 100 CPIC cases is the first NOH where a penalty up to a demotion is sought. I cannot impose dismissal for anything related to the first NOH. There is nothing in the second NOH that comes close to dismissal.

There is nothing in the letter from Constable Gangadeen (Exhibit 55, Tab 1) to myself that runs contrary to what is in his evaluation. Constable Gangadeen turned away from family stressors and took his physical health seriously. He was the first family member to attend post-secondary education. He was the class valedictorian and was hired by PRPS as a cadet in 2011. He won the physical fitness award at the Ontario Police College (OPC). He is now the main financial provider for the family. His brother's arrest was a shock and he was desperate to find out what happened. He plead guilty to conducting improper CPIC checks on his brother, his parents and himself. This must be taken into account. He has been consistent in his position.

With respect to penalty, he has no prior discipline history. He plead guilty to specific checks and explained why he conducted those checks. Constable Gangadeen felt he acted in the public interest in making the remainder of the CPIC checks, his supervisors were aware of how he worked, and he believed his notetaking was on par with common practice.

Between his first and second suspension, he was selected by the Intelligence Bureau to cultivate informants. He was given a phone and conducted multiple, repetitive checks where the information proved useful.

In *Bovell*, the officer used CPIC to track and consort with prostitutes and miscreants. In *McPhee*, the officer conducted over 150 queries to stalk women. In *Coon*, the officer used CPIC to stalk his former common-law spouse. Constable Gangadeen conducted queries for police work and thought he was doing the right thing.

Gangadeen believes he is an asset to PRPS and cited Project Siphon which resulted in several drug search warrants against a gang in Peel Region. The arrests were largely based on the information he passed on. Exhibit 24 contains the same names he queried and provided Intelligence reports on as those who were arrested in the project. Mr. Black provided two names that Constable Gangadeen queried in 2018 numerous times when he carried a covert phone on behalf of Intelligence.

Constable Gangadeen is an asset to the PRPS. This is evident in his dogged investigations of gang members. He did repetitive checks based on the gang crime in Brampton. In his letter, Constable Gangadeen noted that the Service used his information even when he was suspended which speaks to his effectiveness. He worked hard to be an above-average officer. In his letter, Constable Gangadeen stated he would change his practices; he is capable of rehabilitation and is willing to follow direction. He stated that his supervisors were aware of how he worked and he was praised for it. Mr. Black referred to Exhibit 55 (Tabs 34-35) wherein it demonstrated that Constable Gangadeen conducted 2,650 person queries



between December 4, 2015 and early January 2017. The Service Prosecutor was prepared to stipulate that Constable Gangadeen conducted 1026 queries between 2017 and 2018 for a total of 3,736 queries. Mr. Black asserted that Constable Gangadeen conducted 73 improper queries in NOH #1 which equates to 1.97 percent of the total queries he conducted. He queried people non-stop looking to see if they could be arrested. He believed he was supposed to be doing this while protecting the people of Brampton.

My decision noted that the officer's conflict of interest could have been ameliorated, in part, if he concentrated on other gangs. Exhibit 55 (Tab 35) demonstrates that he did conduct queries on other gangs, multiple times. Defence counsel noted that Constable Gangadeen conducted numerous checks on members of the Siphon Gang. The officer is facing misconduct for queries which pale in comparison to members of other gangs. He did not query the individuals in the NOH because they were associates of his brother; they were gang members.

Constable Gangadeen was a cadet and sworn in as an officer in 2014. He started doing the repetitive queries about a year later. His first evaluation outlined his positive attributes such as consistency, dependability, ability to follow direction and adapt to changing situations (Exhibit 55, Tab 7). His second evaluation noted that Constable Gangadeen met or exceeded the standards. He was developing at a consistent rate, was calm and professional, followed by many positive statements (Exhibit 55, Tab 9). On September 10, 2014, the officer was transferred to 21 Division (Exhibit 55, Tab 2). His next evaluation is dated September 9, 2014 to March 9, 2015 (Exhibit 55, Tab 6). The writer supervised

Constable Gangadeen since he joined the PRPS as a Constable. It was noted that Constable Gangadeen had an interest in CDSA investigations and self-generated CDSA arrests. His next evaluation encompassed September 9, 2015 to September 9, 2016 (Exhibit 55, Tab 4). This is the time period he conducted the improper CPIC checks. The writer was Constable Gangadeen's supervisor since October 2015 and noted that the officer has shown an interest in pro-active enforcement and been mentored on informant development/handling. He was only third-class but groomed by the Intelligence Bureau for informant handling. The evaluation discussed his intelligence collection. His notetaking is thorough and report writing is developing. Constable Gangadeen stated that no person criticized his notes. He was encouraged to set the standard for work ethic and pro-active enforcement.

Constable Gangadeen's first suspension was February 16, 2017. His first compelled interview was June 10, 2017 which contains the charges in the first NOH. His suspension was rescinded five weeks later and Constable Gangadeen was returned to work. His evaluation dated September 9, 2016 to September 9, 2017 (Exhibit 55, Tab 3) encompassed this period of suspension. The evaluator noted that he completed his occurrences in a timely fashion and submitted detailed criminal and provincial court packages. He showed an interest in pro-active enforcement and provided valuable intelligence information. His note-taking was thorough. After his suspension, Constable Gangadeen returned to 21 Division and was promoted to first-class constable.

On October 9<sup>th</sup> and October 24, 2017, Constable Gangadeen received commendations for two vehicle stops (Tabs 12-13). One stop resulted in the

seizure of a firearm related to a shooting in 22 Division. On November 9, 2017, Constable Gangadeen was commended for another traffic stop which resulted in an arrest for possession of a controlled substance and breach of recognizance. On November 10, 2017, Constable Gangadeen and his partner were commended for a fourth traffic stop which resulted in Possession for the Purpose (numerous drugs) and information related to a home invasion which resulted in 22 criminal charges.

Constable Gangadeen was transferred to 11 Division on January 29, 2018 just after the Jab Jab investigation on January 20, 2018. Officers Brown and Meyer were interviewed in February 2018. The Brar check occurred on January 20, 2018 and the CPIC check on his parents on February 3, 2018. On March 8, 2018, then A/Inspector Kennedy asked to have Constable Gangadeen thanked for his efforts in addressing an ongoing community issue. The second suspension was April 20, 2018 and the second compelled interview was May 8, 2019 and Project Siphon began later in 2019 (exact date is unclear).

There is no evidence that Constable Gangadeen shared any information to anyone outside the police service. There is no previous case or directive that an officer cannot use CPIC to query a person he wanted to speak to on the street as the person is known to him as a gang member. Constable Gangadeen viewed these queries as part of his police duties. In his first compelled interview, Detective Sergeant Harloff stated he had no evidence that his answers were not true. He plead guilty to the queries on his brother and his parents and this is a mitigating factor. He wanted the rest of the information in the course of his duties as the individuals were always involved in some type of crime. In his

compelled interview he stated he did not hang out or associate with the individuals he queried. He ran the individuals to keep tabs on them. None of his queries were for personal reasons other than wanting to know what happened to his brother. He believed the organization owed him an explanation. Constable Gangadeen ran individuals when he saw them to see if their information changed. The officer was adamant that the people he ran 75 times were not in relation to his brother; rather, they were individuals he wanted to arrest as they were bad people. He conducted street-level policing and felt the people of Brampton should have been grateful. The supervisors had access to his unit history every shift to see what he was doing.

Constable Gangadeen's stats far exceed those of his co-workers and he did query other groups of ten/six/fourteen people (Exhibit 55, Tab 35). He queried one individual 54 times over an extended period of time. Constable Gangadeen asserted he would not be able to pull over and make notes when he made a query as he would not be able to do anything else and it was not common practice. He was never told or trained to pull over and make a notation. All licence plate entries are tracked electronically so there was no need to make a note. He made most of the queries of the NSG after his brother was in jail.

There is nothing in NOH #2 that approaches the level of dismissal. In count #7, the officer queried Ajay Panday on CPIC and PQT while working at 11 Division. His lawful reason was the submission of the Intelligence Report.

Constable Gangadeen was found guilty of querying his parents, when he was actually querying his own licence plate which was registered to his parents as he was the subject of harassment. He ran his licence plate with the intention of

taking it to the Service and making a complaint to a supervisor. He went to a supervisor after running his plate and that is understandable. There was no reason for Constable Gangadeen to admit to running other names and deny running Simon Brar. Defence counsel asserted this was another random check of persons worthy of his attention. In count eight, the officer was found guilty of only one improper query. There is nothing in count eight that warrants dismissal.

In count one, there is no evidence he knew Somie Narine was at the Abitibi house, that she was a person of interest or that she was Ajay Panday's girlfriend. In count one, he answered every question put to him by Internal Affairs during his compelled interview. Nothing in count one rises to the level of dismissal. Defence Counsel submitted that the officer's behaviour at the Jab Jab concert was trifling at best. In count #9, he has acknowledged that he was wrong to say what he did but it was the end of a six-hour interview and frustrations boiled over.

Defence counsel submitted 35 cases that dealt with CPIC issues and he addressed the nuances of 13 cases. He submitted nine cases about failing to make notes and discussed four cases. He submitted four cases about conduct in interviews and discussed three cases.

Defence counsel had no issue about the relevant factors as outlined in *Krug*. In *Morden*, the officer who had a number of criminal convictions which is not relevant to the case involving Constable Gangadeen. The threshold for dismissal is outlined in *Favretto* and Defence Counsel stated we are no where close to that level. *Favretto* also noted, "The penalty must also be consistent with other cases" (Exhibit 58, Tab 3). Defence Counsel referred to a newspaper article (Exhibit 55, Tab 38) wherein the article addressed the need for the police service to be

reflective of the community they serve. As noted in *Favretto*, the community has an investment in every officer and Constable Gangadeen has put forward a solid effort over the years. He is a member of a visible minority community and the PRPS should make every effort to keep him.

In *Bargh*, it was alluded that the officer conducted over 200 checks on friends, family, fellow officers, himself and lied about contact with an informant. He conducted unauthorized surveillance. This case is distinguishable. In *Barlow*, the officer was dismissed as he endangered the life of a confidential informant by disclosing him to dangerous people. In *Bovell*, the officer conducted over 100 CPIC checks of prostitutes involved in the drug trade and criminal lifestyle. In *McPhee*, the officer conducted over 150 CPIC checks on women and was dismissed. He had previous discipline for similar misconduct. In *Coon*, the officer had previous misconduct, stalked his former wife, and lied to a police service and correctional services. In *Mamak*, the officer interfered with a joint force's operation. The case of *Groot* involved a vicious attack on a handcuffed person in a dark interview room. In *Clough*, the officer engaged in misconduct for financial benefit.

In *Rose*, the Commission noted at paras 64/65,

“Sgt Ferry’s principal submission during oral argument was that the Hearing Officer committed an error in principle when he considered that an aggravating factor in deciding the appropriate penalty was ‘the finding of elements of untruthfulness with respect to Sgt. Ferry’s testimony’. In reviewing the reasons of the Hearing Officer, we note that he referred to the untruthfulness of Sgt. Ferry on at least five occasions. We accept Sgt. Ferry’s submission that it is an error in principle to treat an accused’s testimony that he did not commit an offence as an aggravating circumstance when deciding a sentence” The Commission referenced R. v. Bradley. (Exhibit 61).

In *Bradley*, the Court of Appeal noted that it was an error for a trial Judge to treat an accused's fabricated evidence as an aggravating factor in deciding an appropriate sentence. The Court referenced the cases of *Andalib-Goortani* and *Kozy* (Exhibits 61 and 62). The law is clear that I cannot use any part of the officer's testimony that I thought was untruthful to increase his penalty.

Defence Counsel noted his position was, on the first NOH, to the extent that I found Constable Gangadeen's behaviour unauthorized, it amounts to one single course of conduct that the officer believed was proper and should be an assessment of hours. He suggested 40, 60 or 120 hours as it is based on his understanding of what his duties were and the knowledge of a sergeant of what the officer was doing. He added the maximum penalty should be eight days. For failing to make notes in counts one and two, he suggested eight hours per count. Count five regarding the officer's behaviour at the Jab Jab concert should be a reprimand, and being rude to Detective Harloff should be six hours.

## **Reply Submissions**

### ***Service Prosecutor***

There is no notice of dismissal in the first NOH. It is clear that the officer's behaviour, even without the second NOH would amount to a demotion. The first NOH, when looked at in totality, warrants a significant demotion. Through his submissions, it was obvious that Constable Gangadeen still believes his actions were justified, he does not recognize any problem and cannot be

returned to the PRPS. When I look at the totality and the fact that Constable Gangadeen was suspended for serious misconduct then given a second chance, he should have known at this point that his actions in querying Ajay Panday, his parents, himself and his licence plate were wrong and he knew better. He had been admonished, but he still conducted queries and failed to make notes.

With the Jab Jab concert, Constable Brown testified that Constable Gangadeen was so aggressive that she ordered him to take his hands out of his pockets as she was concerned about officer and public safety. The minimization of the officer's behaviour through submissions reiterates her point that the officer does not recognize the seriousness of his behaviour. When I look at the totality of the charges on the second NOH and the fact that they occurred after he was returned to work, this is clearly a dismissal case.

### ***Discussion re Penalty Approach***

The Service Prosecutor clarified that, on the first NOH alone, I could not find dismissal, but it is very clearly a demotion case. On the second NOH, the totality is significantly aggravated by the first NOH which makes this a dismissal case. I am expected to look at the totality of the circumstances while acknowledging each individual count and the circumstances of each count but also the context of how they all came together. When I look at the fact that Constable Gangadeen was given notice of serious conduct and returned, I can dismiss based on all the other conduct before me. It would be dangerous to operate on the principle that I cannot look at the context of the entire hearing.



Defence Counsel asserted that I cannot treat the Notices in such a fashion. I must give an appropriate penalty on each count. There is nothing in the second NOH that warrants even a demotion. He has no prior discipline. Each count must be dealt with as a separate count for penalty purposes.

### **Analysis and Decision**

A legal issue was raised at the end of penalty submissions. Essentially, is it appropriate to issue a global penalty for each Notice of Hearing or should the officer be given a penalty on every count as a first offender.

### **Prosecution Position**

The Prosecutor noted that the findings of misconduct are serious enough to warrant dismissal. She cited the cases of *Coon, McPhee, Mamak, Bargh* and *Barlow*. Further, she noted that it is appropriate and necessary for the Tribunal to issue a global penalty for each Notice of Hearing, considering the circumstances of the offences and the penalty factors. To support her position, the Prosecutor submitted the cases of Pinto and Toronto Police Service, 2011, OCPC, Berube v. Edmonton (Police Service), 2014, ABLERB, and More and York Regional Police, 2000, OCPC (Exhibit 76, Tabs 1-3).

In written submissions, the Prosecutor outlined a comment by the Commission in *Pinto*, wherein they noted,

“We have reviewed the cases submitted by counsel and we conclude, firstly that the **Hearing Officer is entitled to consider a global penalty based upon all of the circumstances of the offences in their entirety and the penalty factors set out by the Commission previously.** Secondly, the penalty imposed is clearly within the range of penalties in prior cases with similar facts” (Exhibit 76, Tab 1).

The application of global penalties was reiterated in Bérubé, where the Alberta Law Enforcement Review Board upheld the Chief's position regarding a global penalty. The Board noted,

...It was entirely appropriate for the Presiding Officer to consider the full range of misconducts and to impose a global penalty that encompassed all of these misconducts. Moreover, the Board has previously held, in cases where dismissal is sought or is under review, that a presiding officer should consider an officer's "misconduct, misconducts, or pattern or history of misconduct. The Chief stated

"This approach is sound in principle: this case is a textbook example of a situation where, although none of the individual misconducts may merit dismissal as a penalty, the overall pattern and history of misconduct is relevant to, and demonstrates, Constable Bérubé's unfitness to continue as a police officer.

Further, the Board noted,

We find there was nothing unreasonable in the Presiding Officer's assessment of a global penalty. As we noted above, the Court of Appeal has provided us with direction as to the principles of sentencing and the manner in which a presiding officer selects a fit sanction. The Presiding Officer was not only cognizant that both parties agreed to a global penalty, he was also cognizant of the need to deal with the presenting officer's recommendation of dismissal. As a result, the Presiding Officer noted he was bound to give due consideration to whether or not the appellant's misconducts, or pattern or history of misconduct, was of such a nature that he is no longer fit to hold public office.

The Service Prosecutor noted that Constable Gangadeen was given notice prior to the hearing that the Service was seeking dismissal. She asserted that the notice of increased penalty required under s. 85(4) of the *Police Services Act*, was only required to be provided in the Notice of Hearing given prior to the hearing.

The first Notice of Hearing noted that demotion was an option. Constable Gangadeen argues that, because he was not given notice of dismissal on the first Notice of Hearing, the Tribunal cannot order dismissal on those counts alone. Even if this argument was accepted, the Service considered the charges in the first Notice of Hearing serious enough to warrant demotion and he was notified of such. Based on the totality of the circumstances specific to the first Notice of Hearing, with consideration to the factors to be considered on penalty and lack of any significant mitigating factors, this Tribunal can and should order a global penalty of demotion for the six findings of guilty on the first Notice of Hearing. This is within the range of reasonable penalties and consistent with the aggravating factors in this case, considering each of the offences in context and their cumulative effect.

The seriousness of the second set of charges was aggravated by the fact that Constable Gangadeen had already been warned in the first Notice of Hearing and continued the behaviour. These charges, other than the Jab Jab concert which occurred prior to the events in the first Notice of Hearing, were further deliberate actions that occurred separate from the initial incidents and indicate a pattern of conduct warranting the officer's dismissal.

The Service Prosecutor argued that to look at each count individually, without consideration to the other charges and assess a penalty for each individual count is legally incorrect. There is a clear pattern of misconduct which must be considered when determining a penalty. Where there are two disciplinary offences that are similar in nature, but sufficiently distinct and separated by time,

a Hearing Officer can consider whether that will warrant cumulative penalties as noted in *More*.

In *More*, the Officer fraudulently submitted expenses, and did the same thing a year later. He was ordered a forfeiture of days on the first count and a demotion on the second count. On appeal, the Officer argued that the Hearing Officer failed to consider the 'totality principle'. He argued that the imposition of a demotion for the second offence resulted in overall punishment that was harsh, excessive and went beyond that which was necessary to correct the errant conduct. The Commission disagreed that the second charges had to be looked at individually. They noted,

We are of the view that it would be incorrect to apply this principle with respect to this case. At issue are two deliberate actions that occurred approximately a year apart and involved some carefully contrived deceptions. Both acts are sufficiently distinct and separated by time to warrant cumulative penalties (Exhibit 75, Tab 3).

With the case of Constable Gangadeen, the Tribunal is justified and correct in issuing cumulative penalties that take into account the pattern of misconduct. This Tribunal should order a global penalty of dismissal on the second Notice of Hearing. This falls within the reasonable range of penalties for the overall misconduct and appropriately considers the overall pattern of behaviour for this officer.

### **Defence Counsel Position**

Section 85(4) of the *Police Services Act* reads, in part:

The chief...shall not impose the penalty of dismissal...unless the notice of hearing or a subsequent notice of hearing served on...the

officer...indicated that (dismissal) might be imposed if the complaint were proved on clear and convincing evidence.

To support his position, the following cases were submitted:

- Godfrey v. Ontario Police Commission (Div. Ct), 1991, O.J. (Exhibit 64)
- R. v. Skolnick, 1982, S.C.C. (Exhibit 65)
- Gregg and Midland Police, 2001, OCCPS (Exhibit 66)
- R. v. Zhang, 2015, O.J. (Exhibit 67)
- Ontario (Ministry of Community & Social Services) v. O.P.S.E.U., 1992, O.J. (Exhibit 68)
- R. v. Cheetham, 1980, Ont. CA, (Exhibit 69)
- Loman v. Ontario (Securities Commission), 2015, O.J. (Exhibit 70)
- Neal v. Highway Traffic Board (Sask. C.A.) 1986, S.J. (Exhibit 71)
- R. v. Stoddart, 2005, O.J. (Exhibit 72)
- Gill and Registrar of Motor Vehicles, 1985, Ont. CA (Exhibit 73)
- Lambert v. College of Physicians and Surgeons of Saskatchewan, 1991, S.J. (Exhibit 74).

In *Godfrey*, it was noted that,

At a minimum, natural justice, equally procedural fairness, requires that notice of intention, to seek an increased penalty or the perceived authority of the Commission to impose it be timely given...to the applicant...In the present case, failure of such notice is fatal...

Thereafter, section 85(4) was enacted. Not having given notice prior to the hearing that dismissal might be imposed if any of the complaints in the first NOH were proved on clear and convincing evidence, no part of the matters alleged in the first NOH can be used in any way to support an order of dismissal pursuant to any other findings of misconduct in the second NOH.

Constable Gangadeen is to be treated as a person without any prior disciplinary history. The findings of guilt in the first NOH do not constitute a prior discipline record with respect to any of the matters in the second NOH. The findings of guilt

in the first or second NOH do not constitute prior discipline with respect to any other finding of guilt or to each other.

In *Skolnick*, the court noted, “Unless the statute otherwise clearly provides, an offender cannot be convicted as for a second or subsequent offence, unless that offence is committed after a previous conviction for a first or earlier offence...it is expected that the conviction and penalty for the initial offence and the peril of a more severe penalty for a subsequent offence will be present in the mind of the offender and guide his future conduct...the principle that increased penalties only apply to subsequent offences convicted after conviction for a first offence”

- The number of convictions per se does not govern in determining whether the Coke rule applies
- The general rule is that before a severer penalty can be imposed for a second or subsequent offence, the second or subsequent offence must have been committed after the first or second conviction, as the case may be, and the second or subsequent conviction must have been made after the first or second conviction as the case may be
- Where two offences arising out of the same incident are tried together and convictions are entered on both after trial, they are to be treated as one for the purpose of determining whether a severer penalty applies; either because of a previous conviction or because of a subsequent conviction
- The rule operates even where two offences arising out of separate incidents are tried together and convictions are entered at the same time

In *Gregg*, it is established that police discipline matters are governed by progressive discipline. In *Ontario (Ministry)*, the proposition that a person cannot be a repeat offender or incapable of rehabilitation until a punishment has had the chance to take effect.

In *Zhang*, at the time of the offence in question, the officer had not been put on notice or otherwise warned by the imposition of prior sentences, that the conduct in issue would be regarded more seriously because of the prior conviction and sentence.

Further, the Appellants submit that the Justice of the Peace's approach to sentencing violated the Coke principle because they were not convicted of the first offence at the time the second offence was committed, yet the amounts of the fines for the second conviction were based, in part, on the convictions imposed for the first offence. I agree that the Justice of the Peace erred...The Justice of the Peace acknowledged that while she had made findings of guilt with respect to both offences, she did "not have the prior convictions as an aggravating factor. However, she relied on the circumstances of the first offence as a basis to impose higher respective fines against each of the Appellants for the commission of the second offence...In Ontario, the Coke principle has been applied in cases involving offences that do not command a statutorily prescribed harsher minimum sentence for subsequent offences...and has been applied, with necessary modifications in the civil context to escalating discipline for recidivist workplace misconduct (Exhibit 67).

In Ontario (Ministry), the court noted,

The question is whether a similar concept exists in labor law. In my opinion, it does. What is known in labor circles as the culminating incident doctrine is a well-established principle of labor law. The underlying policy parallels that of the criminal law, and in deed, is an emanation of it. It allows an employer to consider an employee's past employment record in discipline matters. According to this doctrine where an employee has committed a culminating act of misconduct which is subject to disciplinary action the employer is allowed to consider the employee's past misconduct in determining the appropriate sanction...If a formal disciplinary response was not taken in relation to the prior misconduct, the employer has been prohibited from using the past record in disciplining the employee...The importance of the prior disciplinary proceeding is

that it provides the employee with notice of the employer's complaint. Employees may take the prior complaint into account in governing their future conduct. This suggests that until formal discipline has occurred, there has been no operative misconduct. In the case on appeal, a formal disciplinary procedure was not completed previously with respect to the first contact with the former inmate and accordingly a first infraction had not occurred. Therefore, the grievor's situation was not a culminating incident case. The infractions were simply discovered as a result of a single investigation. (Exhibit68)

In *Cheetham*, the court found that the conviction and penalty for the initial offence and the peril of a more severe penalty will help guide an offender in his/her future conduct.

In *Loman*, a sanction could not have deterred a trade deal because it had not yet occurred.

In *Neal*, the court concluded that the Coke rule or policy was not restricted to criminal matters by reason that it was a rule of statutory interpretation. It was noted, "The fact that it is a civil disability does not oust Lord Coke's rule however...to reiterate what I have said above, the rules does not relate solely to criminal sanctions but can include sanctions of any kind imposed by statute. The concept speaks to the rationale that a conviction and penalty for an initial offence and the peril of a more severe penalty for a subsequent offence will be present and help guide future conduct.

In *Stoddart*, the court noted, "...the rationale for the application of the step principle is absent when the person has not had the effect of the earlier sentence



to deter his conduct. This conclusion would also appear to accord with the decision of the Supreme Court of Canada in *R. v. Skolnick...*” (Exhibit 72).

In *Gill*, the court noted, “...what counsel for the Appellants refers to as “the criminal rule” is not a criminal rule at all but a rule of statutory interpretation derived from Coke’s Institutes...It can be applicable to both dominion and provincial legislation...An occurrence does not become an offence until there is a conviction” (Exhibit 73).

In *Lambert*, “In sentencing miscreants it is common practice to impose higher sentences for second offences upon the assumption that the first was apparently an insufficient deterrent. However, where two offences occurred before the trial and punishment for the first offence, it may be inappropriate to treat the second occurrence as a repeat offence because, as in this case, the accused considers himself innocent of the first offence, professing he was entitled to behave as he did, until the first conviction takes place. Dr. Lambert has apparently committed no similar offence since the first conviction and therefore his sentence for the second offence should be more or less the same as that applied in the first case” (Exhibit 74).

The position of the Service that the first compelled interview provided a basis for progressive discipline with respect to the first NOH is contrary to the foregoing authorities. The *Police Services Act (PSA)* requires that the hearing officer impose a penalty for each finding of misconduct. Each penalty imposed must be imposed having regard to the 13 factors referred to in *Krug*. No penalty on any count can be excessive or outside the range for an officer with no prior discipline history. The penalty to be imposed in either NOH cannot take into account the finding of guilty in any other NOH.

Constable Gangadeen is an officer with no prior discipline history. None of the findings in either NOH are prior disciplinary history in respect of any other finding in either NOH. He is a first-time offender in respect of each one. None of the findings in the second NOH could justify dismissal. None of the findings of misconduct can provide a basis for progressive discipline. Constable Gangadeen is to be disciplined for each finding of misconduct as an officer without prior disciplinary history and the penalty imposed must be within the range of appropriate dispositions available for each finding of guilty standing alone.

### **Defence Counsel Case Law Review—Global Penalties**

Constable Pinto faced two charges of misconduct wherein he received a demotion from first-class to second-class constable for one year. He faced a further seven counts of misconduct, namely insubordination, discreditable conduct, and neglect of duty for an unrelated offence. Counsel jointly agreed to prepare and file two separate Agreed Statement of Facts (ASF). Prior to the disciplinary hearing, counsel jointly agreed to treat count number one as a global insubordination charge encompassing counts two to seven which were withdrawn. The officer had no prior disciplinary record. The Appellant submitted that the global penalty made it difficult to assess what weight was attributed to each of the various factors. The Commission noted,

“We have reviewed the cases submitted by counsel and we conclude, firstly, that the Hearing Officer is entitled to consider a global penalty based upon all the circumstances of the offences in their entirety and the penalty factors set out by the Commission previously. Secondly, the penalty imposed is clearly within the range of penalties in prior cases with similar facts” (Exhibit 76, Tab 1).

In *Bérubé*, the appellant was found guilty of nine charges stemming from three separate disciplinary hearings based on three separate incidents. A global penalty of dismissal was imposed. The appeal was based on the manner in which the global penalty was addressed, the failure to adequately and appropriately consider specific factors and the failure of the Presiding Officer to consider consistency or parity in disciplinary sanction. The Appellant agreed to assessment of a global penalty but expected he would be treated as a first offender. It was noted,

The Chief argued that the manner in which the Presiding Officer determined penalty by reviewing each of the offences in context and then considering their cumulative effect, was reasonable. The Chief noted that the appellant's counsel successfully opposed the application for joinder of the matters in part on the basis that the issue of penalty would be heard in one global penalty. It would be an abuse of process to now renege on this position. It was entirely appropriate for the Presiding Officer to consider the full range of misconducts and to impose a global penalty that encompassed all of these misconducts. Moreover, the Board has previously held, in cases where dismissal is sought or is under review, that a presiding officer should consider an officer's "misconduct, misconducts, or pattern or history of misconduct. The Chief stated,

This approach is sound in principle: this case is a textbook example of a situation where, although none of the individual misconducts may merit dismissal as a penalty, the overall pattern and history of misconduct is relevant to, and demonstrates, Constable Bérubé's unfitness to continue as a police officer.

We find there was nothing unreasonable in the Presiding Officer's assessment of a global penalty. As we noted above, the Court of

Appeal has provided us with direction as to the principles of sentencing and the manner in which a presiding officer selects a fit sanction. The Presiding Officer was not only cognizant that both parties agreed to a global penalty, he was also cognizant of the need to deal with the presenting officer's recommendation of dismissal. As a result, the Presiding Officer noted he was bound to give due consideration to whether or not the appellant's misconducts, or pattern or history of misconduct, was of such a nature that he was no longer fit to hold public office (Exhibit 76, Tab 2).

In **More**, the officer pled not guilty to six counts of misconduct and was found guilty of two counts of discreditable conduct. He received a forfeiture of 2 days on one count and a reduction in rank for the second count. With respect to the "totality principle" or global penalties, the Board noted,

That being said, we are of the view that it would be incorrect to apply this principle with respect of this case. At issue are two deliberate actions that occurred approximately a year apart and involved some carefully contrived deceptions. Both acts are sufficiently distinct and separated by time to warrant cumulative penalties (Exhibit 76, Tab 3).

In **Godfrey**, the officer was charged with unlawful or unnecessary exercise of authority and was assessed a penalty of a forfeiture of two days after a hearing. The case was appealed to the Commission and the penalty was varied to a forfeiture of five days pay. The applicant was not given notice that the Commissioner was seeking a higher penalty and there was no authority within the *PSA* to allow for it. The argument in this case stemmed from the word 'vary' with respect to a penalty, and jurisdictional issues. The court noted that, at minimum, the officer should have received notice that an increased penalty would be

sought, either by the Service or the Commission. Natural justice and procedural fairness require such notice (Exhibit 64).

In *Skolnick*, the accused was convicted of impaired driving and refusing a breathalyzer demand on the same day because of the same drinking/driving transaction. The court noted,

Where two offences arise out of the same incident, as in this case, and are tried together, and convictions are entered on both after trial, they are to be treated as one for the purpose of determining whether a severer penalty applies either because of a previous conviction or because of a subsequent conviction. Moreover, the rule operates even where two offences arise out of separate incidents but are tried together and convictions are entered at the same time...The trial judge took the position that the number of previous convictions was the decisive consideration on whether a subsequent offence was a third one...What Coke said literally was that a person cannot be convicted of a third offence before he has been convicted of the second...and the second offence must be committed after the first conviction and the third after the second conviction...an accused does not face the jeopardy of an increased penalty for a third offence unless he has previously been convicted and sentenced for a second offence...When a second offence is the subject of distinct punishment it is an offence committed after conviction of a first (Exhibit 65).

This concept by Lord Coke was set over three centuries ago and notes that “a man may not lawfully be subjected to an increased statutory penalty as for a second offence unless he had deliberately broken the law again after being convicted and receiving punishment for a first breach of it. The law has been taken to be so settled ever since”.

In his analysis, Chief Justice Laskin referred to cases involving the liquor and traffic Acts which provided a more severe penalty for subsequent offence. He did not solely focus on criminal statutes.

In **Gregg**, the officer was charged with, and found guilty of, seven counts of misconduct. She appealed two counts of Insubordination for failing to answer oral questions on two occasions and one count of deceit. The officer had an unblemished record. The Commission noted that police discipline matters are governed by the principle of progressive discipline. The case of Ontario (Ministry) v. OPSEU noted that a person cannot be considered a repeat offender or incapable of rehabilitation until a punishment has had the chance to take effect. The Commission noted that her lack of previous discipline was a mitigating factor that she was not afforded as part of the penalty (Exhibit 66).

In **Zhang**, the Appellant was fined \$2000 for a first offence and \$3000 for a second offence. They appealed the fines, in part, because the approach of the Justice of the Peace offended the Coke principle by failing to treat the convictions globally as one, for sentencing purposes, rather than as two separate convictions that required elevated penalties. Mr. Zhang had not been put on notice or warned by the imposition of a prior sentence that the continuance would be regarded more seriously because of the prior conviction. The Justice of the Peace relied on the first offence as a basis to impose higher respective fines. The Appellants did not have notice by imposition that the second offence would be regarded more seriously. In Ontario, the Coke principle was applied in cases that do have a “statutorily prescribed harsher minimum sentence for subsequent offences” (Exhibit 67).

In ***Ontario (Ministry) v. O.P.S.E.U.***, four counts against a correctional officer were established. The Board found that contact with one minor compounded a breach of policy around his contact with an earlier minor. The Board upheld the dismissal of the grievor noting contact with one inmate was the first infraction and contact with the second inmate was a second infraction. “The Board did not discuss the fact that the two infractions were discovered in the same investigation and were the subject of the same grievance” (Exhibit 68) One Board member, dissenting, noted that the progressive discipline scheme considered incidents with an intervening time period where the grievor could improve his behaviour; therefore, the second contact was not a second infraction. In labour law, the culminating incident doctrine allows employers to consider an employee’s past employment record in discipline matters. “The importance of the prior disciplinary proceeding is that it provides the employee with notice of the employer’s complaint. Employees may take the prior complaint into account in governing their future conduct. In *Ontario (Ministry)*, a formal disciplinary procedure had not been completed about the first contact so a ‘first infraction’ had not occurred and this was not a culminating incident.

In ***Cheetham***, the accused was charged with three robberies and three charges of using a firearm during an indictable offence. He was given a sentence of six months for the robberies and a one-year consecutive on the first s. 83 offence and three years’ consecutive on the other s. 83 offences for a total of seven and one-half years. All offences preceded any conviction. The court affirmed that, “unless the statute otherwise clearly provides, an offender cannot be convicted as for a second or subsequent offence, unless that offence is committed after a

previous conviction for a first or earlier offence” (Exhibit 69). The rationale is knowledge of the peril of a higher penalty for a subsequent offence.

In **Loman**, the appellant engaged in unregistered and illegal trading. He received a previous ban on trading in another province. The previous sanctions were not imposed until after the unregistered trades took place and could not have deterred the trades that had not yet occurred. The appeal was allowed, and the case returned to the Commission for consideration of penalty.

In **Neal**, the court dealt with the issue of whether two convictions arising out of a single transaction on the same date were to be treated as one for determining if a more severe penalty was necessary. The court considered whether the Coke rule applied to provincial legislation and ultimately noted that the rule also applies to sanctions or penalties of any kind imposed by statute.

In **Stoddart**, the accused robbed a convenience store. The Crown asked for a sentence of 6 to 8 years consecutive to a sentence being served at that point. The conviction and sentence for the first matter happened after the second occurrence so Mr. Stoddart did not have the benefit of deterrence. He was given a concurrent sentence to the one he currently served.

The case of **Gill** also dealt with convictions for separate offences, specifically what constituted a ‘first’ or ‘subsequent’ conviction within the meaning of the *HTA*. The second and third convictions were registered on the same date. The court noted that “an occurrence does not become an offence until there is a conviction, but once there is a conviction, the terms ‘conviction’ and ‘offense’ can be used interchangeably for the purpose of applying Lord Coke’s rule” (Exhibit 73).



The case of *Lambert* involved an appeal by a physician found guilty of conduct unbecoming and a suspension from practice for six months. He was previously suspended for three months on a similar charge. The appeal was allowed, and his suspension was reduced to three months as the two offences occurred before the first sentence was imposed. The same sentence had to be imposed for each offence (Exhibit 74).

### **Response**

I am not considering Constable Gangadeen as an officer with a previous discipline history. This is not a case of progressive discipline which would offend Coke's principle, as noted in *Lambert*. Constable Gangadeen presents himself with no prior discipline history and the *PSA* matters before me constitute a first offence. There was no discussion that I am aware of involving any opposition for joining the matters. I recognize that I may not have been privy to such discussions, but no objection was raised before me on this point. The hearing proceeded with both Notices of Hearing being heard together.

I have reviewed section 85(4) of the *PSA* and assured myself that Constable Gangadeen was notified of the possibility of an increased penalty of demotion for the first Notice and, more importantly, that he knew dismissal could be imposed if the misconduct was proven as the hearing commenced. I find no issue with the notice of increased penalty. The Service Prosecutor asserted that Constable Gangadeen was given notice prior to the hearing that the Service sought dismissal. Further, she asserted that the notice of increased penalty required under s. 85(4) of the *PSA* was only required to be provided in the NOH given prior to the hearing. Defence counsel submitted that under s.85 of the *PSA*, the Chief

shall not impose a penalty of demotion or dismissal unless the NOH or subsequent NOH indicated that.

I agree with Mr. Black that none of the findings of guilty within either NOH would justify dismissal on its own; however, it is incumbent upon me, when assessing Constable Gangadeen's overall character, his actions and ability to wear the uniform of a police officer in the community, that I look at the overarching and cumulative actions of the officer, in context, to determine his suitability to continue as a police officer. Upon review of the case law, I am compelled to examine his whole employment record, including his performance evaluations and cumulatively, all the findings of guilty when I consider the possibility of rehabilitation and suitability as a police officer. The case law did not direct me to peel away each count within each Notice and apply a separate penalty. To do so would offend the disciplinary process and would offer no support to the public interest in ensuring police officers are held accountable for their actions.

I found *More* to be very instructive as it involved two deliberate actions about a year apart that were sufficiently distinct and separated by time which is the case before me. I have read all the case law submitted. I am not considering progressive discipline as noted in *Gregg*, there are no previous disciplinary convictions to consider as noted in *Skolnick*, and I am not considering events that arose out of the same incident as outlined in *Zhang*. I am looking at the offences in context and in totality, not as progressive discipline.

### **Public Interest**

I reviewed the test in *Morden*, where the Commission stated that to assess usefulness, I must consider the particular offences for which Constable

Gangadeen plead/was found guilty. I must also consider his employment history and whether his retention, when given the same responsibility, would bring the administration of justice into disrepute. The public must have faith that a police service, and its members, can carry out its function effectively. The Commission also directed that dismissal is the ultimate penalty with no hope for rehabilitation, no significant mitigating factors, and the officer is of no further value to the Service or the community.

As noted in *Coon*, the sheer number of counts was a factor. This finding holds true in the matter involving Constable Gangadeen, but it is not always the number of counts that justify a specific penalty: it is the specific behaviours of the officer coupled with the disposition factors outlined in *Krug* that help arrive at an appropriate penalty. I am fully aware of the range of penalties available to me for this decision.

The Commission, in *Mamak*, noted that CPIC is an officer safety tool that cannot be abused. On review of the first NOH, Constable Gangadeen conducted 76 improper queries on CPIC/PQT/NICHE involving 8 persons. He improperly queried two additional vehicles five times, and reviewed 15 occurrences connected to Project Interlock, a project where his brother and criminal associates were arrested for a total of 61 times. Essentially, he was found guilty of conducting 142 improper queries where the persons, vehicles or occurrences were connected to his brother or his criminal associates. Additionally, Constable Gangadeen plead guilty to conducting two CPIC and nine PQT queries on his brother, two PQT and 8 CPIC queries on his father, and 4 PQT and 8 CPIC checks on his mother, for a total of 33 improper queries made for personal reasons. Defence counsel stated that

none of the queries were for personal reasons other than wanting to know what happened to his brother. This is a personal reason. My decision is clear that he was in a conflict of interest. This conflict made the queries improper and unauthorized. He had a duty to distance himself from any criminal associate/co-accused, not to continue to query them out of curiosity. It was obvious to me that, through submissions and through his letter to this Tribunal, that he still fails to understand this distinction. It was also stated through submissions that Constable Gangadeen ran individuals when he saw them to see if their information changed. Although this may have happened, it is not entirely true. He ran the same individuals while assigned to station duty and was unable to act on the information. He ran their names before shift and well after he reported off duty. This compounds his sense of entitlement as the queries were not solely confined to unauthorized street checks as he purported. He made no notes about any of these queries and he failed to maintain a notebook while working station duty from September 23, 2016 to December 6, 2016.

Constable Gangadeen was in a clear conflict of interest in conducting all of the queries noted above. He plead guilty to using internal systems to query himself, his brother, and his parents, but was found guilty of querying the criminal associates of his brother, as well as vehicles and occurrences. When asked during his first interview, he stated he was curious. Sometimes he wanted to read the occurrences to see what vehicles were involved, other times he wanted to see how the criminals operated, and other times he wanted to see his brother's involvement. These queries were not based on public safety as was asserted. Constable Gangadeen was also angry that the organization did not provide information about the arrest of his brother, which involved a confidential project

with another Service. Perhaps the organization could have offered him more support to assuage his concerns, but he was not entitled to such information by virtue of his position and it was not his role to undertake these queries to satisfy his curiosity. This is when you dig deep and rely on your Oath of Office, the Service core values and remind yourself of the community expectations on yourself and the organization around privacy issues as opposed to looking for the answers through other means.

Defence counsel asserted that Constable Gangadeen believed he acted in the public interest in making the CPIC checks. When he addressed the Tribunal during the hearing, he was very clear that the organization needed him as no one else did his style of policing. It is clear to me that Constable Gangadeen believed he had an entitlement that, by virtue of his position in law enforcement, he was owed certain privileges. Using police equipment in such a manner demonstrated his sense of entitlement.

The need to use proper judgement and integrity was outlined in *Montreal (City) v. Quebec*. Policing is a position built on public trust. The trust and legitimacy of any police service, and ultimately its members, comes from the community which expects, and demands, that officers perform their duties according to law while following internal policies and procedures. Policies and procedures form the structure within which officers must operate. Without support from the community, a police service will not succeed. No member should have an advantage over the community where he/she can query names, vehicles, and police occurrences for personal use or curiosity. Aside from the conflict-of-

interest issue in this case, it is also a significant privacy issues for those who were queried.

As noted in my decision, Constable Gangadeen abused his authority, and has broken the trust required between himself and the PRPS, and ultimately, between himself and the community. The fact that the officer used internal police systems for querying himself and his family takes the public interest concern to one level, but to query co-accused and criminal associates of a family member significantly elevates the seriousness and the concern the public should have in this matter.

I have reviewed each of the 35 CPIC cases provided by Defence Counsel. When I averaged out all penalties meted out, it came to an average penalty of about six days. However, it is important to look at the nuances of every case as no case is ever on-point with other. These cases range in years of service, prior misconduct, guilty pleas, good/average performance appraisals, whether query results were shared, the number of checks and reasons provided, if any. What was evident in each case was that the public trust must be held in the highest regard, and violations of police information systems encompasses serious misconduct. I acknowledge that some cases involved a longer period of time over which the queries were made and a higher number of queries. Defence counsel spent a lengthy period of time in his submissions explaining why Constable Gangadeen conducted the queries. The finding in my decision is clear that Constable Gangadeen had no lawful purpose for conducting any of the queries, so there is no degree of mitigation afforded by using the same explanations for penalty purposes.

Through his counsel, Constable Gangadeen stated that his supervisors were aware of how he worked and his notetaking was on par with common practice. The public must also be concerned when an officer does not follow the rules as set out by an organization. With respect to the Abitibi firearms investigation, Constable Gangadeen failed to make notes of the information given to him by the complainant. This included the identity of the complainant, and the description of the person with the gun. Instead, he argued that he entered it directly into the CAD system for everyone to see. I take no issue with this as an initial step, but it was incumbent upon Constable Gangadeen to follow the rules on memo book notes, to make proper notes which could have been relied upon for the investigation and court purposes. The fact that the officer failed to make notes or advise a supervisor about a friend calling and asking questions about the *very gun call* Constable Gangadeen was assigned to, while it was active, is extremely alarming. Constable Gangadeen dismissed the importance and timing of the interaction and failed to make notes about this important piece of the call and did not advise a supervisor. The public cannot rely on Constable Gangadeen to differentiate between his personal and his work life and make good decisions when he failed to disclose such significant information.

Constable Gangadeen demonstrated his inability to determine when to follow the rules and when/what rules apply to him. His actions clearly demonstrated a sense of entitlement around when to follow Service policies and procedures. He failed to maintain his memo book for a period of time because he felt it was common practice. If there was *any* ambiguity, it was up to Constable Gangadeen to ask the question. He used the excuse, 'I wasn't told to do it that way', 'my supervisors knew what I was doing and praised me'. Having such a sense of entitlement

permits officers to rationalize and justify behaviours that are clearly unacceptable to the Service and to the community. He demonstrated a latitude that does not exist on when to make notes and maintain his memo book.

Defence counsel wrote off the events at the Jab Jab concert as trifling. I disagree. If an off-duty officer interacts with fellow officers by sucking his teeth and swearing, how does he treat members of the public? This action was one of disdain and defiance. His complete disregard and lack of respect for his co-worker is a fundamental character flaw that is extremely troubling. When he should have interacted in a civil manner, he chose what is understood as a vulgar gesture and defiant attitude. The public expects more from its officers, and how they interact with each other is a reflection of the professionalism and dedication the public expects to see. Any member of the public would be shocked that a police officer would act in that manner towards a co-worker. Constable Gangadeen's response to the officer's clear direction was conducted in a public setting. The public expects that an officer will perform, at minimum, to the levels expected of the general public and the organization. Constable Gangadeen's actions would not be accepted by any member of the public and are certainly not acceptable when performed by a police officer. His behaviour, and denial of his actions, were unprofessional, and disrespectful.

With respect to the PRS interview, I agree with Defence Counsel that this was a long and protracted interview, but the onus was on Constable Gangadeen to answer the questions posed of him, ask for a break when he needed to collect his thoughts, and consult counsel if required. By calling the investigators 'annoying and agitating', that it didn't matter that they were detectives, referring to the



investigative process as 'slimy', and presenting in an unprofessional, confrontational, and insolent manner, he continued to demonstrate how he behaves when confronted in a stressful or negative situation. This was not a lapse of judgment; rather, it revealed the ongoing character flaw that was evident in the Job Job confrontation. When challenged, he reacted in a negative manner. This is deeply disturbing and the public interest is alive to how he treats members of his own organization. The public has an interest in ensuring police officers maintain a remarkably high standard of conduct. Constable Gangadeen failed to reach this expectation during these two interactions.

I find the public interest is a significant aggravating factor for each Notice of Hearing and in totality.

### **Nature and Seriousness of the Misconduct**

#### ***Notice of Hearing #1***

Defence Counsel was emphatic that the misconduct in either NOH was not serious enough to warrant a demotion (NOH #1) or dismissal (NOH #2). He countered with a range of days and/or reprimand.

Notice of Hearing #1 refers to unauthorized access to internal police systems for personal reasons or while in a conflict of interest. Further, the officer failed to maintain a memo book for a period of time while assigned to station duty.

Constable Gangadeen took part in a four-hour long compelled interview on June 10, 2017. The investigators went painstakingly through the unauthorized queries and the officer's lack of notes, and clearly expressed their concerns about the conflict of interest and the explanations the officer provided. The overwhelming majority of officers within any police organization have never participated in a

compelled interview, let alone two such interviews. Having had such this experience should have been sufficient warning to change one's practices, behaviour, and perspective with respect to the use of CPIC and internal systems. I found Constable Gangadeen not guilty on the CPIC checks of specific fellow officers as they did not rise to the level of clear and convincing evidence. However, Constable Gangadeen was found guilty of conducting a CPIC and PQT query on Ajay Panday on **December 17, 2017**, the same day he was served with the first Notice of Hearing and long after his first compelled interview. It was uncontroverted that Ajay Panday was a known criminal associate of the officer's brother, and I also found an association with the officer himself which put Constable Gangadeen in a significant conflict of interest.

Further, on **February 3, 2018**, Constable Gangadeen ran his own licence plate to ascertain whether another officer ran his plate in order to harass him. Constable Gangadeen wanted to complain about such harassment and this was well within his rights to do so. This plate check is very serious and telling, as the licence plate was registered to his parents. He knew this, as he registered his plates in that manner, and it appears he ran his plate under the guise of submitting a complaint. This query resulted in detailed returns on his mother and his father. This was a *significant* breach of their privacy. In another query, he ran his parents separately to see if there was any ongoing investigation. Constable Gangadeen knew what he was doing when he made these queries.

On **January 20, 2018**, the officer queried another person on CPIC and PQT who was co-accused in a series of robberies. This particular co-accused was previously charged with the officer's brother.

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It is very serious to have gone through a compelled interview, become aware of the concerns of the organization around your use of CPIC/PQT/NICHE for personal reasons, have the investigators share their concerns, be served with a Notice of Hearing for your behaviour, then turn around and continue the same behaviour for non-operational and personal reasons. This is compounded with the fact that he was informed in the first Notice of Hearing that demotion was an option, but he returned to work and continued with the same behaviour. This demonstrated his inability to decipher right from wrong and stop the offending behaviour. He had ample opportunity to do so but failed in this regard.

Constable Gangadeen's actions were in deliberate violation of Service governance and constitute serious misconduct. The officer repetitively and deliberately misused internal police systems from December 2015 to February 2018, a significant period of time with no lawful excuse. I am concerned about the repetitive nature of the CPIC/PQT/NICHE abuses and breaches of Service policies and procedures. When I review the totality of the breaches contained within NOH #1, Constable Gangadeen conducted 114 repetitive and unauthorized CPIC/PQT/NICHE searches, and reviewed 60 occurrences pertaining to the investigation that involved his brother. On 174 occasions over a thirteen-month period, when he had only been a sworn officer for 16 months, the officer failed to follow Service policies. Constable Gangadeen was given the benefit of being returned from suspension following his first compelled interview, but he demonstrated his inability to correct his behaviour. As noted in *McPhee*, and applicable in this case, the officer conducted a series of queries over an extended period of time. This exemplifies a deliberate and continuing pattern of misconduct which is significantly aggravating. He conducted approximately 142 unauthorized

searches which is an extensive and repeated abuse that falls at the highest end of serious misconduct. This is independent of the other misconduct allegations.

Officers are given a significant amount of discretion and encouraged to use their own judgement while working in the community. However, with that discretion and judgement comes accountability. In *Krug*, the Commission noted that the seriousness of the offence alone may justify dismissal. I am aware that the Commission has upheld the penalty of dismissal of police officer for CPIC breaches that have been less egregious than this case, as noted in *Mamak*. I am alive to the fact that this option is available to me.

Mr. Black asserted there was no previous case or directive that an officer cannot use CPIC to query a person he wanted to speak to on the street as the person is known to him as a gang member. This was an attempt at an explanation and to change the narrative. There were many examples presented during the hearing where Constable Gangadeen queried these individuals before and after scheduled work hours and while assigned to inside duties where he could not action the results and there was no evidence that he shared the results of the queries for further action. This was not a case of wanting to query a person on the street who is known to him as a gang member as many of these queries were not made 'in the moment'. I do not accept this further explanation. Constable Gangadeen continually relied on his high statistics, his style of policing, his interest in gangs, and public safety. His repeated behaviour outweighs his work ethic and dedication. He knew the concerns of the organization. He was in a conflict of interest with respect to the individuals arrested and co-accused with his brother but what was evident from submissions and his letter to me was that he still does

not appreciate the misconduct which underscores my belief that his behaviour will not change.

*I find the seriousness of the misconduct in Notice of Hearing #1 to be an aggravating factor.*

### **Notice of Hearing #2**

The second Notice of Hearing outlined Constable Gangadeen's actions at an offensive weapon (gun) call, his lack of notes from the call, his behaviour at an outdoor event and a compelled interview, additional queries made on two criminal associates of his brother, a query of his licence plate and ultimately his parents.

On September 24, 2017, Constable Gangadeen had a duty to share all relevant information with his peers, investigators and his supervisor. He failed to inform his supervisor that he had some degree of familiarity with the homeowner of the gun call. The following day he became aware that he knew two persons of interest, but of significant importance was that he received a phone call about the very gun call that he was assigned to while it was an active call, and he had more contact with the same person after the fact. He demonstrated an association with parties known to be involved in criminal activity for all the reasons outlined in my decision. He should have recognized the seriousness of the texts and call from Somie Narine and noted the inquiries she made of him, regardless of his response. He had a duty to record this information which was integral to the investigation and to inform the investigators and his supervisor. If the public knew that an officer attended a call for service and received information about the very same radio call that involved a threat to public safety and was not forthright

about it, these actions would discredit the Service. Constable Gangadeen had a clear responsibility when he queried the address, realized he knew the involved persons, and received the texts/calls. He failed in that responsibility. Constable Gangadeen has been vocal about the degree of queries he has made and the amount of intelligence he gathered through his street enforcement. His experience should have made his choices very clear, and he knew better. This was not his information to withhold which blurs the optics as to why he chose this route. The person with the gun was never arrested and continues to pose a risk to community safety. This is an aggravating factor.

The way that Constable Gangadeen responded to Constable Brown at the Jab Jab concert was disrespectful, belligerent, and contrary to the Service core values. He had an opportunity to be a leader, but he failed in this regard. The individuals he was with, and at least one other officer, knew he was a member of the PRPS. This was a public setting. As noted earlier, the act of kissing your teeth is full of disdain and defiance. Adhering to core values help inform almost every aspect of our character and integrity and defines how members must interact with each other. There is no different standard of accountability and expectation of how officers interact with each other and how they act with the general public.

The capacity to maintain ethical behaviour should not pose an overwhelming challenge, either on- or off-duty, or when confronted with an uncomfortable situation. What is important is how we perform when faced with adversity, both personally and professionally. Constable Gangadeen had an opportunity to develop a relationship and leave a positive impression. He projected a poor attitude, a lack of respect, and immaturity. As officers, we are judged by many

people, in many ways, and in many situations. This was an opportunity wherein Constable Gangadeen lost perspective.

Constable Gangadeen displayed a similar behaviour during his second compelled interview. I agree with Mr. Black that this was a lengthy interview and frustrations boiled over. Constable Gangadeen had options as I've outlined earlier. Instead of stepping back and re-grouping with his lawyer, he acted out in an unprofessional manner. His outburst was similar to that at the Jab Jab concert which demonstrated for me that this was not an isolated behaviour issue when faced with an adverse situation. The involved officers deserved the same respect that is afforded to all members and in the same fashion that we treat the general public. These events have highlighted a character flaw that is not acceptable in policing.

It was noted in the penalty hearing that Detective Sergeant Harloff had no reason to question the answers of Constable Gangadeen in the first or second interview. Detective Sergeant Harloff stated he had no evidence that his answers were not true. There were other qualifiers in Detective Sergeant Harloff's responses, until the point that he started to respond to the repetitive questions by rote. This was another attempt to change the narrative. Detective Sergeant Harloff was clear that he did not conduct the first interview and did not fact check the results. He was also clear that Constable Gangadeen had a responsibility to make notes which he failed to do. Although not part of the penalty decision, I feel it is important to clear up this point.

While reflecting on the seriousness of the misconduct contained in Notice of Hearing #1, I find this officer demonstrated a wilful disregard of Service policies and procedures, his Oath of Office and the core values of the PRPS. This is not a

situation that can be remedied with a few days off. These were deliberate actions while engaged in a conflict of interest and an abuse of CPIC and internal record systems for personal and curiosity purposes, with no operational reasons. The seriousness was aggravated by the queries conducted while working station duty, and by those queries made after his shift had ended. These actions appear to highlight an officer who was over-invested in his role.

I agree that Constable Gangadeen has continually minimized his behaviour, both in his testimony, his letter and submissions to penalty which demonstrates to me that he does not recognize the seriousness of his behaviour. The fact that he continued the same behaviour solidifies that, if returned to the Service in the same position, he will most likely continue to re-offend.

The seriousness of the misconduct contained in Notice of Hearing #2 demonstrated a wanton disregard and respect for fellow members and a lack of fortitude to share information relevant to a very important and 'live' investigation. Each of these particulars is very serious on its own, but collectively, takes the misconduct to a much higher level.

*I find the seriousness of the misconduct in Notice of Hearing #2 to be a significantly aggravating factor.*

Each of the findings for the separate Notices of Hearing show the seriousness of the misconduct lies at the high end of the spectrum. In totality, the actions of the officer have taken his misconduct to the most serious level.

### **Recognition of the Seriousness of the Misconduct**

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Constable Gangadeen plead not guilty to ten counts of misconduct and plead guilty to two counts. His decision to proceed to a hearing is not considered an aggravating factor as every officer has the right to defend him/herself.

I listened to Constable Gangadeen's testimony in the Tribunal, read his comments to the investigators, and I have read his letter to this Tribunal (Exhibit 55, Tab 1). What is clear to me is, with every statement of acknowledgement there is an explanation of why he behaved in a certain manner, the fact that his supervisors were aware, or it was common practice. Although he stated in his letter to this Tribunal that he has learned from my decision, has taken it to heart and will use it to guide his future conduct, he explained his actions as acting in the public interest, he worked hard, no one ever told him his notes were deficient, and highlighted how his Intelligence gathering assisted the organization. He noted that he is capable of rehabilitation and is willing to follow the comments in my decision, but explained the level of effectiveness of his police work.

As submitted by Mr. Black, Constable Gangadeen was a street officer who produced high numbers. I agree. Some of his work led to personal accolades, which I will discuss later, and further arrests/warrants by the organization. What Constable Gangadeen fails to understand is policing is more than high numbers of street checks and gang enforcement. It is the ability to recognize your mistakes and not show a superiority to your colleagues when you describe yourself as an above-average officer based on statistics. It is not having a sense of entitlement that allows you to treat other members with disdain or using internal systems for your own purposes. Constable Gangadeen has continually minimized his actions by offering explanations. It is obvious to me that he does not accept he was in a

conflict of interest for most of the two Notices of Hearing. He may say or write the words one would want to hear, but they are not heartfelt. I do not find Constable Gangadeen's words encouraging; I am not convinced he has accepted full responsibility for his actions on any count, other than the two counts wherein he plead guilty, and it appears that Constable Gangadeen does not have a full appreciation for the gravity of his misconduct.

Constable Gangadeen plead guilty to two counts and for that he will receive slight mitigation; however, the lack of internalization of his behaviour or appreciation for any conflict of interest is aggravating to penalty.

## **Employment History**

### **Cadet Gangadeen**

Constable Gangadeen was hired as a cadet on December 20, 2011. In his evaluation dated December 20, 2011 to December 20, 2012, he was rated as 'meets expectations' in the competency section. He was assigned to the Communications Bureau. He volunteered his time at several functions and successfully completed his PIN test four times throughout the year. He was recommended for First Class Cadet effective December 20, 2012. Cadet Gangadeen set his personal goals as continuing to improve his fitness level, volunteering for charitable and PRPS events and continuing his education (Exhibit 59, Tab 4).

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In his evaluation dated January 15, 2012 to June 13, 2012 he was rated as acceptable in most categories. He needed improvement in dependability, initiative, knowledge of policy and procedures, data entry and reaction in stress situations. It was noted that Cadet Gangadeen participated in the following events: Special Olympics, OHL Fundraiser, National Peace Officer Memorial, Police Day, Carrasauga Festival and he received a thank-you letter for his involvement in Dreams Take Flight. He had a keen interest in staying fit, and joined the softball team. He was also part of/associated to the mentoring program for Big Brothers and Sisters. He had been tardy on a couple of occasions and had to improve his dependability. It was noted that the areas of initiative and knowledge of policy and procedures would improve with further exposure to the police environment. He had to concentrate on data entry to ensure messages were accurate, re-read and proof read. The writer identified the most important area for improvement was reaction to stress situations. When tasked with a call back, Cadet Gangadeen became flustered when asked to complete another task. Strategies were discussed to manage multi-tasking. He was described as positive, eager and one who listened to feedback.

His staff sergeant agreed with the evaluation and described Cadet Gangadeen as keen and eager and a positive member of the Bureau. He was willing to assist his co-workers and he had a positive and cheerful demeanour. He was described as a valued member of his platoon and a positive addition to the organization. His Inspector noted that Anthony was a hard-working individual who continued to improve with experience. He conducted himself professionally and worked well with the team (Exhibit 59, Tab 6).

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In his evaluation dated September 6, 2012 to January 5, 2013, Cadet Gangadeen was assigned to 11 Division and met the standard in most categories and exceeded the standard in communication with the public, interest in work, dependability, work ethic, logical reactions/common sense and peer group acceptance. He progressed at a consistent and adequate rate. He displayed a calm and professional demeanour, and a keen sense of humour which helped his interaction with the public at the front desk/phone. Cadet Gangadeen took pride in his work and took his job seriously. He had good organizational skills, was up-to-date on all administrative aspects, and arrived early and well-presented for duty. He was a good team player. He volunteered for Career Day and the Chief's Appreciation Dinner. He recognized the importance of community and how he could make a difference. He was empathetic and professional when dealing with the public. He took initiative to assist officers and civilians without being asked. He liked to learn new things that would serve him as an officer/investigator. He was well liked by his peers and supervisors. His Inspector noted that Cadet Gangadeen was a fine young person who developed at a favourable rate (Exhibit 59, Tab 7).

In his evaluation dated January 13, 2013 to September 6, 2013, he was rated as meets or exceeds standards in all categories. He was described as cheerful with a positive and friendly attitude. He had a strong knowledge of his responsibilities and the requirements of the job. He was consistent and dependable, followed direction, learned rapidly and adapted to changing situations. He strived to improve his performance by setting new goals. He reviewed statues for areas of needed improvement. He carried out his assignments with little to no direction. His work quality was consistent and had the potential to contribute to the growth

of the Fraud Bureau and the Service. His Inspector stated he did an excellent job and should continue to progress with future training (Exhibit 59, Tab 5).

### **Police Constable Gangadeen**

Constable Gangadeen was sworn in as a police constable on September 9, 2014 after his successful tenure in the cadet program.

#### **September 9, 2014 to March 9, 2015**

In his first evaluation, Constable Gangadeen was rated as 'progressing' in all competencies except his personal goals of continuing to volunteer his time for charity and PRP events and improving his fitness levels where he was marked as 'meets expectations'. The writer noted that Constable Gangadeen adjusted well to his new environment and challenges associated to his development. He took an interest in CDSA investigations and self-generated arrests. He progressed well throughout his time, was a valued member of the platoon and respected by his peers and co-workers. His performance indicators were average and acceptable and progressed at a rate consistent to his experience (Exhibit 55, Tab 6).

#### **September 9, 2014 to September 9, 2015**

In the competency assessment section, Constable Gangadeen marked himself as 'meets expectations' for all competencies where his supervisor marked him as 'progressing'. The writer noted this was a reflection of a less experienced officer being presented with goals meant to challenge 1<sup>st</sup> class officers. With a solid work ethic and continued time, he expected Constable Gangadeen would improve in all areas. One area that required improvement was his attendance due to a number of absences which was added as an additional performance goal. He was recommended for progression to third-class constable (Exhibit 55, Tab 5).

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September 9, 2015 to September 9, 2016

In the competency assessment section, Constable Gangadeen rated himself as 'meets expectations' while his manager rated him as 'progressing'. The exception included the competency 'Ethical Accountability/Responsibility' where he was rated as 'meets expectations'. Constable Gangadeen rated himself as 'progressing' in Teamwork, while his manager rated him as 'meets expectations'. He met expectations in Valuing Diversity. In the rest of the competencies, he was rated as 'progressing'. In his personal development plan which included attendance, he was rated as progressing, he met expectations on learning interview techniques, and he met expectations with respect to Effective 'Self Generated' Enforcement. The manager commented that his enforcement was at the high end of the platoon average.

The writer noted that Constable Gangadeen was mentored on two occasions about informant development/handling. The informants he developed provided valuable intelligence on drug activity, firearms offences and the location of wanted parties. He forwarded Intelligence to other units which resulted in a search warrant for criminal/drug offences. Constable Gangadeen could be relied upon to notify management when a conflict arose despite a potential undesirable outcome. He was encouraged to lead by example and set the standard for work ethic and proactive enforcement. His notetaking was thorough and report writing was developing. He assisted platoon mates (Exhibit 55, Tab 4).

September 9, 2016 to September 9, 2017

Constable Gangadeen and the writer agreed that he met expectations on all competencies and his personal development plan. His work with informants was

progressing. The writer noted that Constable Gangadeen submitted his occurrence reports in a timely fashion and was consistent with completing detailed criminal and provincial court packages. He forwarded intelligence to Street Crime and the CIB which resulted in a search warrant for criminal/drug offences. He was involved in an on-duty departmental collision. He learned from the incident and made the necessary adjustments. He displayed an interest in proactive enforcement. Constable Gangadeen co-handled an informant who provided valuable intelligence on drug activity, firearms offences and wanted parties. He was well turned out for parade; his notetaking was thorough and report writing developed. He assisted his platoon mates and maintained his level of fitness. He was recommended for progression to first-class constable (Exhibit 55, Tab 3).

#### Appreciation letters/Commendations

1. Email of appreciation from Supt Gadomski to Constable Gangadeen for helping resolve ongoing problems in an apartment (March 8, 2018, Exhibit 55, Tab 11)
2. Commendation from Sgt. Ahrens to Constable Gangadeen and his partner for a vehicle stop which resulted in a search warrant, the seizure of drugs and the arrest of a person for a shooting (Oct 24, 2017, Exhibit 55, Tab 12)
3. Commendation from Sgt. Ahrens to Constable Gangadeen and his partner for a vehicle stop which resulted in a search warrant for a firearm. No firearm was seized but the information was critical to locate the shooter (Nov 9, 2017, Exhibit 55, Tab 12)
4. Commendation from Sgt. Ahrens to Constable Gangadeen and his partner for a traffic stop that resulted in the seizure for several types of drugs. Their investigation resulted in more information about a home invasion and 22 criminal charges were laid. They were commended for their ability to look at the bigger

picture after the arrest and charges were complete (Nov 10, 2017, Exhibit 55, Tab 12)

5. Commendation from Sgt. Mephram to Constable Gangadeen for a successful tandem stop of a potential stolen auto. (Oct 9, 2017, Exhibit 55, Tab 13)

6. Letter from 2014 Chairpersons to Constable Gangadeen for his donation of time and effort for the 2014 Toys for Tots campaign (Feb 2015, Exhibit 55, Tab 14)

7. Letter from Chief Evans to Cadet Gangadeen for his participation in the 'Backpack for Kids' campaign (Sept. 4, 2014, Exhibit 55, Tab 15)

8. Internal Correspondence to Cadet Gangadeen for his participation in a diversity recruitment initiative (Feb 27, 2014, Exhibit 55, Tab 16)

9. Letter to Cadet Gangadeen for his participation in the United Way Campaign (Jan 27, 2014, Exhibit 55, Tab 17)

10. Internal correspondence to Cadet Gangadeen for participating in the P.E.A.C.E. interview practicum (Dec 10, 2013, Exhibit 55, Tab 18)

11. Email to Cadet Gangadeen for his assistance during the annual inventory count from the Quartermaster (Nov 20, 2013, Exhibit 55, Tab 19)

12. Letter from Chief Evans and the Cops for Cancer Honorary Chairperson for his involvement in the 10<sup>th</sup> anniversary event of the PRPS Cops for Cancer (May 4, 2013, Exhibit 55, Tab 20)

13. Email from Constable Vellenga to Cadet Gangadeen for his involvement in the student career day with the recruiting bureau (Dec 1, 2012, Exhibit 55, Tab 21)

14. Internal correspondence from the recruiting bureau to Cadet Gangadeen for his involvement in the Carabram-Brampton's multicultural festival. He was enthusiastic and projected a passionate and positive attitude (Sept 19, 2012, Exhibit 55, Tab 22)

15. Email from Constable King to Cadet Gangadeen about having Anthony as an escort. He was polite, respectful and his knowledge of statues was impressive. He was well-informed on how to use PQT and read returns. He had excellent officer safety and was a trustworthy and reliable cadet while part of the ride along (July 23, 2012, Exhibit 55, Tab 23)

16. Letter from Inspector Ellis to Cadet Gangadeen for his contribution of time in the Race Against Racism (June 28, 2012, Exhibit 55, Tab 24)

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17. Internal correspondence from Inspector Ryan to Cadet Gangadeen for his assistance at the Police Day kick-off (Jun 14, 2012, Exhibit 55, Tab 25)
18. Internal correspondence to Insp. Rodrigues to thank Cadet Gangadeen for helping at Carassauga (June 4, 2012, Exhibit 55, Tab 26)
19. Internal correspondence to Cadet Gangadeen for his assistance at the high risk/low frequency training for dispatchers (May 17, 2012, Exhibit 55, Tab 27)
20. Email to Cadet Gangadeen for his involvement in Dreams Take Flight (May 11, 2012, Exhibit 55, Tab 28)
21. Letter from the Diversity Relations Unit to Cadet Gangadeen for his contribution of time at the 11<sup>th</sup> annual Race Against Racism event (July 7, 2011, Exhibit 55, Tab 29)
22. Certificate of Appreciation from Iron John Mentor to Cadet Gangadeen (Apr 22, 2011, Exhibit 55, Tab 30)
23. Certificate of Appreciation from Ford Drive One 4UR School Event to Cadet Gangadeen (Dec 4, 2010, Exhibit 55, Tab 31)
24. Character letter from Constable Ngo #3835 where he outlined three calls for service that he attended with Constable Gangadeen. He stated Constable Gangadeen was someone he would turn to with any questions regarding criminal offences or investigations. Constable Gangadeen took his job seriously and had the right intentions. Constable Ngo read the *PSA* decision and his opinion did not change. He never found his behaviour to be suspicious, alarming or criminal; rather, he found Constable Gangadeen to be motivated, willing to put in effort and someone who would succeed in a squad if given the opportunity (Undated, Exhibit 55, Tab 32)
25. Character letter from Constable Marra. He made a vehicle stop for a wanted party and Constable Gangadeen was the only officer in the area who reached out to see if Constable Marra was okay. Constable Gangadeen helped him through the call, during the briefing to CIB and completing paperwork. This speaks to Constable Gangadeen's teamwork and leadership. Constable Marra formed a friendship with Constable Gangadeen, who he described as knowledgeable of the *Criminal Code* and *HTA*. He is an excellent communicator with children, seniors, people with mental health issues, disabilities and uncooperative persons. He has deescalated situations and provided reassurance to victims. He also helped junior members of the platoon. He is an asset to the Service, a natural leader and is

great at the job. He would partner with Constable Gangadeen for any call (Undated, Exhibit 55, Tab 33)

26. CBC News article on takedown of New Money Gang (Nov 18, 2020, Exhibit 55, Tab 37)

Constable Gangadeen was sworn in as a constable on September 9, 2014. His first unauthorized query was conducted on BB on December 4, 2015 and his brother on December 6, 2015, just 15 months after taking his Oath of Office. The unauthorized queries of his family members and criminal associates continued in January 2016 and throughout the year. He was suspended in February 2017, just 2.5 years after being sworn in as a constable and taking his Oath of Office. He was returned to work in August 2017, and suspended for a second time in April 2018, just 3 years and 7 months after being sworn in as a constable and taking his Oath of Office.

In his 2015-2016 evaluation, it was noted that Constable Gangadeen could be relied upon to notify management when a conflict arose despite a potential undesirable outcome. It was during this time period that his queries on his brother and his co-accused/criminal associates began and continued throughout the year. He did not notify management about any such conflicts. Mr. Black highlighted that Constable Gangadeen was encouraged to lead by example and set the standard for proactive enforcement. This statement can be interpreted in two opposite ways.

Constable Gangadeen's evaluation for 2016-2017 was good. This was a time period when he conducted the majority of the queries on the co-accused/criminal associates and on his family. The evaluation showed that his note taking was good and he was reclassified to first-class constable. Mr. Black stated that a progression

to first-class constable was not automatic. I agree, but a supervisor must be cognizant of the behaviours that are occurring behind the scene. Also, Constable Gangadeen was suspended for the last four months of this evaluation and the supervisor would not know the full story of the investigation. I can fully understand why this reclassification took place as, on paper, he appeared to be doing everything right.

There is no doubt that Constable Gangadeen had a very successful period as a cadet. He was involved in numerous charitable and internal police events and gave of his time and knowledge. Approximately 17 of the 23 commendations/emails were from his period as a cadet. He was motivated, enthusiastic and passionate. I have no doubt that his efforts were genuine in giving back to the community.

The three high priority investigations for which he and his partner were commended (Exhibit 55, Tab 12) are impressive. Together, they were able to remove drugs from the street, help with search warrants for firearms, identified the suspect for a shooting, provided information for a home invasion and the seizure of drugs and gathered intelligence. He returned from suspension in August 2017 and as he noted in his testimony, he worked extremely hard. This commendation is an example of that work.

I read the character letter from Constable Ngo. I believe it was heartfelt and was his reflection of their experiences together. He read the *PSA* decision and he did not change his mind on the character of Constable Gangadeen. He was not cross-examined on any of the *PSA* counts. There was no indication that Constable Marra was aware of the *PSA* decision but it was evident that he admired Constable

Gangadeen's work ethic and willingness to help junior officers. I also believe his words were heartfelt, but also unchallenged through cross-examination. I have accepted their submissions, but I find that they do not offset my concerns about the seriousness of the repeated acts of misconduct around CPIC/PQT/NICHE, coupled with this treatment of fellow officers. Also, his alarming dismissal of the need to note a phone call about a gun call while it was active is another demonstration of his lack of understanding and entitlement. Further, in just over three years of sworn service, he was served his first NOH for six counts of misconduct.

When I reviewed his entire employment history, I found an officer who performed good work as a cadet. As a sworn officer, Constable Gangadeen has shown his willingness to get involved in tough calls. Two officers provided their accounts of interactions with him. Constable Gangadeen has a keen interest in gangs, which is obvious from the offline search report (Exhibit 55, Tab 34). He presents with no prior discipline history. He was on a good path before the misconduct started.

What stands out to me is a brief period of employment with neutral or unremarkable evaluations. The unauthorized queries that started on December 4, 2015 (BB) and his brother on December 6, 2015 occurred before his brother was arrested on December 29, 2015, which negates Constable Gangadeen's rationale that the queries were conducted to look for information on why his brother was arrested as it was not forthcoming from the Service. This response continues to lack credibility. It is not unreasonable to conclude that the misconduct is not an isolated incident over the course of Constable Gangadeen's

employment history. The period during which Constable Gangadeen committed his misconduct exceeded one year in a short career, pre and post suspension. When adjusted for his first suspension, he had just over three years on the road when he was suspended indefinitely. He was a junior officer who demonstrated at an early stage that the rules did not apply to him. As noted in *Groot*, a brief and undistinguished career may be an aggravating factor. In *Barlow*, the Hearing Officer noted, “In some situations, that unblemished work history could be of assistance in determining penalty. However, he concluded that, in light of the seriousness of the multiple counts of misconduct, the Appellant’s positive work history did not provide sufficient mitigation” (Exhibit 58, Tab 5).

Although there were moments of good work, I find that his employment history offers a slight degree of mitigation.

### **Need for Deterrence**

#### **Specific Deterrence**

This penalty sends a direct message to Constable Gangadeen that his actions, both individually and in totality, are significantly aggravating to warrant the most serious penalty. All of the misconduct cited was preventable; yet Constable Gangadeen put himself in a conflict of interest, and treated fellow officers in a disrespectful and rude manner.

#### **General Deterrence**

As noted in *Coon*, this decision must send a clear message to all members that the misuse of CPIC and internal police systems for personal reasons or when faced with a conflict of interest will result in a significant penalty. These systems are

safety tools for members to use pursuant to the rules of the organization. Adherence to the rules is what makes organizational governance so crucial. A critical issue for all supervisors to discuss with their members is the need to follow Service policies and procedures, what to do when faced with ethical dilemmas or conflicts of interest, and for supervisors to monitor members for any disregard of the rules. Police officers must conform to the highest standards of conduct at all times. This penalty will send a clear message to all members that any wilful disregard of the rules, an officer's Oath of Office and core values will bring serious sanctions.

### **Ability to Reform or Rehabilitate the Police Officer**

The Commission, in *Morden* noted,

“In order to assess usefulness, as a police officer, the Commission must not only consider the particular offences for which he has been convicted, but must also consider his employment history...Moreover, if a police officer who is unable to carry out their duties effectively is retained on the force and given the same responsibilities as every other officer, in the eyes of the public, the effectiveness of the service as a whole and, therefore the administration of the law will be brought into disrepute. Where the public has no faith in the police service to carry out its function effectively the police service loses its ability to preserve the peace and protect society from crime” (Exhibit 58, Tab 2).

I have considered every disposition factor as outlined in *Krug*, I have read every piece of case law submitted by both counsel, and reviewed Constable Gangadeen's employment history at length. I have addressed his ability to carry out his duties effectively when I assessed the damage to the police organization. I have considered every count in each Notice of Hearing and the significance of each on its own, and in totality and context.

In *Favretto*, the Commission noted,

“The penalty of dismissal is the ultimate penalty. It should be reserved for the most serious offences committed by a police officer where there is no hope for rehabilitation, there are no significant mitigating factors and where the police officer is of no further value to the police service or the community in general” (Exhibit 58, Tab 3).

Upon review of all the evidence, the submissions and exhibits, and considering the misconduct of Constable Gangadeen in context, I find that it is very serious and is situated at the highest end of the spectrum. I find, in totality, that his conduct is virtually unmitigated. It was evident that his past conduct of CPIC and systems abuses was indicative of his future conduct based on his repeated behaviour after significant warnings to the contrary, both through the compelled interview and receipt of the first Notice of Hearing, which indicated a higher penalty was being sought.

As noted in *Coon*,

“The Commission has ruled in the past that the personal use of CPIC constitutes major misconduct. The use of CPIC must be solely reserved for official police work and must never be used for personal reasons. Fundamental to the successful functioning of the CPIC system is a strong sense of trust; trust that the system is there to help police officers in pursuit of their official duties and trust that no police officer will purposely or wilfully misuse the system” (Exhibit 58, Tab 8).

I note that the officer plead guilty during the reading of the Notices of Hearing to two of the counts of misconduct, and this is an important factor to consider towards rehabilitation. Pleading guilty to some counts and not guilty to other counts was well within Constable Gangadeen’s rights. He accepted responsibility for the two counts that involved his family members.

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I considered Constable Gangadeen's letter which explained his family background, personal family challenges, and the impact that my decision will have on him and his family. He noted his willingness to follow the findings from the hearing decision, but what was concerning were the continued explanations for his behaviours which did not ring of a true acceptance of his misconduct and did not carry an air of reality around a willingness to change. I have no doubt that he was proud to be a police officer, but that role comes with significant responsibility. Instead of showing an acceptance of responsibility for all the misconduct, he deflected it, which shows me he is a poor candidate for rehabilitation and has not internalized the impact of the behaviours he displayed. He provided different answers for his unauthorized CPIC/PQT/NICHE queries (I was curious, they wouldn't give me information, I ran them for information) but he ran them while in a conflict of interest, while working station duty, and after he signed off which was also concerning as it speaks to credibility.

Constable Gangadeen's misconduct is not based solely on one act of misconduct; rather on many acts of varying misconduct which show his actions were more than a lapse of judgement or a simple mistake. His actions were deliberate and intentional. I find the repetitive acts and serious nature of the acts of misconduct to be deeply troubling.

In his interaction with Constable Brown, he showed total disregard for a fellow officer and the uniform. His actions were deliberate and directed at a police officer. It is more than the act of profanity, as noted in *Megahy, Jackson, Bresette, Power and Gould*. He demonstrated a lack of professionalism and ethical behaviour which is extremely serious. This behaviour carried through into his



second compelled interview when he was rude, belligerent, and showed a serious disregard for the internal rank structure of the PRPS and the member himself. It is expected that officers have honesty, integrity and respect embedded as part of their character so there is no choice between right and wrong behaviour when interacting with peers and members of the people. These values cannot be taught; they are inherent.

As noted in *Pinto*, these are serious matters, and Constable Gangadeen did not need a supervisor to tell him to comply. He knew the rules. There was no excuse for his deliberate behaviour, and he chose to continue such behaviour over a period of time.

Constable Gangadeen continually leaned on his significant street enforcement numbers (Exhibit 55, Tab 34) as evidence of his policing success compared to his peers. Policing is more than enforcement statistics. It is about ethical behaviour, following established rules, and knowing right from wrong. Mr. Black cited Project Siphon (Exhibit 60) as an example of the officer's success. Constable Gangadeen did query the names of those arrested in Project Siphon (Exhibits 24 and 60), but in highlighting his statistical success, it is evident that the officer does not understand or accept the conflict of interest and errors that led to his misconduct with the unauthorized queries. Mr. Black used this opportunity to showcase some of the good work that Constable Gangadeen has been part of, which I appreciated, but it was also an attempt to change the narrative. Constable Gangadeen has never demonstrated an understanding of the delineation between his high statistical workload, and the unauthorized/conflict of interest queries on himself, his brother, his parents and his brother's criminal associates

and his varying reasons for the queries. As such, there is nothing that has swayed me to believe that he will not continue in the same manner as he views the unauthorized queries as his responsibility to ensure the safety of the citizens of Brampton.

I have considered and weighed the character letters from two PRPS officers, both of whom were not subject to cross-examination. I am sensitive to the positive regard through which they hold Constable Gangadeen. They have stepped up to support a friend when needed and I have heard their words. I am aware, as noted in *Barlow*, that “character evidence is not determinative of the potential for rehabilitation in the face of grievous misconduct and countervailing dispositional considerations. It is one factor of many to be assessed” (Exhibit 58, Tab 5).

It was evident to me that these two officers were impressed by Constable Gangadeen’s willingness to assist them. I believe the letters were sincere as the writers shared examples of how Constable Gangadeen helped them succeed. The letters describe his ‘street hustle’ and success, but their words do not override the strong evidence that Constable Gangadeen does not fully appreciate the errors highlighted in the judgment. It is noted in *Barlow* that the Appellant’s “enthusiasm and drive” eclipsed his common sense. I would add his judgment, and his interaction with fellow officers while under stress was disturbing and certainly not the standard expected of the Service or from the community.

As noted in *Bargh*, “Constable Bargh did not give a passing thought to the purposes of the CPIC and RMS system and gave no thought to confidentiality, nor the consequences, of improperly accessing information from these systems due to his own personal desire to obtain information. It would, or should, be common

sense to any serving police officer that the information contained on CPIC and the RMS system is subject to the Oath of Confidentiality and Security and is to be used solely for legitimate police purposes only” (Exhibit 58, Tab 4).

To be clear, there is no evidence that information was shared with another party, but Constable Gangadeen acted contrary to his Oath of Office. I found that Constable Gangadeen’s reasons for the repeated searches were not credible, and his actions called into question his judgment and trustworthiness as a police officer.

An example of such credibility was when Service policies and procedures were put before the officer, he found ‘workarounds’ for not following them. This was evident when he entered the information for the gun call directly into the CAD system and dismissed the importance of maintaining his memo book with the complainant’s information, statement and description of the suspect. He was adamant it was not required. This was also very evident when he received information that was very important to investigators concerning the gun call. Constable Gangadeen received a phone call and texts from an ‘old friend’ asking about the very gun call to which he was assigned. He may not have known she was a ‘person of interest’ at that point, but this information would have helped speed up the investigation. His only note was that he was assigned a traffic point. His actions at this gun call were so important that it is hard to understand how he simply saw the call/texts as a conversation with a friend. He did not maintain a memo book while he worked station duty as it was ‘common practice’ and he was ‘never told’. These explanations are all deflections of personal responsibility and deliberate actions on the part of Constable Gangadeen.

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Although NOH #1 shows the possibility of an increased penalty up to demotion, the penalty of dismissal falls within the range of available sanctions for egregious CPIC and systems misuse. It is certainly within the range when the misconduct of Constable Gangadeen is considered in its totality. Upon reflection of *Trumbley and Pugh* (Exhibit 58, Tab 13), I find that Constable Gangadeen's character and credibility are inconsistent with the values required to be, or to remain, a police officer and this consideration goes directly to his ability to be rehabilitated. I find that Constable Gangadeen cannot be reformed or rehabilitated and this is a significantly aggravating factor.

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

Constable Gangadeen's conduct undermined the public's confidence and trust that officers will honour their Oath of Office to protect and uphold the laws that govern confidential information systems. Any breaches of CPIC also erode the trust with the keeper of the information, the RCMP, who enter into specific contracts with every organization around the use and safeguarding of the information. All of these areas alone, or collectively, are likely to bring discredit to the reputation of the PRPS.

As highlighted in *Cate*, a CPIC violation case, defence counsel in that case noted that "His conduct was reckless and reflects poorly on himself, his peers and the Peel Regional Police. He has compromised the professional image of the Peel Regional Police with the Royal Canadian Mounted Police who maintain and administer the CPIC system, other law enforcement agencies and most importantly the public...The public deserve and expect conduct from police officers that inspires confidence, pride and integrity (Exhibit 56, Tab 9).

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Should the extent and nature of Constable Gangadeen's use of CPIC and internal systems for his personal use and knowledge, coupled with his sense of entitlement, lack of note taking, not following policies and procedures, treatment of fellow officers and his unwillingness to share important information from a gun call be revealed to the public, it would certainly cause significant damage to the reputation of the PRPS and leave community members wondering why policies and procedures were not followed. If Constable Gangadeen were to be deployed again to the same or similar position, I am not convinced that he understands the errors of his ways due to his repeated misconduct and the character that he displayed when faced with challenges. His behaviour has caused irreparable damage to the reputation of the Service and is not an example of professionalism in policing. As noted in Morden, "...if a police officer who is unable to carry out their duties effectively is retained on the force and given the same responsibilities as every other officer, in the eyes of the public, the effectiveness of the service as a whole, therefore, and administration of the law will be brought into disrepute" (Exhibit 58, tab 2).

I contemplated whether the damage to the reputation of the Service was impacted if Constable Gangadeen was called to testify in court. Although this is not a case of perjury or corrupt practice, and there is no allegation or evidence that he shared any information, this matter involves an abuse of privacy for the criminal associates, the officer's parents and his brother, all of whom were queried without their knowledge and for no operational reason. No matter your relationship or your personal circumstance in life, you are entitled to the same degree of privacy. This may prove damaging to the credibility of Constable Gangadeen and ultimately the case to which he is assigned. Although these

concerns do not speak directly to the officer's usefulness, they are a consideration when assessing any damage to the reputation of the Service.

There was no media coverage that I am aware of in this case.

In *Montreal (City)*, the court noted at para 84,

"Police officers have considerable power and discretion over matters that can affect the fundamental rights of the members of the public whom they encounter. Police work requires individuals not only to exercise a significant degree of judgement and integrity, it is also a position that requires the utmost public trust" (Exhibit 58, Tab 10).

Police officers must protect members of the public and safeguard their privacy. Information contained in police databases is highly sensitive, and the privacy issues of any persons contained therein must be safeguarded. Violations of the systems bring into question the integrity of the individual, but also the Service which impacts public trust and confidence.

Police officers are not to associate with individuals who are in a conflict with the law, and they must not place themselves in a conflict of interest. Constable Gangadeen failed in these areas and the public has the right to be concerned.

When I consider the conduct of Constable Gangadeen with his fellow officers, contrary to *Megahy* (Exhibit 56, Tab 45), a dated case from 1987, the profanity used by Constable Gangadeen was muttered in the presence of others, in a public location with other very unacceptable actions and behaviours which brings discredit to the PRPS. Constable Gangadeen was with other people who knew his occupation. As least one officer knew he was a member of their own Service and

this knowledge was shared with Constable Brown who acted professionally in a difficult situation.

In *Cardi*, the officer was found guilty of discreditable conduct and the hearing officer noted that “a reasonable member of the public who is fully apprised of the circumstances would conclude that Constable Cardi conducted himself in a manner that would bring discredit upon the reputation of the Peel Regional Police...” (Exhibit 56, Tab 5). I assert the same circumstances exist in the case involving Constable Gangadeen. His actions and behaviours would bring discredit upon the reputation of the Peel Regional Police Service.

I find the Damage to the Reputation of the Peel Regional Police Service to be an aggravating factor.

### **Handicap or Other Relevant Personal Circumstances**

I was not informed of any handicap or personal circumstance in this case.

### **Effect on the police officer and the police officer’s family**

The financial impact on Constable Gangadeen resulting from this decision is significant, and one that I considered extensively. The aggravating factors are so substantial that the resulting financial burden is an unfortunate, but inevitable consequence of his misconduct, but it cannot solely define the issue before this Tribunal.

### **Consistency of Penalty**

Consistency is essential to ensure the penalty is not only fitting, but it is within the range of appropriate penalties concerning similar misconduct. The cases submitted by each Counsel provided assistance in generating a broad range for

comparable misconduct. Consistency in applying a penalty must result from the unique facts and situations of each case but responses to misconduct must bear some connection to societal norms and not be frozen in time. There will always be disparity to consider and no two cases are directly on point.

In *Bargh* (Exhibit 58, Tab 4), the officer accessed the CPIC and RMS systems over 200 times and searched names, vehicle information and licence plates belonging to himself, other officers, personal acquaintances, and family members and asserted some of the searches were directly/indirectly related to his police duties. The similarities include the fact that Constable Gangadeen conducted the same type of queries and asserted they were for official reasons. The differences include the majority of Constable Gangadeen's queries were for the criminal associates of his brother and Constable Bargh had a prior disciplinary history. Both officers demonstrated a deliberate disregard for their Oath of Office.

The facts in *Barlow* and *Bovell* are distinguishable

In *McPhee* (Exhibit 58, Tab 7), the officer was very junior in service. He queried a high number of unauthorized CPIC and systems checks, they continued after being warned. As Constable Gangadeen was being disciplined, he continued to commit similar misconduct, in addition to other count. Constable Gangadeen had no prior formal/informal discipline. The Commission upheld the officer's dismissal. This case was informative.

In *Coon*, the officer conducted numerous CPIC queries on his former spouse, her new common-law spouse over a period of time, and misrepresented his position externally. Constable Gangadeen checked CPIC/PQT to determine any ongoing investigations with his parents and his brother. He did not share any information,



had several positive documentations as a Cadet, with three commendations as an officer. The use of CPIC/PQT were for personal/unauthorized reasons and Constable Gangadeen had unremarkable evaluations. The Commission noted,

“...although he was remorseful, tried to justify his behaviour by stating that S.C. was a criminal and he had every right to do a CPIC enquiry for that reason. Constable Coon felt justified in doing the searches for the safety and well being of his children. As a police officer, he should not be in a better position than an ordinary citizen who would not have access to CPIC in similar circumstances. This panel believes that Constable Coon, to this date, still does not believe that he acted inappropriately. We are still not convinced that Constable Coon would not use the CPIC system again for his own personal use” (Exhibit 58, Tab 8).

I have found that Constable Gangadeen submitted a letter to the Tribunal outlining his personal circumstances, noting he would follow the direction of my decision, but failed to show remorse and continued to explain his actions. He felt justified in doing the searches for the safety of the people of Brampton. I do not accept that he understands the misconduct, and he has demonstrated that he would continue to use internal systems and CPIC for his own personal use. The differences include, Constable Coon was a senior member, presented with a prior disciplinary record which included a demotion in rank, and he had excellent evaluations.

A 'silent hit' started the investigations involving Constable Gangadeen and Mamak (Exhibit 58, Tab 9), It was argued that Mamak continually checked vehicles and the query in question was in error. Neither officer received any known benefit as a result of the queries. *Mamak* was concerned about the safety of his brother. Constable Gangadeen wanted to find out what happened to his brother, whether his parents were being investigated and the where/why/how/who with the criminal associates. Both officers were junior in

years of service with no prior discipline history. Mamak's notebook contained no mention of the error of running the plate and his book contained several blank pages. Constable Gangadeen did not make notes about any CPIC query involving his himself, his parents, his brother or the brother's criminal associates, the information from Somie Narine during an active gun call, the complainant information and suspect description for the gun call, and he failed to maintain a memo book for a period of time. What is telling is, Constable Mamak could not recall his official duties for the day in question, but did recall six phone calls he received. Conversely, Constable Gangadeen recalled the gun call and his involvement, but could scarcely recall the conversation and texts from Somie Narine during an active gun call, about that very call, which should have been alarming to Constable Gangadeen. Both officers failed to notify their supervisor about unusual telephone calls for information. Mamak had blank pages in his book while Constable Gangadeen failed to maintain a book while he worked station duty. Both officers attempted to deflect responsibility. In the case of Constable Gangadeen, he repeatedly stated, "I didn't know, no one told me, my supervisors knew, my coach officers didn't tell me". There was an active violation of administration policies and procedures and several attempts to deflect his responsibility.

The difference include Constable Mamak had positive evaluations while Constable Gangadeen had neutral/unremarkable evaluations. I found Constable Gangadeen had an association with Ajay Panday and admitted knowledge of Somie Narine which should have generated a conversation with his supervisors pursuant to the call. In his letter, Constable Gangadeen recognized the gravity of the impact of

this decision on his career and family life, which differs from understanding the gravity of the allegations he faced. The case of *Mamak* was very informative.

Although the facts of the case in *Groot* are distinguishable, the case demonstrates that brief and undistinguished periods of employment may be viewed as an aggravating factor towards penalty. This concept is carried through in *Clough* where the Commission noted that Constable Clough had a “short, and essentially unremarkable” career but he also had previous discipline issues. The second hearing officer also stated, “her inability to be a professional police officer when needed is telling of her moral character” (Exhibit 58, Tab 12). This becomes important when I review Constable Gangadeen’s off-duty behaviour when involved with a fellow member of his own service at a public event, and his on-duty behaviour with the PRS investigator during his compelled interview. His behaviour in both instances demonstrated his inability to be professional in both situations and is indicative of a fundamental character flaw.

In noting *Trumbley* (Exhibit 58, Tab 13), the prosecutor asserted that untruthful evidence of Constable Gangadeen at the hearing will aggravate the potential to rehabilitate; otherwise, the facts of this case are distinguishable.

Defence Counsel submitted 35 CPIC cases, from a variety of police services, all with penalties of days assessed, and he spoke to 13 of those cases. He submitted ten cases for *failing to make notes*, five cases for profanity, four cases for *conduct in an interview*, and three cases for *conflict of interest*. Each can be minutely scrutinized for similarities and differences, but I have read and considered every case. I commented on the cases that were the most informative and pertinent to the case before this Tribunal.

In *Cardi* (Exhibit 56, Tab 5) the officer was found guilty of discreditable conduct for six CPIC/systems checks for unauthorized purposes and while in the context of a personal relationship. He conducted the queries as he felt his friend was being subjected to physical and emotional abuse and evidence was submitted to support this belief and that the person queried was engaged in criminal activity. The similarities include the conflict-of-interest position of the officer where the difference is the number of checks, the rationale, experience of both officers, and *Cardi* had a very positive employment record. He received a penalty of five days.

In *Clement* (Exhibit 56, Tab 7), the officer plead guilty to five counts of misconduct which included a failure to keep proper notes, seven unauthorized CPIC queries, 25 unauthorized MTO queries in relation to secondary employment and one MTO query for personal reasons. He received a penalty of 20 days. Although there are similarities between this case and the one before me, I note that *Clement* was a supervisor, the reasons for/and quantities of queries differ, he plead guilty and he had an exemplary performance record.

In *Wighton* (Exhibit 56, Tab 22), the officer plead guilty to one count of Insubordination for querying a person on CPIC. He had been an officer for over twenty years, had 46 positive letters and an excellent work ethic. I would argue there were extenuating circumstances with this case and agree with defence counsel that there was a gray area, although alternatives were available to the officer. He received a penalty of three days.

In *O'Neill* (Exhibit 57, Tab 24), the officer plead guilty to one count each of Neglect of Duty and Insubordination. He conducted 60 CPIC and 9 unauthorized CNI queries, then another 6 CPIC and 1 unauthorized CNI query for personal reasons.

He had a short career with poor performance. He received consecutive penalties of 10 and 20 days. I am mindful there are similarities to the case involving Constable Gangadeen. He made a significant number of unauthorized queries for personal reasons with an unremarkable and short work history. O'Neill fully accepted responsibility for his actions, where I remain unmoved that Constable Gangadeen has accepted responsibility for his actions based on his words and continued behaviour within a very short career. I am also cognizant that responses to misconduct must bear some connection to societal norms and must not be frozen in time. This is a dated case (2004) which could easily receive a higher penalty in current times given a fair read of the limited information in the plea.

In *Parker* (Exhibit 57, Tab 30), the officer plead guilty to 194 unauthorized RMS/NICHE queries on a variety of persons known to him. His last two performance evaluations were positive and there were no other disciplinary concerns. Constable Parker accepted responsibility and apologized to the members affected. He was a 16-year member. He was assessed a penalty of 30 hours. I acknowledge there are similarities as far as the number of queries made. Constable Gangadeen's last evaluation is considered acceptable and he presents with no other disciplinary concerns. Although he submitted a letter to me, wherein he acknowledged his behaviour, I do not find that he has acknowledged his behaviour and accepted responsibility given the explanations he continues to offer in the letter and through submissions. He was also a junior member with a short employment period and the majority of persons queried put Constable Gangadeen in a serious conflict of interest.

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In *Peck* (Exhibit 58, Tab 31), the officer plead guilty to one count of discreditable conduct for query where she queried twenty-three names involving 550 searches. She also used a suspended members account. She presented with a positive employment history and an unblemished record. She received a penalty of 30 hours. This case is a very serious breach of CPIC and internal police systems. The penalty of 30 hours was based on a guilty plea and joint penalty position.

In *Bergsma*, (Exhibit 58, Tab 32), the officer plead guilty to an unknown number of queries using multiple systems, where some of the information was shared outside of the OPP. He was also a supervisory officer. He presented with a positive performance evaluation and a lengthy career. He apologized to his family, colleagues and the OPP. He received a penalty of 30 hours based on a guilty plea and joint penalty position.

In *Gravelle* (Exhibit 58, Tab 33), the officer plead guilty to discreditable conduct based on an unknown number of queries for personal reasons. He was a supervisor, a 14-year member with no prior discipline history. His employment history was very favourable. With positive accolated and favourable documentation. He received a penalty of 40 hours based on a joint penalty position.

#### *Fail to Make Notes*

In *Varone* (Exhibit 58, Tab 34), the officer submitted notebooks and ledgers over a 14-year period that revealed sizeable blanks, could not be located, and insufficient detail not in accordance with best practices and/or Service procedures. He failed to follow policy on consideration request and carding informants. He was a supervisory officer with no prior disciplinary history, 30

letters of commendation, 21 positive evaluations and an excellent 25-year career. He received a penalty of 20 days. Constable Gangadeen failed to maintain his memo book for a period of less than three months, but he failed to properly document events, such as his actions at a serious gun call and the information he received that could have expedited the investigation. Constable Gangadeen does not present with the same employment history.

In *Knox*, (Exhibit 58, Tab 35), the officer was assigned to station duty and on two dates, she failed to make notes as required by procedures. During that time, she assisted with a criminal investigation. The similarities are that Constable Gangadeen was assigned to station duty, he failed to maintain a memo book and he assisted with a criminal investigation. Additionally, he received significant information at a gun call, both the initial information from the complainant, description of the suspect and more significantly, the phone call/texts he received from Somie Narine about the very gun call he was assigned to.

In *Farkas*, the officer failed to account for 690 days, made no notes during 225 shifts, no chronology, left blank pages and lines, made duplicate notes for the same incident on two occasions, falsified 13 activity reports and recorded inaccurate absence codes on seven days he did not work. He was demoted for eight-months from first to second class constable. Constable Gangadeen did not falsify records; rather, he failed to maintain his memo book, follow rules around notebooks and failed to record pertinent and very important information. When this count is looked at individually, the seriousness of *Farkas* outweighs the actions of Constable Gangadeen.

#### *Profanity and Conduct in Interviews*

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I have read each of cases provided and note that they are sufficiently distinguishable.

### Conflict of Interest

In *Pekeski*, the officer notified a tow truck driver of the location of collisions. In doing so, he disclosed information obtained by him in the course of his duties and used his position as a police officer to access confidential information about the location of collisions. This was a Breach of Confidence. Constable Gangadeen did not disclose information he obtained, but he breached the privacy of several persons for his own personal interest, some of whom were co-accused with his brother.

The factors that distinguish the case of Constable Gangadeen involve the sheer number of counts of misconduct, his relatively short career and unremarkable employment history, his inability to delineate where he crossed the line and put himself into a recurring position of conflict, and the continuation of his behaviour after he was warned in his interview and in receipt of the first Notice of Hearing.

### Conclusion

Trustworthiness, honesty, credibility and integrity are essential elements of a police officer's character; without them, an officer cannot be a useful member of a police service. The public must be able to trust officers to act in a professional manner and abide by the rules at all times; otherwise, they should not be a police officer. They must adhere to the highest standards of conduct. Constable Gangadeen's misconduct is egregious and relatively unmitigated with sufficient evidence that he will most likely continue his behaviour.

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Constable Gangadeen was given notification of an increased penalty being sought pursuant to s. 85(4) of the Police Services Act up to demotion. When I contemplated the seriousness of the misconduct contained in the first Notice of Hearing alone, I gave serious consideration to dismissal as an option and the appropriate penalty befitting my findings. It was also a penalty that fell within the acceptable range of outcomes as noted in *Clough*.

## **Penalty**

### **Notice of Hearing #1**

This penalty is pursuant to s. 85(1)(c) of the *Police Services Act*. Based on the totality of the findings in Notice of Hearing #1, and having considered all of the disposition factors, the findings are sufficiently aggravating to warrant a demotion to third-class constable for a period of two years effective the date of this decision.

### **Notice of Hearing #2**

Although progressive steps of discipline do not apply to Notice of Hearing #2, I am able to consider the officer's previous behaviour in terms of his ability to rehabilitate. He has demonstrated a blatant disregard for rules and procedures, and a consistent lack of respect for the public, his family, and his fellow officers with his invasion of their privacy, and his failure to treat fellow Service members with the respect to which they are entitled. This, in conjunction with his disregard of the warnings from his first compelled interview and instead, repeating it, illustrate an inability to rehabilitate. I considered a lengthy demotion but I remain unconvinced that the officer has the necessary attributes to be a police officer,

such as integrity and honesty, or that he can be trusted to not behave in a similar manner in the future.

The question I am left with is, has Constable Gangadeen's usefulness as an officer been annulled. I find that Constable Gangadeen does not possess the requisite character attributes to continue to hold a position of trust and public office. I recognize that the penalty of dismissal must be reserved for the most egregious offences committed by a police officer. I do not find that Constable Gangadeen is a viable candidate for rehabilitation based on the aggravating factors which significantly outweigh any degree of mitigation. The reputation of the Service would be damaged if he were to remain an employee.

This penalty is pursuant to s 85(1)(b) of the *Police Services Act*. In light of the findings as noted above, and bearing in mind all the evidence before me, it is the decision of this Tribunal that Constable Anthony Gangadeen shall be dismissed in seven days, unless he resigns before that time.

Debra Preston  
Superintendent (Retired)  
February 18, 2022

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## References

Bargh and Ottawa Police Service, 2011, OCPC (Exhibit 58, Tab 4)

Barlow and Ottawa Police Service, 2011, OCPC (Exhibit 58, Tab 5)

Bérubé v. Edmonton (Police Service), 2014, ABLERB (Exhibit 76, Tab 2)

Bovell and Toronto Police Service, 2012, ONCPC 10 (Exhibit 58, Tab 6)

Clough and Peel Regional Police Service, 2014, OCPC (Exhibit 58, Tab 12)

Constable Gangadeen letter to the Hearing Officer (Exhibit 55, Tab 1)

Coon and Toronto Police Service, 2003, ONCPC 12-13 (Exhibit 58, Tab 8)

Constable Jackson and York Regional Police, 2011, ONCPC (Exhibit 57, Tab 46)

Constable Power and London Police Service, 2014, ONCPC (Exhibit 57, Tab 48)

Constable Tapp and OPP, ONCPC, 2018 (Exhibit 57, Tab 53)

Coon and Toronto Police Service, 2003, OCPC (Exhibit 58, Tab 8)

Favretto and Ontario Provincial Police, 2002, OCCPS (Exhibit 58, Tab 3)

Gill and Registrar of Motor Vehicles, 1985, Ont. CA (Exhibit 73)

Godfrey v. Ontario Police Commission (Div. Ct), 1991, O.J. (Exhibit 64)

Gregg and Midland Police, 2001, OCCPS (Exhibit 66)

Groot and Peel Regional Police Service, 2002, OCCPS (Exhibit 58, Tab 11)

Krug and Ottawa Police Service, 2003, OCPC (Exhibit 58, Tab 1)

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Loman v. Ontario (Securities Commission), 2015, O.J. (Exhibit 70)

Mamak and Ottawa Police Service, 2011, OCPC (Exhibit 58, Tab 9)

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Morden and Peel Regional Police, 1996, OCPC (Exhibit 58, Tab 2)

More and York Regional Police, 2000, OCPC (Exhibit 76, Tab 3)

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NRPS and Constable Batorski, 1972 (Exhibit 57, Tab 50)

NRPS and Constable Batorski, 1976 (Exhibit 57, Tab 51)

Ontario (Ministry of Community & Social Services) v. O.P.S.E.U., 1992, O.J. (Exhibit 68)

OPP and Provincial Constable Asselin, 2013 (Exhibit 57, Tab 41)

OPP and Provincial Constable Bergsma, 2013 (Exhibit 57, Tab 32)

OPP and Provincial Constable Bressette, 2013 (Exhibit 57, Tab 47)

OPP and Provincial Constable Farkas, 2015 (Exhibit 57, Tab 42)

OPP and Provincial Constable Gravelle, 2021 (Exhibit 57, Tab 33)

OPP and Provincial Constable Grieve, 2012 (Exhibit 57, Tab 44)

OPP and Provincial Constable Heredi, 2018 (Exhibit 57, Tab 56)

OPP and Provincial Constable Parker, 2014 (Exhibit 57, Tab 30)

OPP and Provincial Constable Peck, 2014 (Exhibit 57, Tab 31)

Ottawa Police Service and Constable Holder, 2015 (Exhibit 57, Tab 34)

Ottawa Police Service and Staff Sergeant, 2011 (Exhibit 57, Tab 35)

Pinto and Toronto Police Service, 2011, OCPC (Exhibit 76, Tab 1)

PRPS and Constable Atwal, 2017 (Exhibit 56, Tab 1)

PRPS and Constable Brandwood, 2014 (Exhibit 57, Tab 52)

PRPS and Constable Calabrese, 2015 (Exhibit 56, Tab 7)

PRPS and Constable Cardj, 2013 (Exhibit 56, Tab 5)

PRPS and Constable Cate, 2012 (Exhibit 56, Tab 9)

PRPS and Constable Chabab, 2010 (Exhibit 56, Tab 10)

PRPS and Constable Chilicki, 2013 (Exhibit 56, Tab 4)

PRPS and Constable Clement, 2017 (Exhibit 56, Tab 8)

PRPS and Constable Halbych, 2013 (Exhibit 56, Tab 3)

PRPS and Constable McCulloch, 2013 (Exhibit 57, Tab 55)

PRPS and Constable Pekeski, 2012 (Exhibit 57, Tab 54)

PRPS and Constable Stiff, 2018 (Exhibit 56, Tab 6)

PRPS and Constable Strangio, 2015 (Exhibit 56, Tab 2)

PRPS and Sergeant Varone, 2016 (Exhibit 57, Tab 36)

R. v. Bradley, 2008, Ont. CA, (Exhibit 62)

R. v. Cheetham, 1980, Ont. CA, (Exhibit 69)

R. v. Skolnick, 1982, S.C.C. (Exhibit 65)

R. v. Stoddart, 2005, O.J. (Exhibit 72)

R. v. Zhang, 2015, O.J. (Exhibit 67)

Rose and Toronto Police Service, 2016, OCPC (Exhibit 61)

TPS and Constable Attenborough, 2001 (Exhibit 56, Tab 11)

TPS and Constable Barnard, 2000 (Exhibit 56, Tab 17)

TPS and Constable Crabb, 2004 (Exhibit 56, Tab 16)

TPS and Constable Delajlia, 2016 (Exhibit 56, Tab 21)

TPS and Constable Dey, 2003 (Exhibit 56, Tab 25)

TPS and Constable Fitzgerald, 2002 (Exhibit 56, Tab 18)

TPS and Constable Gaudino, 2018 (Exhibit 56, Tab 27)

TPS and Constable Gill, 2013 (Exhibit 56, Tab 19)

TPS and Constable Gould, 2014 (Exhibit 57, 49)

TPS and Constable Green, 2005 (Exhibit 57, Tab 38)

TPS and Constable Hampel, 2008 (Exhibit 56, Tab 26)

TPS and Constable Higgins, 2013 (Exhibit 57, Tab 39)

TPS and Constable Knox, 2009 (Exhibit 57, Tab 37)

TPS and Constable Lee, 2014 (Exhibit 57, Tab 40)

TPS and Constable Lewin, 1996 (Exhibit 56, Tab 13)

TPS and Constable Meech, 2013 (Exhibit 56, Tab 23)

TPS and Constable Megahy, 1987 (Exhibit 57, Tab 45)

TPS and Constable O’Gorman, 2003 (Exhibit 56, Tab 14)

TPS and Constable O’Neill, 2004 (Exhibit 56, Tab 24)

TPS and Constable Pickett, 2016 (Exhibit 56, Tab 20)

TPS and Constable Poh, 2014 (Exhibit 56, Tab 15)

TPS and Constable A. White, 2007 (Exhibit 56, Tab 28)

TPS and Constable R. White, 2013 (Exhibit 56, Tab 29)

TPS and Detective Wighton, 2019 (Exhibit 56, Tab 22)

TPS and Constable Young, 1997 (Exhibit 56, Tab 12)

Trumbley and Pugh and Metropolitan Toronto Police Force, 1992, OCPC (Exhibit 58, Tab 13)