

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 Natalie King # 3260
Peel Regional Police.**

Charge: Discreditable Conduct

Disposition

Hearing Officer:	Superintendent Sean Gormley Peel Regional Police
Prosecutor:	Ms. Sharon Wilmot
Co-Prosecutor for the Chief of Police:	Inspector Ryan Berrigan
Defence Counsel	Mr. Philip Wright
Member Representative:	Mr. Andy Adams Peel Regional Police Association
Date of Hearing	October 17, 2021

PART I: OVERVIEW

Allegations of Misconduct

[1] It is alleged that Constable Natalie King, a member of the Peel Regional Police, 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 Natalie King committed Discreditable Conduct in that on or about December 15th, 2020, she was found guilty of a criminal offence that is punishable upon summary conviction, namely Forgery contrary to section 367 of the *Criminal Code of Canada*, wherein she submitted and received payments for 220 false benefit claims, thereby constituting an offence against discipline as prescribed in section 2(1)(a)(ix) of the *Code of Conduct, Regulation 268/10*, as amended.

Background

[2] Constable Natalie King of the Peel Regional Police appeared before me, Superintendent Sean Gormley on May 27th, 2021 in answer to a Notice of Hearing that was issued on May 13th, 2021, alleging:

Count 1

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)(ix) of the *Code of Conduct, Regulation 268/10*, as amended.

Plea

[3] On July 26th, 2021, Constable Natalie King appeared before me and entered a plea of guilty to one count of Discreditable Conduct. An Agreed Statement of Facts was tendered as Exhibit #5 and read into the record. Based on those facts and the confirmation by Constable Natalie King and her counsel Mr. Wright that they were substantially correct, a finding of misconduct was registered.

Decision

[4] After examining and weighing all of the evidence presented, as the Hearing Officer, I impose on Constable Natalie King #3260 of the Peel Regional Police for one count of Discreditable Conduct:

Reduction in rank from 1st (first) Class Constable to 2nd (second) Class Constable for a period of twenty-four (24) months following which the officer will be returned to the rank of 1st (first) Class on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

[5] The penalty is submitted in accordance with section 85(1)(c) of the *Police Services Act*.

PART II: THE HEARING

Exhibits

[6] The Exhibits for this matter are listed as follows;

Exhibit #1	Delegation of Powers and Duties to the Hearing Officer (Supt. Gormley)
Exhibit #2	Prosecutor's Designation (Ms. Sharon Wilmot)
Exhibit #3	Prosecutor's Designation (Ms. Jovana Orobovic)
Exhibit #4	Co-Prosecutor's Designation (Insp. Ryan Berrigan)
Exhibit #5	Agreed Statement of Facts
Exhibit #6	Joint Submission as to Penalty
Exhibit #7	Book of Authorities (prosecution)
Exhibit #8	Book of Records (defence)

Representation

[7] In this matter, Mr. Philip Wright represented Constable Natalie King, and Ms. Sharon Wilmot and Inspector Ryan Berrigan represented the Peel Regional Police.

Agreed Statement of Facts

[8] The facts of this matter are substantially agreed upon by the parties to this Tribunal. The Agreed Statement of Facts, filed as Exhibit #5, states;

Background

[9] Constable King has been a member of Peel Regional Police (PRP) since August 2007. She is assigned as a Detective in 21 Division Criminal Investigation Bureau and held this position at the time of the alleged incident.

Count one – Discreditable Conduct

[10] Constable Natalie King #3260 (Constable King) was hired on August 15, 2007, which is the effective start date of her Sun Life Benefits plan. As the plan member, she is responsible for all claims submitted under her plan and certificate number.

[11] On September 10, 2019, PRP was contacted by a Sun Life representative who advised they had conducted a fraud investigation involving Constable King over a time frame of January 2014 to September 2019

[12] The Sun Life investigation revealed that some of the treatments as claimed by Constable King had not actually been provided. The amount of the false claims for paramedical services made by Constable King amounted to \$12,074. Of that amount, \$11,764 was paid out by Sun Life.

- [13] On August 20, 2020, Constable King attended Peel Regional Police Headquarters with her legal counsel and was arrested and charged with Forgery contrary to s. 367, Fraud Over \$5,000 contrary to s. 380(1)(a) and Uttering Forged Document contrary to s. 368(1)(a) of the Criminal Code of Canada.
- [14] On December 15, 2020 Constable King appeared before the Honourable Madam Justice Caponecchia in Brampton and pleaded guilty to one count of Forgery. She was sentenced to an absolute discharge and a victim fine surcharge in the amount of \$100 to be paid within 90 days. The Fraud Over \$5000.00 and Uttering Forged Documents charges against Constable King were withdrawn at the request of the Crown.
- [15] The following facts were agreed to as being substantially correct and read into the record by the Crown:
- a. Constable Natalie King is an employee of Peel Regional Police and as a result of that employment is eligible for a benefits package with Sun Life Financial. The Peel Regional Police offers group benefit coverage for employees via Sun Life Financial. The benefit coverage includes but is not limited to drugs, vision care, paramedical services and dental services not covered by the Ontario Health Insurance Plan. Sun Life Financial administers the group benefit plan on behalf of Peel Regional Police and is responsible for verifying claims submitted by Peel Region Police plan members and issuing payments according to the group plan coverage.
 - b. Sun Life Financial operates its claim system through hard copy submissions or online submissions via a web access tool. The Sun Life web access tool also allows plan members to review their coverage, view claim history, add service providers and add or change direct deposit banking information. Peel Regional Police plan members may submit claims electronically for paramedical services without a receipt, with the understanding that Sun Life Financial reserves the right to request and review the receipt at a future date. Upon receiving the online claim submission, Sun Life Financial verifies the information and reimburses the plan member by mailing a cheque to their home address or depositing the payment directly into the member's personal bank account. Online claims cannot be submitted to Sun Life without the member's affirmative response to Sun Life's certification and disclaimer, which includes the member indicating "I certify that all goods and services being claimed have been received by me/my dependents."
 - c. In February 2019 Sun Life Financial launched what was to become a full audit into all of the online claims submitted by Constable King between January 2014 and February 2019. The full-scale audit was the result of suspicions that arose out of a random audit of four online claims submitted by Constable King. The audit revealed that between the above period, Constable King submitted 220 false claims via the Sun Life web access tool and was paid \$11,764 directly into her Bank of Nova Scotia bank

account. The paramedical services included massage treatments, naturopathic treatments and chiropractic treatments reportedly received from various service practitioners.

- d. On September the 2nd, 2019 Constable King through her counsel contacted Peel Regional Police and indicated her intention to voluntarily report herself in relation to professional misconduct. By this point Sun Life Financial had advised Constable King that it was reviewing claims submitted under her benefit plan and that the matter would be reported to her employer if the claims could not be verified. The opportunity for Constable King to make her voluntary report ultimately did not materialize because Sun Life contacted Peel Regional Police Service after counsel for Constable King contacted the service, which then initiated a formal investigation.
 - e. On September the 10th, 2019 Sun Life relayed its findings to Peel Regional Police and an investigation was commenced by its Professional Standards Internal Affairs Bureau. An investigation was conducted by the Bureau which confirmed that a total of \$11,764 was paid out to Constable King for 220 service dates between January 2014 and January 2019, all in relation to false claims for paramedical services in relation to five different treatment providers. Results from a production order confirmed that the monies were deposited into Constable King's Bank of Nova Scotia bank account.
 - f. On August the 20th, 2020 Constable King attended Peel Regional Police headquarters, located at 7150 Mississauga Road in the City of Mississauga where she was arrested and charged accordingly and released on an appearance notice and undertaking. Constable King subsequently provided full restitution to Sun Life Financial in the amount of \$11,764.
- [16] **The actions of Constable King in being found guilty of a criminal offence for fraudulently claiming \$11,764 in benefit payments, constitute Discreditable Conduct under 2(1)(a)(ix) of the prescribed Code of Conduct.**

Positions on Penalty

- [17] The parties representing the Prosecution and Defence provided a joint submission with respect to penalty, tendered as Exhibit #6 dated September 7, 2021. They propose that the appropriate disposition for the finding of one count of Discreditable Conduct is as follows:
- [18] In relation to the Notice of hearing dated May 11, 2021, the parties jointly submit that the appropriate disposition for the finding of one count of Discreditable Conduct as prescribed in section s. 2(1)(a)(ix) of the Code of Conduct, Regulation 268/10, as amended, is as follows:
- a. Reduction in rank from 1st (first) Class Constable to 2nd (second) Class Constable for a period of twenty four (24) months following which the officer will be returned to the rank of 1st (first) Class on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.
- [19] The above penalty is submitted in accordance with section 85(1)(c) of the Police Services Act.

Submissions of the Prosecution – Insp. Berrigan.

- [20] Inspector Berrigan began his submissions acknowledging this misconduct stems from a Sun Life financial audit of Constable King's insurance claims between January 2014 and February 2019, which revealed that Constable King submitted 220 false claims via the Sun Life web access tool and was paid \$11,764 directly into her Bank of Nova Scotia bank account.
- [21] The false claims were for paramedical services including massage treatments, naturopathic treatments and chiropractic treatments reportedly received from various service practitioners.
- [22] Constable King was charged criminally in relation to the fraudulent claims, for forgery, fraud over \$5000 and uttering a forged document. On December 15, 2020, Constable King appeared before the Honourable Justice Caponecchia in Brampton and pleaded guilty to one count of Forgery. She was sentenced to an absolute discharge and a victim surcharge fee in the amount of \$100 was to be paid within 90 days. The Fraud Over and Uttering Forged Documents charges against Constable King were withdrawn at the request of the Crown.
- [23] Constable King has pled to, and was found guilty of one count of discreditable conduct contrary to subsection 2(1)(a)(ix) of the Code of Conduct.
- [24] The prosecution and defence jointly propose a penalty of a two year demotion from the rank of First Class Constable to the rank of Second Class Constable.

- [25] Inspector Berrigan submits that this penalty is reflective of the applicable mitigating and aggravating factors, and is consistent with the penalties imposed in similar cases.
- [26] Inspector Berrigan referenced from his Book of Authorities the decision of Krug and Ottawa Police Service, January 21, 2003 (OCCPS) – he stated this case outlines all of the disposition considerations that the Tribunal must consider in the circumstances
- [27] Inspector Berrigan submits the following dispositional factors are relevant in this case:
- a. Public Interest;
 - b. Seriousness of the Misconduct;
 - c. Recognition of the seriousness of the misconduct;
 - d. Employment History;
 - e. Need for deterrence;
 - f. Ability to reform or rehabilitate the police officer
 - g. Damage to reputation of the police force;
 - h. Consistency of Disposition

Public interest, seriousness and nature of misconduct and recognition of the seriousness of the misconduct

- [28] Inspector Berrigan submitted that Constable King defrauded her employer, the Region of Peel and the taxpayers who fund the Peel Regional Police Benefit Program. The misconduct was the culmination of numerous claims spanning over several years that will collectively generate a loss of public confidence in the officer herself, but also the service as a whole.
- [29] He further submits that in this case, there is no ‘one’ victim and the misconduct incidents were not limited to a single incident. Sun Life records and the statement of particulars confirm the misconduct occurred over a lengthy period of time, magnifying the seriousness of the misconduct.
- [30] Inspector Berrigan states that Constable King’s actions were unethical and tantamount to theft. While Constable King did ultimately repay the \$11764 worth of false claims that were paid out to her by Sun Life, this was subsequent to a full Sun Life audit and professional standards investigation that substantiated the misconduct in question, and led to the guilty finding in criminal court.
- [31] Inspector Berrigan submits that there are a number of cases that demonstrate that benefits fraud is growing problem within police services and must be addressed. He further states that this case is especially notable, as the amount that was paid out by Sun Life via false claims is the highest Peel Regional Police has seen, and is in fact also higher than any of the other comparator cases he was aware of.
- [32] Inspector Berrigan states it is also a case where Criminal Code charges were laid and accordingly, the public was made aware that a PRP officer was charged with benefits

fraud. He submits such misconduct erodes not only the public trust but also the trust of management towards the individual member. It will require significant time and effort to rebuild the trust that has been broken in this case. This is highly serious misconduct.

[33] Inspector Berrigan submits that the officer did come forward to the employer and took full responsibility for her actions at a very early stage, making full restitution. He states this is a significant mitigating factor, and the main reason why the Service has not sought the officer's dismissal at this stage.

[34] He submitted that the officer's guilty plea before the criminal courts, her guilty plea before this tribunal, and her positive employment history strongly point towards a positive rehabilitative potential. However, she should be aware that this will be a final warning and any future misconduct will likely result in the Service seeking her termination.

Employment history

[35] Inspector Berrigan submits that Constable King was hired with Peel Regional Police August 2007. At the time of the incident, she was assigned as a Detective in 21 Division Criminal Investigation Bureau. She does not have a disciplinary record and Inspector Berrigan submits this is a mitigating factor.

Need for deterrence and ability to reform or rehabilitate the officer

[36] Inspector Berrigan submitted that deterrence considerations ought to be both specific and general. In this case, given the widespread increase of benefits fraud seen across the province, both in policing as well as in general employment, he submits that a lengthy demotion shows that this kind of fraudulent activity is not tolerated.

[37] Inspector Berrigan submits the penalty proposed demonstrates that this is not a minor problem, or a "victimless" crime. It is an act of dishonesty, and cannot be tolerated. As such, the penalty must show to not only Constable King, but other officers across the service and members of our community, that Peel Regional Police does not tolerate this sort of misconduct.

Damage to the reputation of the police force

[38] Inspector Berrigan submits that the conduct of Constable King has caused significant damage to the reputation of the Peel Regional Police. Her charges were dealt with in the public court of law and the charges involved an important institutional partner, Sun Life. Her actions likely impacted premiums.

[39] He further states that the guilty finding in criminal court will make Constable King subjected to disclosure obligations under the *R. v. McNeil* case law for the rest of her career, something the service will have to accommodate, particularly given the seriousness of the charge.

Consistency of Disposition

- [40] Inspector Berrigan referred to a number of cases that largely have similar facts where amounts of money were ‘reimbursed’ for false claims made by members of police organizations. The dispositions range from reduction in rank to dismissal.
- [41] He further states that there are a wide number of cases—some from Peel Regional Police, but most are from other police organizations that specifically deal with benefits fraud, with a penalty range of three month demotion to dismissal. He advised that there were three Peel Regional Police cases that are similar to this case
- [42] The case of *Peel Regional Police and Constable Noel Santiago (2018) (Exhibit 7, Tab 2)* was provided. This was a dismissal case that was upheld by the OCPC. Constable Santiago was a Peel Regional Police officer who submitted false claims to Sun Life from July 2013 and Feb 2017. He submitted 48 unsupported claims for a total amount of \$2855.
- [43] Furthermore, between January 27, 2014 and February 6, 2017 he submitted another 31 unsupported claims totalling \$2418 paid out to him by a different provider.
- [44] Constable Santiago pled guilty to two (2) counts of discreditable conduct and was also convicted of deceit at the conclusion of a hearing. The substantive claims for the deceit was that he provided false documents for a therapist that did not exist.
- [45] The Hearing Officer Superintendent Fawcett wrote, “Constable Santiago’s egregious misconduct would emphatically affect the reputation of the Police Service and affect the community’s trust and confidence in the Police Service which would directly and profoundly impact partnerships, and relationships....I believe that if Constable Santiago were retained by the Service and deployed in the community, it would cause irreparable damage to its reputation, and be an insult to the expectation of the public regarding the conduct of its police”
- [46] The case of *Peel Regional Police and Constable Jose Hernandez (2017) (Exhibit 7, Tab 3)* was provided. In this case, Constable Hernandez submitted 54 unsupported claims resulting in \$740 received. An additional \$2570 was claimed but was not paid by Sun Life. Inspector Berrigan stated that there were a number of mitigating factors in this case including an early guilty plea and an excellent work performance for the officer. The penalty imposed in this case was a three (3) month demotion.
- [47] Another case provided by Inspector Berrigan was *Peel Regional Police and Constable Carla Neilly (2017) (Exhibit 7, Tab 4)* which was also a three (3) month demotion case. This was a matter where Constable Neilly submitted 46 false claims for a total of \$2207.20. Mitigating factors in this matter include her early guilty plea, numerous commendations and letters providing support and the strong likelihood for reform.
- [48] The case of *The Greater Sudbury Police Service and Constable Christopher Labreche (2017) (Exhibit 7, Tab 5)* was provided. In this case, Constable Labreche made 25 false claims totaling \$1610. The officer paid back full restitution and pled guilty to

discreditable conduct. The penalty imposed in this case was demotion to 4th class to one year, 3rd class for one year, 2nd class for one year at which point he would be reinstated to 1st class constable.

- [49] The next case referred to by Inspector Berrigan was *Husseini v. York Regional Police Service, 2018 ONSC 283 (Exhibit 7, Tab 6)*. This was a dismissal case where Constable Husseini made 15 claims to Sun Life totalling \$1241. Several *Criminal Code* charges were laid and Constable Husseini ultimately pled guilty to one count of fraud; the remaining charges were withdrawn by the Crown.
- [50] Constable Husseini was found guilty at her PSA Hearing of one count of discreditable conduct and two (2) counts of deceit. The aggravating factors in this case were the altered receipt submitted to Sun Life which attempted to cover up Constable Husseini's actions. In addition, Constable Husseini had relatively little work experience. The Hearing Officer's decision of resign within seven (7) days or face termination (dismissal) was ultimately upheld by the Divisional Court.
- [51] The final case referred to by Inspector Berrigan was *The Greater Sudbury Police Service and Constable Kathryn Howard (Exhibit 7, Tab 7)*. This was a demotion case on a joint submission as to penalty. Constable Howard had 12 years of service at the time of the offences and made 15 false claims for a total of \$1415. At the conclusion of the Criminal Code proceedings, Constable Howard pled guilty to one count of discreditable conduct and received a penalty of a one (1) year demotion to second class constable.
- [52] In conclusion, Inspector Berrigan submitted that the penalty proposed to the tribunal was a significant one, and that it would allow Constable King the opportunity to rehabilitate her career.

Submissions of Ms. Sharon Wilmot

- [53] Ms. Wilmot briefly addressed the tribunal and submitted that this was a joint position as to penalty. She reminded the tribunal that although it is not bound by this submission, there should be clear and cogent reasons should the adjudicator decide to go outside the submission. In her view, there is no reason not to accept it.

Defence Counsel – Mr. Philip Wright

- [54] Defence Counsel, Mr. Philip Wright provided submissions on behalf of Constable Natalie King. The first case that Mr. Wright referred to was the *Krug* decision and specifically spoke about paragraph 69, which addresses Paul Ceysens "Legal Aspects of Policing" thirteen factors in determining penalty. Mr. Wright specifically addressed management approach to conduct in question, and stated that Constable King is worthy of a second chance. She was recently successful in obtaining a position in the Special Victim's Unit and it is clear that management feel she is capable of rehabilitation despite her period on suspension.

- [55] With respect to general deterrence, Mr. Wright states the penalty proposed does reflect the general deterrence. With respect to specific deterrence, Peel Regional Police is aware of what Constable King went through. She had been on suspension for an extended period and the court appearance caused her a great deal of humiliation and shame. Constable King faced the uncertainty of losing her job and still knows there is no certainty that she will keep her job. The penalty proposed will have an obvious affect on her career and the significant demotion she will see will provide the specific deterrence required.
- [56] Mr. Wright submits there has been a great deal of remorse. Constable King self reported this incident and took full responsibility and has paid full restitution at earliest movement. In addition, Constable King faced the embarrassment and shame of being interviewed by her colleagues, something she does not want to happen again.
- [57] Mr. Wright submitted that Constable King has proactively taken steps to address any underlying issues. She has completed 34 sessions of psychological counselling and a report was submitted to the tribunal for review (Exhibit 8, Tab 1).
- [58] With respect to consistency of penalty, Mr. Wright suggested that the most significant case presented to the tribunal was that of *Peel Regional Police and Constable Noel Santiago* (Exhibit 7, Tab 2). This is a dismissal case that was recently upheld by the Ontario Civilian Police Commission. Mr. Wright referred to paragraph 7 of Superintendent Fawcett’s Penalty decision where she states:
- “Ms. Wilmot addressed the consideration of rehabilitation and the ability to reform the officer which is closely related to the concepts of remorse and employment history. This is a significant consideration particularly when seeking a declaration that the officer is no longer useful and should be terminated. The lack of remorse by Constable Santiago demonstrates lack of insight into his own misconduct, along with a relatively brief employment history, contribute to the conclusion that constable Santiago cannot be rehabilitated and cannot go on to be a useful officer. The decision to defraud his employer on numerous occasions over an extended period of time after being provided this benefit as a privilege, and then to continue deceitful actions after being caught, lead to the inevitable conclusion that this unethical behaviour was as a result of a fundamental character flaw which cannot be fixed.”
- [59] Mr. Wright submits that the description of Constable Santiago by Superintendent Fawcett is not Constable Natalie King. She is making strides in her career and continues to be of value to the Peel Regional Police. Mr. Wright referred to Page 8 of the *Santiago* penalty decision where Superintendent Fawcett stated:
- “Consistency of disposition was addressed by Ms. Wilmot with reference made to cases within the Prosecution’s Book of Authorities. She recognized in her submissions that there is a number of cases, both internally and from other police services that specifically deal with benefits fraud. The dispositions range from significant demotions to dismissal. The circumstances of the present case are driven by the aggravating factors and warrant a dismissal.”

- [60] Mr. Wright submits that this case does not warrant a dismissal given the circumstances and lack of aggravating factors as described in Santiago. In addition, Mr. Wright submits that in most dismissal cases, the prosecution is seeking that penalty. This is not the case with Constable King as a joint position on penalty has been submitted for the tribunal's consideration.
- [61] Mr. Wright referred to *Constable Jose Hernandez and Peel Regional Police* (Exhibit 7, tab 3) and submits that this is a similar case in its facts. In the Hernandez matter, he was demoted from 1st Class to 2nd class constable for a period of 3 months. Again, in this case (Constable Natalie King), both sides are coming with a significant demotion.
- [62] Mr. Wright referred to *Neilly and Peel Regional Police Service* (Exhibit 7, tab 4). Constable Neilly was demoted for three months for similar circumstances as the *Hernandez* case. There were a number of false claims submitted. Constable Neilly had been an exemplary officer which was considered to be a mitigating factor, and she demonstrated remorse and understanding by apologizing and reimbursing the benefits provider.
- [63] The next case discussed by Mr. Wright was *Husseini v. York Regional Police Service, 2018 ONSC 283* (Exhibit 7, tab 6). He stated that although this was a dismissal case, counsel for the police service had asked for that disposition based on a number of aggravating factors that are not present in this case.
- [64] In *York Regional Police Service and Coleman*, (Exhibit 7, Tab 8) the officer received a very significant demotion from 1st class constable to 4th class constable, graduating back after 12 month increments. Mr. Wright submits that this case was more serious than the King matter and there was no joint position on penalty. In fact, the prosecution was asking for dismissal. Given these circumstances, the penalty proposed today is fair and reasonable.
- [65] In *Halton Regional Police and Mennie* (Exhibit 7, tab 9), the officer submitted 15 false claims. A joint position on penalty was submitted for the hearing officer's consideration and Constable Mennie was demoted from 1st class to 4th class constable, with reinstatement of rank after 12 month increments.
- [66] The final case referred to by Mr. Wright was *York Regional Police and Macdonald*, (Exhibit 7, tab 10). Constable Wright was demoted from 1st class constable to 3rd class constable with reinstatement occurring in 12 month increments. Mr. Wright submits that the aggravating circumstances of that case were more serious as there was a deceit conviction and the prosecution was asking for dismissal which is not the case today. The disposition is not far from the joint position being proposed today for consideration.
- [67] Mr. Wright submits that Constable King appears before the tribunal with no discipline record to speak of. The community has been at the heart of Constable King's service to Peel Region. She has an exemplary work record having completed assignments in Youth Crime, Criminal Investigations Bureau, Homicide and Neighbourhood Policing. Since her

return off suspension in December of 2020, Constable King went to general patrol and has recently been appointed to the Special Victim's Unit.

- [68] Mr. Wright provided the tribunal a book of documents (Exhibit 8) which contained a number of positive letters, feedback from the community and confirmation of participation in community volunteer events. These include the Backpacks for Kids campaign, Tim Horton's camp day, Cops for Cancer, the Inside Ride, Toys for Tots, and a community fall cleanup. In addition, there book contains letters of thanks for quality investigations at schools as well as an outstanding job during a domestic violence investigation.
- [69] At (Exhibit 8, tab 2), Mr. Wright provided a letter from The Salvation Army that states Natalie has completed 1099 hours of volunteer service at their food bank as of May 25th, 2021.
- [70] Several letters of support were provided by co-workers in support of Constable King. Mr. Wright highlighted the following in his submissions:
- a. Retired Sergeant Andrew Pennington provided a letter (Exhibit 8, tab 4) that states, "Moving forward, I believe that Natalie still has a lot to offer. I think she is a good person who had a lapse in judgement. She has a long road ahead of her and does realize that it will be tough for her. I do believe in second chances and I think Natalie deserves one".
 - b. Sergeant Michael Cook provided a letter stating, "I have personally attended calls with her (King) and found her to be thorough, competent, and reasonable while investigating and dealing with calls for service". Sgt. Cook further stated, "Natalie comes to work on time and prepared for work. She appears with a positive attitude toward her work, members of the public and her co-workers alike".
 - c. Inspector Joy Edwards provided a letter indicating, "I have known Natalie King since 2015....Our hallway conversations quickly led to me taking on a mentorship role with her...Our interactions were always pleasant. I've know her to be kind, well-mannered, articulate, compassionate, and courteous". Inspector Edward went on to write, "I viewed Natalie as a good police officer whom I believed to have the attributes to be in a leadership role. For that reason, I was encouraging Natalie to write the Ontario Police Service promotional exam to be eligible for promotion to the Sergeant's rank. She was planning to write the exam this year". Inspector Edwards completed her letter by stating, "Over the last year, Natalie has been keeping herself engaged with the community by volunteering at a local food bank. She was initially volunteering a minimum of four times per week until COVID restrictions reduced her hours to two days per week. In my opinion, the person I knew conducted herself professionally and demonstrated patience and kindness during her communications. I believe these traits are ideal attributes for a police officer engaging with the public. Should Natalie get the opportunity to continue her employment, I hope that she will

get back on the path of being an upstanding member of the Peel Regional Police and continue to serve the community well”.

[71] The final submission made by Mr. Wright referred to a Psychology Treatment Progress Report dated October 20, 2020 from Dr. Areeba Adnan, C.Psych. Constable King has completed 34 treatment session from March 19th, 2020 to June 8, 2021. It has been noted that no further treatment needed at this time¹.

[72] In conclusion, Mr. Wright submits that Constable King clearly can be rehabilitated and her recent transfer in the Special Victim’s Unit clearly indicates that she is well on her way.

Submissions of Constable Natalie King

[73] Constable King took the opportunity to address the tribunal. She apologized for her behavior and is extremely remorseful. She apologized to Peel Regional Police for any embarrassment that this caused. She is grateful for opportunities she has been given and it has not been lost on her. She stated nothing like this will happen again.

¹ Mr. Wright did speak to details of the report, but given the confidential nature of this treatment and the publication of this document, they will not be referred to except to say that the tribunal has reviewed the contents of the report.

PART III: DISCUSSION

[74] 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.

[75] 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 *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 Natalie King are as follows:

- Public Interest
- Seriousness of the Misconduct
- Employment History
- Specific and General Deterrence
- Ability to reform or rehabilitate the officer
- Damage to the Reputation of the Police Service
- Consistency of Disposition

Public Interest

[76] The public expects 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. It is important that there are significant consequences to maintain public trust when incidents of misconduct arise.

[77] In this instance, Constable King committed a series of serious frauds over an extended period of time. This was not a momentary lapse in judgement. The public must have confidence that police officers are being honest and truthful when taking advantage of benefits that are ultimately taxpayer funded. Constable King fell short of this expectation and the public's confidence in both this officer and the organization as a whole has been eroded.

[78] The disposition in this matter must meet the public's expectations and must serve to prevent a reoccurrence from Constable King. There is a strong public interest in this case.

[79] These are aggravating factors to consider.

Seriousness of the Misconduct

[80] There is no doubt that the misconduct of Constable Natalie King is serious. Over an extended period of time, she submitted 220 false benefits claims through the Sun Life portal for a total amount of \$12,074. This clearly was not an isolated incident and involves some very serious character flaws regarding honesty and integrity.

- [81] Constable King breached the trust of her community, her police service and Sun Life. I further believe that her actions compromise all Peel Regional Police employees as benefits are paid out by Sun Life on an “honour system”. Her behavior and actions put that into jeopardy for the future.
- [82] In addition to the money defrauded by Constable King, an investigation was completed at both the time and expense of Sun Life and the Professional Standards Bureau. Although Sun Life was paid full restitution for the money that was defrauded, they have not been reimbursed for the cost of the investigation itself.
- [83] There is no doubt that the conduct of Constable King is on the higher end of seriousness when I consider all of the points outlined by Inspector Berrigan.
- [84] All of these reasons are aggravating factors to consider.

Employment History and Potential to Reform or Rehabilitate

- [85] I view these two considerations very closely to one another. Constable Natalie King has provided over fourteen (14) years of dedicated, professional police service to the Region of Peel. I have reviewed material provided by Mr. Wright and conclude that Constable King has been an excellent employee. The letters received from external sources regarding her performance and letters of support from her peers speak to her positive reputation. It is clear that those who knew Constable King were very shocked and surprised when these allegations surfaced as her track record as an employee completely contradict this behavior.
- [86] Constable King has worked in areas of the organization such as the Homicide Bureau that require a great deal of personal commitment and time. These are areas that officers feel do the “heavy lifting” in the organization. In addition, she was recently successful in obtaining a position in the Special Victim’s Unit. Again, this is an area of the organization that requires a great deal of additional time, patience and requires an officer to deal with very serious child abuse and sexual assault offences. It is clear that Constable King wishes to maintain a heavy workload and put in the extra hours to make a difference in her community. It appears she is well along the path for reform.
- [87] Constable King attended 34 psychological treatment sessions over a fifteen month period. The report of Dr. Adnan has been reviewed by the tribunal and the contents of the report have been considered. Specific details will not be discussed in this decision to respect the privacy of Constable King. It is clear that Constable King identified the need for professional support and help; she is commended for having the courage to seek counselling and I view this as a clear, positive step for her reform. As noted by Mr. Wright, Dr. Adnan has indicated that no further treatment sessions are necessary.
- [88] This is the first indication of misconduct in Constable King’ work history. As such, I consider this a mitigating factor for my consideration.

Specific and General Deterrence

- [89] In this case, I believe that specific deterrence has been met. Constable King indicated

she accepts responsibility for her actions and is willing to accept the appropriate penalty. Full restitution was paid to Sun Life. The Joint Submission on Penalty proposed will result in a significant period of demotion and reduction of pay. In addition, this decision being published on the PRP website will result in a loss of status amongst her peers. It was very clear in her emotional address to the tribunal that Constable King is remorseful for her actions.

[90] With regards to general deterrence, the formal Hearing process and subsequent disposition will send a clear message throughout the Police Service, to our policing partners, and the general public that such misconduct is viewed seriously and officers will be held accountable

Damage to Reputation of the Police Service

[91] The damage to the reputation of the Peel Regional Police is a consideration in the determination of a disposition. There is no evidence before the tribunal that Constable King's conduct received any media attention. However, Constable King was investigated by Sun Life, an external agency under contract with the Peel Regional Police. They spent a significant amount of time investigating the matter in considering the validity of the 220 false benefits claims made by Constable King. The behavior of this officer no doubt impacts the relationship between Sun Life and Peel Regional Police; her actions damaged the organizations reputation.

[92] Moving forward, Constable King will be required to disclose this conviction as a result of the *R. v. McNeil, 2009 SCC 3, [2009] 1 S.C.R. 66* decision. Her credibility might come into question and this could potentially create issues for the Crown prosecution in the future. Her reputation, and the Service's reputation, has been damaged as a result of her actions.

[93] These are aggravating factors to consider.

Consistency of Disposition

[94] Consistency of Disposition was addressed by Ms. Wilmot and Mr. Wright in their submissions. I have reviewed the ten (10) cases provided by Ms. Wilmot in the Brief of Authorities (Exhibit #7). The cases are comprised of Commission, Peel Regional Police and external police service decisions. I concur with Inspector Berrigan and Mr. Wright that the cases presented provide a range of disposition depending on the circumstances of the incident.

[95] In my view, this could have been a dismissal case. The length of time this behavior lasted and the number of false claims submitted by Constable King are abhorrent. Of all the cases that I reviewed, this appears to be the highest total of fraudulent claims.

[96] However, in reviewing the cases, I do note that the dismissal cases lacked a joint position on penalty and the officers had significantly less time and experience with their employer. Peel Regional Police has invested a significant amount of time and effort in Constable King. Dismissal from the service would result in a loss of an employee who

cannot be replaced overnight. It takes several years to obtain the knowledge, skills and abilities that Constable King possesses.

[97] From reviewing these cases, and reviewing the circumstances of this matter as outlined in the Agreed Statement of Fact (Exhibit # 5), I conclude that the Joint Submission on Penalty is within the range of penalty in this jurisdiction. The prosecution and defence have provided a reasonable and appropriate joint submission in this matter for my consideration. I cannot find clear and cogent reasons to vary from this proposal.

PART IV: DISPOSITION

[98] Constable Natalie King's acceptance of responsibility by pleading guilty indicates that she appreciates the impact of her actions. I have reviewed all of the available information and while I am not bound by a joint submission, there is no clear reason before me to vary from the Joint Submission on Penalty.

[99] Constable King is very fortunate to be getting a second chance. Her continued employment with Peel Regional Police will not survive another formal PSA transgression. When one accepts the responsibility to wear a police uniform, they must understand that they will be held to a higher standard. I am hopeful that Constable King makes the most of this opportunity.

Penalty

[100] For the noted reasons, on the one (1) count of Discreditable Conduct, as the Hearing Officer, I impose on Constable Natalie King #3260 of the Peel Regional Police Service:

Reduction in rank from 1st (first) Class Constable to 2nd (second) Class Constable for a period of twenty four (24) months following which the officer will be returned to the rank of 1st (first) Class on the basis of satisfactory work performance to be determined by the officer's Divisional Commander.

[101] The above penalty is submitted in accordance with section 85(1)(c) of the Police Services Act.



Sean Gormley, Superintendent #2544
Peel Regional Police – Hearing Officer

Date: October 17, 2021