

**WOODSTOCK POLICE SERVICE DISCIPLINE HEARING**

**IN THE MATTER OF ONTARIO REGULATION 268/10  
MADE UNDER THE *POLICE SERVICES ACT*, RSO 1990,  
AND AMENDMENTS THERETO;**

**IN THE MATTER OF**

**WOODSTOCK POLICE SERVICE**

**AND**

**CONSTABLE PRITPAL THIND**

**DISCREDITABLE CONDUCT**

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**DISPOSITION WITH REASONS**

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**Before: Superintendent (Ret.) Greg Walton**

**Counsel for the Prosecution: Mr. Alex Sinclair**

**Counsel for the Defence: Mr. Lucas O'Hara**

**Hearing Date: October 22, 2024**

## **BACKGROUND**

### **Allegations of Misconduct (amended)**

#### Discreditable Conduct

It is alleged Constable Pritpal Thind committed misconduct in that on or about November 7, 2023, he was 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 *Police Services Act* as amended, and section 30, clause 2(1)(a)(ix) of the Schedule “Code of Conduct,” Ontario Regulation 268/10 as amended under the *Act*.

The Statement of Particulars reads as follows:

On November 7, 2023, Constable Thind appeared before Justice Orsini at the Ontario Court of Justice in Woodstock, Ontario. Constable Thind pleaded guilty to the charge of dangerous driving causing bodily harm contrary to section 320.13(2) of the *Criminal Code* of Canada. On March 8, 2024, Justice Orsini sentenced Constable Thind to a \$4,000 fine.

### **Plea / Penalty Position**

The Notice of Hearing contained two counts of discreditable conduct and one count of insubordination. After accepting Constable Thind’s guilty plea and making a finding of guilt, the second count of discreditable conduct and the one count of insubordination were withdrawn at the request of Counsel.

Mr. Lucas O’Hara represented Constable Thind and Mr. Alex Sinclair represented the Woodstock Police Service as prosecutor. Counsel jointly submitted that Constable Thind ought to be demoted in rank for a term of 12 months.

### **Agreed Statement of Fact (amended)**

Constable Thind has been a sworn member of the Woodstock Police Service for the past five years. On June 15, 2022, at approximately 3:00 a.m., Constable Thind was investigating a property offence complaint, being reports of a suspicious male trying to break into vehicles. During the course of this investigation, Constable Thind located a male fitting the suspect description in Roth Park, Woodstock. Constable Thind observed the male attempt to leave the area on a bicycle through the marked trails in the park. Constable Thind activated his emergency lighting and

also briefly activated his emergency siren in an attempt to signal the male to stop. Constable Thind maneuvered his cruiser around wooden posts by driving over grass and around trees in order to pursue the male. During the pursuit, Constable Thind accidentally struck the bicycle with his cruiser, resulting in the male falling down and sustaining a serious injury to his ankle.

A portion of Constable Thind's pursuit of the male was captured on video. A copy of the video is entered herein as Exhibit "B." Constable Thind's pursuit of the male breached Woodstock Police Directive LE-045, which states:

Members shall not engage in a pursuit when the suspect offence is solely:

1. A provincial offence infraction; or
2. A property crime, including the possession of a stolen vehicle.
3. A suspected non-criminal offence.

A Copy of Woodstock Police Directive AI-012 is attached hereto as Exhibit "C."

Constable Thind was charged with one count of dangerous driving causing bodily harm and one count of criminal negligence causing bodily harm as follows:

1. Thind, Pritpal (Badge #2052) of the Woodstock Police Service, on or about June 15, 2022, at the City of Woodstock, in the said region, did operate a conveyance in a manner that was dangerous to the public and thereby caused bodily harm to Jason Simms contrary to section 320.13(2) of the *Criminal Code*; and further that.
2. Thind, Pritpal (Badge #2052) of the Woodstock Police Service, on or about June 15, 2022, at the City of Woodstock, in the said region, did by criminal negligence cause bodily harm to Jason Simms contrary to section 221 of the *Criminal Code*.

On or about November 7, 2023, at the Ontario Court of Justice in London, Ontario, Constable Thind entered a plea of guilty to the offence of dangerous driving causing bodily harm contrary to section 320.13(2) of the *Criminal Code*. The count of criminal negligence causing bodily harm was withdrawn. On or about March 8, 2024, Constable Thind was sentenced to a \$4,000.00 fine. A certified copy of Constable Thind's Conviction Record and Sentencing Order is attached hereto as Exhibit "D."

Constable Thind's conduct brought discredit upon the reputation of the Woodstock Police Service. Constable Thind's actions were widely reported by media outlets. Examples of media articles reporting on Constable Thind's conduct are attached hereto as Exhibit "E."

## **Decision**

The Agreed Statement of Fact provided clear and convincing evidence and as such a guilty finding was rendered relating to one count of discreditable conduct.

I can see no judicious reason to deviate from the penalty proposed, in fact, I find it to be a very fitting sanction. Consequently, Constable Thind will be demoted for a term of 12 months from first-class constable to second-class constable.

## **REASONS**

### **Submissions and Analysis**

Constable Thind pleaded guilty to one count of discreditable conduct and was found guilty based on the standard of clear and convincing evidence. At issue in this decision is the determination of the most fitting sanction. Counsel jointly submitted a demotion in rank for a term of 12 months is appropriate. The following commonly held proportionality considerations relevant to this matter will assist me in my analysis. I must weigh and balance the mitigating, aggravating, and neutral factors.

Exhibit #3 contains the Agreed Statement of Fact and also joint penalty submissions in relation to specific penalty factors reflected below.

### **Public Interest**

Counsel submitted that the community has an interest in knowing that its police officers will act in accordance with Woodstock Police Service policy and the laws they are sworn to uphold. The public holds the police in a position of high trust and accountability. Police officers engaging in illegal conduct erodes this public trust. It is extremely important that the Woodstock Police Service demonstrate that its members are held to the high standard of professionalism and integrity expected of them.

I agree with Counsel's position on Public Interest. Public Interest is an important factor to be considered in the determination of an appropriate disposition. The public expects police officers to fulfill their core duties under the *Police Services Act* including apprehending criminals in a manner that does not cause harm to others. The public expects police officers to exercise sound judgment and to act with the highest regard for public safety.

The public does not expect police officers to disregard police service orders and procedures or commit criminal offences while executing their lawful duty.

This incident was reported in the media and was made public. At tab E of Exhibit #3, are a series of media reports on this matter. It is important that the public does not perceive police officers as blatantly exceeding their lawful authority or otherwise acting outside the law. When that occurs, as in this instance, the public know that the Woodstock Police Service takes misconduct of this nature seriously.

Public trust in police services is fragile and is easily eroded when an officer fails to meet the public's expectations. The public has an interest in ensuring police officers demonstrate professionalism while executing their duty. Conduct of this nature erodes public trust. To maintain or re-establish that trust, it is necessary for the Woodstock Police Service to demonstrate that its members are held to the high standard of integrity expected of them.

The public must have confidence that the Woodstock Police Service will hold members accountable for conduct of this nature and must be satisfied that misconduct of this nature will attract an appropriate sanction.

Public Interest is an aggravating feature but I am satisfied that the proposed sanction adequately addresses this penalty factor.

#### Nature and Seriousness of Misconduct

Counsel submitted that the members of the Woodstock Police Service are expected to conduct themselves professionally and in accordance with internal Service policy and the laws they are sworn to uphold at all times. Constable Thind's conduct fell below this standard. As a result of Constable Thind's illegal conduct, he was charged with and convicted of a *Criminal Code* offence. Constable Thind's misconduct is a serious matter.

I accept Counsel's position that this is serious misconduct. At tab C of Exhibit #3 is the Woodstock Police Service Directive LE-045 - Suspect Apprehension Pursuits dated April 17, 2018. The policy specifically addresses police pursuits of motor vehicles and in this instance, while in his marked cruiser, Constable Thind pursued a person operating a bicycle. Consequently, it could be argued the Policy may not specifically apply to this matter considering it was a bicycle he pursued not a motor vehicle, but common sense says otherwise. Considering a bicycle offers less safety features than a motor vehicle might, the concept of acting in a manner that preserves public safety ought to have been adopted by Constable Thind.

In part, Woodstock Police Service Directive LE-045 - Suspect Apprehension Pursuits states:

It is the objective of the Woodstock Police Service to offer the citizens within the City of Woodstock the most efficient and safest police service possible. In keeping with this philosophy, the following directive is designed to ensure public safety as the primary consideration...

Public safety shall be the paramount consideration in any decision to initiate/continue/terminate a suspect apprehension pursuit and represents a balance that may change rapidly and must be continually reassessed. A suspect apprehension pursuit shall be the choice of last resort and will be considered only when other alternatives are unavailable...

A uniform member shall not continue a suspect apprehension pursuit involving a fleeing motorcycle; motorized snow vehicle, or off-road vehicle, i.e. ATV, utility vehicle, dirt bike, etcetera...

Members shall not engage in a pursuit when the suspect offences solely:

- A provincial offence infraction; or
- A property crime, including possession of a stolen vehicle.
- A suspected non-criminal offence.

It is clear that Constable Thind ought not to have initiated a pursuit. He showed a lack of sound, reasonable, decision-making skills. His behaviour resulted in serious injury to the male party he pursued; requiring surgery. Constable Thind was subsequently found guilty criminally of dangerous driving causing bodily harm. I consider this serious misconduct which necessitates a sanction of corresponding significance.

I am satisfied a 12-month demotion in rank is commensurate with the Nature and Seriousness of Misconduct.

#### Damage to the Reputation of the Woodstock Police Service

Counsel submitted that Constable Thind's misconduct damaged the reputation of the Woodstock Police Service in the eyes of the public. His conduct was investigated by the Special Investigations Unit, and ultimately resulted in a public court proceeding and guilty plea. Further, Constable Thind's misconduct was reported by several news media outlets which identified him as a member of the Woodstock Police Service.

I agree. There is no dispute that when an officer is found guilty of a criminal offence it adversely affects the reputation of their employer. The extent of the damage is compounded by the local media attention this matter garnered.

Similar to Public Interest, the damage to the reputation of the Woodstock Police Service can be mitigated if the sanction imposed is commensurate with the seriousness of the misconduct which serves to re-instill public confidence in the Service. I am satisfied that the sanction proposed by Counsel in this instance satisfactorily addresses this issue.

### Specific and General Deterrence

Counsel submitted it is crucial that Constable Thind's penalty serve as a general deterrent for all Woodstock Police Service members to inform them that the Woodstock Police Service will not condone members breaching policy and breaking the law, and that they will be held to account for their actions. Additionally, the penalty must act as a specific deterrent for Constable Thind to prevent reoccurrence and to warn him that his behaviour is unacceptable.

I agree. Specific and general deterrence are legitimate objectives of police discipline. Constable Thind must understand the seriousness of his misconduct; if he were to commit similar misconduct in the future, it would result in an increased sanction. However, based on Constable Thind's likelihood of reform, this is not a significant consideration.

All members of the Woodstock Police Service must understand they are accountable, held to a higher standard and fully appreciate the consequences associated to misconduct of this nature; a significant sanction is required, one commensurate with the seriousness of the misconduct to adequately address this penalty factor.

Specific and General Deterrence are aggravating factors but appropriately addressed by the sanction proposed by Counsel.

### Employment History

Constable Thind moved to Canada as a teenager following the premature death of his parents while he was aged 4 and 18. He is currently pursuing his master's degree after having volunteered in the Canadian military and having donated over 500 hours with St. John's Ambulance. He previously worked with the Canada Border Services Agency. He joined the Woodstock Police Service in 2020 and has had no previous matters of misconduct.

Exhibit #5 is a Brief of Supporting Documents. At tab 6 are his annual performance appraisals. In the 2021 appraisal, Constable Thind received scores of six out of seven in 11 assessment categories and seven out of seven in the remaining six categories. His immediate supervisor noted:

Pritpal is a hard worker and has outstanding work ethic. He can be trusted to make good decisions on the road. He is a very good investigator and a proactive officer. He leads by example and is a good mentor for new recruits and officers. Pritpal can be relied upon in high-risk situations to control any potential event. You are going to have a very successful career.

Inspector Heidi Becks noted:

Excellent appraisal Pritpal! Keep up the great work! You have a promising successful career ahead of you here at Woodstock Police Service.

In his 2022 annual review Constable Thind received scores of six out of seven in nine assessment categories and seven out of seven in seven categories. He received a score of four (described as acceptable) in the driving skills category no doubt associated to this misconduct. His immediate supervisor noted:

Pritpal is hard working, professional, intelligent, and highly motivated. He is particularly adept at criminal investigations which he doggedly pursues leaving no investigative avenue unexplored. These attributes, in addition to his excellent report writing, would make Pritpal particularly well suited to a position in the Criminal Investigations Branch and his supervisor(s) would recommend him to a position in Criminal Investigations Branch should a vacancy arise.

Inspector Becks noted:

Excellent appraisal Pritpal! Thank you for your contributions to both C & D platoon this year. Keep working towards your goals in 2023.

Employment History is a mitigating factor for consideration.

### Recognition of the Seriousness of Misconduct and Ability to Rehabilitate

Counsel submitted Constable Thind's guilty plea and joint submission on penalty demonstrate he has accepted responsibility for his misconduct. His guilty plea and joint submission on penalty eliminated the need for a hearing and potential appellate proceedings. Furthermore Constable Thind cooperated during the Woodstock Police Service professional standards unit investigation and admitted the conduct at issue. Constable Thind's cooperation during the Professional Standard Unit's investigation and his guilty plea demonstrate his recognition of the impropriety of his behavior. His lack of



prior formal disciplinary history with positive performance reviews are indicative of his rehabilitative potential.

I agree with Counsel's submissions. Furthermore, Constable Thind entered a guilty plea in criminal court and addressed this Tribunal by reading the following into the record.

Mr. Jason Sims,

I sincerely apologize for causing you harm and pain due to the incident that occurred on 15 June 2022. I understand that despite the absence of my intention to hurt you, my actions were wrong, and they caused you injury, pain, and suffering.

Without providing excuses, I admit I was wrong for failing to follow the police service policy regarding pursuits. Those policies exist for a reason, to prevent harm to others. Execution of police duties shouldn't result in unintended injury to anyone. I failed to execute my role and responsibility properly.

I apologize for all the stress and pain that you have lived with since the incident due to the injury and medical procedures.

I have thought about my decision making on the night of the incident and its consequences countless times and have wished to change those few seconds. I cannot change my actions in the past but the lessons learned will remain with me forever in the future. I can promise you that I have come out as a better person and a better police officer out of this process, always mindful of my actions and consequences.

I hope that you consider my lack of malicious intention in forgiving my actions.

I sincerely wish you recovery in all aspects.

To the Woodstock Police Service and the Public: I apologize for any negative light my actions and the legal proceedings have caused on the Service. I understand my actions were not consistent with the training and procedure that this police service has taught me, and I acknowledge that I have failed to uphold the values I have lived my entire life. I also apologize to the members of this community for not living up to the standards that I expect of myself and the Woodstock Police Service expects of its officers.

I find Constable Thind's apology sincere; he clearly understands the harm his actions caused to Mr. Sims, to his employer, and to the public.

At tab 7 of Exhibit #5 is a series of reference letters. Each of the character references were aware of the criminal incident; they were addressed to the Court but I find them just as applicable to this disciplinary matter. The 29 letters are from current and former co-workers, civilian members of the community and his family. The letters describe an individual who is self-reflective, professional, and remorseful. The following selections are indicative of how each of the character references view Constable Thind.

Jaspreet Sandhu is a friend of Constable Thind's. In part, he stated:

During my relationship with Pritpal Thind, I have experienced his commitment to his family, community, and work. He is a hard-working individual that takes pride in his work and the community he serves... The Sikh community overall takes pride in Pritpal Thind and looks for him at such events and thanks him for what he is doing for the community. Pritpal Thind being the first and only Sikh/Punjabi police officer for Woodstock Police Service is a great honour for myself and the Punjabi community as our youth look up to him and see their future in policing.

Pritpal Thind is also very well liked and respected by the seniors as he takes the time out to meet them and stop by the parks to have conversations with them and listen to their concerns. Having Pritpal has made it so much easier for the seniors and the other community members to voice their concerns due to language barriers. He genuinely cares for their well-being and safety. Having had multiple conversations over the past years with Pritpal, he is very passionate about serving the community and helping make a difference no matter how big or small...

North Davies, a current member of the Woodstock Police Service in part, noted:

Although Pritpal only has three years in policing, his experience is that of a veteran officer... He is extremely hardworking, intelligent, articulate, trustworthy, and dependable... Younger and experienced officers will look to Pritpal for advice and guidance... Pritpal is one of the most caring people I know... I also admire how Pritpal constantly wants to improve and better himself, not only in his career, but also him as a person.

Kevin DeClark is a police officer with the Woodstock Police Service and a veteran of the Afghanistan war. Constable DeClark was Constable Thind's coach officer. In part, he stated:

I can confidently say that he is one of the most exceptional individuals I have ever met... Intelligence is a quality that Pritpal possesses in abundance. He is a quick

learner, the quickest I have ever trained among the many, and has a natural ability to analyze complex situations and find effective solutions. This, combined with his drive to succeed, makes him a valuable asset to our team at Woodstock Police Service. However, what sets Pritpal apart from others is his selfless nature and genuine concern for others. He consistently goes above and beyond to help those in need. He is always the first to offer a helping hand and has a heart full of compassion.

Pritpal is also a person of great honour. He has a strong moral code and always operates with integrity. He is reliable, trustworthy, and always does the right thing, even when no one is watching...

Pritpal has personally sought out remedial training in police vehicle operations and Ontario Police College - Life in the Fast Lane. Pritpal is a highly valuable member to our police service... I cannot vouch for Pritpal Thind enough. He is an intelligent, selfless, genuine, and honourable person who is an asset to the organization and community in which he serves. I have no doubt that he will continue to make a positive impact in his professional capacities and I, among many, and proud to call him a friend.

Andrew Jackson is a veteran of the Canadian armed forces and currently a member of the Woodstock Police Service. In part, Constable Jackson stated:

When I met Pritpal Thind, I immediately sensed that he was disciplined, insightful, and capable of fast-paced decision making. His confidence was portrayed in how he carried himself - not how he spoke. He was quiet, but his silence was not that of hesitation but that of a man who was eager to learn his new profession....

In his short time as a police officer, Pritpal Thind has successfully passed his sergeant's exam as well as his staff sergeant's exam. Pritpal Thind has a tenacity for learning that I admire, and is extremely knowledgeable and eager to continue his learning. Pritpal Thind has made tactical decisions in high stress situations that resulted in the safe arrest of suspects, and is able to articulate his decisions to me when debriefed.

Pritpal Thind is smart, disciplined, and well respected within the police service. I believe he has the capability to go far in his policing career, and he will no doubt be my boss someday. He earned my respect early on and continues to have it to this day due to his unique ability to outsmart almost any situation in front of him. He has a way with words and is an essential asset to our service.

I believe that whatever the outcome, Pritpal Thind will use this opportunity to not only better himself but use what he has learned to help others to make the right decisions in their policing career. He will use his natural leadership abilities, charisma, and earned respect within the policing world to guide newer officers on the right path. Pritpal Thind is a natural born leader, and a leader of his calibre is a necessary part of the organism of policing.

Mike Beattie is a member of the Woodstock Police Service. In part, he wrote:

When I found out about Pritpal's incident I thought it was inconceivable that he was charged with a crime. That was not the person I knew as a close friend. He has always been very respectful of legal boundaries. Over the few months, I have witnessed him going through the legal processes and the stress and anguish it has put on him. Being very close to him, I noticed a man who is deeply remorseful and often expressed regret for the one poor judgement call he made...

Pritpal is a true leader who inspires those around him to strive for excellence. Pritpal's dedication to his personal growth and development is also evident in his pursuit of higher education... Pritpal is a kind-hearted man of good moral character, diligent, conscientious, honest, and a valuable resource to our community...

At tab 5 of Exhibit #5 is a letter from Dr. Mark Petter, a psychologist who has been providing treatment to Constable Thind since May 2023. In part, Dr. Petter stated:

Mr. Thind has presented with significant difficulties with anxiety and worry related to catastrophic thoughts he has been experiencing related to his future. Because of the severity of these issues with anxiety/worry, Mr. Thind has also been experiencing difficulties with sleep and concentration/attention. In addition to difficulties with anxiety/worry, Mr. Thind is also experiencing depressive symptoms due to a lack of sense of purpose in his life as he believed that a mistake has been made at work (that resulted in his current criminal charges and ongoing court proceedings) will undo the work he has done throughout his life to attain a career in policing and help contribute positive to his community...

Because of his strong dedication to the treatment process, Mr. Thind has been able to make some moderate progress in his difficulties with anxiety and depressed mood. In particular, he has been able to reduce his excessive worry about things that are outside of his control related to his current legal issues...

Throughout treatment with the author Mr. Thind has been consistent in expressing that while he never intended to injure anybody during his police duties, that he is remorseful that an individual was physically injured because of decisions he made.

He has consistently expressed remorse that his actions have caused difficulty in the life of another person as he has indicated that his desire for pursuing a career in policing and the military was to help members of the community and not to cause people pain and or suffering. Mr. Thind has struggled with highly self-critical thoughts about being a labeled “criminal” which is inconsistent with his personal values and how he has tried to behave throughout his life.

The letters along with the other supporting material contained in Exhibit #5 speak to Constable Thind’s character. I am completely satisfied that he recognizes the seriousness of his misconduct and that he will not repeat it.

I find that the penalty factors of Recognition of the Seriousness of Misconduct and Ability to Rehabilitate are significant mitigating factors for consideration.

#### *Effect on Constable Thind and his Family*

I agree with Counsel’s submission that the penalty proposed will have an adverse financial effect on Constable Thind and his family however, it is a necessary consequence; the aggravating factors in this matter necessitate a significant term of demotion which comes with the corresponding financial impact.

#### *Consistency of Penalty*

Exhibit #4 is a joint book of authorities which contains seven cases. *R. v. Anthony-Cook*, 2016 SCC 43, 2016 CSC 43, 2016 Carswell BC 2929 and *Bennett and Ottawa Police Service*, 2012 ONCPC 16, address the issue of joint penalty submissions. In *Anthony-Cook*, the Court stated:

Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest... The court held that a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so “markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a breakdown in the proper functioning of the criminal justice system.” ...when assessing a joint submission, trial judges should “avoid rendering the decision that causes an informed and reasonable public to lose confidence in the institution of the courts.”

In *Bennett and Ottawa Police Service*, 2012 ONCPC 16, the Commission noted:

Similar principles must apply where there is a joint submission on penalty. The hearing officer must undertake a very careful consideration of those submissions, particularly where there appears to have been an in-depth analysis and presentation of the sentencing factors enumerated in *Williams*, supra. A joint submission on penalty ought to be accorded significant weight when deciding an appropriate penalty: see *Yakimishyn*, supra.

There are important reasons for the exercise of this caution. It encourages the admission of guilt where the circumstances warrant, it eliminates the need for a more costly and lengthy hearing involving calling of witnesses. It allows a police service to deal with a discipline matter in a timely and consistent manner thereby mitigating the impact on the operation of the service and any damage to the reputation of the police force: see *Yakimishyn* (supra) and *R. v. Druken* (2006) 215 C.C.C. (3rd) 394 (Nfld. C.A.).

While a hearing officer is not bound by a joint penalty submission, in rejecting such submission the tribunal must provide clear and cogent reasons after a full consideration of the law and the facts: see *Gateman and London Police Service* (1998) 3 O.P.R. 1282 (OCCPS); *Kingston and Halton Regional Police Service* (March 24, 2006, OCCPS) and *Kleinsteiber and Ontario Provincial Police* (1996) 2 P.L.R. 389 (OCCPS).

The purpose of this penalty factor is to establish a range of penalties available to the Tribunal based on neutral, aggravating, and mitigating factors and to determine whether the proposed penalty falls within that range. As noted, I am not bound by the joint penalty submission but to reject it, I would have to find that it is outside the reasonable range of available penalties for similar misconduct and that it conflicts with the commonly held proportionality considerations.

At tab 3 of Exhibit #4 is the unreported matter of *Durham Regional Police Service and Browell* (January 29, 2016), the officer was involved in an off-duty collision. His breath samples resulted in readings of 219 and 215 milligrams of alcohol in 100 milliliters of blood. As a result of the collision occupants in the other vehicle suffered soft tissue injuries. After considering the contested positions on penalty, the hearing officer ordered the officer demoted in rank from first-class constable to second-class constable for a period of nine months.

At tab 4 is the matter of *Durgan Regional Police Service and Whan* (August 17, 2024) unreported. In that case the officer was involved in a single motor vehicle collision. The

officer was charged criminally with impaired driving, excess alcohol and dangerous operation of a conveyance. The officer entered a guilty plea and was found guilty of dangerous driving where she received a conditional discharge and six months probation. The hearing officer accepted the joint penalty and ordered the officer demoted from first-class constable to second-class constable for a period of nine months.

In the unreported matter of *Ontario Provincial Police and Groves* (June 17, 2021) found at tab 5, the officer was charged and pleaded guilty to the *Highway Traffic Act* offence of careless driving after entering an intersection against a red signal during a pursuit. The cruiser struck another vehicle causing bodily harm to the passengers. The hearing officer accepted the joint penalty proposed and ordered the officer to forfeit 80 hours. The hearing officer accepted that the officer was involved in a lawful pursuit, was acting in good faith at the time of the misconduct believing it was safe to proceed through the intersection.

At tab 6 of Exhibit #4 is the matter of *Ontario Provincial Police and Bender* (August 28, 2014) unreported. The officer was operating a marked cruiser accompanied by another officer seated in the front passenger seat and a prisoner situated in the back seat. The officer entered an intersection against a red light and the cruiser was struck by a transport truck that entered the intersection on a green signal. The prisoner died as a result of the collision. The officer was originally charged criminally but after a preliminary inquiry, entered a guilty plea to *Highway Traffic Act* offence of careless driving. The hearing officer accepted the joint penalty and ordered the officer to forfeit 120 hours.

In *Blackburn v. Niagara Police Service*, 2003 CanLII 8766 (ONCPC), the Commission upheld the officer's dismissal following a custodial sentence of 30 days in relation to a criminal finding of dangerous driving. The officer was involved in an off-duty road rage incident, driving dangerously and exiting his vehicle to physically confront the other driver. I find the facts of this case to be too dissimilar to provide guidance.

It is not surprising that the cases submitted are not exactly on point; identifying cases that mirror the facts of one another is rare and the facts of this matter are unique. However, I accept Counsel's submission that the cases are assistive (other than *Blackburn*); they illustrate that a range of penalties for misconduct of this nature can vary from a significant loss of hours to demotion.

## **Conclusion**

Constable Thind entered a guilty plea, agreed to the facts in issue, and agreed to a significant penalty. For the reasons articulated above under the headings Employment

History and Recognition of the Seriousness of Misconduct and Ability to Rehabilitate, not only do I find that he is likely to reform, but I also agree with Inspector Becks that Constable Thind has a promising and successful career ahead of him.

I can see no reason to deviate from the sanction proposed and in fact, I find that based upon the proportionality considerations, a 12-month demotion in rank is a fitting sanction; it is balanced, fair, and satisfies the principles governing the appropriate determination of a disposition.

### **Disposition**

After carefully reviewing the evidence, the submissions of counsel, and the jurisprudence provided, I find the fitting sanction is that of a demotion in rank for a term of 12 months. Such a sanction meets the goals of the discipline process which is to strike a balance between community expectations, fairness to Constable Thind, and the needs of the Woodstock Police Service.

I order Constable Thind demoted in rank from first-class constable to second-class constable for a term of 12 months. At the conclusion of that term, Constable Thind will be returned to the rank of first-class constable. This order was delivered in person with immediate effect on October 22, 2024 with written reasons to follow pursuant to Section 85(1)(c) of the *Police Services Act*.

Counsel submitted that this penalty is based on the unique circumstances of this case, not all of which were referenced in their submissions or this decision. Counsel noted that therefore this disposition decision is not to be relied upon as a precedent in other matters. At the request of Counsel, I remain seized with this matter in the event that any issues arise subsequent to this decision.



Greg Walton  
Superintendent (Ret.)  
Ontario Provincial Police  
Adjudicator

Date electronically delivered: October 30, 2024