

Woodstock Police Service Discipline Hearing
In the Matter of Ontario Regulation 268/10
Made Under the Police Services Act, R.S.O. 1990,

And Amendments thereto:

And
In The Matter Of

The Woodstock Police Service

And

Detective Constable Eric Dopf #0603

Charge: Insubordination
Unlawful or Unnecessary Exercise of Authority
Discreditable Conduct X2

Before:

Superintendent (Retired) M.P.B. Elbers
Ontario Provincial Police Adjudicator

Appearances:

Counsel for the Prosecution: Mr. Alex Sinclair
Woodstock Police Service

Counsel for the Defense: Mr. Lucas O'Hara
Woodstock Police Association

Penalty Decision with Reasons

The Hearing

Detective Constable Eric Dopf #0603 pled guilty on Tuesday January 07, 2025 in Woodstock, Ontario in a Police Act Hearing and was found guilty of one (1) count of Discreditable Conduct pursuant to Section 2 (1) (a) (ix) and one (1) count of Insubordination pursuant to Section 2 (1) (b) (ii) of the Code of Conduct contained in the Schedule to Ontario Regulation 268/10 as amended. One charge of Discreditable Conduct and One charge of Unlawful or Unnecessary Exercise of Authority were withdrawn by the Prosecutor Mr. Alex Sinclair.

The charge pertains to Detective Constable Dopf's interaction with an arrested male in the City of Woodstock whereupon he was abusive and physical with this male as he was attending the scene of a surveillance which was concluded pertaining to this individual and while he was seated on the ground in front of a Woodstock Police officer whom had arrested this individual and had placed handcuffs on him. Detective Constable Dopf was aggressive, abusive and totally unprofessional constituting an offence against discipline as prescribed by the Ontario Police Act upon his attendance at the scene.

The entire incident was captured on CCTV.

An agreed statement of facts was tendered in this Hearing by Counsel and marked as Exhibit #7.

Agreed Statement of Facts:

Charges:

1. Detective Constable Dopf is charged with four (4) counts of misconduct:
 - a. **Discreditable Conduct** – On October 17, 2022 acted in a disorderly manner or prejudicial to discipline or likely to bring discredit upon the reputation of the police force contrary to Section 2(1)(a)(xi) of the *Police Services Act* Code of Conduct (O Reg 268/10).
 - b. **Discreditable Conduct** – On December 07, 2023 was found Guilty of a criminal offence that is an Indictable Offence or an offence punishable upon Summary conviction contrary to Section 2(1)(a)(ix) of the *Police Services Act* Code of Conduct (O Reg 268/10).

- c. **Insubordination** – On October 17, 2022 without lawful excuse, disobeys, omits or neglects to carry out any lawful order contrary to Section 2(1) (b) (ii) of the *Police Services Act* Code of Conduct (O Reg 268/10).
- d. **Unlawful or Unnecessary Exercise of Authority** – On October 17, 2022 used unnecessary force against a prisoner or other person contacted in the execution of duty contrary to Section 2(1) (g) (ii) of the *Police Services Act* Code of Conduct (O Reg 268/10).

Resolution:

- 2. Detective Constable Dopf is pleading guilty to:
 - a. **Discreditable Conduct** – On December 07, 2023 was found Guilty of a criminal offence that is an Indictable Offence or an offence punishable upon Summary conviction contrary to Section 2(1)(a)(ix) of the *Police Services Act* Code of Conduct (O Reg. 268/10).
 - b. **Insubordination** – On October 17, 2022 without lawful excuse, disobeys, omits or neglects to carry out any lawful order contrary to Section 2(1) (b) (ii) of the *Police Services Act* Code of Conduct (O Reg. 268/10).

AGREED STATEMENT OF FACTS AND GUILTY PLEA

Background:

- 1. Detective Constable Eric Dopf (“D/Cst. Dopf”) has been a sworn member of the Woodstock Police Service for 18 years.
- 2. On May 24, 2024, D/Cst. Dopf was charged with one count of misconduct as follows:

(1) *YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT YOU*, on or about December 7, 2023, were found guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction, thereby committing the offence of Discreditable Conduct, contrary to Part V, clause 80(1) (a) of the Act, as amended, and section 30, clause 2(1)(a)(ix) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

3. The Notice of Hearing with respect to that charge was served on May 24, 2024, and is attached hereto as Exhibit “A”.

4. On June 25, 2024, D/Cst. Dopf was charged with three counts of misconduct as follows:

(1) *YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT YOU*, on October 17, 2022, acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force, thereby committing the offence of Discreditable Conduct, contrary to Part V, clause 80(1)(a) of the Act as amended, and section 30, clause 2(1)(a)(xi) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

(2) *YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT YOU*, on October 17, 2022, without lawful excuse, disobeyed, omitted or neglected to carry out a lawful order, thereby committing the offence of Insubordination, contrary to Part V, clause 80(1)(a) of the Act as amended, and section 30, clause 2(1)(b)(ii) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

(3) *YOU ARE ALLEGED TO HAVE COMMITTED MISCONDUCT IN THAT YOU*, on October 17, 2022, used unnecessary force against a prisoner or other person contacted in the execution of duty, thereby committing the offence of Unlawful or Unnecessary Exercise of Authority, contrary to Part V, clause 80(1)(a) of the Act, as amended, and section 30, clause 2(1)(g)(ii) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

5. The Notice of Hearing with respect to those charges was served on June 25, 2024, and is attached hereto as Exhibit “B”.

Agreed Statement of Facts:

6. For the purposes of a plea of guilty to one count of Discreditable Conduct as outlined in paragraph 2(1), above, and one count of Insubordination as outlined in paragraph 4(2), above, the prosecution and D/Cst. Dopf agree to the following facts:

a. D/Cst. Dopf has been a sworn member of the Woodstock Police Service for the past 18 years.

b. The victim in this matter, Che Bosch, who is now deceased, was a resident of Woodstock, Ontario, and has no personal relation to D/Cst. Dopf.

c. In June 2022, the Woodstock Police Service, Criminal Intelligence Unit and Drug Enforcement Unit entered into a Controlled Drugs and Substances Act (“CDSA”) investigation in the City of Woodstock.

d. The investigation identified Mr. Bosch, age 48, of 394 Springbank Avenue, Unit 2, in the city of Woodstock, as the suspect of the investigation with respect to trafficking controlled substances in the area of Woodstock.

e. Based on source information and surveillance, police formed reasonable grounds to believe that Mr. Bosch has been in Possession of a Schedule 1 Substance and Trafficking a Schedule 1 Substance, to wit: cocaine and fentanyl in the City of Woodstock.

f. On October 17, 2022, a CDSA search warrant was issued for a search of the residence of 394 Springbank Avenue, Unit 2, Woodstock. On that date, members of the Woodstock Police Service Intelligence and Drug Enforcement Unit, including D/Cst. Dopf, began conducting surveillance at 2-394 Springbank Avenue, Woodstock.

g. 2-394 Springbank, Woodstock is a unit in a row of multiple units in a townhouse complex. The townhouse complex is a high-density living area.

h. At 5:17 p.m. a four-door silver motor vehicle was observed backing into a parking spot in front of 2-394 Springbank Avenue, Woodstock. Shortly after the vehicle's arrival, Mr. Bosch was observed exiting the residence at 2-394 Springbank Avenue and entering the passenger seat.

i. Two Woodstock Police Officers in police cruisers pulled up in front of the vehicle preventing it from being able to drive out of its parking spot. The officers then approached the passenger side of the vehicle on foot in an attempt to arrest Mr. Bosch for possession of a controlled substance for the purpose of trafficking.

j. At the same time, D/Cst. Dopf exited his vehicle on foot and ran behind the target vehicle to assist in the arrest of Mr. Bosch.

k. The driver of the motor vehicle put the car into reverse and mounted the curb onto the front lawn of 394 Springbank Avenue. D/Cst. Dopf was behind the target vehicle when this occurred and had to maneuver out of the vehicle's pathway to avoid being struck. An officer unsuccessfully attempted to smash the passenger window with his baton in an attempt to take control of Che Bosch and prevent the vehicle from fleeing.

l. The target vehicle drove in reverse approximately 75 feet over several lawns and struck a cable box, destroying it. The vehicle then backed into the parking lot, and proceeded to drive forward with one of the tires completely inoperable. The target vehicle drove around numerous police cars. Two officers drew their firearms and pointed them at the driver while the vehicle accelerated towards them, with one officer having to maneuver himself out of the way to avoid being struck by the vehicle. The vehicle maneuvered between officers, mounted another curb, drove through a garden and down a flight of 4 cement stairs to reach the exit of the complex.

m. Numerous officers, including D/Cst. Dopf, re-entered their vehicles and pursued the fleeing motor vehicle.

- n. At 5:34 p.m., Constable Tim Wiseman had followed the fleeing vehicle a short distance away behind a plaza located at 379 Springbank Ave North, in the City of Woodstock.
- o. The fleeing motor vehicle came to a stop behind the plaza. The driver exited the vehicle and ran away. The passenger, Mr. Bosch, exited the vehicle, threw a green reusable grocery bag over a fence, then began walking towards Cst. Wiseman's motor vehicle.
- p. At 5:34 p.m., Cst. Wiseman parked behind the target vehicle at the rear of the plaza located at 379 Springbank Ave. Cst. Wiseman ordered Mr. Bosch to the ground with his firearm pointed at him. Mr. Bosch complied with his direction by sitting on the ground and placing his hands behind his back. Cst. Wiseman placed Mr. Bosch under arrest for drug related offences. Cst. Wiseman then handcuffed Mr. Bosch. Mr. Bosch was cooperative.
- q. During this time period, Cst. Wiseman was issuing radio transmissions that dispatch, D/Cst. Dopf, and other members of the team overheard. Cst. Wiseman's dispatch transmissions relayed how the targets bailed out, how Mr. Bosch threw something over the fence, and that someone was running Westbound. Cst. Wiseman did not relay any transmission concerning having Che Bosch under arrest by the time D/Cst. Dopf arrived on scene.
- r. When D/Cst. Dopf arrived in the area, he parked his unmarked vehicle behind Cst. Wiseman's. D/Cst. Dopf was wearing plain clothes with his Woodstock Police Service issued vest and neck badge and approached Mr. Bosch and Cst. Wiseman.
- s. D/Cst. Dopf proceeded to use unnecessary force on the handcuffed and cooperative victim, Mr. Bosch. D/Cst. Dopf assaulted Mr. Bosch while he was handcuffed, delivering a combination of four kicks and two punches.
- t. Mr. Bosch was not resisting, and presented no risk to himself, the public or officers on scene at the time D/Cst. Dopf punched and kicked him. There was no justification for D/Cst. Dopf's use of force.
- u. D/Cst. Dopf's assault of Mr. Bosch was captured on CCTV. A copy of the video is entered herein as Exhibit "C".
- v. D/Cst. Dopf's unnecessary use of force breached Woodstock Police Directive AI 012, Section D, subsection 3.4, which states:
- The application of force is intended for the purpose of escape and for the protection of others. The force must never be applied for malicious or punitive reasons and must be applied at a level sufficient to control the person.***
- w. A copy of Woodstock Police Directive AI-012 is attached hereto as Exhibit "D".
- x. During the use of force, Cst. Wiseman heard D/Cst. Dopf state "do you know how many kids you could have killed". Mr. Bosch responded and indicated that he wasn't the one driving.

- y. D/Cst. Dopf left Cst. Wiseman and pursued the fleeing driver of the motor vehicle, ultimately locating and arresting him a short distance away.
- z. At 5:40 PM, Cst. Wiseman turned Mr. Bosch over to Constable Jarrod Sylvester.
- aa. At 5:45 PM, Cst. Sylvester turned Mr. Bosch over to Constable Brian Phan. Cst. Phan then transported Mr. Bosch to the Woodstock Police Station where he was booked in at 6:20 PM. During this process, when asked if he was injured, Mr. Bosch stated "not from right now no I don't think.....I got a couple boots in the back too".
- bb. The London Police Service was requested by Woodstock Police Service to investigate D/Cst. Dopf for the criminal offence of assault. The investigation was assigned to Det. Andrew Mitchell of the London Police Service.
- cc. During his investigation, Det. Mitchell formed reasonable and probable grounds to believe D/Cst. Dopf committed one count of assault.
- dd. On December 5th, 2022, at 11:06 AM, D/Cst. Dopf turned himself in to Det. Mitchell at the London Police Station, located at 601 Dundas Street, London, Ontario.
- ee. D/Cst. Dopf was charged with one count of assault as follows:
- i. *“Eric Dopf on or about the 17th day of October in the year 2022 at the City of London in the Southwest Region or elsewhere in the Province of Ontario did commit an assault on Mr. Bosch, contrary to section 266 of the Criminal Code of Canada.”*
- ff. On or about December 7, 2023, at the Ontario Court of Justice in London, D/Cst. Dopf entered a plea of guilty to the offence of assault contrary to section 266 of the Criminal Code.
- gg. On or about March 6, 2024, D/Cst. Dopf received a conditional discharge and 12 months of probation and 100 hours of community service. A certified copy of D/Cst. Dopf’s Sentencing Record and Probation Order is attached hereto as Exhibit “E”.
- hh. D/Cst. Dopf’s conduct brought discredit upon the reputation of the Woodstock Police Service.
- ii. D/Cst. Dopf’s actions were widely reported by media outlets. Examples of media articles reporting on D/Cst. Dopf’s conduct are attached hereto as Exhibit “F”.

Guilty Plea:

7. In accordance with the foregoing, D/Cst. Dopf pleads guilty to the following misconduct:

a. One count of Discreditable Conduct, contrary to Part V, clause 80(1)(a) of the Act, as amended, and section 30, clause 2(1)(a)(ix) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act; and

b. One count of Insubordination, contrary to Part V, clause 80(1)(a) of the Act as amended, and section 30, clause 2(1)(b)(ii) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

8. The Service agrees to withdraw the following charges:

a. One count of Discreditable Conduct, contrary to Part V, clause 80(1)(a) of the Act as amended, and section 30, clause 2(1)(a)(xi) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act;

b. One count of Unlawful or Unnecessary Exercise of Authority, contrary to Part V clause 80(1)(a) of the Act, as amended, and section 30, clause 2(1)(g)(ii) of the Schedule “Code of Conduct”, O.Reg. 268/10, as amended under the Act.

Agreed to by the Subject officer and witnessed at the City of Woodstock in The Province of Ontario this 7th day of January 2025.

Mr. Sinclair, representing the Woodstock Police Service has asked for a penalty of dismissal.

Mr. O’Hara representing Detective Constable Dopf has asked for a range of Demotion for twelve months or a penalty of loss of hours.

In Williams and the Ontario Provincial Police, the Commission identified three key elements a Hearing Officer must take into account when imposing a penalty. These include: the nature of the seriousness of the misconduct, the ability to reform or rehabilitate the officer and the damage to the reputation of the Police Force that will occur if the officer remained on the force.

Counsel in total has provided the Tribunal with forty two (42) cases to offer assistance in determining an appropriate disposition.

They are found in Exhibits # 15 for the Prosecution and # 14 for the Defense.

I will not recite the cases in there totality, however I have read and considered the cases that I was provided by Counsel. As learned Counsel have stated, there are no cases found which parallel the case that is before me at present. There are cases with some similarity. The cases as provided are for guidance to the disposition penalty that Counsel has sought to be appropriate for the findings of guilt on the Discreditable Conduct and Insubordination counts rendered on January 07, 2025.

Evidence:

Mr. Sinclair produced one witness to assist his submission for dismissal for Detective Constable Dopf.

Deputy Chief Nicolas Novacich is the second in command for the Woodstock Police Service. He began his career with Woodstock on July 22, 2022. Prior to serving in Woodstock he was an officer in Guelph, St. Thomas and Aylmer Police Services rising through the ranks with those departments.

He testified he is familiar with the subject officer Detective Constable Dopf. He testified that he is familiar with Exhibit #9 which is the CCTV video which captured the arrest that Dopf was involved in on that day. He testified that the Service sees this incident as quite serious as it involves a member of his Service Assaulting an individual who is handcuffed, compliant and sitting on the ground with another Woodstock Police Officer prior to Dopf's attendance at the location.

He testified that the victim of the assault is deceased however it was not related to the incident.

He testified this incident had a huge impact on the Service. Law suits, media coverage, Drug/Intelligence Unit down a member due to Dopf's suspension affected the Service. He testified this was the second law suit this officer was named in. he testified that Dopf has lost the trust of the Service and the Community. The Community expects the Service to hold the officer accountable which they did by asking London Police Service to investigate the assault and also they completed a Police Services Act investigation.

The Deputy reviewed Exhibit #8 at Tab 5. These are the Performance Reviews of this officer from 2007 through 2022. He commented that on the most part they are positive reviews, especially in his earlier years on the Service. There were supervisor's comments indicating that Dopf needed improvement in his interaction with people, confrontational episodes, and sarcasm and losing his cool with his interaction with persons.

2016 was the last Performance Review listed in Tab 5 in relation to his front line duties. Detective Constable Dopf has been suspended with pay since 2022. That was when the London Police Service commenced the Criminal Investigation and subsequent to that the Police Services Act Investigation.

The Deputy testified that being charged with these Criminal charges compounded with the Police Act charges while being suspended with pay makes it difficult for Dopf to interact with the public, and for the public and fellow officers to trust him. It also raises this concern if he remained with the Service the issue of him testifying in court.

Deputy Chief Novacich also viewed the second part of Exhibit #9 where Detective Constable Dopf was signing in at the Service which he had to do on a daily basis during the week while he was suspended with pay.

Dopf can be seen in the video conversing with two members of the Service. He is observed stating that he will not perform his duties as a police officer if he is allowed to return to the Service. He showed no remorse at all for the incident in 2022.

The Deputy testified the police have a higher standard than the normal public. He believes that Dopf does not grasp the seriousness of his indiscretion.

He testified that Dopf has stated he would not do his job if returned to work and also would not hold anyone accountable. He testified that the community members of Woodstock expect their officers to investigate incidents and lay charges where appropriate. If one does not do this practice then he becomes a liability to himself and the Service.

He testified that if an officer is unwilling to do the job or his duty then it would send a message that you don't have to follow policy and also that you are not accountable for your actions.

He concluded his testimony saying that Detective Constable Dopf usefulness to the Service is gone. The Service expects an officer to work, follow policy and lay charges which Dopf has indicated that he would not be doing. The public must be treated with respect.

In cross examination by Mr. O'Hara, Deputy Chief Novacich agreed that Dopf's performance reviews had positive comments as well. Supervisors had noted he maintains a high caseload, is calm with the public and was successful in the competition for a Speciality Unit.

O'Hara proposed the issue that the video showing Dopf signing in at the office was a member frustrated by the process that it took ten months to receive disclosure .O'Hara noted that Dopf stated "Not skirting it and not using this as an excuse."

The Deputy testified he has not had any previous dealings with Dopf but maintains that Dopf does not understand the seriousness of this incident. Dopf may be sarcastic at times but that does not mean everything he says is sarcastic.

O'Hara had the Deputy concede that Dopf pled guilty to the Criminal charges and the Police Services Act charges.

He related to the Tribunal the signing in officer at Woodstock had been convicted of a criminal charge and he received a twelve month demotion and that there were other law suits against the Woodstock Police Service. The McNeil issues would pertain to that officer as well.

In re-examination by Mr. Sinclair the Tribunal was made aware of the signing officer's indiscretion. It was a driving offence not an intentional Assault which is a major distinction.

Mr. O'Hara is submitting four witnesses to assist in his submission for a Demotion of one year or forfeiture of hours for this officer.

Rodney Freeman was the first witness. Freeman supplied a character reference to the Tribunal contained in Exhibit #12 at Tab 6. He testified that he retired from policing in 2015 as the Chief of Police for Woodstock. He has known Detective Constable Dopf since 2007. He testified that Dopf was respected by the citizens of Woodstock. He has great trust in Dopf and would want him responding to his house if there was an issue. He stated Dopf was compassionate, sensitive and not afraid to take action. He testified that the occurrence was an unfortunate incident. He stated he was not shocked by the incident as we are human. He does not condone the assault. He stated that Dopf wears his heart on his sleeve. He testified that he has never been to Dopf's residence or he to my residence. He has run into Dopf a number of times while they were each walking dogs. They live not too far from one another.

He testified he found Dopf to be remorseful for the incident. Freeman testified one incident should not cost you your job. He believes as a Chief that he should continue to work and disciplinary action and training should be utilized. He concluded his testimony with saying that Dopf is not a wall flower, it was a momentary lack of emotion and that he stands by him unequivocally.

In cross examination by Mr. Sinclair he referred to the character letter. He asked Freeman what he meant when he stated Dopf was an inspirational husband. Freeman testified that Dopf has two boys and a girl and he takes trips with them. He talks about his wife and is a doting husband. He testified he is not personal friends with Dopf and there has been no working relationship for ten years. He was shown Exhibit #9 where Dopf stated he would not do his policing duties if he returned. Freeman testified the incident affected Dopf's physical and mental well-being. He testified he believed Dopf was frustrated when he made that comment. Freeman believes he will be a productive officer.

Sinclair read out some comments from performance reviews relating to emergent situations, empathy and sarcasm with interactions with the public. Freeman testified he does not condone assaulting a handcuffed prisoner. He testified sometimes emotions run high and this puts the public at risk. He states that does not make you a bad cop.

Mr. Freeman was re-examined by O'Hara where he stated that Performance Reviews don't carry that much weight. They are a few words made by supervisors. He also believed the statement made by Dopf that he would not charge anyone as false.

The second witness to testify for the Defense was Marcia Shelton. She wrote a character reference letter for Detective Constable Dopf which is also contained in Exhibit #12 at Tab 6. Ms. Shelton is a retired Inspector from the Woodstock Police Service. She retired in March of 2023. She was a thirty (30) year member of the Service and upon her retirement she was in charge of Support Services. She was on the hiring committee for the Woodstock Police Service when Detective Constable Dopf attended for his interview.

She testified that in 2014 Detective Constable Dopf was on her shift when she was the Staff Sergeant, Supervisor. She testified it was for one or two years. She completed Performance Appraisals on this officer. She noted he was always hard working, a top producer in criminal charges and arrests. He was a dedicated and thorough investigator. She described Dopf as an officer who was always looking for wanted parties, honest, authentic, and very good with people and victims. She testified he had a knack with talking to people and she did not receive many complaints about Dopf when he worked on her shift.

She testified that she was surprised that Dopf was charged with Assault and she was unaware of the factors that contributed to the incident. She testified she knew it was some kind of a drug call and high speed pursuit. She stated she is aware of what he has admitted to concerning this incident.

She testified that Dopf attended her residence after the incident to speak to her. She testified he was upset when he reached out to her and he felt that he tarnished her because of his actions. He was emotional and cried the two hours he was with her. She testified he told her that he was guilty of the Assault and she believed he was remorseful.

She testified she knew the officer outside of the working relationship. She stated that Woodstock Police Service is a small Service and she is close to a lot of the members. She enjoyed mentoring officers and she is quite personable.

She testified she would have members of the Service at her residence occasionally and Dopf's wife would attend also. She also testified she has attended Dopf's residence.

She testified if she was still working for the Service she would have Dopf working on her shift and she would supervise him.

She has seen the video of the incident and of the signing in process at the Woodstock Police station. Shelton maintains her position that Dopf is a hard worker genuinely likes to help people and always says what is on his mind. She concluded her examination in chief with Mr. O'Hara that Dopf very much is about getting the bad guy.

In cross examination by Mr. Sinclair Ms. Shelton testified she was at the Hearing to help a friend. She testified she was unaware of the details of the incident. The video of the incident was shown to her and Mr. Sinclair noted for her the four kicks and two punches that Dopf levied on the arrested party. She relayed that it did not change her opinion of Dopf after viewing the CCTV video.

She testified it was clear that Dopf's emotions were high at the time of the assault. She stated she was a senior member of the leadership team but had no input on the suspension levied against Dopf by the Service. She stated that Dopf accepted his responsibility to the incident via pleading guilty at the Criminal proceedings.

When viewing the police station video where Dopf indicated if he returned to work he would be issuing free passes to everyone and he would not be laying charges she commented that Dopf could not do that. She stated she knew Dopf personally and believed it to be a sarcasm remark. Dopf was frustrated by the ten month lack of disclosure to him.

Sinclair commented that Dopf lacked remorse in the video, laughed as the person assaulted was now deceased not related to the incident and was insensitive in his words and demeanour.

Shelton commented that Dopf is remorseful and has shown this through his guilty pleas in the Criminal case and the Police Services Act case. She stated it has weighed on him greatly.

Mr. O'Hara in re-examination posed the question to Shelton if she would lie for him and she responded with a "No". In referring to her reference letter she again stated that he has taken responsibility for his actions by pleading guilty and accepting responsibility for his actions. She testified he knew what he did was wrong and it was a wrong decision, but he has stepped up to the plate that that was good as far as she was concerned. She says she would work with anyone who admits to their indiscretions.

In relation to the comment Dopf made about "Free Passes" she testified that Dopf would not do that. Eric lays charges, always had a healthy assignment list and worked hard for her when he was on her shift.

The third witness to testify for the Defense was Mr. Marvin Masecar. He also had submitted a character reference letter for Detective Constable Dopf. Masecar is a retired Sergeant from the Woodstock Police Service retiring in April of 2016. He now is a Minister with the Pastoral Church. He has known Dopf for eighteen years. He testified he was never a direct supervisor for Dopf. He testified in the past they had worked together in Woodstock and was hard working. He testified that Dopf was initially rough around the edges like any recruit when he began his career. The circle of retiree's is small in Woodstock he stated however Dopf and he meet for coffee and breakfast regularly.

He testified that he believes Dopf is sorryful for the impact of his actions and the negativity it has brought to himself and his family.

He testified that it is sad the way the Woodstock Police Service has treated Dopf since this incident. He stated he was happy to have Dopf on his platoon. He testified there are some you would pass on, but not Eric.

In re-exam by Mr. O'Hara he also testified that he would help a friend but he would never mislead to help a friend.

In cross examination by Mr. Sinclair the witness reiterated that he was upset by the way Dopf is being treated by the Woodstock Police Service. He stated there was a lack of support and care. He testified he is not blaming the Service as this was a regrettable incident. Sinclair showed the witness the video Exhibit #9. He observed the four kicks and two punches on the arrester party.

He testified he was a police officer for twenty years with Waterloo and Woodstock and when he heard the comment of Dopf in the signing in video station he would not lay charges and hand out free passes he did not believe this comment from Dopf. He attributed this comment as an off handed comment. People say things that they don't mean he stated.

He concluded his testimony by saying that Detective Constable Dopf is a friend. He stated he understands the circumstances of the incident, however bad things happen in life. He was present to testify and submitted the character letter to help Dopf.

The fourth witness to testify for the Defense was Ms. Nancy O'Grady. She submitted a character reference letter for Detective Constable Dopf. She was a member of the Woodstock Police Services Board from 2010 to 2018.

She testified to learn her job as a Board member she requested the permission to attend a ride a-long. On June 19, 2010 she had her first ride a-long with Detective Constable Dopf. It was Saturday night shift. She testified that Dopf had volunteered to take her in his cruiser. It was a positive experience and this led to six or seven more ride a-longs. She testified it was a wonderful experience and it also gave her insight as to what was happening in the community. She attended calls with Dopf and got out of the cruiser to attend the call with him. They had a gun call where Dopf told her to stay in the cruiser.

She testified when dealing with the public Dopf was respectful, masterful and confident. She stated he was kind, gravitas, ethical and respected by his colleagues.

She testified she contacted Dopf on June 05, 2023 as she was aware of the incident and was trying to ascertain how he was coping. She indicated to him if there was anything she could do and offered to write a reference letter. He acknowledged the next day that a reference letter would be appreciated. He attended two days later at her residence to pick up the letter. She testified that she has seen the media and video of the incident. She testified that Dopf had made a mistake and was taking responsibility.

She stills believes Detective Constable Dopf she be returned to work and go back on the road. She testified that you can separate a man from an action. She testified that you can have two things be true at the same time. She testified that on one hand a mistake was made and he has taken responsibility and on the other she stated she put her life in his hands on a ride a-long. She testified that she would do it again.

During cross examination by Mr. Sinclair, O'Grady acknowledged that as a Board member in a ride a-log she was Dopf's Boss. She also acknowledged that people are usually on their best behaviour when accompanied by a Boss. She was not familiar with the McNeil decision but she did have an understanding of a police officer's duties.

She was shown the two videos contained in Exhibit #9. She acknowledged hearing Dopf state about the "free passes". She believed it to be emotional venting and further acknowledged that Dopf did not appear to be remorseful and he was insensitive to the assaulted handcuffed person by his words and actions.

Findings:

In his submissions to the Tribunal, Mr. O'Hara has requested a demotion for twelve months or a forfeiture of hours.

In his submission he has highlighted a number of cases contained in Exhibit #13 of his Book of Authorities. It is not my intention to comment on all the cases that Mr. O'Hara has presented to this Tribunal. The major significance that is brought to my attention by these cases is to offer the Hearing Officer a range of penalties that have been assessed over the past years and offer assistance in determining the appropriate disposition weighing all the factors as outlined in Ceysens Disposition of Factors, Schofield for consistency of penalty and Williams for three key factors to consider. These include: the nature of the seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage for the reputation of the police force that would occur if this officer remained on the Force.

I have read the cases supplied by Mr. O'Hara and found them to be applicable for guidance principles for disposition. I have found that Maseraka (Ottawa), Johnson (Durham), Wilson (Toronto) and Jacobs (Ottawa) as the cases that most resemble this case. They were all files where provocation was not the starting issue for the inappropriate display of authority utilized by officers in these cases. The interesting differential in these cases are that the officers involved were not criminally charged. Forfeiture of hours was the prevailing disposition considering all the issues that were presented.

In the cases where criminal charges were laid they all had a resisting arrest factors, no compliance and or were provocative in their actions which led to the inappropriate behaviour displayed by the officer. Demotion appeared to be the common theme.

Mr. O'Hara referred to the Wren case of Hamilton as a decision to be considered in this case as well. I have read the decision by the Hearing Officer and will address issues of similarity and not in my decision. The officer was demoted one rank on this file.

Mr. O'Hara stressed in his submission that Detective Constable Dopf has numerous mitigating factors to assist the Tribunal in the disposition consideration process. He argues that Dopf has low sick days with the Service, was an Association Director for two years. He has numerous character letters including former Chiefs who have written positively about Dopf and some have also attended in person at this Tribunal to testify. He spoke about former Inspector Shelton's letter and testimony as a mitigating factor to consider for rehabilitation. He commented that Detective Constable Dopf is a first time offender and he has attended Anger Management Counselling as his own initiative and cost. He states that Dopf neglected his Mental Health and he states that this would not happen again. He has learned much from his Counselling sessions and has maintained this consistently over the past two to three years. He has attended fifty one sessions to date. He states that Dopf has learned skills from these sessions to not act out like he did with this incident again.

O'Hara stated that Dopf became depressed and anxious and was sent to a Psychologist through his counselling sessions and was diagnosed with post traumatic stress disorder (PTSD).

This diagnosis was related to trauma from work not this incident alone. He has attended support groups and is rehabilitating himself. He advised the Tribunal he is on probation for the criminal conviction until March 06, 2025. He has completed the one hundred hours community service levied against him by the Criminal Court.

He describes Dopf's assault as out of character and that dismissal is not required. He described the event as a human frailty and Dopf is aware further misconduct in his career will lead to Dismissal. He believes the chances of further misconduct by Detective Constable Dopf as very low. The October 3rd video from the station when signing in he asks the Tribunal to see it for what it is and the comments were a "tongue in cheek" response. Dopf has lost his 4 per cent Detective status for pay, is on mood stabilizers, continues counselling, has embarrassed his wife, children and family members. He has had family members in attendance the past two days for support.

The file has left a huge impact on Detective Constable Dopf and he argues the just penalty would be a demotion as there will be no concern for a repeat occurrence of this nature.

Dopf has learned from the Criminal process, community service hours rendered and probation that still exists as constant reminders of his indiscretion. He is aware of the extensive media attention that this Assault has garnered and the petition that was created in his community.

O'Hara concluded that Demotion for twelve months is a just disposition and referred me to the Wren decision again from Hamilton which is a 2024 decision with similarities to this case.

In his submissions to the Tribunal, Mr. Sinclair has asked for the immediate dismissal of Detective Constable Dopf. Bosch the arrested party had posed no threat to Dopf and was in the custody of Constable Wiseman when Dopf attended the scene and assaulted him. The Discreditable Conduct charge relates to his guilty plea in criminal court for this indiscretion.

The Insubordination charge relates to Detective Constable Dopf breaching Woodstock Police Service policy orders which state:

The application of force is intended for the purposes of escape and for the protection of others. The force must never be applied for malicious or punitive reasons and must be applied at a level sufficient to control the person.

Mr. Sinclair argues that the assault was punitive and that Dopf decided to take justice in his own hands. He states that this treatment was brutal when the prisoner was compliant after he was arrested. He argues that Dopf has proven himself a risk to the public and a liability to the Service.

Mr. Sinclair refers to the Krug decision (Ottawa) as it relates to the factors a Hearing Officer must consider including the aggravating and mitigating factors to assess. As he stated the seriousness of the offence does not in itself justify a dismissal.

The Prosecution's position of immediate dismissal is the only appropriate penalty taking into consideration the penalty factors outlined in Krug and the penalties imposed in disciplinary proceedings concerning Assault on a restrained prisoner as committed by Detective Constable Dopf.

I find that this is a viable position to take on this file.

Mr. Sinclair noted the Venable decision where the OCPC stated in their decision on the appeal of dismissal that it was "hard to imagine behaviour that is more offensive" than an unprovoked, deliberate assault on a handcuffed prisoner. There were significant mitigating factors for Constable Venables however he was dismissed. Venables is similar to this file as we look at the unprovoked behaviour conducted by Detective Constable Dopf and the significant mitigating factors that may be considered.

The Maguire case of 1975 was also presented by the Prosecution to support dismissal as there was no excuse to attack the prisoner. It also stated in their decision that such conduct was incompatible for the police service to operate in the public's eye. Maguire was dismissed. Similarity to this file may be considered and appropriate.

The main themes in these cases are the unprovoked actions displayed by the officer with a compliant prisoner.

I have considered the cases supplied to me by Counsel. I have read the cases supplied to the Tribunal and while not always on point, have found them to be instructive in my deliberation.

In Williams and the Ontario Provincial Police, the Commission identified three key elements a Hearing Officer must take into account when imposing a penalty.

These include: the nature of the seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage to the reputation of the Police Force that would occur if the officer remained on the Force.

In Ontario, Legal Aspects of Policing (pages 6-14) provides that a police officer commits an offence against discipline by acting "in a disorderly manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force".

The most recent application of the test for discreditable conduct in Ontario confirms that the test is "primarily an objective one" and that the conduct must be measured against the "reasonable expectations of the community".

The Ontario Civilian Commission on Police Services has articulated the following approach regarding the meaning of “likely” to bring discredit upon the reputation of the police force:

The measure used to determine whether conduct has been discreditable is the extent of the potential damage to the reputation and image of the service should the action become public knowledge.

In Legal Aspects of Policing at page 6-63 the General Principles of Insubordination are described.

It states the following:

“Historically, insubordination has included two categories of misconduct. The first category involves demeanor and covers insolence or rebelliousness. The second and more common form of offense involves refusal to comply with orders or other forms of direction.”

It is apparent in this case that the second form of the offence is the applicable situation before us today.

It is my intention to deal with Counts one and two which were laid against Detective Constable Dopf together.

It is clear and convincing through the agreed statement of facts that the Prosecutor in conjunction with Defense Counsel and the subject officer that the officer is guilty of these indiscretions.

In considering a proper disposition the Tribunal must consider a number of issues. The Disposition should agree with the purpose of affecting a proper discipline process where it meets the standard for the Service in employing discipline in the workplace and the responsibility to treat the respondent officer fairly and also the actions incurred if a public complainant is involved to assist in their reconciliation of the matter.

The overall purpose of the discipline process is to apply corrective measures to correct improper behaviour according to the standards of the discipline process and that of the affected Police Service in accordance with their policies and procedures that all officers are to adhere to in their policing duties.

Through disciplinary jurisprudence, a number of mitigating and aggravating considerations have emerged that affect disposition.

These include:

- Public interest.
- Seriousness of misconduct.
- Recognition of the seriousness of the misconduct.
- Handicap or other relevant personal circumstances.

- Provocation.
- Procedural fairness considerations.
- Employment history.
- Potential to reform or rehabilitate the police officer.
- Effect on police officer and police officer's family.
- Consistency of disposition.
- Specific and general deterrence.
- Employer approach to misconduct in question.
- Damage to the reputation of the police force.

Not all of these factors are relevant to the present case before the Tribunal.

Many of these factors stem from the decision of Williams and Ontario Provincial Police (1995), 2 O.P.R. 1047 (OCCPS)

In Williams and the Ontario Provincial Police, the Commission identified three key elements a Hearing Officer must take into account when imposing a penalty. These include: the nature of the seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage for the reputation of the police force that would occur if this officer remained on the Force.

Accountability, ethical behaviour and conduct are at a standard much higher than the public we serve. It is generally known and an accepted fact that the law requires a higher standard of conduct with Police Officers in their private lives than the ordinary citizen.

Credibility, honesty, integrity are characteristics that are earned. As one elevates him / herself through the ranks of this proud organization, those characteristics are more revered and treasured. It helps to create the professional image and excellence that the Woodstock Police officers strive to maintain.

The public must be confident that the police will strive to set the example for those in the community. Anything short of this will be seen as a contradiction and serve no other purpose but to undermine the efforts of all serving officers and the explicit goals of the Woodstock Police Service.

You are accountable for your actions and any deviance from those actions, the Woodstock Police Service will hold you accountable. This is what the public expects of the management of this Police Service.

Disposition Considerations:

A number of issues must be considered in Police Act disciplinary matters.

1. Public Interest

It is important to consider the public interest. It is common knowledge that the public holds police in a position of high trust and accountability. Detective Constable Dopf was found Guilty of Discreditable Conduct and Insubordination. At the time of this indiscretion, Detective Constable Dopf had sixteen years police experience. As noted in the agreed statement of fact, Che Bosch was assaulted by Detective Constable Dopf as he attended the controlled scene as Constable Wiseman had control of Bosch while he was seated on the ground with his hands handcuffed behind his back.

It is my belief and I do find that Detective Constable Dopf over reacted to the situation. Policemen are to be in control of their actions at all times. This does not always apply to civilians. Policemen are trained. If people shout obscenities and create disturbances police officers are trained to deal with these situations. In this situation the arrested party was compliant and was not making a disturbance or resisting the arrest.

Detective Constable Dopf is a police officer and as such the public expects him to investigate criminal activity in a professional and thorough manner. General Orders of the Service are expected to be adhered to forthwith as policy dictates. This type of behavior displayed by Detective Constable Dopf on the day in question is not tolerable. It is further aggravated when the person in question is as I have said was compliant and seated when Dopf arrived on the scene.

An officer with sixteen years of service in a specialized unit knows or ought to know, that he must be constantly assessing the situation as situations change by the minute. In this case the surveillance was terminated before he arrived. The arrested party was under control and contained. I can understand how Detective Constable Dopf could have become frustrated or annoyed by the actions of the driver of the vehicle at the search warrant address location, however this is where a professional police officer rises to the top, and does not allow oneself to slip to the behaviour of the people he is confronted with especially if they are compliant as this situation has been described. The person seated and compliant was not the driver.

The community has an interest in knowing that its police officers will act in accordance with the laws they are sworn to uphold. There has been much media attention to this file and there is also a petition being circulated in the community demanding the termination of employment for this officer.

He was found Guilty by a Criminal Court Judge of a violent criminal offence and Insubordination for his excessive force and Assault on the arrested person, Che Bosch who was compliant, handcuffed, seated under the control of Constable Wiseman a colleague of Dopf upon his arrival at the scene. I must consider this as an aggravating factor in my disposition consideration process.

It is therefore extremely important that the Woodstock Police Service demonstrate that members will be held to that standard.

2. Seriousness of the Misconduct

Any deceptive or abhorrent behaviour displayed by a police officer in any police service is serious. This situation is compounded when the member is expected to be trusted by the community and his fellow officers. Detective Constable Dopf betrayed the trust of his fellow officers, the community and the Woodstock Police Service.

The public confidence in the police is one of an expectation that the law will be upheld.

Detective Constable Dopf conduct was unprofessional and he abused his authority. He performed an Assault on a compliant arrested person which culminated in minor injury to the back of the complainant. There was no need as Mr. Sinclair noted in his submission to the Tribunal for Detective Constable Dopf to insert himself into the arrest and engage in a punitive assault. He can be seen verbally rebuking Mr. Bosch with a finger pointed in Bosch's face in between delivering punches and kicks to his head and body. To further aggravate the situation he at one point disengages with Bosch before turning around and administering another final kick to Bosch.

The conduct of Detective Constable Dopf I believe was not planned behaviour and could be described as a momentary deviation of sound judgment; it was also not mere carelessness. An experienced police officer knows better than to conduct themselves in the manner that Dopf exhibited on the day of the Bosch arrest.

This is also an aggravating consideration to determine in the disposition process.

3. Recognition of the Seriousness of the Misconduct

The actions of Detective Constable Dopf on October 17, 2022 have affected his career. I believe Detective Constable Dopf understands that today. Mr. O'Hara has indicated that this was an isolated incident in this officer's career, however I believe that this officer sees clearly how his violent actions, neglectful behaviour and lack of professionalism has dictated the shortcomings that bring him before me today.

Detective Constable Dopf is a senior member of the organization operating in a specialized unit and he has disregarded his policing authority. In a specialized unit you are expected to recognize the rules, procedures and orders of the Service to a greater degree than the uniformed officer due to your position on this specialized unit. The assault on the compliant prisoner is unfathomable to explain.

Again, this factor is another aggravating consideration to access in the disposition of this officer.

4. Employment History

Detective Constable Dopf joined the Woodstock Police Service in 2006. During his policing career, Dopf has demonstrated that he is a hard working member of the organization. It appears that Dopf excels in the traffic enforcement and criminal areas of deployment as demonstrated by the numerous letters of commendation, character references and Performance Reviews contained in Exhibit #12 supplied by his Counsel.

His performance reviews on the most part indicate he is a capable worker excelling in some areas. For the most part he is considered average by his supervisors. It should be noted that there are submissions in his reviews dealing with his inappropriate attitude toward the public and his aggressive language and tone when dealing with occurrences.

Police officers that were retired members of the Woodstock Police Service spoke very highly of him and encouraged the Tribunal to have him return to active duty with the Service when they testified before the Tribunal.

The totality of work performance acts as a mitigating factor in my decision.

5. Need for Deterrence

It is necessary to consider a general deterrence for all members. The penalty must reflect that the Woodstock Police Service will not tolerate unacceptable behaviour. The Woodstock Police Service must send the message to all members that those officers of this Service will act professionally, conduct proficient investigations and act accordingly in the presence of other officers and members of the public when engaged in the performance of their duties.

General deterrence in this situation offers the Adjudicator in this matter the opportunity to remind all members of this organization that an arrest of an individual is a significant action against that person and it cannot and should not be exercised or performed casually or especially with a punitive tone as demonstrated by Detective Constable Dopf.

The rule of an investigation is to provide the Community with investigations with the utmost of policing excellence, diligence and thoroughness. A quality investigation is warranted. Nothing less can be accepted or tolerated.

This disposition must indicate to the policing community that individuals who contemplate this type of behaviour do so at their own considerable peril and preclude any significant leniency in dealing with matters of this nature. As a result, the disposition in this matter ought to leave no doubt as to probable consequences of misconduct in this regard.

There must also be specific deterrence for the member to send a message that individuals will be held accountable for their conduct. While considering the mitigating factor, such as generally positive work record, the Woodstock Police Service must deliver a penalty that not only prevents recurrence, but also adequately protects the public.

6. Ability to Reform or Rehabilitate the Officer

Detective Constable Dopf acted in a manner that is clearly unacceptable of a Police Officer. Assault is a serious offence that cannot be tolerated in this organization. The possibility of recurrence or whether or not this matter is an isolated instance as Defense Counsel has suggested must clearly be examined.

He did apologize to the Tribunal for his actions on the day in question. Dopf apologized at his criminal trial as well. I agree with the Prosecutor that the letter written for his criminal process was poorly worded. In his apology to the Tribunal it certainly appeared more heartfelt and sincere.

The insensitivity of the video shown at the Woodstock Police Service office while signing in for his suspension must be considered. During this attendance Dopf stated to another officer; ***“When I come back, no one is getting charged. You get a free pass, you get a free pass, ... I’ll be writing fucking reports and I’ll be like, officer discretion.”*** I agree that it may be taken in two different positions. There are those who say it was “Bravado” that was speaking when he indicated he would not be laying charges if he returned and also the comment that “he is dead now,” both foolish comments taken in which ever perspective you take with the comments spoken. Clearly the other position and it cannot be disregarded as it is the words spoken by Detective Constable Dopf and it maybe his true feelings!!

The Judge in his sentencing hearing stated the following;

This was a brazen, repeated and multifaceted attack on a handcuffed victim, which was carried out in public, at a place, by a police officer acting in the course of his sworn duty, in full view of another officer.

Public confidence in the police is diminished through assaults such as this. In carrying out this attack, Mr. Dopf breached the public’s trust and did not exhibit the high degree of self-control that is expected of police officers, even when responding to events as dangerous and dynamic as this one clearly was.

An officer's potential to rehabilitate is an important consideration. As already indicated, Corrective Dispositions should prevail, where possible. Police Service Act case law has held that unless the offence is so egregious and unmitigated, the opportunity to reform should be a significant consideration.

Short of dismissal, it is unknown to this Tribunal or the Woodstock Police Service whether this conduct will continue by this officer.

The apology may be considered as a mitigating consideration and the comments spoken may be considered as aggravating factors to consider in this disposition.

7. Damage to the Reputation of the Force

The Conduct exhibited by this officer while on duty in Woodstock is deplorable and will cause damage to the reputation of the Woodstock Police Service.

To some degree it does not matter as the incident has affected all involved and has caused damage to the organization.

The credibility of the Woodstock Police Service as police agency is of paramount importance. The credibility of officers that conduct investigations and act inappropriately can have an adverse effect on the officer and those in attendance. Further, this incident was reported in the media, resulting in the embarrassment to the Woodstock Police Service.

As a result of the extensive media coverage a petition was created by members of the Woodstock community to solicit the termination of this officer's employment. The utilization of force on a handcuffed compliant person does not reflect a positive image for the officers conducting the work in a small community for the Woodstock Police Service. Policing is a difficult job and instances such as this does not project that positive, helpful, caring image the organization wishes to project to their citizens.

It is the commitment and the Public's expectation that the Woodstock Police Service conduct themselves 24-7, three hundred and sixty five days of the year with a degree of professionalism and commitment for policing excellence. Nothing less is acceptable.

8. Handicap and Other Relevant Person Circumstances

There are no considerations before this Tribunal that are apparent or give cause for consideration.

9. Effect on the Police Officer's Family

There is no doubt that Detective Constable Dopf and his family will suffer from the penalty disposition to be imposed. Dismissal, Demotion, forfeiture of hours will have a significant impact on Detective Constable Dopf, his wife and their children. Dopf's Counsel has suggested in his submissions that he has already lost a great deal of overtime and his four percent increase of pay differential, I must remind Counsel and Detective Constable Dopf that it was he that perpetrated the Misconduct in October of 2022, It was not me, the Woodstock Police Service or his family.

These are issues that I do not see as mitigating in my disposition at all.

I have given this situation serious consideration in determining an appropriate disposition.

10. Management Approach for Misconduct

The Woodstock Police Service has a clearly defined Performance Management Program and Disciplinary Process. The Woodstock Police service is a professional, disciplined organization. The Service considers the actions of Detective Constable Dopf to be serious.

Due to the serious nature of this misconduct, while on duty, I have not given undue consideration for this issue. The Woodstock Police Service does not condone or accept this type of behaviour from its officers.

11. Provocation

Che Bosch the arrested party was under the control of Constable Wiseman when Detective Constable Dopf arrived on the scene. He had already been placed under arrest by Constable Wiseman. Bosch was compliant, seated on the ground with his hands handcuffed behind his back when Dopf began to kick and punch him.

There was absolutely no provocation at all at the scene to warrant the actions of Detective Constable Dopf and these actions warrant serious aggravating factors to consider in my disposition.

12. Procedural Fairness Considerations

There are no considerations before this Tribunal that are apparent or give cause for consideration.

13. Consistency of Penalty

Counsel has provided the Tribunal with an abundance of cases to assist this Tribunal for an appropriate disposition and also to assist their positions on penalty. As noted earlier in this disposition there are no cases that are totally similar to this file. Yes, we have assaultive behaviour conducted by police officers that have been as a result of provocation. There are cases that police officers have assaulted an arrested party with no criminal charges. We also have cases that result in dismissal and demotion. I find that these positions for disposition are quite appropriate. The cases as presented by Counsel have been extremely helpful and I appreciate receiving them in advance of this Hearing. I can also state that I have reviewed them again in this disposition process.

Detective Constable Dopf conduct was unprofessional and he abused his authority. He performed an Assault on a compliant arrested person which culminated in minor injury to the back of the complainant. There was no need as Mr. Sinclair noted in his submission to the Tribunal for Detective Constable Dopf to insert himself into the arrest and engage in a punitive assault. He can be seen verbally rebuking Mr. Bosch with a finger pointed in Bosch's face in between delivering punches and kicks to his head and body. To further aggravate the situation he at one point disengages with Bosch before turning around and administering another final kick to Bosch.

This type of conduct cannot and must not be exhibited by a police officer in the performance of their duties. It is not accepted by any police organization and it is certainly not appreciated by members living in the community.

The question that this Tribunal has to consider is whether this exhibition of force by Detective Constable Bosch is a trait that will continue or has he learned from his criminal court experience and this hearing process.

Mr. O'Hara stressed in his submission that Detective Constable Dopf has numerous mitigating factors to assist the Tribunal in the disposition consideration process. He argues that Dopf has low sick days with the Service, was an Association Director for two years. He has numerous character letters including former Chiefs who have written positively about Dopf and some have also attended in person at this Tribunal to testify. He spoke about former Inspector Shelton's letter and testimony as a mitigating factor to consider for rehabilitation. He commented that Detective Constable Dopf is a first time offender and he has attended Anger Management Counselling as his own initiative and cost. He states that Dopf neglected his Mental Health and he states that this would not happen again. He has learned much from his Counselling sessions and has maintained this consistently over the past two to three years. He has attended fifty one sessions to date. He states that Dopf has learned skills from these sessions to not act out like he did with this incident again.

It is true that Detective Constable Dopf volunteered in the community and has at his own expense attended Counselling sessions.

Pleading guilty to disciplinary allegations and criminal processes constitutes recognition of the seriousness of the misconduct, which is a mitigating factor for the Tribunal to consider. Detective Constable Dopf through his guilty pleas to the disciplinary charge of Discreditable Conduct and Insubordination demonstrates his recognition of the seriousness of his misconduct. Detective Constable Dopf has apologized for his actions at the Hearing which was conducted on January 7 and 8, 2025 in Woodstock, Ontario. His guilty pleas, apology and cooperation in this proceeding demonstrate his recognition of the seriousness of his misconduct and are mitigating factors in consideration of an appropriate penalty.

Consideration of an officer's employment history is a standard factor to consider. It can serve as both a mitigating and aggravating factor. Detective Constable Dopf as previously stated does not have any prior discipline on record. He has served for sixteen years with the Service. His length of service and lack of discipline on record all serve as mitigating factors in this file.

It is commendable that Detective Constable Dopf recognizes and accepts that his actions were irresponsible and unacceptable as a police officer. My only hope now is that Detective Constable Dopf follows through on his promise to the Tribunal to uphold the core values of a police officer, Polices of the Service and conduct himself accordingly.

An officer's potential to rehabilitate is an important consideration. As already indicated, Corrective Dispositions should prevail, where possible. Police Service Act case law has held that unless the offence is so egregious and unmitigated, the opportunity to reform should be a significant consideration.

It cannot be ignored when reviewing his Performance Reviews that aggressive behaviour and inappropriate language are plentiful through many years of his reviews. It was noted by numerous supervisors that his behaviour at times was not acceptable. Dopf was never held accountable for his behaviour through any additional supervision or training. It could also be considered that Detective Constable Dopf believed that the Service just takes the position of noting the behaviour but not assisting him in changing his behaviour. I am not saying that this officer thought of this prior to assaulting the prisoner.

His Insensitivity and callous position he demonstrated also was appalling when he was observed on the camera contained within the Woodstock Police Service as he signed in on that October day. Whether it was frustration or bravado it is not acceptable.

Consistency in the disposition process is paramount. The nuances of this file compared to other cases guide me in determining a proper disposition.

Dismissal is certainly a position that can be considered. Forfeiture of hours is not appropriate.

Demotion is also a position that fits the range of disposition however the rehabilitative factor looms large in the decision making process.

The public must be confident that the police will strive to set the example for those in the Woodstock Community. Anything short of this will be seen as a contradiction and serve no other purpose but to undermine the efforts of all serving officers and the explicit goals of the Woodstock Police Service.

Considering that Detective Constable Dopf has had positive reviews except for the behaviour issues noted but not acted upon by the Service I believe that this officer can be rehabilitated with conditions. He has had retired members attend to give evidence and support him in this Hearing and have attested to his work habits. He volunteers extensively in the community as well. He also has had two prior Chiefs of the Woodstock Police Service support him as well.

I agree in the position taken by the Hearing officer in the Wren case that the demotion in rank has to fit the degree of the indiscretion caused by this officer.

Although the proposed penalty will result in a loss of salary for Detective Constable Dopf, I do not believe that the proposed penalty will create an undue or special hardship on him or his family.

Detective Constable Dopf has committed a serious violation of Misconduct which has affected the community of Woodstock, the reputation of the Woodstock Police Service and his own family. This misconduct must be dealt with in a serious manner as well. His employment history has saved him from a possible dismissal position.

It is my belief that Detective Constable Dopf needs to control his temper and his attitude when in uniform while on active duty. He has failed to do this on numerous occasions and has been noted in his performance reviews. These are the cases that we know of, which leads to the question "*How many of these incidents is the Service unaware?*"

When considering a demotion I believe it must be stronger than what Mr. O'Hara has recommended to the Tribunal. I have considered the aggravating and mitigating factors, his apology and the evidence of the witnesses who testified to this Tribunal and the character letters submitted to this Tribunal.

I would consider the disposition that I will be meting out to you today has serious and would consider it a last chance agreement for you to show this organization that it did not make a mistake in not terminating you from your career. I can say with some certainty that if you return to this Tribunal with any further disciplinary issues you will be terminated by me or some other Adjudicator who will be sitting in this position.

The disposition of this matter must reflect the serious nature of Detective Constable Dopf's actions.

I have considered the submissions by Counsel, the agreed statement of facts and the review of the Book of Authorities to assist in rendering an appropriate disposition.

I must be guided by the OCCPS decision of Schofield and Metropolitan Police Service.

"Consistency in the disciplinary process is often the benchmark of principles. The penalty must be consistent with the facts and consistent with similar cases that have been dealt with on earlier occasions"

As stated in the submissions of counsel there is no case that is similar to this case before the Tribunal.

Striving for consistency in a disposition is a balancing act, involving a number of considerations that speak to the specifics of the misconduct, the environment in which the misconduct occurred, the action or inaction of the Management of the Service and other issues.

A strong and fair disposition is expected and I believe is delivered in this case.

I will deal with the two counts of Discreditable Conduct and Insubordination as one disposition for all Counts.

Disposition:

In light of the seriousness of these allegations and bearing in mind all the evidence placed before me, Detective Constable Eric Dopf #0603 will be demoted from his position of First Class Constable to Third Class Constable immediately for a period of twelve (12) months. Upon completing the twelve months Detective Constable Dopf will be elevated to Second Class Constable for a period of twelve (12) months and upon completing the twelve months at Second Class Constable will return to First Class Constable pursuant to Section 85 (1) (c) of the Police Services Act.


Detective Constable Dopf will also attend Arrest Procedures and Use of Force Training as taught by the Woodstock Police Service and also attend any other training as prescribed by the Management of the Service.

Detective Constable Dopf will also continue his Anger Management and Counselling sessions and will report his performance at these sessions to Management of the Service where applicable.

Detective Constable Dopf, I hope you realize by virtue of this disposition you are being given a second chance. Numerous candidates are denied the opportunity to wear the uniform of a Woodstock police officer.

Not often Officers are given a second chance. I urge you to make the best of this situation and opportunity.

A Disposition of Dismissal will certainly be entertained if you attend before me or any other Adjudicator in the future.



**M.P.B. Elbers, Superintendent
(Retired)**

February 06, 2025