

Peel Regional Police

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

IN THE MATTER OF a hearing held in accordance with section 76(9) of the *Police Services Act* into an allegation of misconduct against Constable Kevin Taheem #4268.

**Constable Kevin Taheem #4268
of the Peel Regional Police**

Allegation: Discreditable Conduct

Disposition

Hearing Officer

Superintendent Heather Ramore
Peel Regional Police

Prosecutor

Ms. Sharon Wilmot

Mr. Keegan Soles
Peel Regional Police

Co-Prosecutor:

Inspector Todd Christie
Peel Regional Police

Defence Counsel:

Mr. Mike Ardito

Date of Hearing

June 27, 2022

PART I: OVERVIEW

Allegations of Misconduct

- [1] It is alleged that Constable Kevin Taheem #4268 (Constable Taheem), a member of the Peel Regional Police Service, committed the following act of misconduct contrary to section 80(1)(a) of the *Police Services Act, R. S. O. 1990 c. P. 15*, as amended;

Count One: Discreditable Conduct

It is alleged that Constable Taheem committed Discreditable Conduct in that on December 2, 2021, 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 as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*, as amended.

Background

- [2] Constable Taheem appeared before Peel Regional Police Superintendent Heather Ramore on May 17, 2022, in answer to a Notice of Hearing that was issued on May 5, 2022, alleging one count of misconduct contrary to section 80(1)(a) of the *Police Services Act*, constituting an offence against discipline, Discreditable Conduct, as prescribed in section 2(1)(a)(xi) of the *Code of Conduct, Regulation 268/10*, as amended.

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- [3] On June 27, 2022, Constable Taheem appeared before me, Peel Regional Police Superintendent Heather Ramore, and entered a guilty plea to the one count of Discreditable Conduct. Mr. Soles tendered an Agreed Statement of Facts which he read into the record. The Agreed Statement of Facts was entered as Exhibit #6. Based on those facts, in conjunction with the confirmation by Mr. Ardito that the facts were correct, I determined that the allegation of Discreditable Conduct had been proven on clear and convincing evidence and as such, I made a finding of misconduct.

Decision

- [4] After analyzing and weighing all of the evidence presented, as the Hearing Officer, I impose on Constable Kevin Taheem #4268 of the Peel Regional Police for one count of Discreditable Conduct:

A Forfeiture of three (3), eight (8) hour days (24 hours in total) to be served (worked) at the discretion of the Unit Commander.

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

PART II: THE HEARING

Exhibits

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

- Exhibit #1: Delegation of Powers and Duties to the Hearing Officer (Superintendent Heather Ramore)
- Exhibit #2 Prosecutor's Designation (Ms. Sharon Wilmot)
- Exhibit #3 Prosecutor's Designation (Mr. Keegan Soles)
- Exhibit #4 Notice of Hearing
- Exhibit #5 Co-Prosecutor's Designation (Inspector Todd Christie)
- Exhibit #6 Agreed Statement of Facts
- Exhibit #7 Joint Submission as to Penalty (Email)
Brief of Authorities – Prosecution (Email)
Defence Book of Supporting Materials (Email)

Representation

[7] In this matter, Mr. Mike Ardito represented Constable Taheem, and Ms. Sharon Wilmot and Mr. Keegan Soles represented the Peel Regional Police. Their efforts and professionalism are appreciated.

Agreed Statement of Facts

[8] The facts of this matter are agreed upon by the parties to this Tribunal. The acronym “CPIC” that is used in the Agreed Statement of Facts, and elsewhere in my decision, refers to the “Canadian Police Information Centre”. The Agreed Statement of Facts, filed as Exhibit #6, states:

Constable Kevin Taheem #4268 has been a member of Peel Regional Police (PRP) since 2018. He is currently assigned to the 22 Division, B Platoon.

COUNT ONE – DISCREDITABLE CONDUCT

- On December 2, 2021, Constable Kevin Taheem (Cst. Taheem) was working dayshift, in a uniform capacity, in the 22 Division area.
- At approximately 11:25 AM, his brother-in-law, Inderraj _____ (Mr. _____), telephoned him about something “fishy” in relation to a vehicle parked in front of his house located in Brampton, in the 21 Division area.

- Mr. _____ informed Cst. Taheem that the vehicle had been parked there for a couple of hours. He had taken a photograph of the vehicle, then approached the driver, and asked why he was parked in front of his house.
- Mr. _____ further informed to Cst. Taheem that the driver told him he was a police officer, but didn't provide identification. Mr. _____ was concerned about home invasions and car thefts in the area.
- Mr. _____ asked Cst. Taheem for advice, and sent him the photographed image he captured of the vehicle via WhatsApp.
- Cst. Taheem proceeded to conduct a CPIC query of the vehicle's licence plate from his cruiser. Cst. Taheem's CPIC query indicated that the vehicle was registered to an address in Guelph, with no name attached to it.
- Cst. Taheem did not take any further investigative action, did not refer the inquiry to any other officer to take further investigative action, and did not advise Mr. _____ to follow appropriate steps to call Communications and have appropriate police resources dispatched to take further investigative action. Instead, Cst. Taheem disclosed to Mr. _____ that the vehicle in question was not associated with a police agency on CPIC and suggested that Mr. _____ approach the vehicle himself to make further inquiries.
- Mr. _____ did as Cst. Taheem suggested, and approached the vehicle. Mr. _____ explained to the driver that his brother-in-law, who was also a police officer, had run the vehicle's plate, and it did not come back to a police vehicle. He then demanded to see the driver's police badge.
- The driver was in fact Detective Constable Brian Cranley #3091 (Det. Cst. Cranley), who was assigned as an investigator in PRP's Special Enforcement Bureau. On the date in question, he was conducting undercover surveillance in relation to a CDSA investigation in the area.
- Det. Cst. Cranley proceeded to show Mr. _____ his badge. Mr. _____ then returned to his house and called Cst. Taheem back to inform him that the driver did in fact provide police identification, and had then proceeded to leave the area.
- Det. Cst. Cranley informed his supervisor, Detective Paul MacLeod #2192 (Det. MacLeod), about this encounter.
- Det. MacLeod conducted a query of Det. Cranley's licence plate, and determined that it had in fact just been queried by Cst. Taheem at 11:28 AM that morning.
- Cst. Taheem did not make any notes of the call, having conducted the CPIC query, or having advised his brother-in-law to follow up with the driver based on the results. Cst. Taheem did not seek permission from or notify any supervisors of his actions.

- Cst. Taheem did not have a law enforcement purpose for querying and disclosing the information to his brother-in-law.
- The actions of Cst. Taheem constitute Discreditable Conduct under 2(1)(a)(xi) of the prescribed Code of Conduct.

[9] I am satisfied on the clear and convincing evidence as presented in the Agreed Statement of Facts that the actions of Constable Lastname constitute Discreditable Conduct as prescribed within section 2(1)(a)(xi) of the *Code of Conduct, Ontario Regulation 268/10, as amended*.

Positions on Penalty

[10] The parties representing the Prosecution and Defence provided a joint submission with respect to penalty. They proposed that the appropriate disposition for the finding of one count of Discreditable Conduct is as follows:

A forfeiture of three (3), eight (8) hour days (24 hours) to be served (worked) at the discretion of the Divisional Commander.

[11] The proposed penalty was submitted in accordance with section 85(1)(e) of the *Police Services Act*.

Submissions

Submissions of the Prosecution – Mr. Soles

[12] Mr. Soles began by summarizing the particulars of the allegation as set out in the Agreed Statement of Facts. The misconduct in this case involved one (1) CPIC search made on December 2, 2021. This search was conducted by Constable Taheem in response to a concern raised by Cst Taheem’s brother-in-law, Inerraj _____. The conducting of this search, and/or the disclosure of its results to Mr. _____, was in breach of PRP policy.

[13] The Prosecution referred to the disposition factors as set out in the matter of Senior Constable Alexander Krug and the Ottawa Police Service (2003 OCPC-03-01). In doing so, Mr. Soles acknowledged that, while not all 13 factors will be relevant in each case, the Tribunal should consider those which are relevant in the circumstances and ensure that the factors are appropriately balanced.

[14] According to the Prosecution, the relevant disposition factors could be grouped into three categories:

- 1) Nature of the misconduct and public interest;
- 2) Officer’s acceptance of responsibility and rehabilitative potential, and;
- 3) Consistency of the disposition

[15] In regards to the nature of the misconduct and public interest Mr. Soles submitted Breaches of

CPIC policy are considered serious, as the PRP wishes to protect against invasions of privacy and the use of privileged, police-obtained information for improper or personal reasons.

- [16] Mr. Soles submits that despite the inherently serious nature of any CPIC breach, there are unique features of this case that significantly mitigate the seriousness of the misconduct.
- [17] Firstly, Cst. Taheem did not initially intend to insert himself into this situation – he was contacted by his brother-in-law, Mr. _____, who had a genuine safety concern, and obviously the inherent desire to look out for one’s family goes beyond an officer’s general duty to the public.
- [18] Further, unlike many CPIC breaches, this wasn’t a case where the officer sought personal gain or benefit from the fruits of the search. While Cst. Taheem did disclose that the vehicle in question was not associated with a police service, he did not go further and disclose the precise nature of the vehicle’s ownership – which demonstrates that the search itself was not conducted with improper motive. Finally, there does not appear to be any other CPIC breaches or improper searches, there Mr. Soles does not have significant concern Cst. Taheem will breach CPIC policy again.
- [19] In regards to public interest and damage to the reputation of the police service Mr. Soles submits that the public expects policy to be adhered to and when the public becomes aware that a sworn officer disclosed confidential information to a family member compromises public trust. The reputational impact is likely not severe as Cst. Taheem’s breaches were not nefarious and were well-intentioned.
- [20] In regards to the officer’s acceptance of responsibility and rehabilitative potential Mr. Soles submits Cst. Taheem immediately accepted full responsibility for his actions in his compelled interview and has pled guilty early in these proceedings. Cst. Taheem has been a PRP member for four years and has no prior discipline on his record. Mr. Soles indicates that Cst. Taheem is a solid candidate for rehabilitation. In terms of deterrence, Mr. Soles submits that members of the service must be reminded that no CPIC breach will be tolerated and consequences must be clear.
- [21] In regards to the consistency of the disposition, Mr. Soles referred to several cases including Spina and Peel Regional Police (June 2, 2015); Calabrese and Peel Regional Police (January 11, 2016); Strangio and Peel Regional Police (June 8, 2015); and Cardi and Peel Regional Police (September 12, 2013).

Defence Submissions – Mr. Ardito

- [22] Mr. Ardito began his submissions by acknowledging that Cst. Taheem has accepted responsibility, entered a guilty plea and accepts the Agreed Statement Facts to accurately reflect the nature of the misconduct. Cst. Taheem is also in agreement with the penalty proposed and is supported by the Association.
- [23] Mr. Ardito also referred to Senior Constable Alexander Krug and the Ottawa Police Service (2003 OCPC-03-01). In regards to the seriousness of the misconduct Mr. Ardito submits that

Cst. Taheem took the wrong course of action but was acting in good faith. It is agreed Cst. Taheem was in contravention of the directive.

- [24] In regards to the seriousness of the misconduct Mr. Ardito submitted that Cst. Taheem admitted all the facts and issues of concern when he was interviewed by Internal Affairs and did not refute any of their assertions. Cst. Taheem was remorseful and apologetic to the officer who interviewed him.
- [25] Cst. Taheem has been a member of Peel Regional Police since 2018. There are no past discipline matters and his file contains one (1) commendation and one (1) internal acknowledgement. He was awarded officer of the month for May 2019.
- [26] In regard to the potential to reform or rehabilitate Mr. Ardito submits that Cst. Taheem has an unblemished record up to this point in his career. Cst. Tahem has continued to work effectively and positively during this process. Mr. Ardito then provided numerous positive comments from Cst. Taheem's supervisors throughout his annual evaluations.
- [27] In regards to specific and general deterrence Mr. Ardito submits that the joint suggested penalty for Cst. Taheem will result in him being ineligible for promotion for five (5) years and will reaffirm the message to other officers that this conduct is unacceptable.
- [28] With respect to damage to the reputation of the service, Mr. Ardito understand that there is no doubt the reputation of the Service would have been affected in a negative manner if the actions of Cst. Taheem had become knowledge.
- [29] In regards to the consistency of disposition Mr. Ardito provided three (3) internal discipline matters for review that involve misuse of database and/or breach of confidence as follows: Stiff and Peel Regional Police (August 24, 2018); Calabrese and Peel Regional Police (January 11, 2016); and Atwal and Peel Regional Police (June 21, 2017).

Submissions of Constable Taheem

- [30] All submissions were submitted by Mr. Ardito on behalf of Cst. Taheem.
- [31] Cst. Taheem stood and acknowledged his wrongdoing and assured us that this was a learning experience and there was no chance for reoccurrence.

PART III: ANALYSIS AND FINDINGS

- [32] The extent of informative detail before the Tribunal is limited to what is listed in the Agreed Statement of Facts, and submissions made by the Prosecution and Defence. I have reviewed all of the information and evidence that was submitted.
- [33] Both the Prosecution and Defence in their submissions referred to Commission case law and specifically the number of factors to be considered when determining the appropriate

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

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

- [34] In terms of the seriousness of the misconduct, every CPIC breach should be considered serious. That being said, I do agree that there are unique circumstances in this incident that mitigate the seriousness of the misconduct. Cst. Taheem did contravene the directive, however did not do so for a nefarious purpose.
- [35] In terms of the recognition of the seriousness of the misconduct, I accept that Cst. Taheem understands the seriousness of his actions. He immediately took full responsibility in his Internal Affairs interview and pleaded guilty in this process at an early stage.
- [36] In terms of public interest and damage to the reputation of the police service, there is no doubt that if the public was aware of this breach of CPIC it would affect the image of the organization in a negative manner. I agree that the reputational impact would not be severe as the breaches were not nefarious and were well intentioned.
- [37] In terms of employment history, Cst. Taheem has been a member of Peel Regional Police since 2018 and has not had any discipline matters in his file. His file contains one (1) commendation and one (1) internal acknowledgement. He was awarded officer of the month for May 2019.
- [38] In terms of specific and general deterrence, I agree that Cst. Taheem has taken responsibility and that the guilty plea will prevent him from applying for promotion for five (5) years. This will be a deterrence for other members also reaffirming that this conduct is unacceptable.
- [39] In terms of potential to reform or rehabilitate the police officer, Cst. Taheem has no previous disciplinary matters in his file and immediately took responsibility for his actions. He was forthcoming and apologetic in his interview with Internal Affairs and pled guilty to misconduct at the earliest stage.
- [40] In terms of consistency of disposition, Mr. Soles and Mr. Ardito referred to various cases and provided them in their submissions. I have reviewed the cases and although each case had it specific nuances and different circumstances, they assisted in my decision to accept

the joint penalty submission.

PART IV: DISPOSITION

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

Penalty

For the noted reasons, on the one (1) count of Discreditable Conduct, as the Hearing Officer, I impose on Constable Kevin Taheem # 4268 of the Peel Regional Police Service:

A Forfeiture of three (3), eight (8) hour days (24 hours in total) to be served (worked) at the discretion of the Unit Commander.

***Note: On July 27, 2022 at the joint submission hearing in person at Peel Regional Police Headquarters, I verbally provided my ruling of guilt and the penalty of three (3) eight (8) hour days to be served at the discretion of the Unit Commander. Documentation was forwarded on June 30, 2022 to Internal Affairs and Human Resources so the officer could begin working his penalty hours.**



Heather Ramore, Superintendent #1928
Peel Regional Police – Hearing Officer

September 22, 2022

Date