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PEEL REGIONAL POLICE DISCIPLINE HEARING

IN THE MATTER OF ONTARIO REGULATION 268/10  
MADE UNDER THE POLICE SERVICES ACT, RSO 1990,  
AND AMENDMENTS THERETO:

IN THE MATTER OF  
PEEL REGIONAL POLICE  
AND  
SERGEANT MICK SACHDEVA #1940

**ALLEGATIONS:**

Count 1: Discreditable Conduct  
Count 2: Insubordination (*Withdrawn*)

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**DECISION**

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**Hearing Officer:** Superintendent Taufic Saliba #1796  
Peel Regional Police

**Prosecutor:** Ms. S. Wilmot & Mr. K. Soles      A/Supt. M. Noble #1871  
Counsel      Co-Prosecutor

**Defence:** Mr. H Black  
Counsel

**Case Number:** 2022-PRS084

**Date of Hearing:** March 21 & April 16, 2024  
**Date of Decision:** July 5, 2024

**This decision is divided into four sections** (*all sections are hyperlinked*):

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## **PART I – OVERVIEW**

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### **BACKGROUND**

- [1] Sergeant Mick SACHDEVA #1940 commenced employment with Peel Regional Police in June, 1997.
- [2] This hearing examined allegations of misconduct as laid out in a *Notice of Hearing*<sup>1</sup> (NOH) that was served on PRPA Member Representative Mr. Mike Ardito on March 14, 2023 on behalf of Sergeant SACHDEVA. The NOH included one count of *Discreditable Conduct* and one count of *Insubordination*.

### **ALLEGATIONS OF MISCONDUCT**

- [3] It is alleged that Mick SACHDEVA #1940, a member of Peel Regional Police, committed the following acts of misconduct contrary to section 80(1)(a) of the *Police Services Act, R.S.O. 1990 c. P.15*, as amended:

#### **Count #1 – Discreditable Conduct** (*Count #1 in N.O.H.*)

- [4] You are alleged to have committed Discreditable Conduct in that between 2017 and January 2022, you acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Peel Regional Police, constituting an offence against discipline, as prescribed in section 2(1)(a)(xi) of the Code of Conduct, Ontario Regulation 268/10, as amended.

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<sup>1</sup> Exhibit #5

## **Agreed Statement of Facts**

- [5] Sergeant Mick Sachdeva #1940 was hired with Peel Regional Police in June of 1997. He is currently assigned to 22 Division Uniform B-Platoon.
- [6] On September 28, 2017, Sergeant Mick Sachdeva (“Sgt. Sachdeva”) pleaded guilty to the charge of Discreditable Conduct under the Police Services Act (“PSA”).
- [7] The charges were in relation to an inappropriate social and business relationship with (“AA”). Sgt. Sachdeva completed securities transactions on his behalf.
- [8] As part of Sgt. Sachdeva’s PSA resolution, he agreed to cease “any ongoing relationship” with AA. Sgt. Sachdeva also undertook to retain counsel to resolve the ownership issues with the Cambridge property. Following the PSA hearing, Sgt. Sachdeva consulted a lawyer and took steps towards resolving the property matter.
- [9] On April 2, 2021, an arson investigation commenced by the Hamilton Police Service (“HPS”) identified three suspects. The primary suspect in this investigation was AA, who was known to HPS as having an extensive criminal history. Sgt. Sachdeva was not a target of the investigation, nor was it suspected that he was involved in the offence being investigated.
- [10] Due to the serious nature of the arson, HPS obtained judicial authorization to use a Transmitted Data Recorder (“TDR”) on said individual’s phones.
- [11] The evidence obtained in the investigation revealed approximately thirty (30) telephone calls between June 8, 2021 and July 19, 2021. Sgt. Sachdeva initiated twenty-two (22) of those thirty telephone calls. An extraction of Sgt. Sachdeva’s cellular phone further confirmed that one hundred and twenty-four (124) text messages were exchanged between AA and Sgt. Sachdeva between January 15, 2020 and August 12, 2021. Sgt. Sachdeva initiated eighty-six (86) of those one hundred and twenty-four text messages.
- [12] The HPS investigators were concerned about the frequent contact between AA and Sgt. Sachdeva given AA’s serious criminal history and pending arson investigation and notified PRP.
- [13] It was later revealed that AA and Sgt. Sachdeva had continued to both be listed as associated to “Deva Property Investment Management Inc.” (“the Company”) and that a rental property in Cambridge was still registered in the company’s name.
- [14] Sgt. Sachdeva further acknowledged that during the time period of the HPS investigation, he rented a vehicle from AA’s shop, and he gave AA the code for his garage, and AA personally attended at his home address and picked up the key fob from inside the officer’s home garage at the conclusion of the rental term.
- [15] The actions of Sgt. Sachdeva constitute Discreditable Conduct under section 2(1)(a)(xi) of the prescribed Code of Conduct.

## **APPEARANCES**

- [16] On March 28, 2023, Sergeant SACHDEVA appeared before me in answer to the Notice of Hearing.
- [17] On March 21 and April 16, 2024, an in-person hearing was conducted at Peel Regional Police Headquarters.
- [18] The Prosecution advised that as a result of discussions with the Defence, Sgt. SACHDEVA will enter a plea of Guilty to Count #1 – Discreditable Conduct.

## **PLEA**

- [19] On March 21, 2024, Sergeant SACHDEVA entered a plea of Guilty to:

Count 1: Discreditable Conduct

- [20] An *Agreed Statement of Facts*<sup>2</sup> (ASF) was tendered and read into the record by the Prosecutor. Based on those facts and confirmation by Defence that they were substantially correct, a finding of guilt on the above count was registered.

- [21] As a result, the following count was withdrawn:

Count #2: Insubordination

## **POSITIONS ON PENALTY**

- [22] The Prosecution proposed that the appropriate disposition in this matter is:

a reduction in rank (demotion) from Sergeant to 1<sup>st</sup> Class Constable for a period of 12 months, following which the officer will be returned to the rank of Sergeant on the basis of satisfactory work performance as determined by the officer's Divisional Commander.

- [23] The Defence proposed that the appropriate disposition in this matter is:

a forfeiture of three 8-hour days (24 hours total).

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<sup>2</sup> Exhibit #6

## **DECISION**

- [24] I have carefully reviewed the submissions and supporting documentation presented by both the Prosecution and Defence, as well as previous tribunal decisions. In light of the mitigating and aggravating circumstances involved in this matter, the penalty for Sergeant SACHDEVA imposed under Sec 85(1)(c) of the *Police Services Act* is:
- [26] a reduction in rank (demotion) from Sergeant to 1<sup>st</sup> Class Constable for a period of 12 months, following which the officer will be returned to the rank of Sergeant on the basis of satisfactory work performance as determined by the officer's Divisional Commander.
- [27] **The above penalty is effective July 8, 2024.**

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## **PART II: THE HEARING**

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## **EXHIBITS**

- [28] The following exhibits were tendered during the hearing:

Exhibit #1	Delegation to a Hearing Officer (Supt. T. Saliba #1796)
Exhibit #2	Designation to a Prosecutor (Ms. S. Wilmot)
Exhibit #3	Designation to a Prosecutor Case (Mr. K. Soles)
Exhibit #4	Designation to a Prosecutor Case (A/Supt. M. Noble #1871)
Exhibit #5	Notice of Hearing Case 2022-PRS084
Exhibit #6	Agreed Statement of Facts (ASF)
Exhibit #7	Defence Materials
Exhibit #8	PSA Decision – Sgt. M. Sachdeva #1940 – 10/11/2017
Exhibit #9	CRA / Ontario DL / Corporation Registration
Exhibit #10	Transcript – 2016IA-047
Exhibit #11	Transcript – 2021IA-021
Exhibit #12	Cellebrite Telephone Extraction Report
Exhibit #13	MOT – Safety Standards Certificate
Exhibit #14	Ontario Motor Vehicle Appraisal Record
Exhibit #15	Phot – Screw / CIBC Bank Draft
Exhibit #16	Prosecution – Book of Authorities
Exhibit #17	Defence – Cases (5)
Exhibit #18	Defence – Relevant Dates

## **PARTICIPANTS**

- [29] The Prosecution was represented by General Counsel Ms. Sharon Wilmot, Counsel Mr. Keegan Soles and Co-Prosecutor A/Superintendent Mark Noble #1871.
- [30] The Defence was represented by Counsel Mr. Harry Black.

## **SUMMISSIONS BY THE PROSECUTION**

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### **Mr. Keegan Soles - Prosecutor**

- [31] The Prosecution commenced submissions by stating that Sgt. SACHDEVA has pled guilty to Count #1 (Discreditable Conduct) related to his actions between 2017 and 2022, and requesting that Count #2 (Insubordination) be marked withdrawn. Mr. Soles advised that some of the facts that initially formed Count #2 are included in the Agreed Statement of Facts (ASF), as they are relevant to sentencing.
- [32] In addition to the ASF, which Sgt. SACHDEVA has admitted as correct, the Tribunal heard evidence from the officer in response to questioning regarding:
1. Whether AA was a “known criminal” to Sgt. SACHDEVA,
  2. Whether Sgt. SACHDEVA assisted AA in concealing ownership of assets,
  3. Whether AA and Sgt. SACHDEVA continued to both be listed as associated to “Deva Property Investment Management Inc.” and that a rental property was still registered in the company’s name,
  4. Whether Sgt. SACHDEVA had any recent or ongoing involvement with that Corporation, and
  5. Whether AA prepared a vehicle appraisal for Sgt. SACHDEVA.
- [33] The Prosecution centred its submissions around two parts. First, a cursory overview of the evidence that was heard from Sergeant SACHDEVA on March 21<sup>st</sup> that is relevant to the Tribunal’s considerations for disposition and second, the aggravating and mitigating factors that are applicable to these facts and the appropriate overall disposition.
- [34] The Prosecution submits that with respect to items #1 and #2 above, they are proven by Sgt. SACHDEVA’s own prior admissions in 2017:
- [35] *“Sgt. Sachdeva stated that he knew AA registered properties in the names of third parties to conceal ownership of the assets.*
- [36] *Sgt. Sachdeva assisted AA in concealing ownership of assets by registering the Cambridge property in his company name without providing any funds toward the purchase of the*

*property. Sgt. Sachdeva participated in this endeavour with full knowledge of AA's criminal history and his motivation to conceal ownership of assets.”<sup>3</sup>*

[37] The Prosecution submitted that this is not a finding from which Sgt. SACHDEVA can now seek to renege, as he has already admitted to these facts at a tribunal where he was represented by counsel. Further, he was given the opportunity to review the ASF and offer his input before it was put onto the record in the hearing with his consent. At no point did Sgt. SACHDEVA indicate his desire to correct the record or appeal the 2017 Tribunal decision.

[38] Accordingly, the Prosecution submitted that it has been demonstrated on clear and convincing evidence that:

1. Sgt. SACHDEVA was aware that AA was a known criminal and had full knowledge of his criminal history; and
2. Sgt. SACHDEVA assisted AA in concealing the ownership of assets.

[39] Even if this were not the case, Mr. Soles submitted that during cross-examination of Sergeant SACHDEVA on March 21<sup>st</sup>, the Prosecution went through a plethora of references from his compelled statements in 2017<sup>4</sup> and 2022<sup>5</sup> that demonstrate:

- his knowledge of AA's criminality,
- IA advising him of suspected criminality as far back as 2006, and
- his wilful blindness to AA's motivation in using his corporation as a vehicle to conceal assets.

[40] Mr. Soles pointed out Sgt. SACHDEVA's inconsistent accounting of how the property owned by the Corporation at 85 Shadeland Court in Cambridge was purchased in 2011. The Tribunal heard that the bulk of the money came from AA's brother who was living outside of the country at the time. Further, Sgt. SACHDEVA's evidence on March 21<sup>st</sup> was that he did not contribute funds to the purchase of the house. Rather, his interest in the property was limited to allowing AA and his brother to register it in Sgt. SACHDEVA's company name.

[41] This appears to be in direct contradiction to Sgt. SACHDEVA's compelled statement on February 22, 2017, where he estimated to have contributed *“18 to 20 percent”* towards the purchase price, which amounted to *“somewhere from a hundred to a hundred and fifty (thousand) of it”*.<sup>6</sup> When questioned further about where the money came from, he stated *“That came from my uh I had a corporate business account with CIBC”*.<sup>7</sup>

[42] When challenged about this contradiction during his cross-examination, Sgt. SACHDEVA suggested that the 2017 exchange with investigators was hypothetical.

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<sup>3</sup> Exhibit #8 – PSA Decision by Supt. C. Fawcett #1395 for Sgt. M. Sachdeva #1940 – Pg 4

<sup>4</sup> Exhibit #10 – IA Interview Transcript (2017)

<sup>5</sup> Exhibit #11 – IA Interview Transcript (2022)

<sup>6</sup> Exhibit #10 – IA Interview Transcript (2017) – Pg 26 – 27

<sup>7</sup> Exhibit #10 – IA Interview Transcript (2017) – Pg 27

- [43] The Prosecution submitted that the above discrepancy has no air of reality to it, as Sgt. SACHDEVA provided specific details during the interview, including an approximate percentage, deposit amount, and even the bank account information on where the money had come from.
- [44] As such, he has been untruthful with the Service at one point; either during his compelled interview in 2017, or during his compelled interview in 2022 and his Tribunal testimony on March 21, 2024.
- [45] This calls into question his overall credibility.
- [46] Further, Sgt. SACHDEVA testified under direct examination that AA approached him about putting a property under his company name, and that he agreed to invest in that particular property because he felt “sympathetic” for him and wanted him to be close to his family who resided next door. Under cross-examination, it was put to the officer that this was in stark contrast to his 2017 accounting to IA, in which he admitted that he had approached AA with the idea for this joint venture.<sup>8</sup> Further, he asserted that he had no idea AA had any interest in the property next door, and was “pissed off” when he subsequently found out – because this was a business investment, and it meant that AA had overpaid for the property for sentimental reasons.<sup>9</sup>
- [47] The Prosecution pointed out that Sgt. SACHDEVA conceded under cross-examination that he must have mis-remembered these points and was willing to adopt his earlier testimony on the matter. Nonetheless, this still goes towards the officer’s reliability – as he has now admitted his inaccurate accounting of his motive for assisting with the purchase of the property, which was clearly his idea and wholly financially motivated.
- [48] Mr. Soles then spoke to Sgt. SACHDEVA’s involvement in Deva Property Investment Management Inc. The Tribunal heard evidence from Sgt. SACHDEVA and accepted documents and text message exchanges that confirmed he was a Director of the company until 2021 and continued trading under the company’s name until as recently as last year – despite knowing that AA, a known criminal whom he had already been ordered to not associate with, had since become the company’s Director.
- [49] The Prosecution then addressed the matter of the vehicle appraisal. The text messages that were put to Sgt. SACHDEVA show that he personally attended AA’s shop on February 16, 2021<sup>10</sup>, asked AA for an appraisal of the truck on February 22<sup>nd</sup> and then sent AA pertinent documentation. Sgt. SACHDEVA then directed AA to have a new appraisal prepared on February 23<sup>rd</sup>.<sup>11</sup> It is unclear why, of all the body shops and auto dealers in the GTA, Sgt. SACHDEVA felt it necessary to use the only one that he was expressly ordered not to associate with.
- [50] The Prosecution also questioned why Sgt. SACHDEVA would contact AA about removing the screws from the licence plate, which he now claims was because AA’s shop had put them on the vehicle. However, in his 2022 compelled interview, he claimed that they were just tamperproof

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<sup>8</sup> Exhibit #10 – IA Interview Transcript (2017) – Pg 10 – 11

<sup>9</sup> Exhibit #10 – IA Interview Transcript (2017) – Pg 10 – 11

<sup>10</sup> Exhibit #12 – Cellebrite Extraction Report – Pg 25

<sup>11</sup> Exhibit #12 – Cellebrite Extraction Report – Pg 29



screws that he himself had bought from Canadian Tire, and the only issue was his tool to remove them was worn out.<sup>12</sup> Again, Sgt. SACHDEVA attempted to justify his continued relationship with AA, when AA was no better placed than any other dealer or shop to assist with this issue. Rather, it was because he had a personal relationship with AA.

- [51] Mr. Soles then referred to Sgt. SACHDEVA subsequently renting a vehicle from AA, providing AA with his garage code, and having AA personally attend his home to retrieve a key fob. These details are included in the *Agreed Statement of Facts*.
- [52] The relevance of Sgt. SACHDEVA's testimony is limited by the realities that; 1) he has pled guilty to discreditable conduct, and 2) there is an ASF that constitutes an agreement on a majority of the facts alleged.
- [53] Mr. Soles pointed out that the Tribunal's review and findings should be limited to the portions of the exchanges – be it the text messages or the prior compelled interviews – that were put to the officer in chief or in cross examination. Those factors can be deemed to be aggravating, mitigating, or neutral to the overall disposition.
- [54] It is the Prosecution's position that the proposed penalty is reflective of the applicable mitigating and aggravating factors and is consistent with the penalties imposed in analogous situations.
- [55] The Prosecution cited the considerations outlined in *Krug v. Ottawa Police Service*<sup>13</sup> that are necessary to determining the appropriate disposition.
- [56] When these considerations are balanced against the factors present in this case, the penalty of a one-year demotion in rank is appropriate and reasonable. There has been conflicting evidence presented to the Tribunal on a number of points. This may, or may not, impact the assessment of the officer's credibility – and how *that* may, in turn, impact the assessment of his acceptance of responsibility, recognition of the misconduct, his ability to reform or rehabilitate, and the need for specific deterrence.
- [57] In this case, the relevant factors are as follows:
- Public interest
  - Seriousness of the misconduct
  - Recognition of the seriousness of the misconduct
  - Employment history
  - Need for deterrence (both general and specific)
  - Ability to reform or rehabilitate the officer
  - Damage to the reputation of the Service
  - Effect on officer (and officer's family)
  - Consistency of disposition; and
  - Effect of publicity.

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<sup>12</sup> Exhibit #11 – IA Interview Transcript (2022) – Pg 20 – 22

<sup>13</sup> Exhibit #16 – Prosecution B.O.A. – Tab 1

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

- [58] The prosecution submits that the nature of Sgt. SACHDEVA's misconduct is serious due to its repetitive nature and the fact that these repeated acts of poor judgement demonstrate a willful failure to adhere to rulings set by the Tribunal, and a willful blindness to the problematic nature of his personal associations.
- [59] In September 2017, Sgt. SACHDEVA pled guilty to one count of Discreditable Conduct in relation to unlicensed securities trading and to a social and business relationship he had formed and maintained with AA, a person known to him as having a criminal background, whom he had met over 30 years prior while working for the RCMP.
- [60] As part of the 2017 resolution, Sgt. SACHDEVA agreed to cease *any* ongoing relationship with AA. This did not, in fact, occur.
- [61] Since his conviction in 2017, Sgt. SACHDEVA has sent AA numerous text messages, which included invitations to meet up in person, to lunch and dinner. On one occasion in 2021, Sgt. SACHDEVA utilized AA's auto body shop to facilitate the appraisal and sale of his personal vehicle.
- [62] On another occasion in 2021, Sgt. SACHDEVA rented a vehicle from a car rental company operated by AA and his brother. This arrangement included providing AA with the code to the garage at his personal residence and having him attend it to facilitate the return of the rental's car fob.
- [63] Between June 8, 2021 and September 7, 2021, Sgt. SACHDEVA held 30 telephone calls with AA, of which Sgt. SACHDEVA initiated 22 of the calls.
- [64] Between January 15, 2020 and August 12, 2021, Sgt. SACHDEVA shared 124 text message exchanges with AA. Of these, Sgt. SACHDEVA initiated 86 of the messages. Several of these text message exchanges appear to confirm that Sgt. SACHDEVA also met with AA at an autobody shop on February 16, 2021.
- [65] In another text message exchange, AA referred to Sgt. SACHDEVA as his "brother between brothers".
- [66] It is submitted that Sgt. SACHDEVA's actions since his conviction show a blatant disregard for rulings of this tribunal, and his sworn duty as a police officer to abide by them.
- [67] Further, the extensive pattern of misconduct that flew in the face of warnings and orders over a considerable time frame is a highly aggravating: Sgt. SACHDEVA was investigated by Internal Affairs and warned about the problematic nature of maintaining a relationship with AA as far back as 2007.

- [68] Despite this, the officer not only maintained the relationship, but grew it – including buying a property together and sharing use of his purpose-built corporation.
- [69] Sgt. SACHDEVA pled guilty at a Tribunal in 2017 for this very conduct, where he was ordered to and accepted an undertaking to cease the relationship. Yet, we find ourselves here again based on conduct from 2021 – five years after the investigation leading to the last order, and 15 years after it was clear from any outside observer’s perspective, that he should have known better as a police officer than to maintain this relationship and conducted himself accordingly.
- [70] This cannot be described as a “one-off” or a “momentary lapse of judgment” that the case law speaks to as a mitigating factor in some circumstances.
- [71] Sgt. SACHDEVA’s continual relationship with AA is conduct that is highly discreditable to him personally and the Service as a whole.
- [72] The Service’s submission is that the seriousness of this collective misconduct is a significantly aggravating factor.

***Public Interest***

***Damage to the Reputation of PRP***

***Effect of Publicity***

- [73] It is an established principle that police officers are held to a higher standard, even while off-duty.
- [74] To that point, it is the policy of Service that sworn members, on-duty and off-duty, shall not create doubt as to their ability to fulfill the conditions of their Oath of Office by associating with persons or engaging in activities that are likely to discredit the reputation of the Service.
- [75] The public expect that policies and procedures are put in place to maintain integrity. It flows from this that the community *presumes* that officers will abide by those procedural restrictions, otherwise they cannot accept that the Service is trustworthy. The resulting erosion in public confidence serves to hinder the efforts of the Service to effectively serve the community.
- [76] This matter is before the tribunal as a result of information brought forward by an outside police service. Hamilton Regional Police obtained evidence through a serious criminal investigation that they were conducting, which included monitoring communications of AA as a primary suspect.
- [77] Hamilton investigators were concerned about the frequency of contact between Sgt. SACHDEVA and AA.
- [78] It fair to assume that the discovery of Sgt. SACHDEVA’s association with AA disrupted that investigation and had to be reported and addressed. The fact that Sgt. SACHDEVA is a longstanding PRP officer in a supervisory role has undoubtedly discredited the reputation of this Service.

- [79] He chose to look past significant red flags and opted to continue a problematic relationship. This goes towards public interest and damage to the reputation of the Service, *alongside* the factor of recognition of the seriousness of the misconduct.
- [80] Sgt. SACHDEVA's continual pattern of inappropriate conduct can, and will, erode public trust and undermine the legitimacy of the Service and what it is trying to accomplish.
- [81] For these reasons, Sergeant SACHDEVA's actions will not only impact his own reputation, but also the reputation of the PRP as a whole.
- [82] In her 2017 Decision, Supt. Fawcett noted:

*"...police officers must be held to a higher standard and must at all times present an appearance of lawfulness and propriety. The public's expectations of our Service and specifically with the behaviour of police officers must reflect accountability, integrity, professionalism, and transparency. The misconduct behaviour of Sergeant Sachdeva undermines the absolute confidence, support, and trust of the public."*<sup>14</sup>

- [83] This is all the more apt now that we find ourselves back here again for related conduct.
- [84] Lastly, this decision, regardless of its outcome, will be publicly posted for 3 months. It may well be subject to scrutiny from the media, who can report on the decision in the future and further tarnish the reputation of both the officer and the Service at large.
- [85] This is an aggravating factor that warrants the penalty being sought.

### ***Work & Discipline History***

- [86] Sgt. SACHDEVA has been with the Service since 1997 – 24 years at the time these allegations. He is a very experienced officer who was promoted to the rank of Sergeant in 2015.
- [87] At this rank, it is the expectation of this Service that he uphold high standards of ethics and integrity, act as a role model, and demonstrate honesty and transparency while ensuring others adhere to professional standards and the code of conduct. His elevated rank comes with elevated responsibilities, and therefore cuts both ways.
- [88] The officer does not have any findings of serious misconduct in the past five years – this is therefore not a case where progressive discipline is appropriate.
- [89] The officer's considerable tenure and lack of recent disciplinary history is mitigating, but of limited weight, because his elevated position as a Sergeant is aggravating.

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<sup>14</sup> Exhibit #8 – 2017 PSA Decision by Supt. C. Fawcett – Pg 7

***Recognition of Seriousness of Misconduct  
Rehabilitative Potential***

[90] The Service submits that Sgt. SACHDEVA has demonstrated some rehabilitative potential by eventually dissolving some of his business interests with AA and pleading guilty today – but this is attenuated by the need for warnings, an order, and another subsequent investigation into overlapping offending conduct.

[91] The officer has also shown *some* insight into the fact that what he did was wrong in his compelled statement, stating:

*“Again, I look back at it...and I'm, again, there's no excuses here. I-I'm being honest, I'm not stupid. I know what I'm doing is going against what was ordered. There's no question.”<sup>15</sup>*

[92] However, Sgt. SACHDEVA has regularly downplayed the *extent* of his knowledge of his associate’s criminality – despite a finding of fact confirming exactly that as far back as 2017, Internal Affairs advising him of as much during *both* of his compelled interviews, and his knowledge that his AA *was in jail* for a portion of their dealings, and never following up with them as to why exactly that was.

[93] As an experienced police officer, who worked 4 years in the Criminal Investigations Bureau, 4 years in Homicide and 7 years in a supervisory capacity as a patrol sergeant, Sgt. SACHDEVA would have undoubtedly recognized the seriousness of anyone who is being held in custody following a bail hearing.

[94] Mr. Soles again referenced the 2017 PSA decision:

*“He demonstrated wilful blindness in relation to AA’s potential criminal activity and a willingness to associate himself with criminals.”<sup>16</sup>*

[95] The Prosecution submits that Sgt. SACHDEVA’s testimony before this Tribunal demonstrates his continued wilful blindness to the serious problems inherent in maintaining this type of relationship.

[96] His repetition of the same misconduct makes his limited insight before this Tribunal even more stark.

[97] This is coupled with his habitual non-compliance with an order from a previous Tribunal to immediately cease all forms of contact, but rather going above and beyond the real estate entanglement and continuing to frequent AA’s business. One has to question the degree of insight actually obtained, and Sgt. SACHDEVA’s reckoning with the seriousness of his misconduct.

[98] Any mitigation associated with these two factors is of very limited weight, given the aggravating elements.

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<sup>15</sup> Exhibit #11 – IA Interview Transcript (2022) – Pg 11

<sup>16</sup> Exhibit #8 – 2017 PSA Decision by Supt. C. Fawcett – Pg 8

## ***Deterrence***

- [99] The Prosecution submitted that this is a case where general deterrence is relevant, and specific deterrence is *paramount*.
- [100] Sgt. SACHDEVA received formal discipline for maintaining ties with an individual associated with criminality, was ordered to cease contact with that individual, and in defiance of that order maintained further contact in a variety of forms, and for a variety of reasons, for another five years.
- [101] But for this information coming to light as a result of a Hamilton investigation, there is a good chance we wouldn't be here today, and it is not known whether or not Sgt. SACHDEVA would have continued to maintain his relationship with AA.
- [102] It is of foremost importance that a strong message is sent to Sgt. SACHDEVA specifically – as well as the Service more generally – regarding the constant need to protect the image of the Service from any associations with those engaged in criminal behaviours, which extends beyond the on-duty/off-duty dichotomy, and the *serious* consequences for a repeated failure to do so.

## ***Consistency of Disposition***

- [103] The Prosecution acknowledged that there are no direct parallels to this case. As such, it focused on cases where an improper association formed part of the facts, or where there was a pattern of non-compliance with Service policy, directives, or orders.
- [104] Peel Regional Police and Sgt. M. Sachdeva (2017)<sup>17</sup>: The officer pled guilty to discreditable conduct on the basis of his inappropriate relationship with AA. He received a forfeiture of five 8-hour days (i.e. 40 hours) and was directed to obtain approval of secondary employment with proof of compliance with rules governing the securities industry in Ontario prior to continuing advising or trading in securities. The Hearing Officer noted that Sgt. Sachdeva “...has undertaken to cease all unregulated trading activities on behalf of others and has ceased any ongoing relationship with AA.”
- [105] Ontario Provincial Police and Constable A. Grieve (2013)<sup>18</sup>: is an OCPC upheld case where the officer was found guilty at a Tribunal of one count of neglect of duty for consistently failing to properly make notes and maintain his notebooks between 2007 and 2010. The penalty was 80 hours. The Commission noted in Par 37: “*The conduct amounted to a significant degree of neglect over an extended period of 29 months and that crossed the line of a performance issue and was one that demonstrated a deliberate and reckless disregard for policy.*”
- [106] Mr. Soles submitted that we are privy to an example of deliberate and reckless disregard for policy, and further aggravating here is the disregard for orders, as well.

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<sup>17</sup> Exhibit #16 – Prosecution Book of Authorities – Tab 2 (Also Exhibit #8)

<sup>18</sup> Exhibit #16 – Prosecution Book of Authorities – Tab 3

- [107] Peel Regional Police and Sgt. G. Clement (2017)<sup>19</sup>: where the officer pled guilty to one count of Neglect of Duty and four counts of Discreditable Conduct. The Neglect of Duty pertained to a failure to maintain his notebooks, and the Discreditable Conduct were for failure to comply with HTA regulations in the maintenance of his secondary employment running a used car dealership, and inappropriate MTO queries ostensibly conducted for the benefit of his business, which would have otherwise cost him \$20 each. The Hearing Officer accepted a joint position for the forfeiture of 20 days, or 160 hours. Mitigating was the officer's positive, 20 plus year employment history where his performance appraisals regularly noted he "exceeded expectations" in most categories, with no prior discipline.
- [108] Peel Regional Police and Constable B. Papageorgiou (2017)<sup>20</sup>: where the officer pled guilty to one count of Discreditable Conduct for assisting another officer in having a POA ticket withdrawn as a favour to a friend. This necessitated misleading the provincial prosecutor assigned to the matter by telling her he had no notes and thus no reasonable prospect of conviction. Mitigating was his lack of disciplinary history, positive evaluations, early guilty plea, and expressed remorse. The penalty was a 2-year demotion.
- [109] Peel Regional Police and Sgt. M. Francisco (2011)<sup>21</sup>: where the officer pled guilty to one count of Discreditable Conduct and one count of Deceit. The officer was a member of a motorcycle club and created documents that appeared to be PRP auxiliary ID cards for two of his friends to try and gain them membership to the club. The Hearing Officer the officer's "*position as Sergeant and in a leadership role is also an aggravating factor*". He was also described as an "exemplary officer" on the basis of his outstanding contributions over a 22-year career. The penalty was a demotion to the rank of First Class Constable for 18 months.
- [110] Toronto Police Service and Constable D. Bovel (2012)<sup>22</sup>: where the officer pled guilty to seven counts of Insubordination and one count of Neglect of Duty. The bulk of the insubordinations pertained to the officer's improper associations with a number of known criminals, and his querying of those individuals. At Tribunal, officer was ordered dismissed, but appealed on the basis of his documented difficult personal circumstances, recognition of the seriousness of the offences, and his potential for rehabilitation. The dismissal was upheld on appeal to the OCPC.
- [111] Peel Regional Police and Constable A. Gangadeen (2022)<sup>23</sup>: this was a case with numerous allegations, including one of maintaining an improper association and not disclosing same. The penalty of dismissal was upheld by the OCPC.
- [112] Ontario Provincial Police and Constable C. Pierce (2018)<sup>24</sup>: this case, which was appealed to the OCPC, is cited for two reasons as they relate to Sgt. SACHDEVA's testimony on the first date of the current hearing, namely, that officer was less than forthright both to IA and during his

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<sup>19</sup> Ibid – Tab 4

<sup>20</sup> Ibid – Tab 5

<sup>21</sup> Ibid – Tab 6

<sup>22</sup> Ibid – Tab 7

<sup>23</sup> Ibid – Tab 8

<sup>24</sup> Ibid – Tab 9

testimony before this Tribunal. This is important to outline the legal relevance of the disposition in this matter.

[113] Further with respect to *Pierce*, the Prosecution noted the Commission’s view (para 28) that dishonest testimony in and of itself is not an aggravating factor;

*“The Hearing Officer further compounded his error by then using his finding that the appellant had in fact driven the entire distance from Rainy River to the Thunder Bay Airport to brand the appellant as being dishonest and considered this as an aggravating factor in arriving at an appropriate penalty. In our view, this was an overriding error in principle that would render a penalty unreasonable.”*

[114] Although the Prosecution acknowledges the OCPC view, it submits that not being forthcoming with fellow officers in his compelled interviews, and/or this Tribunal, is relevant and aggravating with respect to the need for specific deterrence.

[115] As outlined at para. 34:

*“[The Hearing Officer] also wrote that the sanction imposed “must consider specific deterrence an aggravating factor.” There is no doubt that the appellant was repeatedly less than forthcoming with his superior officers on several occasions. No one can dispute that trust among officers is a necessity. The appellant’s actions can be seen as violating that trust and the need for deterrence should be obvious.”*

[116] Para. 35 was offered as being directly relevant this Tribunal’s consideration of the damage to the reputation of the Service:

*“...the Hearing Officer found that the appellant’s conduct would damage the reputation of the respondent and that this would be an aggravating factor. The need for integrity by police officers cannot be overstated. It should be axiomatic. In our view, it was reasonable for the Hearing officer to find the failure of the appellant to be forthright with his superior officers was capable of causing damage to the reputation of the respondent.”*

[117] *Windsor Police Service and Constable D. Nesbeth (2015)*<sup>25</sup>: where the officer was found guilty of Discreditable Conduct and Deceit and appealed to the OCPC. The Prosecution cites this case for the proposition that post-event conduct can also be considered relevant to an officer’s potential for rehabilitation.

[118] As outlined at para. 31-32 of the Commission decision:

[119] *“Upon reviewing the evidence, we find that the Appellant’s conduct with respect to the CBSA officers, her pattern of dishonesty and deceit, and her refusal to accept responsibility for her actions support the finding that her conduct was at the more serious end of the misconduct*

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<sup>25</sup> Ibid – Tab 10



*spectrum and as such warranted a significant penalty. We agree that the Hearing Officer was correct to consider the substantial evidence of the Appellant's consistent attempts to prevaricate, deny, and mislead during and after the seizure of the alcohol at the border as being serious enough to warrant dismissal."*

[120] *"Police Officers are not held to a standard of perfection. They will make errors of judgment and make mistakes – some of which will be serious – which will not result in dismissal. However, because of their unique role in the administration of justice and the critical importance in maintaining public confidence in policing, a consistent pattern of deceit and dishonesty directed towards avoiding responsibility is a significant aggravating factor."*

### **Concluding Remarks**

[121] In conclusion, the Prosecution submitted that the conduct before this Tribunal is indeed serious misconduct. Sgt. SACHDEVA maintained an improper association, admitted to it, was ordered to desist that association, then maintained it in defiance of that order for several more years. This was aggravated by his justifications, equivocations, and general lack of insight into the problems with same.

[122] A levy of days would be plainly insufficient to address this behaviour and would fall far short of the Service's obligation to maintain the public's confidence in its ability to police its own members. It is for these reasons that the Prosecution submits that a one-year demotion to First Class Constable is an appropriate weighting of the *Krug* factors most relevant to this case.

## **SUBMISSIONS BY THE DEFENCE**

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### **Mr. Harry Black - Counsel**

[123] The Defence began submissions by identifying four sources of information in this matter.

[124] There is Supt. Fawcett's decision (2017) where she reviewed the evidence and ASF in the first hearing. Sgt. SACHDEVA does not seek to resile from anything contained in the two Agreed Statements of Facts.

[125] There are also two compelled interviews with Internal Affairs and Sgt. SACHDEVA's testimony that was given on the first day of this hearing.

[126] From those sources of information, a chronology of dates is created which Mr. Black suggests is important (Exhibit #18). This includes his statement in the first compelled interview that he had been a day trader since 2004. Over time, other people starting him to trade for them including other

officers and his girlfriend. The issue of him trading for AA arose in 2011, whereby he managed \$1 million for AA. That money was returned to AA within a few months.<sup>26</sup>

[127] On June 8, 2011, Sgt. SACHDEVA incorporated DEVA Property Management Inc. He did this because corporations pay a lower tax rate. At some point in time, Sgt. SACHDEVA proposed to AA that they purchase a property together. Although they did discuss the concept of 18 – 20%, AA declined because he did not have money for it at the time and the idea went nowhere.

[128] The property was purchased on June 20, 2011 at the request of AA, however the \$580K funds came via wire transfer from AA’s brother. The position that Sgt. SACHDEVA had no money invested in the property was accepted as fact by Supt. Fawcett in her 2017 decision. As such, Mr. Black was surprised when it was suggested to Sgt. SACHDEVA during cross-examination in the current hearing that he did invest in the property.

[129] After the property was purchased, it was subject of a “freeze order” on February 8, 2016 due to divorce proceedings. It appears that this fact was not known by anyone including Sgt. SACHDEVA at the time.

[130] On February 17, 2017, during the first compelled interview, Sgt. SACHDEVA stated that he found out AA was in trouble and decided to separate himself from him. He also stated that he’d been trying to sell the property for one year.

[131] Mr. Black then referenced a collection of correspondence between Sgt. SACHDEVA and his lawyer between October 2017 and May 2022<sup>27</sup> wherein he was trying to deal with sell the property. This was unsuccessful due to the “freeze order”. As a result, Sgt. SACHDEVA’s accountant suggested that in order to divest himself in any legal interest in the property, he instead transfer his share in DEVA Property Management to AA.

[132] The Defence noted Supt. Fawcett’s 2017 decision which accepts that; “...*he did not view the property before being purchased, provided no funds...*”. Contrary to the Prosecution’s suggestion that Sgt. SACHDEVA has ignored the first Tribunal’s orders, he has in fact been trying to get rid of the property since 2016.

[133] Supt. Fawcett further stated that Sgt. SACHDEVA; “*has accepted full responsibility for his actions and has pled guilty at the earliest opportunity...He has undertaken to cease all unregulated trading activities on behalf of others and has ceased any ongoing relationship with AA.*”<sup>28</sup> The decision also acknowledged that Sgt. Sachdeva had retained a lawyer in 2017 to assist with disposing of the property.

[134] On March 31, 2021, Sgt. SACHDEVA sent the documents<sup>29</sup> necessary to transfer the DEVA share from himself to AA. Sgt. SACHDEVA stated to Internal Affairs and this Tribunal that he never received confirmation of the transfer of the share. In Ontario, private companies do post a public

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<sup>26</sup> Exhibit #10 - IA Interview Transcript (2017) – Pg 24

<sup>27</sup> Exhibit #7 – Defence Materials – Tab 9

<sup>28</sup> Exhibit #8 – 2017 PSA Decision by Supt. C. Fawcett – Pg 9

<sup>29</sup> Exhibit #9

list of shareholders. However, a listing of company Directors is available, which the Prosecution recently obtained and submitted as evidence.<sup>30</sup>

[135] Even though the submitted correspondence shows that Sgt. SACHDEVA was trying to leave the company for years, the “freeze order” prevented this. That’s why the accountant suggested transferring the company share to AA.

[136] Sgt. SACHDEVA’s efforts over a period of time show that he was attempting to comply with Supt. Fawcett’s order in the 2017 decision.

[137] Mr. Black then referred to text message evidence between January and October 2020 which demonstrate that AA was not responding to Sgt. SACHDEVA’s efforts to resolve the issue of the property.<sup>31</sup> This includes a text from Sgt. SACHDEVA to AA in August 2020 expressing concern that his ex-wife, believing that the Cambridge property was his, was seeking half of its value. As such, Sgt. SACHDEVA continued to placate AA in order to secure his cooperation and confirmation that AA was the actual owner of the property.

[138] The Prosecution summarized that the emails, lawyers’ letters and the submitted chronology prove that Sgt. SACHDEVA’s only reason to continue contact with AA was to sell the property and eliminate the claim of interest by his ex-wife.

[139] Mr. Black took issue with the Prosecution’s position that Sgt. SACHDEVA was not truthful in his compelled interviews. He referred to the first compelled interview where Sgt. SACHDEVA’s proposal to invest 18 – 20% was rejected by AA, who in turn offered his brother’s money from Dubai.<sup>32</sup> Sgt. SACHDEVA later reiterates that he did not put money into the purchase.<sup>33</sup> Mr. Black stated that this information would have been heard at the 2017 discipline hearing.

[140] During his second compelled interview (2022), Sgt. SACHDEVA again stated that he did not invest money in the property and referenced his similar statement in the 2017 interview. Further, AA’s ex-wife was aware that the money for the original purchase of the property came from his brother.<sup>34</sup> Sgt. SACHDEVA stated that around the same time of the purchase of the property, AA had invested over \$1 million for Sgt. SACHDEVA’s to trade on the market for an unspecified commission. The trading funds were returned to AA within one year. It was then that Sgt. SACHDEVA asked for his name to be removed from the property.

[141] Mr. Black referred to Sgt. SACHDEVA’s cross-examination by Ms. Wilmot in this hearing, where he reiterated that he *would* have put 18 – 20% into the property but in the end he did not contribute. He believed that this was verified through production orders of his financial records.

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<sup>30</sup> Exhibit #7 – Defence Materials – Tab 10

<sup>31</sup> Ibid – Tab 8

<sup>32</sup> Exhibit #10 - IA Interview Transcript (2017) – Pg 22 – 22

<sup>33</sup> Ibid – Pg 35 – 36

<sup>34</sup> Exhibit #11 – IA Interview Transcript (2022) – Pg 7

- [142] Ms. Wilmot then referred to Sgt. SACHDEVA's 2017 compelled interview where he appeared to acknowledge to IA investigators that he invested money towards the property. Sgt. SACHDEVA denied this and suggested that he may have been referring to the stock trading issue.
- [143] The position that Sgt. SACHDEVA did not invest money in the property was accepted by the previous Tribunal. As such, he has not been evasive nor given cause to question his credibility. Mr. Black pointed out that Sgt. SACHDEVA was asked in 2017 and 2022 about transactions that occurred in 2011. When challenged with his statement in previous interviews, he claims that he misspoke and that he in fact did not invest funds towards the property.
- [144] Mr. Black again referenced the 2017 Tribunal Decision and Supt. Fawcett's comments that Sgt. SACHDEVA *"...stated he did not view the property...provided no funds...has accepted full responsibility for his actions and had pled guilty at the earliest opportunity...he has undertaken to cease all unregulated trading activities on behalf of others and has ceased any ongoing relationship with AA. He has retained legal counsel to resolve the issues with the Cambridge property..."*
- [145] Sgt. SACHDEVA was involved because AA would not return his lawyer's phone calls and letters. That is why this cannot be classified as Sgt. SACHDEVA not being compliant with the original Tribunal order.
- [146] Mr. Black suggested that the 2017 Tribunal decision incorrectly stated that Sgt. SACHDEVA had an 18 – 20% stake in the property. In fact, he only proposed this amount to AA as a joint investment venture. It did not materialize because AA did not have money at the time.
- [147] Mr. Soles interjected regarding the above point and advised that the point regarding the 18 – 20% stake in the property was included in the *Agreed Statement of Facts* filed in the 2017 Tribunal.
- [148] Mr. Black further quoted the 2017 Tribunal Decision that; *"He has almost 20 years of experience with the Peel Regional Police and has no prior discipline history. This is a significant mitigating factor and demonstrative of a strong likelihood of rehabilitation. Sergeant Sachdeva has accepted full responsibility for his actions and has pled guilty at the earliest opportunity in the proceedings. Sergeant Sachdeva has undertaken to cease all unregulated trading activities on behalf of others and has ceased any ongoing relationship with AA. He has retained legal counsel to resolve the issues with the Cambridge property and understands the improper appearance these transactions have created."*
- [149] Sgt. SACHDEVA is the same person whose character has not changed since the first hearing.
- [150] Mr. Black acknowledged that Sgt. SACHDEVA's ongoing contact with AA was not supposed to happen. At the time of the 2017 Tribunal decision, it was not known to anyone that the Cambridge property was under a freeze order or Sgt. SACHDEVA's divorce proceeding. Sgt. SACHDEVA also acknowledged during his 2022 compelled interview that the contact was not supposed to happen. However, he was desperate to get rid of the property.

- [151] In light of the above, along with Sgt. SACHDEVA's performance record, this Tribunal should not impose a penalty of demotion.
- [152] Sgt. SACHDEVA was asked during his 2022 compelled interview about the vehicle appraisal. He was presented with a photograph that IA thought included a bullet. It was in fact a screw for a vehicle licence plate. Sgt. SACHDEVA explained that he was selling his car and could not remove the screw and licence plate. He asked AA if he had the correct tool to remove the screw.
- [153] Sgt. SACHDEVA stated that the buyer of his vehicle had the appraisal conducted at AA's business.
- [154] The buyer attended AA's shop at Sgt. SACHDEVA's urging to remove the screw and licence plate. While he was there, the appraisal was conducted.
- [155] With respect to the vehicle rental, Sgt. SACHDEVA acknowledged that it was poor judgment to rent from AA. As such he has pled guilty. A one-day car rental is different than going to a bar, a restaurant or a movie with an individual.
- [156] These are not serious transgressions.
- [157] The Defence suggested a penalty of 3 days, in support of which Mr. Black provided an overview of Sgt. SACHDEVA's employment history, community involvement and commendations.
- [158] Sgt. SACHDEVA made a mistake in 2011 by agreeing to have the property purchased by AA's brother listed in DEVA's name. Since that time, his communication with AA was due to trying to detach himself from that property.
- [159] The Defence submitted the following cases for the Tribunal's consideration:
- [160] *Peel Regional Police and P.C. P. Penner (2019)*: where the officer pled guilty to several offences including Neglect of Duty and Discreditable Conduct. He met with a sex trade worker without a partner, documenting or advising the incident. He also became involved in real estate transactions with an individual who was charged with numerous serious criminal offences. The relationship continued on a personal level after the charges were laid.
- [161] Sgt. SACHDEVA's matter does not compare to P.C. Penner's misconduct, to which he received a penalty of 6-month demotion.
- [162] *Peel Regional Police Discipline Report for [REDACTED] (2002)*: where the officer purchased contraband liquor from a known criminal. The officer demonstrated remorse and was admonished.
- [163] *Peel Regional Police Conduct Report for [REDACTED] (2022)*: where the officer was personally associated with and engaged to an individual known to be involved in criminal activity. The officer was spoken to and no further action was taken.

- [164] *Peel Regional Police Informal Discipline for [REDACTED] (2023)*: where the officer purchased a home with a known criminal. The penalty was a forfeiture of 24 hours.
- [165] *Peel Regional Police Discipline Report for [REDACTED] (2022)*: where the officer attended establishments where sexual services were being provided and commencing a personal relationship with one of the workers. The penalty was a forfeiture of 40 hours.
- [166] The Defence submitted that a 3-day penalty is sufficient in this matter.

### ***Opportunity to Address the Tribunal***

- [167] Sergeant SACHDEVA accepted an opportunity to address the Tribunal, and stated:
- [168] *“I’ve always accepted responsibility for my actions in life and in this case it is no different. I apologize to the Service for my actions and regret the decisions that I have made which have brought me here for the second time.”*
- [169] *“I would like to think that I’m excellent role model as an officer and a supervisor for my platoon at 22 Division while I’m working. I also realize that being a role model entails being accountable off-duty during personal, social and business relationships which I clearly failed.”*
- [170] Sgt. SACHDEVA expressed his discomfort with being interviewed by Internal Affairs and apologized for putting the investigators in that position. He also noted stressors in his personal and family life and the impact that had on his finances and business. Sgt. SACHDEVA also acknowledged his contact with AA for the licence plate screws and the vehicle rental as poor decisions. He has since separated himself from AA permanently. Sgt. SACHDEVA recognized that this matter has prevented him from applying for promotion. Nonetheless, he would like to finish the remainder of his career developing and supervising officers as he wants something positive to come from this.

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## PART III: ANALYSIS AND FINDINGS

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[171] My decision in this matter must ensure procedural fairness to the officer and the Service's accountability to the public.

[172] The penalty in this matter relates solely to the particulars which are laid out in the current *Agreed Statement of Facts*. For the purposes of context, this decision includes an overview of the historical relationship between Sgt. SACHDEVA and AA, which I find was more than casual and in fact involved a level of trust that precipitated significant financial dealings between them.

[173] I have reviewed and carefully considered the information provided during the hearing, including;

- the *Agreed Statement of Facts*,
- Sgt. SACHDEVA's sworn evidence on March 21, 2024,
- oral submissions by the Prosecution and Defence, and
- all of the accompanying documents.

[174] The evidence that was provided by Sgt. SACHDEVA assisted in assessing various factors as they relate to his relationship with AA. These include Sgt. SACHDEVA's knowledge of AA's criminal activities and the impetus to maintain contact with him after the 2017 Tribunal decision.

### ***Proportionality Considerations***

[175] The principle of proportionality is key to arriving at a fair and effective disposition. It provides considerations that are referenced in almost every police discipline proceeding, some of which were touched on to varying degree by the Prosecution and Defence.

[176] The considerations that I find relevant in assessing Sergeant SACHDEVA's misconduct are:

- Public interest
- Damage to the Reputation of the Service
- Seriousness of the misconduct
- Recognition of the seriousness of the misconduct
- Employment history
- Need for deterrence (both general and specific)
- Ability to reform or rehabilitate the officer
- Effect on officer
- Consistency of disposition, and
- Effect of publicity

[177] Where appropriate, I have addressed considerations together due to similar factors and relevance.

***Public Interest***

***Damage to the Reputation of the Police Service***

***Effect of Publicity***

[178] I view these three considerations to be closely related. Every incident of police misconduct has the potential to attract public interest and as a result cause reputational harm to the Service.

[179] The principle that police officers are at all times held to a higher standard is well established. It validates their role in the community as public servants who maintain personal and professional relationships that withstand any test of public confidence in the police. This perspective was conveyed by the Tribunal in 2017 and remains true today.

[180] In accordance with the Service's policy regarding transparency and accountability, this written decision will be made available to the public on the Service's external website and result in some degree of negative public perception. The community would understandably be concerned with the particulars of this case in that it involves a senior member who is in a supervisory role.

[181] I agree with the Prosecution's view that beyond damage to the Service, this matter also impacts Sgt. SACHDEVA's own reputation, particularly amongst colleagues internally and at partner agencies.

***Seriousness of the Misconduct***

[182] Assessing the degree of seriousness of the misconduct is important towards determining an appropriate penalty.

[183] In 2017, Sgt. SACHDEVA pled guilty to a Police Services Act charge related to an inappropriate financial association with AA despite Sgt. SACHDEVA's awareness of AA's criminal background.

[184] Sgt. SACHDEVA agreed to cease any association with AA and subsequently hired a lawyer to detach himself and his property management company from the Cambridge property. I accept that Sgt. SACHDEVA initially took steps to comply with that disposition. However, the evidence presented during this hearing demonstrates Sgt. SACHDEVA's decision to eventually resume the relationship.

[185] Sgt. SACHDEVA maintained regular communication with AA through electronic messages and personal visits, all of which are clearly laid out in the current *Agreed Statement of Facts*.

[186] I carefully reviewed the cellphone extraction report that was submitted by the Prosecution<sup>35</sup>, along with excerpts of same that were submitted by the Defence.<sup>36</sup>

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<sup>35</sup> Exhibit #12 – Cellebrite Extraction Report

<sup>36</sup> Exhibit #7 – Defence Materials – Tab #8



[187] Examination of the evidence provided by the Prosecution in para 64 reveals that Sgt. SACHDEVA initiated contact with AA in approximately 86 of the 124 text messages between January 15, 2020 and July 15, 2021. The texts included requests to settle expenses along with several requests to meet in person. Several of Sgt. SACHDEVA's text messages expressed his frustration with AA for not being able to meet. On one occasion (June 6, 2020) Sgt. SACHDEVA asked AA if he left \$100 in the car, causing one to speculate if they had met in person earlier that day.

[188] The above interactions are separate from the 22 telephone calls that Sgt. SACHDEVA initiated with AA<sup>37</sup>, which were in relation to a vehicle appraisal and return of a rental vehicle.

[189] In 2021, Sgt. SACHDEVA was selling his vehicle to a buyer. They could not remove the security screws from the licence plate that AA's shop installed in 2013 or 2014. Sgt. SACHDEVA contacted AA to assist the buyer, who subsequently asked AA for a vehicle appraisal. Sgt. SACHDEVA then contacted AA again for an amended appraisal with the vehicle value on it.

[190] I do not accept Sgt. SACHDEVA's suggestion that AA's shop was the only option to remove the screws from the vehicle.

[191] Also in 2021, Sgt. SACHDEVA rented a vehicle from AA's brother. He thought this was acceptable because he wasn't directly associating with AA. Upon turning the vehicle over, he learned that AA's brother was out of country. Sgt. SACHDEVA texted AA to attend his residence and provided his garage code to pick up the keys.

[192] The totality of Sgt. SACHDEVA's actions in this factor leave little doubt in my mind that these in-person or electronic interactions were not coincidental or fateful, but rather intentional and planned.

[193] Each of the above incidents, on its own, is aggravating. Collectively, they illustrate Sgt. SACHDEVA's intention to maintain a casual if not personal relationship with AA, thus ignoring the previous Tribunal's order.

***Recognition of the Seriousness of the Misconduct  
Potential to Reform or Rehabilitate the Police Officer***

[194] These two factors are key in my assessment of a penalty in this matter. I have carefully reviewed Sgt. SACHDEVA's evidence on March 21, 2024 along with both counsels' submissions regarding his relationship and with AA.

[195] I accept that Sgt. SACHDEVA made efforts over several years after the 2017 Tribunal decision to separate Deva Property Management from the Cambridge residence. However, I also accept the Prosecution's assertion that his efforts to divest were made through his family law counsel as they

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<sup>37</sup> Between June 8, 2021 to September 7, 2021

related to his divorce proceedings.<sup>38</sup> Further, Sgt. SACHDEVA declined offers from his lawyer to handle communication with AA's lawyer, opting instead to communicate directly with AA. Sgt. SACHDEVA acknowledged in his testimony that he placated AA and communicated with him due to the possibility that he would be a witness in the former's divorce proceedings.

[196] It was not until Sgt. SACHDEVA was served a *Notice of Investigation* by Internal Affairs in 2021 that he alluded to his lawyer that he was not to associate with AA and that he knew he was "violating...Service policy".

[197] Sgt. SACHDEVA was finally able to transfer the Deva Property Management share to AA in 2021.

[198] Sgt. SACHDEVA provided evidence on the first day of the hearing and acknowledged that:

- He has known AA since his tenure with the RCMP and attended his body shop several times for vehicle repairs,
- He maintained the relationship after he joined Peel Regional Police in 1997,
- He had knowledge of AA's criminal history as far back as 1998,
- At some point, he heard rumours that AA was possibly in possession of an officer's personal firearm,
- At some point, he heard that AA was in jail for domestic assault,
- During 2011/2012, he registered a property in his company's name and briefly traded in securities on behalf of AA and which led to discipline in 2017.

[199] Sgt. SACHDEVA admitted that his awareness of AA's criminal activities was based on his personal interactions and information received from other officers.

[200] During cross-examination, Sgt. SACHDEVA disassociated himself or claimed to not remember several statements that he made during his compelled interviews. This included the matter involving his agreement to register a Cambridge residence in his company's name that AA wanted to purchase in 2011. There was inconsistency with respect to the information that Sgt. SACHDEVA provided during his compelled interviews and this hearing regarding any cash investment that he may have made in the residence. Sgt. SACHDEVA claimed that his statements to the Internal Affairs investigators were hypothetical. The Prosecution provided Sgt. SACHDEVA with excerpts from the interview transcript to refresh his memory.

[201] In my view, the warning signs that were necessary for Sgt. SACHDEVA to cease contact with AA were perpetually present. Sgt. SACHDEVA stated four times during his testimony that he considered the information regarding AA to be incomplete or based on rumours. It is clear that he did not heed the warnings but instead chose to continue a personal and business relationship with AA.

[202] As such, I am troubled by what I can only assume was Sgt. SACHDEVA's willful blindness to the situation. This same observation was noted in Supt. Fawcett's 2017 Tribunal decision.<sup>39</sup>

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<sup>38</sup> Exhibit #7 – Defence Materials – Tab #9 Emails between Sgt. SACHDEVA and Counsel R. Sleightholm

<sup>39</sup> Exhibit #8 - 2017 PSA Decision by Supt. C. Fawcett – Pg 8

[203] An early guilty plea before this Tribunal does demonstrate Sgt. SACHDEVA's recognition that his conduct was unacceptable. He stated as much during his 2022 compelled interview; "...I have maintained contact, from the date of 2017 when I was convicted for Discreditable...I have been contacting him repeatedly...Trying to get answers from him...Trying to get him to meet me for lunch, dinner..."<sup>40</sup>

[204] Sgt. SACHDEVA delivered a verbal apology to the Tribunal and acknowledged his poor judgement. I weigh this cautiously and am mindful that his conduct may have continued had it not been identified during an investigation by another police service. Further, Sgt. SACHDEVA's tenure and experience as a supervisor, along with the repeated contacts with AA exempt him from any consideration that might be afforded to a junior and inexperienced officer who commits a single act of misconduct.

### ***Specific and General Deterrence***

[205] The Service's policies and code of conduct provide a framework of the expectations of police officers, both on and off duty. This includes the expectation to not act in a manner that is likely to bring discredit upon the reputation of the Service, as such conduct tests public confidence and trust in the police.

[206] General deterrence is a byproduct of every case of misconduct. An appropriate penalty will reinforce the policy that personal and professional relationships must always meet the expectations of the Service and the community.

[207] Specific deterrence is particularly important in this case. I agree with the Prosecution's view that Sgt. SACHDEVA's misconduct is serious due to its repetitive nature and that it is rooted in poor judgment and willful blindness. An order from the Tribunal to cease contact with an individual does not diminish with time and cannot be flouted for convenience. Rather, it must be strictly followed in the best interest of the officer and the Service.

### ***Employment History***

[208] An officer's employment history is closely related to rehabilitative potential and should be carefully considered.

[209] Sgt. SACHDEVA is a senior member of the Service. By all accounts, he is a capable and competent frontline supervisor with the skills and experience to manage day-to-day responsibilities and dynamic and critical incidents in the field. He is also entrusted with mentoring younger officers to build community relations and maintaining public trust.

[210] I find this to be a mitigating factor.

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<sup>40</sup> Exhibit #11 – IA Interview Transcript (2022) – Pg 8

### *Consistency of Disposition*

- [211] I have reviewed the nine (9) cases submitted by the Prosecution and five (5) cases submitted by the Defence as summarized previously in this decision.
- [212] Although each case offers a measure of relevance to the current matter, the case of *Peel Regional Police and Sgt. M. Sachdeva (2017)* was naturally most helpful.
- [213] Of note, I find that *Ontario Provincial Police and Constable A. Grieve (2013)* is relevant with respect to policy adherence in general but does not relate to inappropriate personal relationships specifically.
- [214] For the reasons and factors outlined throughout this decision, I find that the Prosecution's proposed penalty appropriately addresses the interests of the public, the Service and the officer.

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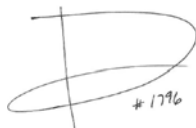
## PART IV: DISPOSITION

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### Penalty

- [215] With the finding of guilt on one (1) count of Discreditable Conduct, the penalty for Sergeant SACHDEVA under Sec 85(1)(c) of the *Police Services Act* is:
- [216] a reduction in rank (demotion) from Sergeant to 1<sup>st</sup> Class Constable for a period of 12 months, following which the officer will be returned to the rank of Sergeant on the basis of satisfactory work performance as determined by the officer's Divisional Commander.
- [217] **The above penalty is effective July 8, 2024.**



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Superintendent Taufic Saliba #1796  
Hearing Officer  
Peel Regional Police