

Peel Regional Police

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

IN THE MATTER OF a hearing held in accordance with section 76(9) of the *Police Services Act* into allegations of misconduct against Constable Wayne Parkins #2660 of the Peel Regional Police.

Charge: Discreditable Conduct

Disposition

Hearing Officer

Superintendent Colleen Fawcett
Peel Regional Police

Prosecutor

Ms. Sharon Wilmot
Peel Regional Police

Co-Prosecutor for the Chief of Police

Inspector David Andrews
Peel Regional Police

Defence Counsel

Mr. David Butt

PART I: OVERVIEW

Allegations of Misconduct

It is alleged that Constable Wayne Parkins #2660 (“Constable Parkins”), a member of the Peel Regional Police Service, committed the following act of misconduct contrary to section 80(1)(a) of the *Police Services Act, R. S. O. 1990 c. P. 15*, as amended;

Count One Discreditable Conduct

It is alleged that Constable Parkins committed Discreditable Conduct in that on the 14th day of November, 2017 he was found guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction, namely: Impaired Operation of a Motor Vehicle contrary to section 253(1)(a) of the *Criminal Code of Canada* in relation to an incident which occurred on or about September 3rd, 2017 constituting an offence against discipline as prescribed in section 2(1)(a)(ix) of the *Code of Conduct, Regulation 268/10*, as amended.

Background

Constable Parkins of the Peel Regional Police was required to appear before me on February 20th, 2018 in answer to a Notice of Hearing that was issued on January 31st, 2018 alleging one count of misconduct contrary to section 80(1)(a) of the *Police Services Act*, constituting an offence against discipline, Discreditable Conduct, as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*.

Plea

On June 28th, 2018, Constable Parkins appeared before me and entered a plea of guilty to one count of Discreditable Conduct. An Agreed Statement of Facts was tendered as Exhibit #4 and read into the record. Based on those facts and the confirmation by Constable Parkins that they were substantially correct, a finding of misconduct was registered.

Decision

After examining and weighing all of the evidence presented, as the Hearing Officer I impose on Constable Wayne Parkins #2660 of the Peel Regional Police:

Count One Discreditable Conduct

A reduction in rank from First Class Constable to Second Class Constable for a period of nine (9) months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the officer’s Divisional Commander.

PART II: THE HEARING

Exhibits

The Exhibits for this matter are listed as follows;

Exhibit #1	Delegation of Powers and Duties to the Hearing Officer
Exhibit #2	Prosecutor's Designation (Ms. Sharon Wilmot)
Exhibit #3	Co-Prosecutor's Designation (Inspector David Andrews)
Exhibit #4	Agreed Statement of Facts
Exhibit #5	Joint Submission as to Penalty
Exhibit #6	Book of Authorities
Exhibit #7	Defence Supporting Letter (Singh)
Exhibit #8	Defence Supporting Letters (Woodcock)

Representation

In this matter, Mr. David Butt represented Constable Parkins, and Ms. Sharon Wilmot represented the Peel Regional Police Service.

Agreed Statement of Facts

The facts of this matter are substantially agreed upon by the parties to this Tribunal. The Agreed Statement of Facts, filed as Exhibit #4, states;

Background

Constable Wayne Parkins began his career in December 2002 with the Peel Regional Police Service. At the time of this incident, Constable Parkins was the Acting Detective in the Vice Unit.

Count One Discreditable Conduct

On September 2, 2017, Constable Parkins was working the afternoon shift. He finished his shift at midnight.

During the course of his shift, he left his office and purchased a bottle of spiced whiskey, which he kept in his desk drawer. Upon completing his shift, he took the bottle, drove to a parking lot at Courtney Park Drive East and Hurontario Street, in the City of Mississauga, and parked in the back corner where he drank at least half of the bottle of whiskey in his vehicle.

On September 3, 2017 at 1:05 a.m., Constable Parkins was involved in an off-duty single motor vehicle collision at Hurontario Street and Courtney Park East in the City of Mississauga. Constable Parkins' vehicle struck a traffic signal pole on the centre median.

Constable Parkins was arrested and charged with Impaired Operation of a Motor Vehicle and Excess Blood Alcohol pursuant to the *Criminal Code of Canada*. He was later charged with Fail to Remain and Fail to Report and Accident pursuant to the *Highway Traffic Act*.

On November 14, 2017, Constable Parkins pled guilty to Impaired Operation of a Motor Vehicle contrary to section 253(1)(a) of the *Criminal Code of Canada*, and Fail to Remain contrary to section 200(1)(a) of the *Highway Traffic Act*.

The Crown read in the following facts on the record;

On September 3, 2017, Constable Parkins was off-duty and at approximately 1:05 a.m. was operating a black 2009 Honda Accord ULX bearing Ontario licence #---- ---.

Constable Parkins was the lone occupant in the vehicle. He was traveling westbound on Courtney Park Drive approaching the intersection at Hurontario Street. There was significant pedestrian and vehicular traffic in the area at the time.

The roads were clear and dry. Police investigation revealed that the traffic controls were functioning properly.

At the intersection, Constable Parkins failed to negotiate a left turn and struck a traffic light pole located in the centre median of Hurontario Street.

The impact resulted in the light pole being severed near its base and crashing down onto the northbound left-turn lane of Hurontario Street.

Several witnesses approached the accident scene. Constable Parkins' vehicle was partially on the centre median and the airbags had deployed.

Witnesses observed Constable Parkins exit the vehicle, grab something from the interior of the vehicle and then make several unsuccessful attempts to close the driver's door. He said that he was okay and then walked away from the accident scene.

Some witnesses called 9-1-1 and reported the accident. In two 9-1-1 calls a description of the driver was provided by the caller and it was indicated that the driver looked drunk.

When Peel Regional Police arrived at the scene of the accident, it was noted that the driver side airbag and passenger curtain air bag were both deployed. The driver's side front wheel was off and there was damage to the front driver side bumper. The left rear tire was flat.

The licence plate on the vehicle was registered to Wayne Parkins.

Two cell phones were located on the floor of the vehicle on the driver's side, and were seized.

The police, including canine, commenced looking for the driver of the vehicle.

At 2:51 a.m. Constable Parkins was located by Acting Sergeant AA in the lobby of the Homewood Suites at 6430 Edwards Boulevard, Mississauga. The Acting Sergeant asked if he was injured and Constable Parkins said he was not.

Acting Sergeant AA noted that there was a strong odour of an alcoholic beverage coming from Constable Parkins and that he had glossy and red eyes.

At 3:03 a.m., Acting Sergeant AA placed Constable Parkins under arrest for Impaired Driving. In searching Constable Parkins upon arrest, the keys to the Honda motor vehicle that had been involved in the accident were located in Constable Parkins' right pants' pocket.

Constable Parkins was read his rights to counsel at 3:06 a.m. and was given the breath demand at 3:07 a.m. He did not respond to either.

At 3:30 a.m. Acting Sergeant AA turned Constable Parkins over to Constable BB to be transported to 12 Division for breath tests.

While in custody, Constable BB made the following observations of Constable Parkins;

- i. There was an odour of an alcoholic beverage on his breath,
- ii. His face was flushed,
- iii. His eyes were red-rimmed and watery,
- iv. His speech was good,
- v. His balance was sure while standing and walking.

At 5:04 a.m. after numerous unsuccessful efforts to contact counsel of choice and ultimately speaking with duty counsel, Constable Parkins provided a suitable sample of his breath into the Intoxilyzer 8000C, resulting in a reading of 145 milligrams of alcohol in 100 millilitres of blood.

At 6:02 a.m., Constable Parkins provided a second suitable sample of his breath into the Intoxilyzer resulting in a reading of 135 milligrams of alcohol in 100 millilitres of blood.

At 7:43 a.m. Constable Parkins was released from custody at 12 Division on a Promise to Appear.

Due to the delay in the taking of the breath samples from Constable Parkins, a report from a Forensic Toxicologist with the Centre for Forensic Sciences was produced. In the report of October 13, 2017, it was concluded that the projected blood alcohol concentration at approximately 1:05 a.m. was 160 to 230 milligrams of alcohol in 100 millilitres of blood. The Toxicologist concluded that an individual would be impaired in their ability to operate a motor vehicle with a blood alcohol concentration within the projected range.

Justice Maund accepted Constable Parkins' guilty plea to Impaired Operation of a Motor Vehicle and Fail to Remain and imposed a fine of \$1,500.00, and issued a driving prohibition for twelve (12) months and a three (3) month prohibition against applying for the interlock device. With regards to the Fail to Remain, Constable Parkins was fined \$1000.00.

The actions of Constable Parkins constitute Discreditable Conduct as prescribed in section 2(1)(a)(ix) of the *Code of Conduct*.

Positions on Penalty

The parties representing the Prosecution and Defence provided a joint submission with respect to penalty, tendered as Exhibit #5, dated June 28th, 2018. They propose that the appropriate disposition is as follows:

Count One Discreditable Conduct

A reduction in rank from First Class Constable to Second Class Constable for a period of nine (9) months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the Officer's Divisional Commander.

The penalty was submitted in accordance with section 85(1)(c) of the *Police Services Act*.

Submissions

Submissions of the Prosecution – Ms. Wilmot

Ms. Wilmot commenced her submissions by discussing the dispositional factors within the Ontario Civilian Police Commission (the "Commission") case law to be considered when determining the appropriate penalty in police discipline matters. The case of *Krug and the Ottawa Police Service (OCCPS, January 21, 2003)* was discussed to address the aggravating and mitigating factors to consider. In the present case, the Prosecution submits that the relevant factors of consideration include: the Nature of the Misconduct and the Seriousness of the Misconduct, Public Interest and the Damage to the Reputation of the Service, Employment History, Deterrence, and Consistency.

Ms. Wilmot addressed the first category of the Nature of the Misconduct and specifically discussed the seriousness of Constable Parkins' misconduct. Both the community and Police Services across Ontario have become increasingly less tolerant of drinking and driving, and have expended considerable resources to combat, educate and deter impaired driving. Constable Parkins' conduct was dangerous, illegal, and offensive to his role as a police officer. The intersection in which the motor vehicle collision occurred is in an entertainment area where there is a large amount of pedestrian and vehicular traffic. Several members of the public witnessed the crash and Constable Parkins walking away from the vehicle. Other factors that increase the seriousness of the incident were the significant blood alcohol levels, the extensive damage to city property, and the public display of impaired and illegal conduct.

Ms. Wilmot discussed the public interest factor and how the public places trust in police officers to enforce the laws and protect rather than threaten their safety. All officers across the province and particularly with the Peel Regional Police Service have been put on notice with regards to the seriousness of a conviction of impaired driving. Police officers are held to a higher standard and are expected to abide by the laws and enforce them especially when it comes to issues of public safety.

The factor of damage to the reputation of the Police Service was addressed by Ms. Wilmot. The incident involved members of the public, and although they would not have been able to identify Constable Parkins as a police officer, had they known it would have caused significant damage to the reputation of the Police Service. Constable Parkins' criminal charge and *Highway Traffic Act* conviction were ultimately made part of a public record, and as a result members of the judicial system and the public were made aware of his conduct. Ms. Wilmot submitted that this is an aggravating factor.

The next factor addressed by Ms. Wilmot was the employment history of Constable Parkins. Constable Parkins has been a member of the Peel Regional Police Service for approximately sixteen (16) years with no discipline history. Ms. Wilmot submitted that the conduct appears to be out of character for him and not in any way reflective of a pattern on Constable Parkins' part. This is a mitigating factor.

Ms. Wilmot addressed the officer's likelihood of rehabilitative potential. Constable Parkins has accepted full responsibility for his actions and has pled guilty at the earliest opportunity in criminal court and before the Tribunal. He has accepted the Agreed Statement of Facts, and apologized to the court, the people of the Region of Peel, his family and friends. Ms. Wilmot suggested that his guilty plea was a display of genuine remorse and should be considered a mitigating factor. Constable Parkins was straightforward and forthright in his compelled interview and did disclose a number of personal stressors related to his workload which can be considered mitigating particularly because he recognized the disability issues that he was facing with regards to his medical issues. Constable Parkins acknowledged responsibility for those issues and he is currently working with the Service to address the issues that became more apparent through his work assignment.

Constable Parkins has a number of commendations on his employment record. He is described as hard working and a diligent police officer. He is well-liked and respected by his colleagues and superiors. These are all factors that suggest a positive rehabilitative potential. Ms. Wilmot suggested that Constable Parkins' remorse, his actions to seek assistance, and his employment history should serve as mitigating factors.

With regards to deterrence, Ms. Wilmot submitted that matters involving impaired operation is an ongoing problem. A penalty serves to remind Constable Parkins and other members of the Service that this kind of behaviour is not acceptable and will not be condoned by the Service.

Consistency of disposition was addressed by Ms. Wilmot with reference made to six (6) cases within the Book of Authorities (Exhibit #6). The cases support the proposed penalty while taking into consideration the mitigating factors, and the seriousness of the incident. Ms. Wilmot

submitted that the penalty of a nine (9) month demotion for Constable Parkins is supported by the case law.

Ms. Wilmot concluded that the misconduct of Constable Parkins was serious and that he has quickly taken responsibility for his actions. He has demonstrated a willingness and an ability to be rehabilitated. It is the Service's position that the proposed penalty is reflective of the factual circumstances of the misconduct. The penalty addresses the various aggravating and mitigating factors applicable in the case.

Submissions of the Defence – Mr. Butt

Mr. Butt submitted that Constable Parkins is before the Tribunal accepting responsibility at the earliest opportunity for the charge of Discreditable Conduct. Constable Parkins accepts the Agreed Statement of Facts and the Joint Submission as to Penalty.

Mr. Butt discussed the seriousness of the misconduct and that there was no denying the wisdom in a very firm denunciation of impaired driving. Constable Parkins is certainly mindful of the busy intersection that was involved in the collision and the risk posed to the public.

Mr. Butt addressed the facts of the case in relation to the penalty. Specifically, that it is a first offence for Constable Parkins, and does not represent a pattern of behaviour. Mr. Butt provided two supporting letters that address some personal and work related stressors that Constable Parkins was experiencing at the time of the misconduct.

Mr. Butt submitted that Constable Parkins has been employed with the Peel Regional Police since 2002. Prior to the misconduct, Constable Parkins spent five and a half (5 ½) years in the Special Victims Unit and three and a half (3 ½) years in the Vice Unit. Mr. Butt reviewed a letter written by a former Supervisor of Constable Parkins in Vice which stated, "Wayne is the hardest working officer in the Vice Unit. He carries a heavy case load which involves very complex investigations. Victim management is one of the most challenging parts of the job as they are very fragile and have been traumatized. Often times Wayne will receive numerous calls during the middle of the night while off duty for assistance. It can be trivial in nature, but to the victims it is an emergency. Attending to the victim's constant needs and the numerous court appearances which can be very lengthy, and numerous presentations conducted by Wayne, and the constant heavy workload is very stressful for the officers, including Wayne. At times I have witnessed it takes its toll on Wayne, especially just prior to the incident before the court as he was also managing a very stressful court case during the time". Mr. Butt added that this does not excuse the impaired driving offence or make it any less serious, or worthy of a less penalty. It however explains what was going on in Constable Parkins' life. The disability in the background of the misconduct is important in the crucial mitigating circumstances.

The factors of recognition of the seriousness of the misconduct and rehabilitation were addressed by Mr. Butt. He indicated that Constable Parkins is remorseful for his misconduct and accepts the penalty proposed. Constable Parkins pled guilty in his criminal proceedings and before this Tribunal at the earliest opportunity. Constable Parkins' supervisor in the Vice Unit indicated in a letter for the criminal court proceedings that "He is well respected by his teammates as well as

his peers, and is passionate about his role in the Vice Unit. He is faithfully committed to get the job done and is always offering assistance to others all the while managing his own case load. He consistently demonstrates a high standard of excellence in everything he does". Mr. Butt submitted that such comments are good prospects for rehabilitation.

With regards to public interest, Mr. Butt indicated that he agreed with the submissions of the Prosecution. It is necessary to consider what the public would think, and quite rightly the public would take an exceedingly dim view of a police officer engaged in the kind of criminal conduct as the present matter. Mr. Butt was hopeful that members of the public would consider both sides and understand the significance of the context in which this offending behaviour occurred and the penalty proposed be received as an appropriate penalty.

Consistency of disposition was addressed by Mr. Butt. He submitted that the case law sets out a range which the proposed penalty is within. Constable Parkins has accepted responsibility for his actions in the criminal proceedings and before this Tribunal and is appreciative of the proposed penalty.

Submissions of Constable Parkins

Constable Parkins addressed the Tribunal and prepared a written statement. In September 2017, he indicated he had demonstrated poor judgment and not only disappointed himself, he disappointed his family, friends, and peers. He apologized to the Peel Regional Police Service and the citizens of the Region of Peel whom he swore to protect for over fifteen (15) years. He has worked to better himself, and assured that such misconduct will not be repeated. Constable Parkins concluded by thanking the Tribunal for such consideration.

PART III: DISCUSSION

The extent of informative detail before the Tribunal is limited to what is listed in the Agreed Statement of Facts, and submissions made by the Prosecution and Defence. I have reviewed all of the information and evidence that was submitted.

Both the Prosecution and Defence in their submissions referred to Commission case law and specifically the number of factors to be considered when determining the appropriate penalty. The case of *Williams and the Ontario Provincial Police (OCCPS, December 4, 1995)* highlights three important elements to be considered by the Tribunal, which are the nature and seriousness of the misconduct, the ability to reform or rehabilitate the officer, and damage to the reputation of the Police Service. The case of *Krug and the Ottawa Police Service (OCCPS, January 21, 2003)* addresses the aggravating and mitigating factors to consider when determining the penalty, and that there is no requirement that any one factor be given more weight than another. The factors that I find relevant to focus on in assessing the misconduct of Constable Parkins are as follows:

- Seriousness of the Misconduct
- Recognition of the Seriousness of the Misconduct

- Public Interest
- Damage to the Reputation of the Police Service
- Employment History
- Potential to Reform or Rehabilitate the Police Officer
- Specific and General Deterrence
- Consistency of Disposition

It has been clearly established that misconduct was committed by Constable Parkins. On November 14th, 2017, Constable Parkins appeared before the Honourable Justice Maund in Brampton, Ontario and pled guilty to Impaired Operation of a Motor Vehicle contrary to section 253(1)(a) of the *Criminal Code of Canada*, and Fail to Remain contrary to section 200(1)(a) of the *Highway Traffic Act*. These convictions resulted from an incident which occurred on September 3rd, 2017 when he was off duty and while driving impaired he was involved in a collision. Constable Parkins received a total in fines of \$2,500.00, a driving prohibition for twelve (12) months, and a three (3) month prohibition against applying for the interlock device.

Seriousness of the Misconduct

Police officers are held to a higher standard of ethical conduct and moral character. Good moral character is a standard before a candidate becomes a member of a Police Service which remains a necessary trait throughout a police officer's career. It is expected that police officers will conduct themselves at all times in accordance with the *Code of Conduct*.

Constable Parkins' misconduct entails a serious incident that resulted in a criminal conviction. Constable Parkins holds a position of trust to the public as a police officer which is in effect at all times whether on or off duty. Constable Parkins enjoys powers that are not afforded to others in the public which are not to be abused.

The actions of Constable Parkins operating a vehicle while impaired, and leaving the scene of an accident are very concerning. There is no doubt that engaging in such an illegal and dangerous act is very serious misconduct. Constable Parkins was reckless and without regard for public safety. Constable Parkins' conduct was not only unlawful but exhibited extremely poor judgment and a blatant disregard for the law and his duties as an officer. It was submitted that Constable Parkins left work at 12:00 a.m. and drove to a parking lot where he drank half a bottle of spiced whiskey and then drove his vehicle at approximately 1:00 a.m. when he was involved in the collision. I suspect that Constable Parkins' drinking on that evening commenced prior to 12:00 a.m. based on the report from the Centre of Forensic Sciences and his level of intoxication at the time of the collision, however, I have not been provided any information to support this. Instead, I have Constable Parkins' Intoxilyzer readings four hours later at 5:04 a.m. and 6:02 a.m. which registered 145 and 135 milligrams of alcohol per 100 millilitres of blood. Ultimately his conduct resulted in a criminal conviction and a driving prohibition which will need to be accommodated by the Police Service. I further find the collision in a busy entertainment area filled with significant pedestrian and vehicular traffic and the extensive damage to his vehicle and city property, to be further aggravating. When it is a police officer who commits such offences, it brings the profession of policing into disrepute.

Recognition of the Seriousness of the Misconduct

In regards to the recognition by the officer of the seriousness of the misconduct, Constable Parkins pled guilty at the earliest opportunity to the *Police Services Act* charge of Discreditable Conduct. Through Mr. Butt's submission and Constable Parkins' own submissions to the Tribunal, he [Constable Parkins] demonstrated remorse and an understanding of the seriousness of his conduct. Constable Parkins addressed the Tribunal and apologized to everyone affected by his misconduct, in particular he acknowledged the community, his family, peers, the Peel Regional Police Service, and all the parties to the Tribunal. Constable Parkins indicated he had demonstrated poor judgment and he takes full responsibility for his actions. He will continue to help improve his well-being and complete his penalty with a professional approach to the Peel Regional Police Service. Constable Parkins' recognition of the gravity of his misconduct is a mitigating consideration.

Public Interest

Police officers are expected to obey the laws, regardless of circumstances or context. Impaired operation of a motor vehicle and excess blood alcohol are crimes that police deal with frequently and are relied upon to investigate and charge offenders. Considerable resources are spent by Police Services in addressing and attempting to prevent impaired driving. It is a serious matter when a police officer is criminally involved in such an offence. The crux of all police disciplinary matters is the consideration for public interest. The public are entitled to expect a high ethical standard of conduct from police officers and for officers to act responsibly and professionally at all times whether in their personal or professional lives. When those chosen to protect and serve the public fall short of the public's expectations, the public's confidence is eroded and the officer must be held accountable. After an officer engages in serious misconduct, the disposition assessed must be applicable and transparent and serve to denounce the behaviour to ensure public confidence and maintain trust. The disposition in this matter must meet the public's expectations and it must serve to prevent recurrence by Constable Parkins. It must also provide a strong message to other officers that considerable sanctions will result for those who may contemplate similar misconduct.

Damage to Reputation of the Police Service

The damage to the reputation of the Peel Regional Police Service is a consideration in the determination of a disposition. There was no evidence introduced to the Tribunal that there was media attention highlighting Constable Parkins' incident. However, Constable Parkins' actions were witnessed by members of the public in a busy entertainment area. People involved in the criminal investigation and judicial proceedings became aware that Constable Parkins was a member of the Peel Regional Police Service. I reiterate that anytime an officer is charged criminally and/or convicted of a criminal offence, the Police Service's reputation is undermined. The fact that a police officer drove under such dangerous conditions causing substantial damage to public property and endangering members of the public in a busy pedestrian and vehicular area would no doubt bring discredit to the Police Service in the eyes of the general public. This is an aggravating consideration for the disposition.

Employment History and Potential for Reform or Rehabilitation

Mr. Butt submits that Constable Parkins has been a police officer with the Peel Regional Police Service since December 2002. Mr. Butt submitted supporting letters (Exhibit #7-8) as to the difficulties and stressors being experienced by Constable Parkins at the time of the misconduct. Mr. Butt read in on the record a letter from Constable Parkins' supervisor in the Vice Unit which spoke to his dedication work and ethic. I have reviewed and considered all of the documentation and conclude that these are mitigating considerations for the disposition. Constable Parkins' acceptance of responsibility indicates that he appreciates the impact of his actions. Constable Parkins submitted to the Tribunal that he has learned from his critical error in judgment and that it will never be repeated. He will continue with a professional approach to serve the Peel Regional Police Service and the community. These factors combined support the likelihood of his rehabilitation or reform.

Specific and General Deterrence

In this case, specific deterrence is likely an objective which has already been met. Constable Parkins has already indicated on several occasions that he fully appreciates and accepts responsibility for the seriousness of his actions and is willing to accept an appropriate penalty as a result. The penalty proposed in the joint submission would undoubtedly have a financial impact on Constable Parkins. The demotion also represents a loss of status amongst his peers and the embarrassment and inconvenience of his driving prohibition. At the time of the incident, Constable Parkins was an Acting Detective, and as part of the penalty, he will be ineligible for promotion for five (5) years.

The balance to be reached in addressing specific and general deterrence is to ensure that any penalty imposed not be overly punitive while sending a clear message to Constable Parkins, the public, and throughout the Police Service that such misconduct is viewed seriously and will not be tolerated. With regards to general deterrence, a formal Hearing process and a subsequent disposition will send a clear message throughout the police organization that the misconduct is viewed seriously.

Consistency of Disposition

Consistency of Disposition was addressed by Ms. Wilmot and Mr. Butt their submissions. I have reviewed the six (6) cases provided by Ms. Wilmot in the Book of Authorities (Exhibit #6) that were adopted by the Defence. The cases are comprised of both Commission and Peel Regional Police Service decisions. I concur with Ms. Wilmot and Mr. Butt that the case law establishes a range of reduction in rank for similar factual cases. The length of the reduction in rank is dependent on the unique factors relevant to each case, and whether there is previous discipline. With this in mind, the decisions were helpful in confirming that the proposed penalty is fair considering the specific circumstances. In my opinion, the cases reiterate the important point that misconduct of this nature must be taken seriously. It is critical for the Service to address the concept of deterrence through dispositions which foster the continuance of public confidence. In the present case there are a number of mitigating factors which support the proposed penalty which include Constable Parkins' lengthy employment, his difficulties and stressors being

experienced at the time of the misconduct, his acceptance of responsibility, recognition of the seriousness of the misconduct, and his ability to reform and rehabilitate.

PART IV: DISPOSITION

Constable Parkins' acceptance of responsibility by pleading guilty indicates that he appreciates the impact of his actions. I have reviewed all of the available information and while a Hearing Officer is not bound by joint submissions there is no clear and cogent reason before me to vary from the submission on penalty. In addition to those factors previously considered, this penalty addresses the need for specific and general deterrence. It provides assurance to the public and policing community that the Peel Regional Police Service is prepared to impose sanctions on officers when their behaviour falls short of expectations. I concur with the joint submission being suggested in this case as it is entirely appropriate.

Penalty

For the noted reasons, on the one (1) count of Discreditable Conduct, as the Hearing Officer I impose on Constable Wayne Parkins #2660 of the Peel Regional Police Service:

Count One Discreditable Conduct

A demotion from First Class Constable to Second Class Constable for a period of nine (9) months, following which the officer will be returned to the rank of First Class Constable on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.



September 18, 2018

Colleen Fawcett #1395, Superintendent
Peel Regional Police – Hearing Officer

Date