

Peel Regional Police Discipline Hearing

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

IN THE MATTER OF

THE PEEL REGIONAL POLICE

CONSTABLE NOEL SANTIAGO #3802

Disposition with Reasons

Hearing Officer

Superintendent Colleen Fawcett
Peel Regional Police

Prosecutor for the Chief of Police

Ms. Sharon Wilmot
Peel Regional Police

Co-Prosecutor for the Chief of Police

Inspector Sean McKenna
Peel Regional Police

Defence Counsel

Mr. Harry Black
Professional Corporation

This decision has been divided into four parts: Part I – Overview, Part II – The Hearing, Part III – Analysis and Findings, and Part IV – Disposition.

PART I: OVERVIEW

Allegations of Misconduct

It is alleged that Constable Noel Santiago #3802 (“Constable Santiago”), 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 Santiago committed Discreditable Conduct in that between July 31st, 2013 and February 6th, 2017 he 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; Discreditable Conduct as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*, as amended.

Count Two Discreditable Conduct

It is alleged that Constable Santiago committed Discreditable Conduct in that between January 27th, 2014 and February 6th, 2017 he 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; Discreditable Conduct as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*, as amended.

Count Three Deceit

It is alleged that Constable Santiago committed Deceit in between February 8th, 2017 and September 7th, 2017 wherein he wilfully or negligently made a false, misleading, or inaccurate statement pertaining to official duties constituting an offence against discipline; Deceit as prescribed in section 2(1)(d)(ii) of the *Code of Conduct, Regulation 268/10*, as amended.

Background

Constable Santiago of the Peel Regional Police first appeared before myself on October 23rd, 2017 in answer to a Notice of Hearing that was issued on September 14th, 2017 alleging three counts of misconduct contrary to section 80(1)(a) of the *Police Services Act*, constituting an offence against discipline, Discreditable Conduct (two counts), as prescribed in section 2(1)(a)(xi), and one count of Deceit, as prescribed in section 2(1)(d)(ii) of the *Code of Conduct, Regulation 268/10*.

Plea

On July 17th, 2018, Constable Santiago appeared before me once again and entered the following pleas:

Count One Discreditable Conduct – Plea of Guilty
Count Two Discreditable Conduct – Plea of Guilty

An Agreed Statement of Facts was tendered as Exhibit #4 and read into the record. Based on those facts and the confirmation by Constable Santiago that they were substantially correct, a finding of misconduct was registered.

Count Three Deceit – Not Guilty

Hearing held (Part II refers)

Decision on Count Three

The standard of proof according to the current law is clear and convincing evidence. There must be weighty, cogent and reliable evidence upon which a Hearing Officer, acting with care and caution, can come to the fair and reasonable conclusion that the officer is guilty of misconduct. Based upon all of the evidence presented and considered, as the Hearing Officer, I find that there is clear and convincing evidence that Constable Noel Santiago #3802 is:

Count Three Deceit – Finding of Guilt (Submissions on penalty to be scheduled).

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 Sean McKenna)
Exhibit #4	Agreed Statement of Facts
Exhibit #5	Affidavit of Detective Sergeant Susan Gray #2113
Exhibit #6	Case of <i>Precious and the Hamilton Police Service (OCCPS, May 2002)</i>

Representation

In this matter, Mr. Harry Black represented Constable Santiago, 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 the Tribunal. The Agreed Statement of Facts, filed as Exhibit #4, states:

Constable Santiago has been a member of the Peel Regional Police since December, 2012 and has 4 ½ years of policing experience. In June of 2015, Constable Santiago was assigned to 22 Division “B” Platoon.

Count One Discreditable Conduct

Constable Santiago was hired on December 17th, 2012 which was the effective start date of his Sun Life benefits plan. As the plan member, Constable Santiago was ultimately responsible for all claims submitted under his benefits plan and certificate number.

On February 6th, 2017, a chiropractic claim for services rendered by Dr. Jodi Robertson was submitted via the Sun Life plan member website under Constable Santiago’s benefits plan and certificate number.

The claim was selected for a random audit by the Sun Life Claims Department. Sun Life’s Web Control Team communicated with Dr. Robertson who verified that she did not provide treatment to Constable Santiago on February 6th, 2017. The unsupported claim prompted a review of all claims submitted under Constable Santiago’s benefits plan and certificate number between July 31st, 2013 and February 6th, 2017. A number of unsupported claims were identified by Dr. Robertson.

Sun Life determined that Constable Santiago was paid a total of \$2855.00 for unsupported claims for services, for himself and his wife, Natasha Santiago, in relation to services provided by Dr. Robertson, a Chiropractor, for claims submitted between July 31st, 2013 and February 6th, 2017.

Constable Santiago acknowledged that he did not receive service and/or the claims submitted did not accurately reflect the amount paid for service for the dates in question from Dr. Robertson.

Constable Santiago acknowledged that in some instances, he submitted claims prior to receiving the service and relied on his assumption of what the service provider would charge for the service, rather than the actual service provider receipt.

Constable Santiago acknowledged that in some instances he submitted claims using Dr. Robertson’s name for services he alleges that he received from a Dr. Ranjith Thanguran, who is not a registered Chiropractor.

The unsupported/false online claims submitted under Constable Santiago’s benefits plan fell into two categories:

- i. 45 claims were submitted for services where Dr. Robertson verified she did not perform the service resulting in a false payment of \$2775.00;
- ii. 3 claims were submitted for services where Dr. Robertson verified she did perform the service, however the amount claimed by Constable Santiago was inflated. These claims resulted in a false payment of \$80.00.

The 48 unsupported/false claims resulted in Sun Life paying Constable Santiago a total of \$2855.00 for services that he and/or his wife, Natasha Santiago, did not receive from Dr. Robertson.

Constable Santiago breached the “Terms and Conditions” and “Certification and Authorization” of his Sun Life benefits plan when submitting his online claims.

On August 9th, 2017, Constable Santiago was charged with one count of Fraud Under \$5,000 in relation to these claims. On November 28th, 2017, Constable Santiago pled guilty to one count of knowingly making a false statement or misleading statement of representation in order to obtain payment for services provided to an insurer, under the *Insurance Act*. The criminal charge was withdrawn.

Constable Santiago fraudulently claimed benefits in relation to Dr. Robertson through his Sun Life group benefits plan between July 31st, 2013 and February 6th, 2017. The actions of Constable Santiago constitute Discreditable Conduct in accordance with section 2(1)(a)(xi) of the *Code of Conduct*.

Count Two Discreditable Conduct

Constable Santiago was hired on December 17th, 2012, which was the effective start date of his Sun Life benefits plan. As the plan member, Constable Santiago was ultimately responsible for all claims submitted under his benefits plan and certificate number.

As part of a random audit on February 6th, 2017, the detection of an unsupported claim prompted a review of all claims submitted under Constable Santiago’s benefits plan and certificate number between July 31st, 2013 and February 6th, 2017. In the course of the review, a number of unsupported claims for massage therapy were also identified by Ms. Kelly West, a registered Massage Therapist.

Sun Life determined that Constable Santiago was paid a total of \$2418.00 for unsupported claims for services, for himself, and his wife, in relation to services provided by Ms. West for claims submitted between January 27th, 2014, and February 2nd, 2017.

Constable Santiago acknowledged that he did not receive service and/or the claims submitted did not accurately reflect the amount paid for service for the dates in question from Ms. West.

Constable Santiago acknowledged that in some instances, he submitted claims using Ms. West's name for services he alleges that he received from a Dr. Thanguran who is not a registered Massage Therapist.

Constable Santiago acknowledged that in some instances, he submitted claims prior to receiving the service and relied on his assumption of what the service provider would charge for the service rather than the actual service provider receipt.

The unsupported/false online claims submitted under Constable Santiago's benefits plan fell into two categories:

- i. 28 claims were submitted for services where Ms. West verified she did not perform the service resulting in a false payment of \$2370.00.
- ii. 3 claims were submitted for services where Ms. West verified she did perform the service, however the amount claimed by Constable Santiago was inflated. These claims resulted in a false payment of \$48.00.

The 31 unsupported/false claims resulted in Sun Life paying Constable Santiago a total of \$2418.00 for services that he and or his wife did not receive from Ms. West.

Constable Santiago breached the "Terms and Conditions" and "Certification and Authorization" of his Sun Life benefits plan when submitting his online claims.

On August 9th, 2017, Constable Santiago was charged with one count of Fraud Under \$5,000 in relation to these claims. On November 28th, 2017, Constable Santiago pled guilty to one count of knowingly making a false or misleading statement or representation in order to obtain payment for services provided to an insurer, according to the *Insurance Act*. The criminal charge was withdrawn.

Constable Santiago fraudulently claimed benefits in relation to Ms. West through his Sun Life group benefits plan between January 27th, 2014, and February 6th, 2017. Constable Santiago's actions constitute Discreditable Conduct in accordance with section 2(1)(a)(xi) of the prescribed *Code of Conduct*.

Submissions on Count One and Two

Prosecution – Ms. Wilmot

Ms. Wilmot commenced her submissions by outlining that Constable Santiago was hired with the Peel Regional Police Service in December of 2012, and has five and a half years of policing experience. In June of 2015, Constable Santiago was assigned to 22 Division B Platoon. With regards to the first count of Discreditable Conduct, when Constable Santiago was hired on December 17th, 2012, this was the effective start date of his Sun Life benefits plan. As a plan member, Constable Santiago was ultimately responsible for all claims submitted under his benefits plan and certificate number. On February 6th, 2017, a chiropractic claim for services

rendered by Dr. Jodi Robertson was submitted via the Sun Life plan member website under Constable Santiago's benefits plan and certificate number. The claim was selected for a random audit by the Sun Life Claims Department. Sun Life's Web Control Team, communicated with Dr. Robertson who verified that she did not provide treatment to Constable Santiago on February 6th, 2017. The unsupported claim prompted a review of all claims submitted under Constable Santiago's benefits plan and certificate number between July 31st, 2013 and February 6th, 2017. A number of unsupported claims were identified by Dr. Robertson.

Sun Life determined that Constable Santiago was paid a total of \$2,855.00 for unsupported claims for service for himself and his wife, Natasha Santiago, in relation to services provided by Dr. Robertson, a Chiropractor, for claims submitted between July 31st, 2013 and February 6th, 2017. Constable Santiago acknowledged that he did not receive service and/or the claims submitted did not accurately reflect the amount paid for the service for the dates in question from Dr. Robertson. Constable Santiago acknowledged that in some instances he submitted claims prior to receiving the service and relied on the assumption of what Sun Life would pay for the service rather than the actual service provider receipt. Constable Santiago acknowledged that in some instances he submitted claims using Dr. Robertson's name for services he alleges that he received from a Dr. Ranjith Thanguran who is not a registered Chiropractor. The unsupported false online claims submitted under Constable Santiago's benefit plan fell into two categories. The first category was for forty-five (45) claims that were submitted for services where Dr. Robertson verified that she did not perform the service resulting in a false payment of \$2,775.00. The second category was for three (3) claims that were submitted for services where Dr. Robertson verified she did perform the service, however, the amounts claimed by Constable Santiago were inflated. These claims resulted in a false payment of \$80.00. The total of forty-eight (48) unsupported false claims resulted in Sun Life paying Constable Santiago a total of \$2,855.00 for services that he and/or his wife, Natasha Santiago, did not receive from Dr. Robertson. Constable Santiago breached the terms and conditions, and the certification and authorization of the Sun Life benefits plan when submitting his online claims.

On August 9th, 2017, Constable Santiago was charged with one count of fraud under \$5,000.00 in relation to these claims. On November 28th, 2017, Constable Santiago pleaded guilty to one count of knowingly making a false or misleading statement or representation in order to obtain payment for services provided to an insurer under the *Insurance Act*. The criminal charge was withdrawn. Constable Santiago fraudulently claimed benefits in relation to Dr. Robertson through the Sun Life group benefits plan between July 31st, 2013 and February 6th, 2017. Constable Santiago's actions constituted Discreditable Conduct in accordance with Section 2(1)(a)(xi) 10 of the prescribed *Code of Conduct*.

With regards to the second count of Discreditable Conduct, a random audit was conducted on February 6th, 2017, and the detection of an unsupported claim prompted a review of all claims submitted under Constable Santiago's benefits plan and certificate number between July 31st, 2013, and February 6th, 2017. In the course of the review a number of unsupported claims for massage therapy were also identified by Ms. Kelly West, a registered Massage Therapist. Sun Life determined that Constable Santiago was paid a total of \$2,418.00 for unsupported claims for services for himself and his wife, Natasha Santiago, in relation to services provided by Ms. West for claims submitted between January 27th, 2014 and February 2nd, 2017.

Constable Santiago acknowledged that he did not receive service and/or the claims submitted did not accurately reflect the amount paid for service for the dates in question from Ms. West. Constable Santiago acknowledged that in some instances he submitted claims using Ms. West's name for services that he alleges he received from a Dr. Thanguran, who is not a registered massage therapist. Constable Santiago acknowledged that in some instances he submitted claims prior to receiving the service and he relied on his assumption of what Sun Life would pay for the service rather than the actual service provider receipt.

The unsupported false online claims submitted under Constable Santiago's benefits fell into two categories. Firstly, 28 claims were submitted for services where Ms. West verified she did not perform the service resulting in a false payment of \$2,370.00. And three claims were submitted for services where Ms. West verified she did perform the service, however, the amounts claimed by Constable Santiago were inflated. These claims resulted in a false payment of \$48.00. The 31 unsupported false claims resulted in Sun Life paying Constable Santiago a total of \$2,418.00 for services that he and/or his wife, Natasha Santiago, did not receive from Ms. West. Constable Santiago breached the terms and conditions, and the certification and authorization of his Sun Life benefits plan when submitting his online claims.

On August 9th, 2017, Constable Santiago was charged with one count of fraud under \$5,000.00 in relation to these claims. On November 28th, 2017, Constable Santiago pleaded guilty to one count of knowingly making a false or misleading statement or representation in order to obtain payment for services provided to an insurer under the *Insurance Act*. The criminal charge was withdrawn. Constable Santiago fraudulently claimed benefits in relation to Ms. West through his Sun Life group plan - group benefits' plan between January 27th, 2014 and February 6th, 2017. Constable Santiago's actions constitute Discreditable Conduct in accordance with Section 2(1)(a)(xi) of the prescribed *Code of Conduct*.

Defence – Mr. Black

No additional submissions on Counts One and Two

HEARING on Count Three – Deceit

Evidence Called

By the Prosecution

Ms. Wilmot initially spoke briefly to outline the third count which is a charge of Deceit in relation to an allegation that Constable Santiago submitted falsified documents and intentionally made false statements in relation to receipts that he claims to have been provided by a Dr. Ranjith Thanguran. Constable Santiago claims to have paid money for treatments received by Ranjith Thanguran.

The Prosecution introduced evidence on agreement with the Defence by way of an Affidavit that was sworn by Detective Sergeant Susan Gray, #2113, on May 9th, 2018. The Defence has been provided a copy.

Exhibit #5 Original Affidavit of Detective Sergeant Susan Gray #2113

Ms. Wilmot submitted that the Affidavit will show that Detective Sergeant Gray, took a number of investigative steps to attempt to locate Ranjith Thanguran, who Constable Santiago claims to have been provided treatment by. The Affidavit evidence will establish that Ranjith Thanguran is not registered with the College of Massage Therapists, and that he is not registered with the College of Chiropractors of Ontario. It will establish that the receipts provided by Constable Santiago that are purported to be from Ranjith Thanguran were all provided in what appears to be a succession from a generic notepad without any reference to information, a phone number or address. It will establish that a search was conducted in order to identify whether Ranjith Thanguran is a licenced driver with the Ministry of Transportation of Ontario, and no positive results were obtained. It will establish that internal police systems were searched to seek to identify Ranjith Thanguran with no positive results locating any person using that name. Various web search engines were searched with the investigator being unsuccessful in locating a Ranjith Thanguran. Constable Santiago was provided an opportunity to give any information which may assist investigators with locating Ranjith Thanguran in the course of his compelled interview, and Constable Santiago was unable to provide any identifying information including a phone number, address or confirmation of registration as a registered health provider.

It is the Prosecution's position that Ranjith Thanguran does not in fact exist, which is the crux of the issue before the Tribunal. The receipts that were provided were falsified, and were intentionally and knowingly submitted, knowing that they were false documents. Furthermore, Constable Santiago made false statements regarding the existence of Ranjith Thanguran, and with regards to his provision of treatment.

By the Defence

Witness Ms. Samadeara Santiago

The witness identified herself as the mother of Constable Santiago and works as a machine operator for Symcor. She was born in Sri Lanka, married her husband, Constable Santiago's father in 1990, and immigrated to Canada in 1993. She testified that her husband suffered a heart attack last year due to the media coverage of Constable Santiago for the criminal and present matter, and is not able to attend the Tribunal as he is very nervous. He is too sick to attend work or do anything.

Samadeara Santiago testified that she met a man named Ranjith at the mall when she was with her husband; however she cannot remember what mall they were at or when this occurred. She indicated it was a long time ago, possibly 4-5 years prior. Ranjith spoke to her husband. Her husband was a table tennis champion years ago in Sri Lanka, and Ranjith had recognized him. They spoke for about a half hour in the mall.

The next time she saw Ranjith was when he attended her house. Samadeara Santiago indicated that her husband had invited Ranjith for a cup of tea. After this particular time, Samadeara Santiago saw Ranjith on two or three more occasions at her house.

On the next occasion, Samadeara Santiago indicated that her husband and Constable Santiago were at home. Her husband introduced Constable Santiago to Ranjith, and they spoke. Samadeara Santiago does not know what they spoke about because she went into the kitchen.

The next time she saw Ranjith was at her house when he came over to see Constable Santiago and they went upstairs. Samadeara Santiago was told by her husband that Ranjith was giving Constable Santiago a massage. When Mr. Black asked Samadeara Santiago if Ranjith brought anything to the house with him, she replied that Ranjith had a bag and something in his hand that she does not remember. Samadeara Santiago provided that she was in a hurry to go to work that day at 2:00 in the afternoon, and worked to 10:00 at night. She was not in the room with Constable Santiago and Ranjith, and did not see a massage, or knows how long they were in there for.

Samadeara Santiago indicated that this happened, she believes, on two more occasions, however she does not recall the details of the second and third occasions. Samadeara Santiago cannot recall what year these occasions took place, possibly four to five years prior. She never saw Ranjith anywhere else.

Samadeara Santiago testified that her husband had provided Ranjith their address and telephone number when they were in the mall in order for Ranjith to attend their house. When asked, she did not know on any of the occasions how Ranjith had arrived at their house. She never saw him again after the third occasion. She described him as fat, he was 5'5 or 5'4, or maybe a little bit higher. He had darker skin than her skin, little tummy, black hair, moustache, and 50 or 55 years in age. He spoke to her husband in Tamil.

In cross-examination, Samadeara Santiago was asked if she understood the charge of Deceit that Constable Santiago was currently before the Tribunal to which she answered “It’s a lie, if there’s a truth we telling, not lying”. She confirmed that Constable Santiago lived in her home at the time of the incident and had an upstairs bedroom.

Samadeara Santiago indicated that a man [Ranjith] whom she never met before came up to her and her husband in a mall and spoke to her husband in Tamil. She testified that she speaks Tamil, however she did not hear what he said. She then said she understood what Ranjith was saying to her husband, that they discussed a match, and the table tennis back home. Samadeara Santiago indicated that Ranjith was not a table tennis champion. She said she did not know what Ranjith did for a living, or what he was doing while living in Canada. She did not know where he lived, and was unaware if he told her husband. Samadeara Santiago testified that it was on this same day that Ranjith had attended their house for tea.

While Samadeara Santiago was serving Ranjith and her husband tea, she did not ask Ranjith any questions about what he did for a living, nor had any conversation with him. She testified that she had no knowledge of his address or a phone number for him. She had no further idea on how he came to be in Canada. She never asked her husband either.

Samadeara Santiago testified that the next time she saw Ranjith, he had shown up at her house and went upstairs with her son [Constable Santiago] for a massage. When asked by the Prosecution that as a mother did that not raise any questions as to what a strange man that she knew nothing about was doing in her grown son’s bedroom, she replied “He talk to my husband”. She did not feel the need to ask questions about his qualifications. She did not know what Ranjith did for a living, however she knew he was performing massage therapy on her son in his bedroom. She never asked Ranjith for a phone number or where he worked. She testified that she never saw her son provide any money to Ranjith.

Samadeara Santiago indicated that she has had a massage in Canada, which was not performed by Ranjith. It was performed by a registered Massage Therapist, to which she had to remove her clothes. Samadeara Santiago agreed with Ms. Wilmot that massage therapy is for a medical purpose which involves intimate touching, and performing a medical procedure by someone that is trained.

Ms. Wilmot suggested to Samadeara Santiago that she never met a man [Ranjith] in the mall, who attended her house and performed a massage on her son. Samadeara Santiago responded that she was not lying. Ms. Wilmot further suggested that Ranjith was a made up person because she and her husband were so upset about the charges against their son. Samadeara Santiago replied “No”.

Witness Ms. Natasha Santiago

The witness identified herself as the spouse of Constable Santiago. Together they have a 21 month-old daughter, who was born on October 8th, 2016. They were married on June 27th, 2015. They have owned their house since November 2017. She had lived with her husband in his parent’s house (Samadeara and her husband) just after they were married until 2017.

Natasha Santiago testified that she had met a man named Ranjith with a long Sri Lankan last name while living at her in-law's house. Constable Santiago had a massage scheduled appointment with Ranjith, and she was at home when she met him. It was her understanding that Constable Santiago had occasion to use Ranjith as a massage therapist long before they got married. She knew that Constable Santiago was using someone at home and she also knew he was seeing Ms. West for massages. Natasha Santiago never questioned Constable Santiago about it. She believed that he had found Ms. West through the police website or something. Constable Santiago was seeing both Ranjith and Ms. West at the same time for massages. Natasha Santiago believed it was easier for her husband to see Ranjith at his house than to drive to see Ms. West.

Natasha Santiago testified that she understood that Constable Santiago first met Ranjith through his family. She was not present when they first met, and has no personal knowledge of that. She testified that Ranjith would attend the house, say hi, he would usually have a bag in his hand and a folding table, and would go upstairs and get settled. Constable Santiago would then go upstairs. She indicated that the folding table was to lie on for the massage. Natasha Santiago testified that she had received massage therapy from Ranjith. When she was pregnant she was having back problems but did not want to have a massage while she was pregnant. Constable Santiago had booked his last appointment in August of 2016, and their daughter was supposed to be born October 31st, so he booked the appointment for what she believes was a week after their daughter was born.

Natasha Santiago testified that her massages with Ranjith were at her husband's parents' house. Constable Santiago took care of their daughter and she went upstairs to get a massage. She indicated that she thinks this happened on two or three occasions. The sessions would last from a ½ hour to an hour, and took place in the afternoon. Constable Santiago took care of booking the appointments and paying Ranjith with cash. At the time of the massages, Natasha Santiago was working at Etobicoke General Hospital, and Brampton Civic Hospital. She indicated that Ranjith spoke English with a Sri Lankan accent. She described him as darker skin, moustache, short black hair, he has a beer belly, taller than her and she is 5'5", in his late 50s.

Prior to seeing Ranjith for a massage, Natasha Santiago testified that she saw Ms. West, maybe two or three times. She described the treatment she received from Ranjith and Ms. West as similar. When Ranjith gave her a massage, she indicated that he seemed to know what he was doing.

In cross-examination, Natasha Santiago informed the Tribunal that she had been together with her husband, for seven (7) years prior to getting married on June 27th, 2015. They have known each other for eleven (11) years in total. Her husband knew Ranjith prior to them getting married, when they were dating. She knew while they were dating that Constable Santiago was getting massages. He was seeing a Chiropractor and Physiotherapist, however she never questioned him on it. She knew that he had appointments at his parent's house in his bedroom, and she never asked him any questions about that.

Natasha Santiago works at the hospital in Admitting and Registration, and she confirmed that she is generally familiar with healthcare. She knows that doctors, nurses and massage therapists are registered to protect members of the public. She acknowledged that when she had massage

therapy with Ms. West, like most massage therapy she had to remove some or all of her clothing. Natasha Santiago further agreed that the person then intimately touches your body and manipulates your soft tissue in a way that if it is done incorrectly it could cause injury, and that is why a person is registered under a college.

Natasha Santiago indicated that their baby was due on October 31st, however she was born on October 8th. Her husband made an appointment for her a week after their baby was due, some three months prior. She said that there is nowhere to contact Ranjith, so her husband booked it for her. Natasha Santiago did not have it written in a calendar anywhere, she said she just knew the date, even though she was busy with a new born baby. It was the first appointment that she had with Ranjith. Natasha Santiago had her baby naturally and testified that after giving birth she had a man [Ranjith] whom she never met, come into her home, and together they went upstairs, she took her clothes off, laid on the bed, and she allowed him to manipulate her body. She admitted that at no time she had asked him for his qualifications. She never asked him for a phone number because she never took care of that. She knew that he was being paid cash. She never consulted with her Obstetrician as to whether it was a good idea shortly after giving birth. She admitted that she knew enough that it was maybe a bad idea while she was pregnant because she did not want to lie on her stomach. She was asked by the Prosecution whether she agreed that one week after giving birth she was still not in tip top shape, and she responded that she was fine, and she was walking.

Natasha Santiago testified that Ranjith was also a Chiropractor, however she never asked him for chiropractic services or for his qualifications. She said that she thinks he had provided her massage therapy on two or three occasions. Natasha Santiago was unaware of how many times he provided such services to her husband. She further knew that her husband had no contact information for him whatsoever. She testified that there was never a time when her husband made an appointment and was not able to attend. He always tried to make it as there was no way to contact him. She agreed with the Prosecution that as a police officer, her husband has an unpredictable shift schedule. With regards to Ms. West, the Prosecution indicated that Constable Santiago could not make his appointments with her and that is why he had some problems with putting forward his claims with her because he put them through and then could not show up. Natasha Santiago responded that her husband knew he had the flexibility with Kelly, if he did not feel like going he could cancel. Natasha Santiago was not aware of how Ranjith ever arrived at the house.

Ms. Santiago indicated that she had other “foofie” massages and was asked the difference between a “foofie” massage, and a registered massage therapist. She testified that Ms. West was not her first time she had a registered massage, she [Ms. West] pushes down whereas a “foofie” massage is “more fluffy” and does not try to get the knots out. She described Ranjith as not giving a “foofie” massage. She testified that at the end of giving her a massage, he gave her husband a receipt. Ranjith never gave her a business card, and she did not ask him for anything.

The Prosecution suggested to Natasha Santiago that she may know a Ranjith, however he does not exist in the way that she is testifying, and that she never let a strange man several weeks after her baby was born perform a medical service on her while she was undressed and her baby was downstairs. Natasha Santiago testified that her family doctor is a male, and that it did not matter

if she saw him in a physician's office or in a bedroom as both are still a room. She does not question that. Natasha Santiago then indicated that she would let a man [Ranjith] come into her home and deliver her baby if he was qualified. She agreed that she would ask what his qualifications were, and he would not just walk into her house and deliver her baby because that would be absurd. In relation to Ranjith, Natasha Santiago said that her husband was home, and it was not an issue to her.

Witness Chanpreet Sandhar

The witness testified that he is 33 years old, recently married, and is employed as an analyst for the Royal Bank of Canada in the collections department, since March 2015. He identified himself as a "real time analyst" dealing with on the phone activities in a call centre. Constable Santiago is his friend who he has known for ten (10) years. Chanpreet Sandhar has never been in trouble with the police. He goes to the gym and lifts weights which he has done for a while. Chanpreet Sandhar said he is 6'3" tall, weighs 230 lbs, and is in above average shape. He has an undergraduate degree from Ryerson.

Chanpreet Sandhar indicated he met a man named, Ranjith once. Chanpreet Sandhar had some muscle tightness and was talking to Constable Santiago who suggested massage therapy. Constable Santiago referred him to Ranjith and that he would book it for him because Ranjith did not have a phone. Chanpreet Sandhar informed Constable Santiago of his availability, and Constable Santiago booked the appointment for Ranjith to attend his house. Chanpreet Sandhar said it was not a rush because it was not that serious. Ranjith then attended his front door and had a bag with him, a table, and they went upstairs. Ranjith provided him service and Chanpreet Sandhar paid him cash, \$70-\$80, and then he left. It was Chanpreet Sandhar's first time having a massage. He was unsure what was in the bag, and assumed it was oils and creams. Chanpreet Sandhar described the service as a rub down to release tension in his muscles. At the time, Chanpreet Sandhar said he was not employed, and did not have benefits. He never saw Ranjith again after that because he started working, and got busy. Ranjith asked him if he wanted to book another appointment, however he told him he would tell Constable Santiago so he could book it. Chanpreet Sandhar believes Ranjith asked him if he wanted a receipt, and Chanpreet Sandhar said no. He was not going to be claiming anything, and it did not matter. He described Ranjith as 5'10", average height, middle age man, darker complexion than him. He guessed that he saw Ranjith between October 2014 and January 2015. The treatment lasted an hour. Constable Santiago told him that he had met Ranjith through his uncle or dad.

It was not until 1 ½ years later, Chanpreet Sandhar went to a rehab physiotherapy place near his home for massage therapy as he then had benefits. His benefits covered the massage therapy with that person.

In cross-examination, Chanpreet Sandhar indicated that he met Constable Santiago through mutual high school friends when they were in their twenties and since then they have remained friends. They work out together at the gym. Constable Santiago had told him that the reason he would be testifying was in relation to an insurance fraud. Chanpreet Sandhar understood that the charge before the Tribunal was Deceit. Constable Santiago asked Chanpreet to testify about his one occasion that he had met Ranjith. Constable Santiago had never told him Ranjith's last

name, and he [Chanpreet] never asked him. Chanpreet Sandhar never looked up Ranjith on the internet prior to Ranjith attending his house. He trusted Constable Santiago that Ranjith was a massage therapist. Chanpreet Sandhar was unemployed at the time and did not have a lot of money, however he chose to spend \$80.00 on a massage by Ranjith whose qualifications he had never checked. Chanpreet did not ask for Ranjith's phone number as he did not have a phone. When Ranjith had attended his house, Chanpreet never booked a second appointment as he was not ready to do so. Chanpreet testified that in the past 10 years he has never met anyone who did not have a phone in order to reach them. He admitted that it was a bit strange. Chanpreet Sandhar agreed that he let Ranjith enter his home to rub him down while he was not wearing clothing and without ascertaining Ranjith's qualifications. Chanpreet Sandhar does not know if his parents were home at the time Ranjith attended. He believes he remembers Ranjith offering him a receipt, however he never took it as he was not claiming the service.

In re-examination by Mr. Black, Chanpreet Sandhar testified that he got into his car and left the Tribunal after giving evidence when Constable Santiago phoned him. Chanpreet Sandhar then spoke with Mr. Black and provided him with additional information. Chanpreet Sandhar indicated that in his most recent massage therapy appointment with Ms. West, Constable Santiago had booked it for him. Constable Santiago referred him to her saying she is qualified and does a good job. When Chanpreet Sandhar went to her house he never asked her for her qualifications, or researched her online or looked at her reviews. He went on the word of his friend who uses her. He went to her about a month ago. Chanpreet Sandhar discussed a physiotherapist, Danielle he had seen that Constable Santiago had booked for him as well. It was his first physiotherapy appointment. Constable Santiago had also booked the appointment with Ms. West. He really trusts Constable Santiago's word. In total Constable Santiago has referred him to three people.

In re-examination by Ms. Wilmot, Chanpreet Sandhar testified that he attended Ms. West's house in the area of Highway #10 and Steeles for his appointment with her. He thinks the appointment was one of two weeks in July. She had provided him with a receipt that he does not have with him. He asked her for a receipt so that he could claim it. The massage took place in her basement where she has a table set up. Chanpreet Sandhar was asked why Constable Santiago had set up the appointments with Ranjith, Ms. West and Danielle to which he replied that he kept having shoulder pain so Constable Santiago booked appointments for him as Constable Santiago was aware of his availability.

Submissions

Prosecution – Ms. Wilmot

Ms. Wilmot commenced her submissions by referencing an Ontario Civilian Commission on Police Services (the 'Commission') case, *Precious and the Hamilton Police Service (OCCPS, May 2002*, which outlines the test that must be met in order to conclude that Constable Santiago is guilty of Deceit. Ms. Wilmot commenced reading:

“A charge of deceit against a police officer is a very serious matter. The Commission has examined the nature of these provisions in previous decisions. In Lloyd and London Police Service (20 May, 1999, O.C.C.P.S.) at pages 10 to 11 it was described as follows: In Perry and York Regional Police Service (1972), 1 O.P.R. 89 (O.P.C.) the term “deceit” was defined as follows”: A fraudulent and cheating misrepresentation, artifice or device, used by one or more persons to deceive and trick another, who is ignorant of the true facts, to the prejudice and damage of the party imposed upon. In order to establish a charge of deceit it is necessary to show that an officer “willfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties”. As was noted in McCoy and Fort Francis Police Services (1969), 1 O.P.R. 16 (O.P.C.) that to properly convict an officer under this provision it is necessary to show “an intention to deceive.

Further, an inaccurate statement by itself, in the absence of proof of willfulness or intent will not support a conviction. As we said in Burgess and St. Thomas Police Service (1989), 2 O.P.R. 822 (O.P.C.) at page 828: The above-noted statements which constitute the heart of the charge of deceit can reasonably be said to be inaccurate and incomplete. It is a long mile, however, between the point at which one can find a statement inaccurate and the point at which one can find that a statement was made with intent to mislead or deceive”.

Ms. Wilmot submitted that the issue before the Tribunal is not Constable Santiago’s intent, it is whether he provided false, misleading or an inaccurate statement. If the Tribunal finds on clear and convincing evidence that Ranjith Thanguran does not exist, then it is clear that Constable Santiago had the intention to deceive. If the Tribunal finds that Ranjith Thanguran did not exist in the form that Constable Santiago’s wife, mother, and friend, all testified that he did in that capacity, and he did not provide any services, accept money, or provide receipts (Exhibit #5, Tab A), then the Tribunal must find that Constable Santiago made a false statement and created a false record, and knowingly produced those records to investigators.

The evidence that is before the Tribunal from the Prosecution is that there is no objective and no corroborative evidence that establishes that Ranjith Thanguran exists. He has no trail on the internet, and no phone number, which Ms. Wilmot suggests is a defining factor in the case. It is absurd to think that a man holding himself out as a business professional, and healthcare practitioner does not have a phone number to be reached. He does not have an office, a driver’s licence or any indication of a public profile. Ms. Wilmot indicated that they do know that if Ranjith Thanguran does exist, he is not a registered massage therapist, and he is not a member of the Chiropractic College.

Ms. Wilmot suggested that the three Defence witnesses should be completely discounted in light of the objective evidence before the Tribunal in the Affidavit of the experienced investigator [Detective Sergeant Gray] who could not locate any evidence of Ranjith Thanguran. Ms. Wilmot provided two reasons for the submission. Firstly, Natasha Santiago has an obvious interest as she benefits from the healthcare benefits, and she herself was a party to the deceit in that the receipts were submitted on her behalf. On that basis alone, Ms. Wilmot submitted that Natasha Santiago

should be disbelieved in her evidence. Ms. Wilmot further submitted that Natasha Santiago agreed that it was absurd that a person would let a medical professional enter their home without any confirmation of their qualifications and perform a medical procedure on you. However, Natasha Santiago remained steadfast that Ranjith Thanguran did perform massages. Natasha Santiago is a person working in the healthcare profession and should be most aware of how absurd her story sounds.

Similarly, Ms. Wilmot suggested that the evidence of Samadera Santiago, Constable Santiago's mother, lacked credibility and real information relevant to the Tribunal. She understood that a man named Ranjith came into her home and provided a massage. She did not see any money or receipts. Samadevar Santiago was not aware of Ranjith's qualifications and she did not know where he was from, where he worked, what his phone number was or what he was doing with her son in the bedroom upstairs.

With regards to Chanpreet Sandhar, Ms. Wilmot submitted that he testified that a man named Ranjith came to his house for the first time and rubbed him down after Chanpreet Sandhar had complained to Constable Santiago that he had muscle pain. The evidence provided by Chanpreet Sandhar was also absurd and not believable.

Ms. Wilmot addressed the fact that Constable Santiago never provided any testimony evidence. Although an officer cannot be compelled to make a statement in a Tribunal, Constable Santiago provided no evidence that he managed to track down Ranjith Thanguran. During Constable Santiago's compelled interview with Internal Affairs investigators (Exhibit #5, Tab B), it was very easy to get in touch with Ranjith Thanguran because he would book appointments and just show up at his house. However, when it came to providing evidence of Ranjith Thanguran in recent months since the investigation commenced last year, he has been unable to provide any information in which to locate him.

Ms. Wilmot concluded that the case is a narrow issue and relies solely on a finding of fact that Ranjith Thanguran does not exist, nor did he draft or produce receipts in the course of the investigation. Therefore, the statement provided by Constable Santiago was false and made with the intention to deceive.

Defence – Mr. Black

Mr. Black commenced his submissions with a review of the material that had been filed as evidence. In relation to Detective Sergeant Gray's Affidavit, the suggestion that Ranjith Thanguran does not exist is based on him not having a telephone. Paragraph five of the Affidavit indicates that there is no driver's licence for him. Paragraph six indicates that there is no police record for him, which Mr. Black assumed meant that Ranjith Thanguran has never come to the attention of police for any reason which does not advance the case against Constable Santiago. Paragraph seven of the Affidavit outlines that Ranjith Thanguran's name does not come up on "Google". Mr. Black submitted that lots of people, professionals, and small businesses do not have websites. They may not have any public profile, particularly people who are older. The lack of a public profile is of no significance. Further, Ranjith Thanguran is not registered with the

College of Chiropractors and the College of Massage Therapists, which means he is practicing contrary to the statute.

In relation to the three witnesses, Mr. Black submitted that they do not have criminal records, they appear to be respectable, gainfully employed, hard-working, and responsible people. This case is presented to the Tribunal with one fact in dispute; does Ranjith Thanguran exist. If the Tribunal is satisfied on clear and convincing evidence that it is all a lie, than Constable Santiago must be found guilty of Deceit. However, if there is doubt, and no positive finding, and all these people are lying then he must not be found guilty.

Mr. Black submitted that Constable Santiago's mother does have an interest. It is her son, and she is no doubt proud of the fact that he is married with a young daughter. Samadeara Santiago answered the questions, and provided compelling testimony. Natasha Santiago works at two hospitals, and does have an interest, however just because someone has an interest does not mean that their evidence is automatically rejected. With regards to Chanpreet Sandhar, Mr. Black submitted that his evidence was the most compelling of the witnesses because he works in a bank. He has a responsible position, and took an oath that Constable Santiago has told the truth. He has seen four people, and three of those people were recommended by Constable Santiago because they share a common interest of working out together. Chanpreet Sandhar testified that he saw Ms. West knowing full well that that it would be very easy for the police to confirm.

Mr. Black submitted that it cannot be held against Constable Santiago that he did not testify as he is not required to. Mr. Black highlighted certain parts of the transcript of Constable Santiago's interview which he answers everything. As a result, there is no reason for him to give testimony. On page 35 of the interview transcript, Constable Santiago is asked why he does not have receipts for all of the time periods that are covered. His explanation was that he did not think that they were required to have them for more than 12 to 13 months. Constable Santiago admits on the bottom of page 35 that Ranjith Thanguran provided the service and that Kelly West did not provide the service, when he had said she did. Constable Santiago indicated that Ranjith did not have a phone. According to Constable Santiago, the mandatory requirements are the name, address and a phone number when submitting a claim with Sun Life. Constable Santiago said since Ranjith did not have a phone number, he took the easy path, and submitted it under a massage therapist. Once it goes through, if they need anything back he would provide receipts.

Mr. Black highlighted that on the Agreed Statement of Facts, paragraph 9 and 20, what is Discreditable Conduct is not that he billed the insurance company for massage therapy, but that he billed it under the name of a doctor that did not provide it. In paragraph 9, the claims are false in that he did not receive them from Dr. Robertson, and in paragraph 20 the claims are false because he did not receive them from Ms. West. Constable Santiago's position was that it was more convenient for Ranjith to attend his house after being introduced to him by his father.

Mr. Black submitted that there is a tendency to always judge people by Canadian standards and ways of doing things. These people are from Sri Lanka, and you cannot judge and say that people do not behave that way, or do those things, or say that people do not just come in your place for tea then have your son take his shirt off and have a massage. Those assumptions cannot

be made. These people came from a different culture, a different background. We all do not come from the same background with the same ways, and the same attitudes.

Upon reviewing Constable Santiago's interview transcript, Mr. Black highlighted page 38, in the middle of the page when Constable Santiago stated, "I take full responsibility for that, because he didn't have a phone number. I thought if I just used a massage therapist and submit it if they needed any kind of receipt I would have the receipts at the time". "Obviously, looking at it now, that was something I shouldn't have done". At the top of page 39, "I don't believe the address is mandatory, I believe the telephone and name". "My Dad's the one who introduced me to Dr. Thanguran". "He advised that he was a chiro and massage therapist". "At first I was going to Jodi and Kelly". "He advised that he does house visits". "With the line of work it's sometimes just easier". "He said he'll provide me with a trial run where I can have a massage or a chiro, so I booked a date with him, and the way he does dates is he books on a calendar. I asked him for a phone number, he advised he doesn't do that. He doesn't do the telephone, he doesn't do none of that". Mr. Black submitted that maybe everyone in Canada has a cell phone, but you cannot assume that everybody in Sri Lanka has a cell phone, and books things the way we would do that here.

At the top of page 40 of Constable Santiago's interview transcript, "That's how I made the appointments through him, through a calendar. He would have his own calendar. He would write the dates that I would give him. It's never come to a point where I've had to cancel".

The bottom of page 41, "My Dad had met him here and from what I know it's one of his back home acquaintances that he knows that he met here. That's why he was at my house. It's not, I wouldn't say a friend where I'm.....Like my Dad doesn't use phones either. But it's like someone he ran into. And in my culture, kind of thing, like once you run into someone you bring them over for tea, and you kind of, you know, talk".

At page 42, Constable Santiago speaks about his father being on life support. At the top of page 52, Constable Santiago indicated, "I thought he was a registered massage therapist and a chiropractor".

Mr. Black concluded that on the evidence heard by the Defence, there is creditable evidence that completely negates the suggestion that Ranjith does not exist. There is compelling evidence from the three witnesses. One can be suspicious and say that probably Constable Santiago stole the money, however suspicion and cynicism counts for nothing. The Prosecution has completely failed to prove that this man does not exist, and that Constable Santiago is not guilty of Deceit.

Reply Submissions – Ms. Wilmot

Ms. Wilmot, in reply, addressed the suggestion that this has anything to do with a judgement on Constable Santiago's culture. The submission of the Prosecution is not that if this was in Sri Lanka it would be totally understandable, but in Canada we do not accept these kinds of situations. What is to be judged is whether this is a realistic prospect that this person exists in Canada, as a medical health professional without not just a cell phone, which people do not have cell phones, but without any form of contact information whatsoever. The only point of contact

is to meet him at a mall or make appointments months down the road in the future. Ms. Wilmot indicated that she had suggested that it does not make sense in the context of all the evidence before the Tribunal that nobody has been able to provide a single piece of objective evidence which a member of the Peel Regional Police can contact this person to confirm his existence. That has nothing to do with culture, it has to do with fact. This is a finding of fact that without any phone number, address, and any confirmation of a business registration number as a health professional, there is no legitimate evidence before you to suggest that this person exists. This is strictly to do with the facts that are in the case, and not on any judgement on any culture.

Ms. Wilmot addressed a second issue raised by the Defence that the compelling evidence, that within the last month and a half, that Constable Santiago made a reference to his friend [Chanpreet Sandhar] to see another registered massage therapist who is involved in the case. All that says is that in preparation for the Hearing, Constable Santiago created evidence that was brought before the Tribunal to suggest that this is a pattern which was not done before the charges were laid, but long after the charges were laid.

PART III: ANALYSIS AND FINDINGS

The extent of informative detail before the Tribunal is limited to what has been submitted as evidence including an Affidavit, witness testimony, and submissions made by the Prosecution and Defence. I have reviewed all of the information and evidence that was submitted.

The offence of Deceit specific to the present matter is found in the *Police Services Act of Ontario, in Regulation 268/10, Code of Conduct*, section 2(1)(d)(ii):

“Any Chief of Police or other police officer commits misconduct if he or she engages in Deceit, in that he or she,
 ii) *wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties”.*

The case of *Precious and the Hamilton Police Service (OCCPS, May 2002)*, outlines the test that must be met in order to conclude that a police officer is guilty of Deceit. As was noted in *McCoy and Fort Francis Police Services (1969), 1 O.P.R. 16(O.P.C.)*, that to properly convict an officer under this provision it is necessary to *show* “an intention to deceive”. An inaccurate statement by itself, in the absence of proof of wilfulness or intent will not support a conviction. In the case of *Burgess and St. Thomas Police Service (1989), 2 O.P.R. 822 (O.P.C.)*, it states, “It is a long mile between the point at which one can find a statement inaccurate and the point at which one can find that a statement was made with intent to mislead or deceive” (p. 828). As a Hearing Officer, it is necessary to analyze the facts of the case against the intent of Constable Santiago, and either establish or not establish that he was intentionally deceitful based upon the evidence.

With regards to police disciplinary proceedings, the standard of proof is “clear and convincing evidence” and was defined to mean “weighty, cogent and reliable evidence upon which a trier of fact acting with care and caution can come to the fair and reasonable conclusion that the officer is guilty of misconduct” (*Allan v. Munro (Ont. Bd. Inq., 27 July, 1994)*). Did Constable Santiago

intentionally attempt to deceive or was he negligent resulting in a false, misleading or inaccurate statement pertaining to his official duties? Wilful requires an analysis of intent which could include motive while negligence would give rise to an analysis of behaviour and if such behaviour resulted in a breach of duty to care.

On December 17th, 2012, Constable Santiago commenced employment with the Peel Regional Police Service. On this same date, Constable Santiago became a plan member with the Sun Life Insurance Company for health benefits. These benefits were extended to any spouse and/or dependents of Constable Santiago, which included his wife, Natasha Santiago. As a plan member, Constable Santiago was responsible for any claims submitted under his benefits' plan and certificate number.

On February 6th, 2017, a chiropractic claim for services rendered by Dr. Jodi Robertson was submitted via the Sun Life plan member website under Constable Santiago's benefits' plan and certificate number for Constable Santiago. The claim was selected for a random audit by the Sun Life Claims Department. Sun Life's Web Control Team communicated with Dr. Robertson (Chiropractor) who confirmed that she did not provide chiropractic treatment to Constable Santiago on February 6th, 2017. The unsupported claim prompted a review of all claims submitted under Constable Santiago's benefits' plan and certificate number between July 31st, 2013, and February 6th, 2017. A number of unsupported claims were identified by Dr. Robertson.

Sun Life determined that Constable Santiago was paid a total of \$2,775.00 for unsupported claims for himself and his wife, Natasha Santiago, in relation to services not provided by Dr. Robertson for the noted period. There were a total of forty-five (45) claims that were submitted. In his compelled interview with Internal Affairs, Constable Santiago acknowledged that in some instances he submitted claims using Dr. Robertson's name for chiropractic services he alleges he and Natasha received from Ranjith Thanguran.

As part of the same random audit by the Sun Life Claims Department, an additional number of unsupported claims for massage therapy were also identified by Ms. Kelly West, a registered Massage Therapist. Sun Life determined that Constable Santiago was paid a total of \$2370.00 for unsupported claims for himself and his wife, Natasha Santiago for claims submitted between January 27th, 2014 and February 2nd, 2017. There were a total of twenty-eight (28) claims that were submitted. Constable Santiago acknowledged that in some instances he submitted claims using Ms. West's name for massage therapy services he alleges he and Natasha received from Ranjith Thanguran.

On March 18th, 2017, Sun Life notified the Peel Regional Police Service that Constable Santiago was submitting fraudulent claims. Fourteen receipts were submitted by Constable Santiago in an attempt to support these claims. These receipts were alleged to have been provided by Ranjith Thanguran for rehabilitation, chiropractic and massage services.

The Prosecution's position is that there is no objective and no corroborative evidence that establishes that Ranjith Thanguran exists. The Prosecution introduced an Affidavit from Detective Sergeant Susan Gray #2113 that outlines a number of investigative steps in an attempt to locate a Ranjith Thanguran (Exhibit #5). The Affidavit evidence established that Ranjith

Thanguran is not registered with the College of Massage Therapists, or the College of Chiropractors of Ontario. Ranjith Thanguran is not listed on the Sun Life list of approved providers or on the list of delisted providers. A search was conducted with the Ministry of Transportation of Ontario to identify whether Ranjith Thanguran is a licenced driver, however no positive results were obtained. Internal police systems were searched with no positive results obtained to identify or locate a Ranjith Thanguran. The Affidavit indicates that various web search engines were searched with negative results in locating Ranjith Thanguran. Ms. Wilmot submitted that it is absurd to think that a man holding himself out as a business professional and healthcare practitioner would not have a phone number to be reached, an office, a driver's licence or any indication of a public profile.

Mr. Black submitted that the suggestion that Ranjith Thanguran does not exist is based on him not having a telephone, that having no phone is only one aspect of the equation. The fact that he has no driver's licence, and no police record, may mean that Ranjith Thanguran has not come to the attention of the police. Mr. Black indicated that lots of professionals and small businesses do not have websites or public profiles, and are not registered with the Colleges, however there were no examples provided to the Tribunal by Mr. Black to support this statement.

The Affidavit indicated that various versus one web based search engines were utilized with no results for Ranjith Thanguran. The Affidavit outlined that open internet sources were checked such as Facebook and others with negative results. When weighing each of the Affidavit checks individually on their own, I would agree with Mr. Black that it does not amount to the non-existence of a person, however when collectively weighing all of the thorough checks, it certainly equates that a person with the name Ranjith Thanguran does not exist.

The mother of Constable Santiago, Ms. Samadeara Santiago testified before the Tribunal on behalf of the Defence. She has been married to her husband since 1990, Constable Santiago's father. Samadeara Santiago indicated that her husband suffered a heart attack due to the media coverage of their son for the related criminal matter, and he was not able to attend the Tribunal as he is very nervous. He is apparently too sick to attend work or do anything. In cross-examination, Samadeara Santiago denied that Ranjth Thanguran was a made up person to help their son, because she and her husband were so upset about the charges.

Samadeara Santiago testified that she and her husband met Ranjith at a mall, and that she never met him before. Her husband and Ranjith discussed table tennis, and talked for a ½ hour. Yet, in cross-examination she testified she specifically knew Ranjith was not a table tennis champion even though she said she never met him before. Despite the conversation lasting a ½ hour, Samadeara Santiago could not provide the name of the mall where they met, or when the encounter occurred. She indicated it was a long time ago, approximately 4-5 years prior. Samadeara Santiago did remember that her husband provided Ranjith with their address and phone number to attend their house for tea, yet she could not recall any details of Ranjith such as a vehicle, where he lived, or when he came to Canada. Any details of Ranjith that would be traceable to his existence such as the name of the mall (for video surveillance), whether he was a table tennis champion, his vehicle, or any personal information, she could not recall. With Ranjith not having a phone, it was not clear why Samadeara's husband provided Ranjith with their phone number in addition to their address if he has no way to call.

Samadeara Santiago testified that the next occasion she saw Ranjith was when he attended her house for tea. She implied that it was on a different day by her use of the word occasion. Yet in cross-examination, she indicated it was the same day they saw Ranjith at the mall. In cross-examination, Samadeara Santiago claimed she had no conversation with Ranjith at her house, and only served her husband and Ranjith tea. She could not recall what Ranjith and her husband discussed as she specifically remembers going into the kitchen. Yet, in cross-examination she contradicts herself by indicating she heard them discuss a table tennis match. Once again she was unable to provide any further information about Ranjith while he was at her home. After meeting Ranjith at the mall for a ½ hour, and serving him tea at her home, her evidence was that she knew nothing about him, and her husband had told her nothing.

The next time that Samadeara Santiago saw Ranjith was again at her house, when her husband introduced Ranjith to their son, Constable Santiago. Ranjith had a bag in one hand and she cannot remember what he had in the other hand. Ranjith proceeded upstairs to her son's bedroom. Her husband told her it was for Ranjith to give their son a massage. When asked by the Prosecution that, as a mother, did this not raise any questions as to what a strange man was doing in her grown son's bedroom, she replied that "He talk to my husband". She did not feel the need to ask any questions. Samadeara Santiago provided that she was in a hurry to go to work, and that she specifically remembered that she worked from 2:00 pm to 10:00 pm that day. She never noticed his vehicle when she went to work, and she was not able to offer any further information about Ranjith.

The witness then indicated that Ranjith attended on two or three more occasions however she did not recall the details of the second and third occasions at all. Samadeara Santiago testified that she could not recall what year these occasions took place, possibly 4-5 years earlier. She did not know how he arrived at their house on any of the occasions or if he drove a car. She never saw any massage, money exchange or any receipts. Yet, Constable Santiago and Natasha Santiago had claimed a maximum of 73 appointments through Sun Life with Ranjith Thanguran as recent as 2016 which they alleged occurred at Samadeara's residence, and she only recalls a handful of occasions Ranjith was there. I find this evidence lacks any credibility.

The testimony of Samadeara Santiago, from the onset, was self-serving to certain specific details. Mr. Black submitted that she does have an interest, because it is her son. I would concur that she clearly had an interest in the outcome of the Hearing for her son, daughter, and grandchild. She testified that her husband had a heart attack a year prior as a result of the criminal related charges, and was not able to attend the Hearing himself. Her memory was selective to certain details such as how long the conversation lasted at the mall between her husband and Ranjith, that it was about table tennis, that Ranjith was not a table tennis champion, and that her husband provided Ranjith with their address and phone number. Yet, she could not remember the mall that they were at because it occurred 4-5 years prior, or any discussion on where Ranjith lived or his personal details. When Ranjith attended at her house for tea she specifically recalls being in the kitchen and not able to hear the conversation between her husband and Ranjith. Yet, she heard them discuss a table tennis match. She had not noticed how he arrived at the house, or a description of his vehicle, however she specifically remembers having to go to work for 2:00 pm and working until 10:00 pm that day 4-5 years prior.

Samadeara Santiago's testimony conveniently lacks any traceable detail about Ranjith Thanguran. Had she recalled the mall, video surveillance footage of the encounter could have been obtained and assisted the investigation to confirm the existence of Ranjith Thanguran. If she had noticed how Ranjith had arrived at her residence, any parts of the conversation at her house, these would have assisted investigators with potentially verifying the existence of Ranjith. Her testimony lacked credibility, came across as fabricated, and purposely left out any detail or real information. Her testimony was slanted to benefit her son which showcased her obvious vested interest. I believe that Ms. Santiago cannot recall the specific vital details of any encounter with Ranjith because they did not occur. No part of her testimony was relevant to the Tribunal, and therefore I discount her evidence altogether.

Ms. Natasha Santiago testified that she has been married to Constable Santiago since June 27th, 2015, and they have been together for seven (7) years prior to getting married. Together they have a 21 month old daughter who was born on October 8th, 2016. Natasha Santiago lived with her in-laws at their house after they were first married in 2015 until they owned their own house in November 2017. She works at both Etobicoke General Hospital, and Brampton Civic Hospital in Admitting and Registration. She acknowledged that doctors, nurses, and massage therapists are registered with their respective colleges to protect members of the public.

Natasha Santiago knew that Constable Santiago was having massage appointments at his parents' house in his bedroom, however she never asked Constable Santiago any questions about the procedures or who was administering them. Natasha Santiago first met Ranjith while living at her in-laws' house when Constable Santiago had a scheduled massage appointment. Natasha Santiago testified that she had received massage therapy from Ranjith a week after their daughter was born. Constable Santiago had booked the appointment with Ranjith in August 2016 for early November 2016 in anticipation that their daughter was to be born on October 31st, 2016. When testifying to this point about her appointment being scheduled so far in advance and only a week after their child was to be born, her answers were very disingenuous. She admitted that she never consulted with her Obstetrician, and disregarded any suggestion of the potential medical hazards with having a massage so close after giving birth. She claimed she "just" remembered the date even though it was booked three months prior, and despite having such a busy life at the time with a new born.

Natasha Santiago testified that her massage took place at her in-laws. She indicated that she "thinks" the massages happened on two or three occasions. Yet she was very sure that the sessions would last from a ½ hour to an hour, and took place in the afternoon. Constable Santiago took care of booking the appointments with Ranjith and paying him cash. She testified that at the end of giving her intense medical procedures, he gave her husband a receipt, yet she never mentioned this important detail in her evidence in-chief, and they were not any of the receipts provided to Sun Life (Exhibit #5, Tab A). Again this came across as not believable and a generated detail added to her testimony to provide evidentiary support for her husband. She stated that Ranjith seemed to know what he was doing when he massaged her, however she never asked Ranjith for his qualifications. In cross-examination, Ms. Santiago admitted that she had Ranjith, whom she did not know, come into her home, and together they went upstairs where she removed her clothing, laid on the bed, and allowed him to intimately touch her body and manipulate her soft tissue, only one week after having a baby. She further agreed in cross-

examination that if the massage is done incorrectly it could cause injury which is why a person is registered.

Natasha Santiago's testimony appeared rehearsed and untruthful. Firstly, Natasha Santiago works at two hospitals and testified that she understands the importance of qualified doctors, nurses, and therapists. Yet, she allowed a complete stranger into her house to manipulate her body without consulting with her Obstetrician, while she was unclothed on a bed when her husband was downstairs with their new born baby. In cross-examination, Natasha Santiago agreed that she would ask Ranjith what his qualifications were if he was to come into her home to deliver her baby because that would be absurd not to ask his qualifications. I appreciate that there is a difference in risk between delivering a baby and a massage, however there should not be a difference when asking for qualifications as both are very intimate medical procedures. This rationale makes no sense to me and lacks believability. The whole thought process behind the alleged scenario further prompts me to question the judgement of Constable Santiago to be a party to his wife attending a bedroom with a strange man who has no known qualifications, where she removes her clothing, and allows him to intimately touch her. Constable Santiago's conduct in such an act would not only be inappropriate it would exhibit extremely poor judgment. The fact that Constable Santiago with his experience, knowledge, and training as a police officer would think that such a scenario would be acceptable and believable, causes me even more concern. Even if Natasha Santiago lacked the foresight of the complications and risks of the event, which I doubt, I expect that Constable Santiago with his experience should and would know better, and therefore I cannot believe that this event ever took place.

Natasha Santiago testified that Ranjith was also a Chiropractor, although she never asked him for those services. Yet, paragraph 4 of the Agreed Statement of Facts (Exhibit #4) states that receipts were submitted for Natasha Santiago for chiropractic services from Ms. Robertson. It is quite clear that she never received the services from Ms. Robertson or Ranjith Thanguran. Therefore, she was deceitful in such a claim to Sun Life.

Natasha Santiago testified that with regards to Ms. West, Constable Santiago could sometimes not make his appointments with Ms. West, however he had already submitted his claims prior to the service, and then could not show up. I find this statement and practice concerning as it is very clear based on Natasha Santiago's testimony that Constable Santiago would submit claims prior to receiving the service which is forbidden. The terms and conditions when submitting a claim with Sun Life is that a service has to be received prior to a claim for reimbursement to be made. In Constable Santiago's compelled interview (Exhibit #5, p. 52), he indicated that Natasha also submitted claims online to Sun Life and therefore she would also be aware of this fact and a party to the deceit. You cannot submit a claim without agreeing to the terms. You would have to lie with regards to the date to receive reimbursement ahead of the service. This is a deceitful and purposeful act that Natasha Santiago seemed to be most comfortable testifying to.

Natasha Santiago further testified that Constable Santiago had the flexibility with Ms. West if he did not feel like going to his appointment, he could cancel. I have two issues with this statement. Firstly, the whole reason Constable Santiago initiated appointments with Ranjith Thanguran was because it was more convenient than Ms. West. So either she was flexible or not? Natasha Santiago testified that she believed it was easier for Constable Santiago to see Ranjith at his

house than to drive to see Ms. West. Second, I pose the question, if Constable Santiago and/or Natasha Santiago were submitting claims prior to receiving services and would then cancel with Ms. West or Ms. Robertson, would they notify Sun Life of the cancellation and the money be returned to Sun Life? The evidence I have heard suggests they did not return the funds.

After hearing Natasha Santiago's testimony I have considered her disingenuous, she lacks credibility, integrity, and has exhibited extremely poor judgement. Where her evidence was not disingenuous she exhibited wilful blindness by intentionally not providing any identifiable details about Ranjith Thanguran. She was a party to the deceit in that claims were submitted by her and on her behalf. Natasha Santiago has an obvious interest in the outcome of her husband's Hearing as she not only benefits from the Sun Life healthcare, she benefits from his income as a police officer. I attribute no weight to Natasha Santiago's evidence.

Mr. Chanpreet Sandhar testified that between October 2014 and January 2015, Constable Santiago made an appointment for him with Ranjith for a massage. Constable Santiago told him that he had met Ranjith through his "uncle" or his "dad". This testimony is concerning as Constable Santiago had initially lied to Sun Life and said he had met Ranjith through his uncle. Constable Santiago, his mother, and his wife all confirmed he met him through his father. For Chanpreet Sandhar to testify that Constable Santiago met Ranjith through his uncle, the same lie he told Sun Life, Chanpreet Sandhar would have had to be coached by Constable Santiago on his evidence.

Chanpreet Sandhar testified that he did not know if Ranjith arrived by car at his house or not. I take it that his house did not have a driveway. Ranjith was holding a bag and a table when he arrived. Once inside Ranjith proceeded upstairs. This evidence was suspiciously the same information voluntarily provided by Samadeara Santiago, and Nastasha Santiago. Chanpreet Sandhar did not provide any information to the Tribunal that he had clarified who the complete stranger was that arrived at his door named "Ranjith" prior to allowing him into his house. Chanpreet Sandhar informed the Tribunal that he trusted Constable Santiago when he told him that Ranjith was a massage therapist. Chanpreet Sandhar never inquired as to Ranjith's qualifications. Chanpreet Sandhar was unemployed at the time and did not have a lot of money, however he chose to spend \$80.00 on a massage by Ranjith whose qualifications he had never checked because Constable Santiago recommended him. Chanpreet Sandhar indicated that he did not know Ranjith's last name as Constable Santiago never told him, and he never asked. Chanpreet Sandhar testified that he was unsure what was in the bag, that Ranjith was carrying, yet still allowed him into his house. Ranjith then attended the upstairs of Chanpreet Sandhar's house and gave him a "rub down" while he was wearing no clothing. Chanpreet Sandhar does not know if his parents were home at the time Ranjith attended. Chanpreet Sandhar testified that he would ask Constable Santiago to book him another appointment in the future with Ranjith, if needed. Chanpreet Sandhar never described any conversation with Ranjith, or any identifying information such as a phone number, e-mail, or office address. The treatment lasted an hour, and Chanpreet Sandhar "believes" that Ranjith offered him a receipt, however he was not certain. He only knows that he does not have a receipt. Although Chanpreet Sandhar indicated that he "believes" he could have received a receipt, the end result is that he does not have one.

After testifying and leaving the Tribunal, Chanpreet Sandhar received a phone call from Constable Santiago who reminded him of some information that he did not indicate in his evidence. Chanpreet Sandhar returned to the Hearing at which time the Defence requested Chanpreet Sandhar testify to the additional information. Chanpreet Sandhar further testified that Constable Santiago had booked his appointments with Ms. West, and a physiotherapist, Danielle, that he had seen as well. When asked why Constable Santiago keeps booking his appointments for him he only replied that he keeps having shoulder pain so Constable Santiago books the appointments. The Prosecution submitted that Constable Santiago convinced Chanpreet Sandhar to testify to create evidence. Chanpreet Sandhar initially testified that he is 33 years old, married, and works full-time in a call centre for a bank. Mr. Black submitted that Chanpreet Sandhar is the most compelling of the witnesses because he works “in a bank”. I challenge this statement by the Defence as to whether the qualifications for a call centre analyst are the same as a person who handles funds, despite both working for a major bank.

The evidence of Chanpreet Sandhar appeared extremely coached, rehearsed, lacked any detail, and unbelievable. His evidence was disconcertingly similar to Natasha Santiago’s evidence in how he described Ranjith arriving at his house carrying a bag and table, both not paying any attention to a vehicle, both having no conversation with Ranjith, and their physical descriptions of Ranjith were the same. Chanpreet Sandhar did not ask for Ranjith’s details, qualifications, and provided no account of the appointment other than he got “rubbed down”. Chanpreet Sandhar essentially allowed a complete stranger to enter his parent’s house without verifying anything about him. Chanpreet Sandhar testified he does not know if his parents were home at the time Ranjith attended. One would think that his recollection of whether his parents were home would be very valuable and important information for Constable Santiago’s defence.

Chanpreet Sandhar unnervingly demonstrates a pattern of being coached and guided by Constable Santiago with regards to medical appointments. He too had an interest to help Constable Santiago, his friend of ten years, whom he goes to the gym with and relies on to book his appointments. Chanpreet Sandhar is a 33 year old, married man with a “responsible” work position according to the Defence, yet his friend needs to schedule all of his appointments for him including follow up appointments with Ranjith. Chanpreet Sandhar never questioned Constable Santiago on his recommendations, and appeared to submissively allow Constable Santiago to make the appointments. This point was further reiterated to me when Chanpreet Sandhar finished testifying and after leaving the Hearing he received the phone call from Constable Santiago who reminded him of additional evidence he needed to add to his testimony before the Tribunal. The additional testimony of Chanpreet Sandhar adds no evidentiary value to the Hearing.

As referenced, Chanpreet Sandhar further testified that Constable Santiago told him that he had met Ranjith through his uncle or dad. Constable Santiago had lied to Sun Life that he met Ranjith through his uncle when he allegedly met him through his father. The fact that Chanpreet Sandhar said “uncle” causes me to further believe he was coached by Constable Santiago on his evidence. Overall, Chanpreet Sandhar’s evidence lacked articulation, clarity, intelligibility and individuality. He came across as coached, rehearsed and untruthful. Therefore, I give no weight to his evidence.

In summation, the evidence of the three witnesses came across as rehearsed, contradictory, exaggerated, and deliberately conveyed without any identifying detail of Ranjith Thanguran. All three witnesses described Ranjith Thanguran with similar descriptive details and language. Any alleged service transactions were made in cash without receipts which are not traceable. Any questions posed to elicit identifiable information about Ranjith, their answers displayed wilful blindness. They all coincidentally volunteered that Ranjith arrived at their homes carrying a bag in one hand and a table in the other, and that he would proceed upstairs. They never saw a car or how he arrived at their houses. They never asked him his qualifications or any information because Constable Santiago had booked the appointments. Their evidence sounded collaboratively concocted.

The Defence submitted that there was no need for Constable Santiago to testify because he said everything in his compelled interview on September 7th, 2017. Therefore, I reviewed the transcript of Constable Santiago's interview (Exhibit #5, Tab B) which I found to be filled with contradictions, excuses for his behaviour, falsehoods, misleading statements, and absent of any contrite. According to Constable Santiago, the mandatory requirements for an online claim submission with Sun Life are the name, address and phone number. Constable Santiago admits to lying when he indicated that since Ranjith Thanguran did not have a phone number, he took the "easy path" and submitted claims under the names of Ms. Robertson and Ms. West (p. 36). Later on in his interview, Constable Santiago indicated he thought Ranjith was a registered massage therapist and a chiropractor (p. 52) when he knew that Ranjith did not have a registration number, yet he continued to submit a total of 45 false claims under Ms. Robertson and 28 false claims under Ms. West for himself and his wife, Natasha Santiago. Constable Santiago further implicated his wife, Natasha Santiago as also completing the online Sun Life claim submissions when he stated, "Most part it was me. Um maybe once and a while it's my wife but usually I submit the claims" (p. 52).

Constable Santiago indicated in his interview that once he submitted a claim under the name of Ms. West or Ms. Robertson and if Sun Life required any further information, he would provide receipts. Constable Santiago said he would obtain receipts from Ranjith Thanguran if needed for Sun Life (p. 50), however he was adamant throughout his interview, as were the three witnesses that he or no one else had any way of contacting Ranjith Thanguran. Therefore, how would he obtain the receipts?

The receipts that Constable Santiago did provide to Sun Life were purported to be from Ranjith Thanguran (Exhibit #5, Tab A). The Prosecution submitted that the receipts were all provided in what appears to be a succession from a generic notepad without any reference number, phone number, or address. I would concur with the Prosecution that the receipts are highly suspicious with no identifying information and could have been written by anyone. The receipts appear to be written consecutively at one time as there is no deviation to the hand writing. It is a known fact that people do not write exactly the same from one day to the next. There are always variations to a person's writing depending on their mood, time of day, or location. People will write larger, smaller, faster, slower, more angled, or less angled. The fact that Constable Santiago was confident in his ability to obtain alleged receipts from Ranjith Thanguran when submitting his Sun Life claims despite having no way to contact him points to the deficiency of authenticity

of the receipts. The quality of the receipts and the lack of deviation, I would conclude that they were falsified, and intentionally and knowingly submitted.

Constable Santiago further indicated that he would submit online claims with Sun Life prior to his appointments with Ms. Robertson and Ms. West (Exhibit #4, para. 9 and 20). However, in his interview, when Constable Santiago took the “easy path” he failed to mention that in order to submit a claim one has had to already receive the service. A Sun Life plan member cannot submit a claim prior to an appointment for a date in the future (you have to agree to such terms and conditions before you submit). Therefore, in order to submit a claim for a future appointment Constable Santiago and Natasha Santiago would have to lie about the date. Although the submission of such fraudulent claims is not the issue before me, it again speaks to Constable Santiago’s credibility during his interview. These actions cause me to believe that Constable Santiago lacks honesty and integrity.

Natasha Santiago testified that Constable Santiago had flexibility to cancel his appointments with Ms. West. This prompts me to pose the question of what does Constable Santiago do when he submits a claim in advance of a service and then cancels the appointment that he has already obtained the money for because he submitted the claim? Constable Santiago indicated “My intent was never to take money out or cancel on Kelly last minute” (p. 38). Mr. Black in his submissions concluded by stating that “One can be suspicious and say that probably Constable Santiago stole the money, however suspicion and cynicism counts for nothing”. I would tend to disagree and that it does speak to the credibility and reliability of Constable Santiago, and that the information provided in his compelled interview cannot be relied on.

Constable Santiago indicated in his interview that he had met Ranjith Thanguran through his father (p.41), however he had told the Sun Life Claims Department in February 2017 that he had met Ranjith Thanguran through his uncle (p. 59). He said that Ranjith was a back home acquaintance of his father’s (p. 41), yet later indicated he was his father’s friend (p. 59). A friend is far more engaged in a relationship than an acquaintance, and friends know how to contact friends. Constable Santiago’s mother, Samadeara Santiago testified that her husband introduced Constable Santiago to Ranjith, at their house. When asked to describe Ranjith Thanguran there was hesitation by Constable Santiago “Uh details like...” “You wanna know how...his, his appearance?” A police officer with his experience and training would have no difficulty answering such a question and outwardly providing a description without hesitation.

From the onset of the investigation Constable Santiago’s father was not in a position to provide any information or to attend the Tribunal due to a heart attack he suffered 1 ½ years prior. There was no evidence that Constable Santiago attempted to take an audio statement from his father to support the existence of his “friend” Ranjith. Samadeara Santiago had testified that her husband had talked to Ranjith for at least a ½ hour at the mall and then again at their house over tea. I find it difficult to believe that Constable Santiago’s father would not have been able to assist at some point during the investigation over the past 1 ½ years. There was no evidence that Constable Santiago attempted to take a statement from his apparent uncle who also apparently knew Ranjith.

At the time of the investigation, Constable Santiago had been a police officer for 4 ½ years. I would expect that with his experience, knowledge, and skill set, his ability for gathering evidence would be honed especially when it involves proving the existence of Ranjith Thanguran. He has had 1 ½ years to provide concrete evidence of the existence of Ranjith Thanguran which includes having him attend the Hearing.

The information about Ranjith Thanguran is vague and lacks any identifying information. Constable Santiago was provided an opportunity during his compelled interview, or any point thereafter, to afford any information which may assist investigators with locating Ranjith Thanguran, however Constable Santiago provided no identifying information. There has been no objective evidence provided by the Defence with which can be investigated to ascertain the existence of Ranjith Thanguran.

Although Constable Santiago is not compelled to testify before the Tribunal, and it cannot be held against him, I must indicate that it would have been beneficial to understand everything that he had done, if anything, in an attempt to locate Ranjith Thanguran with the motivation of clearing himself of the charge before the Tribunal. Instead the Defence witnesses attempt to put the pieces together for him in their concocted collaboration.

The compelled interview with Constable Santiago was obliterated with falsehoods and made with the intention to deceive. He was benefitting from the fraudulent claims until Sun Life asked for receipts which is when he made up Ranjith Thanguran. He fabricated the person “Ranjith Thanguran” initially to Sun Life to cover for his misrepresentation of claims to initially avoid paying back the funds he had defrauded them. He lied and told Sun Life he met Ranjith Thanguran through his uncle, and seven months later in his compelled interview he changed his story and said he met him through his father. Constable Santiago made sure he and the witnesses did not provide any identifiable details in their evidence that would be traceable to reveal their falsities about Ranjith Thanguran. There was no evidence that Constable Santiago made any effort to gather concrete evidence of the existence of a Ranjith Thanguran. The evidence points to the fact that Ranjith Thanguran does not exist, nor did he draft or produce receipts in the course of the investigation for services. Constable Santiago created evidence by providing the fictitious receipts to support his position to Sun Life to avoid further investigation on their part of his fraudulent claims. Therefore, I conclude that the statement and receipts provided by Constable Santiago were false and made with the wilful intention to deceive.

Constable Santiago breached his trust with his employer (Peel Regional Police Service), the Sun Life Insurance Company, and that of the community he swore to serve. Employees owe a high level of loyalty to their employers when accessing employment benefits, especially when the benefits are administered on an honour system. Constable Santiago has abused a privilege that members of the Peel Regional Police Service have been provided by Sun Life, and the general expectation that employees not abuse or defraud benefits provided to them under a collective agreement.

PART IV: DISPOSITION

The standard of proof according to current law is clear and convincing evidence. There must be weighty, cogent and reliable evidence upon which a Hearing Officer acting with care and caution can come to a fair and reasonable conclusion that the officer is guilty of misconduct. Based upon all of the evidence presented and considered, as the Hearing Officer, I find that there is clear and convincing evidence that Constable Noel Santiago #3802 is **Guilty of Deceit**.

The guilty plea to the two counts of Discreditable Conduct is accepted.

Submissions on penalty to be scheduled.



November 30, 2018

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

Date