

CityNews investigation: Convicted cops who kept their jobs

BY AVERY HAINES AND ROSHNI MURTHY
POSTED FEB 28, 2017 1:44 PM EST

LAST UPDATED MAR 1, 2017 AT 7:17 AM EST

They're carrying a badge and a gun but also a criminal record.

A CityNews investigation reveals there are 55 police officers across the GTHA who have been convicted of serious crimes since 2013, and almost all of them have been deemed fit to keep their jobs in policing.



The incidents vary in severity and scope, from impaired driving and fraud to domestic violence and assault. Each resulted in criminal charges, trial, and ultimately guilty verdicts. The vast majority of officers, however, maintained their jobs in policing despite those convictions. Demotions, however, can result in significant financial consequences to the officer. And because Ontario is the only province that pays suspended officers, taxpayers have been footing the bill for the years it takes to wind through the criminal and tribunal systems.

Since 2013 the Toronto Police Service, which is the largest of the five forces, has had 27 of its officers scheduled to appear in front of a police tribunal to face discipline for their criminal convictions. The majority of the cases involve impaired driving. Only two were fired from the force. In one dismissal, an officer was convicted of assault after video emerged of him beating on a drunk and handcuffed suspect.

In the other incident, an officer was convicted of stealing ketamine during a drug bust, ingesting it in a police parking lot, and then stopping his car in a live lane of traffic.

But of the other 25 convicted, four, facing charges ranging from child porn to sex assault resigned before their tribunal could be held. The remaining officers kept their jobs in policing, including two who were found guilty of domestic violence. Their penalties: a forfeiture of 15 to 17 days' work.

"Let's take it in context," says Toronto police Chief Mark Saunders, who notes these statistics only represent 0.375 per cent his force. "We know that this is an industry that deals with a lot of stress and sometimes that stress can turn into a lot of unlawful behaviour. So you have to take things into consideration as to what the cause is of the behaviour that may be criminal in nature and still try to strike a balance of being fair, but at the same time holding public trust at the forefront."

"Where Is The Trust?"

The idea of a police officer being able to continue policing following a conviction carries major concern for outspoken police critic and lawyer Julian Falconer.

"This is someone who is responsible for carrying a gun, for the powers of arrest, and all the things that come with being a police officer," he says, using the example of a police officer who has been convicted of domestic violence.

"The officer is out on the beat, they get called for a domestic violence call. They are now taking the statement of a complainant. They have just been convicted themselves of

domestic assault. Where is the credibility of managing the situation? And where is the trust?" he asks.

"And what happens if and when that officer is testifying on the stand?"

Scenario: A Peel police officer was leading a weekend police course in Ottawa when he totalled his police car after a night of drinking. His blood alcohol level had a reading of 179 mg.

Criminal conviction: Excess Blood Alcohol

Sentence: \$1,200 fine and 12-month ban on driving

Police tribunal punishment: Six-month demotion

Christmas Party Attack

Domestic assault is just one example of the types of crimes these police officers have been convicted of.

In one case out of Peel Region, three officers were charged with assault causing bodily harm and forcible confinement after viciously beating a 62-year-old man during a Peel Police Christmas party.

The victim, who was attending a separate event at the same venue, was punched and dragged into a public washroom and viciously kicked in the face after being accused of touching an off-duty policewoman's breast.

Following their criminal convictions each of those officers maintained their careers in policing and a police tribunal punishment resulted in demotions ranging from 18 months to three years.

Peel regional police tell CityNews 10 of their officers have had criminal convictions since 2013. Charges included assault, drunk driving, and even sexual assault. Only two were dismissed. The stories are similar in neighbouring regions.

Impaired driving, assault and fraud make up the three officer convictions since 2013 in Halton. Durham regional police say they've had six officer convictions. In York Region, nine officers have been convicted in the past four years with only one case ultimately resulting in an officer's dismissal. Another is pending a tribunal hearing.



Scenario: A York Regional Police officer was convicted of assault after a platoon Christmas party where he overheard negative comments made by his wife in front of other officers. Back at the hotel room this constable “struck his wife on the side of the head with his open hand, causing an injury to his wife’s ear and eardrum,” according to the police tribunal hearing.

Criminal conviction: Assault

Sentence: Conditional discharge, Probation

Police tribunal punishment: Nine-month demotion for discreditable conduct

“Kangaroo Court”

Following a criminal conviction police officers must undergo a disciplinary hearing at a police tribunal, which ultimately determines their future with the force.

It’s that process of discipline, however, where some feel the system fails the public.

“The very way it works is the chief of police acts as judge, investigator, prosecutor,” says Falconer. “The chief of police is in charge of any internal investigation. The chief of police appoints the prosecutor. And believe it or not, the chief of police can sit as the judge or appoints a judge.”

Waterloo regional police Chief Bryan Larkin, who serves as Vice President of the Ontario Association of Chiefs of Police, calls the current system “antiquated” and in dire need of civilian oversight.

“It is very difficult for a chief to terminate for serious offences and serious misconduct,” he says. “I think that is something very hard to explain to the community; why do we continue to employ some of the people that we do. The reality is we are working within the boundaries and framework of the Police Services Act.”

This spring, the province will announce the first overhaul of the Police Services Act in more than 25 years. It is expected to deal with the issue of paid suspensions and increased transparency in the police tribunal process.

Chief Larkin also notes changes are needed to maintain public confidence.

“We are worried about it,” he admits. “If you look south of the border we can see the erosion in trust of policing.”

Mike McCormack, the head of the union representing Toronto’s police officers, does not believe a criminal conviction undermines a police officer’s credibility.

“The tribunal decides whether they can be rehabilitated,” he says. “Then they determine what the appropriate penalty is. And it can be dismissal, and we’ve had many officers who have been dismissed when they have been convicted and some of them have stayed on.”

But the data compiled by CityNews has found, overwhelmingly, convicted officers keep their jobs. Of the 55 cases we analysed, only five officers were fired.

“It is considered a Kangaroo Court. The police discipline process is horribly flawed. It doesn’t have any of the hallmarks of a fair and balanced process. So we don’t hold our police officers accountable, and that is a shame,” says Falconer.

Scenario: At his child’s birthday party, a Toronto police officer was drinking and came upon his partner in “a partial state of dress with a male friend,” according to the police tribunal hearing. The officer then hit his partner in the face, knocked her into the bathtub where she hit her head. He ran after her, hit her in the face again, and smashed her cellphone. The woman received a concussion and bruising to her arms.

Criminal conviction: Assault

Sentence: Conditional discharge, 12 months probation

Police tribunal punishment: Forfeiture of 15 days' work