

UNDER SECTION 202 OF THE COMMUNITY SAFETY AND POLICING ACT AND
ONTARIO REGULATION 404/23 MADE UNDER THE
COMMUNITY SAFETY AND POLICING ACT

IN THE MATTER OF THE OTTAWA POLICE SERVICE AND
CONSTABLE KEITH JAY

Misconduct: *Contrary to O. Reg. 407/23 – Code of Conduct for Police Officers:
Section 10 - Undermine Public Trust*

Decision and Order

Adjudicator: Maureen Helt

Counsel for the Applicant: Shawn Cleroux

Representative for the Respondent: Grayson LaFoley

Decision Date: April 10, 2025

Decision and Order

I. Introduction

1. The Ottawa Police Service ("Applicant"), applied to have a Police Discipline Adjudication between the Ottawa Police Service and Constable Keith Jay with respect to termination of employment or demotion of a Police Officer under section 202 of the *Community Safety and Policing Act, 2019*, S.O. 2019, c.1, Sched. 1 (CSPA).
2. The allegation of misconduct made against the appellant is the following:

Allegation 1 – Undermine Public Trust

It is alleged that Constable Jay committed misconduct in that on or about June 17, 2024, while off-duty, he operated his personal motor vehicle in a careless manner resulting in a single motor vehicle collision, thereby conducting himself in a manner that undermined or was likely to undermine public trust in policing, contrary to Section 10 of *Ontario Regulation 407/23* and therefore, contrary to Section 195(a) of the *Community Safety and Policing Act, 2019*, as amended.

Decision

Constable Jay has admitted that he has committed misconduct contrary to section 10 of Ontario Regulation 407/23 - Undermine Public Trust. Constable Jay will be demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months following which the officer will be returned to the rank of First Class Constable. He will also seek remedial assistance as set out in the Order below.

II. Background and Procedural History

3. Constable Jay has been a police officer since November 2014. On June 17, 2024 while travelling alone while off duty in his personal vehicle. Constable Jay's vehicle left the roadway and collided with a rock on the side of the road. Constable Jay was charged with one count of Operation while Impaired contrary to section 320.14(1)(b) of the *Criminal Code of Canada*.
4. Constable Jay pled guilty to the lesser offence of careless driving under the Ontario *Highway Traffic Act* before Justice Robb of the Ontario Court of Justice in Perth, Ontario. Constable Jay was sentenced to a fine of \$1,500, a victim surcharge, and a driver's license suspension for a period of nine months.

5. On November 14, 2024, the Chief of Police of the Ottawa Police Service initiated a Code of Conduct investigation. The CPSA investigation substantiated one allegation of misconduct, namely Undermine Public Trust.
6. On December 19, 2024, pursuant to subsection 202(1) of the CSPA, I was appointed to act as the Pre-Hearing Conference Adjudicator to hold a pre-hearing on this matter.
7. On January 29, 2025, the parties participated in a pre-hearing conference at which time settlement of the issues was discussed, as contemplated by both section 202(8) of the CSPA and section 20 (1) of Ontario Regulation 404/23.
8. Further pre- hearing conferences were held to further discuss settlement. A draft Settlement Agreement and Consent Order was provided at the March 6, 2025 pre-hearing conference. A Book of Authorities was also provided as authority for the proposed reasonableness of the penalty set out in the Consent Order. A list of the cases provided in the Book of Authorities is attached as Schedule "B".
9. On April 1, 2025, the parties submitted a fully executed Settlement Agreement setting out the agreed statement of facts and attached a Consent Order as Schedule "A" to the Settlement Agreement.
10. In the Settlement Agreement in Section D -Findings of Misconduct it is stated that:

"Pursuant to the Agreed Statement of Facts outlined herein, Cst. Jay enters a plea of guilty to Count One: Undermine Public Trust. Cst. Jay and the Service agree that the following finding of misconduct be made by the Adjudicator in this matter: "1. Cst. Jay is guilty of one count of Undermine Public Trust on clear and convincing evidence.

 - a. On June 17, 2024, Cst. Jay committed misconduct in that, while off-duty, he operated his personal motor vehicle in a careless manner resulting in a single motor vehicle collision, thereby conducting himself in a manner that undermined or was likely to undermine public trust in policing, contrary to section 10 of Ontario Regulation 407/23 and therefore, contrary to section 195(a) of the Community Safety and Policing Act, 2019, as amended."
11. The Settlement Agreement also sets out an agreed upon disposition that the

Parties acknowledge and agree to the terms of the Consent Order attached as “Schedule A” to the Settlement Agreement. This includes Constable Jay being demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months, following which the officer will be returned to the rank of First Class Constable. In addition, Constable Jay will seek professional assistance to develop a plan to deal with any substance use issues. Details are set out below.

III. Legal Authority

12. The CSPA provides for settlement of a matter when a police officer is facing possible termination of employment or demotion under section 202. The following subsections of section 202 are relied upon in this matter.

202 -Settlement

(8) The parties to the hearing may settle the matter, and the settlement may provide for the imposition of a disciplinary measure or measures set out in subsection (9) or (10).

Order

(9) If, following the hearing, the adjudicator determines that it has been proven on clear and convincing evidence that the police officer has engaged in conduct that constitutes misconduct or unsatisfactory work performance and that demotion or termination of the officer’s employment is an appropriate response, the adjudicator may make an order to impose one of the following disciplinary measures:

(i) Terminate the police officer’s employment.

(ii) Direct that the police officer’s employment be terminated in seven days unless he or she resigns before that time.

(iii) Demote the police officer, specifying the manner and period of the demotion.

13. As a pre-hearing conference adjudicator, pursuant to sections 20 and 21 of Regulation 404/23 made under the CSPA the following is set out regarding the purpose of a pre-hearing conference and the adjudicator’s authority:

s. 20. A pre-hearing conference shall be held for the purpose of considering one or more of the following:

1. The settlement of any or all of the issues.
2. The simplification of the issues.
3. Facts or evidence that may be agreed upon.
4. The dates by which any steps in the adjudication hearing are to be taken or begin.
5. The estimated duration of the merits hearing.
6. Any other matter that may assist in the just and most expeditious disposition of the adjudication hearing.

s.21 Powers of pre-hearing conference adjudicator

(1) The pre-hearing conference adjudicator may make such orders as they consider necessary or advisable with respect to the conduct of the adjudication hearing, including adding parties.

(2) Despite subsection (1), the pre-hearing conference adjudicator shall not, without the consent of all parties, make orders regarding any issues that would otherwise be determined at the related merits hearing.

IV. Analysis

14. Both the CSPA The and Regulation 404/23 contemplate that a matter can be settled in its entirety at a pre-hearing conference. Further pursuant to s. 21 (2) of Regulation 404/23, the prehearing conference adjudicator may make orders regarding any issues that would otherwise be determined at the related merits hearing if there is consent of the parties. Section 202(8) of the CSPA allows for the settlement of the matter by the parties and that the settlement may provide for the imposition of a discipline measure or measures set out in subsection (9) or 10).

15. I have determined I have the authority to settle any and all issues and determine any matters that would otherwise be determined at the related merits hearing as set out in the above noted legislation.

16. Further, I find that the agreed statement of facts set out in the Settlement Agreement, including Constable Jay's admission of guilt with respect to the allegation of misconduct provides clear and convincing evidence that misconduct has occurred.

17. With respect to penalty, the parties have co-operated and agreed on a Consent Order which provides:

(i) Constable. Jay will be demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance to be determined by the Service, pursuant to section 202(9)3 of the *Community Safety and Policing Act*.

(ii) Constable. Jay will work with his healthcare provider to identify an ongoing plan of care for problematic substance use and will provide the Service with documentation outlining that plan within 60 days of this Order. Further, Constable Jay will provide regular updates regarding his progress and will provide documentation to support successful completion of the formal plan pursuant to section 200(1)5 of the *Community Safety and Policing Act*.

18. I find that the proposed penalty is reasonable based on my review of the decisions in the Book of Authorities. The proposed penalty set out in the Consent Order satisfies the requirements of ensuring protection of public interest, specific and general deterrence and is consistent and within the range of penalties following similar misconduct.

19. With the consent of the parties, I dispose of this proceeding on the terms set out in the Settlement Agreement and attached to this Decision and Order as Schedule "A". I am satisfied that the terms of the Consent Order are within the range of reasonableness, and accordingly adopt the terms as set out below.

V. Order

20 .Whereas, Constable Jay has admitted the allegation of misconduct of "Undermine Public Trust" and, along with the clear and cogent evidence set out in the agreed statement of facts making up part of the Settlement Agreement, I find that the Respondent committed misconduct within the meaning of section 195(a) of the *CSPA*. Pursuant to section 202(8) of the *CSPA*, it is ordered that:

(i) Constable Jay will be demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months, following which the officer will be returned to the rank of First Class Constable Jay , on the basis of satisfactory work performance to be determined by the Service, pursuant to section 202(9)3 of the *Community Safety and Policing Act*

(ii) Constable Jay will work with his healthcare provider to identify an ongoing plan of care for problematic substance use and will provide the Service with documentation outlining that plan within 60 days of this Order. Further, Constable Jay will provide regular updates regarding his progress and will provide documentation to support successful completion of the formal plan pursuant to section 200(1)5 of the *Community Safety and Policing Act*.

21. This Decision and Order with the attached Settlement Agreement and/or the Consent Order, or portions thereof, will be made public as set out and acknowledged by the parties in the Settlement Agreement.

Dated this 10th day of April 2025 at the City of Toronto, Ontario.

A handwritten signature in dark ink, appearing to read 'Maureen Helt', is positioned above the printed name.

MAUREEN HELT

Maureen Helt, Adjudicator

Ontario Police Arbitration and Adjudication Commission

SCHEDULE “A”
Settlement Agreement and
Consent Order

IN THE MATTER OF a Police Discipline Adjudication pursuant to section 202(1) of the *Community Safety and Policing Act*, 2019, S.O. 2019, c. 1, Sched. 1.

File No. 24-8293

BETWEEN:

OTTAWA POLICE SERVICE

Applicant

- and -

CONSTABLE KEITH JAY #2430

Respondent

SETTLEMENT AGREEMENT

A. BACKGROUND

This Settlement Agreement (the “Agreement”) is made by Cst. Keith Jay (“Cst. Jay”) and the Ottawa Police Service (the “Service”) pursuant to section 202(8) of the *Community Safety and Policing Act* (“CSPA”).

B. ALLEGATIONS OF MISCONDUCT

Constable Keith Jay #2430:

COUNT ONE: UNDERMINE PUBLIC TRUST

You are alleged to have committed misconduct in that on or about June 17, 2024, while off-duty, you operated your personal motor vehicle in a careless manner resulting in a single motor vehicle collision, thereby conducting yourself in a manner that undermined, or was likely to undermine,

public trust in policing, contrary to Section 10 of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the *Community Safety and Policing Act, 2019*, as amended.

C. AGREED STATEMENT OF FACTS

Cst. Jay and the Service have agreed upon the following facts:

BACKGROUND

1. Cst. Keith Jay has been a police officer since November 2014. Cst. Jay has been a sworn member of the Ottawa Police Service since 2017 and, prior to joining the Service, was a sworn member of the Royal Canadian Mounted Police since 2014.
2. On June 17, 2024, the Service became aware of Cst. Jay's off-duty arrest by the Ontario Provincial Police ("OPP").

OPP CALL FOR SERVICE - JUNE 17, 2024

3. On June 17, 2024, at approximately 4:07 a.m., Cst. Jay was travelling alone while off duty in his personal vehicle on Highway 7 in the Tay Valley Township in Ontario.
4. Cst. Jay's vehicle left the roadway and collided with a rock face on the side of the road.
5. A civilian witness, an off-duty firefighter, was travelling to work when he came across the collision. He stopped to assist and speak with Cst. Jay.
6. The civilian witness called his communications center for assistance and believed that Cst. Jay was displaying signs of impairment.
7. The OPP were dispatched to the collision. The OPP responding officer arrived on scene and noted a faint odour of alcohol emanating from Cst. Jay's breath, that he appeared to be unsteady on his feet, and was swaying.
8. A roadside Alcohol Screening Device test was performed and Cst. Jay registered a "fail." Cst. Jay was arrested and transported to hospital due to backpain.
9. While at the hospital, a breath test was administered by a certified breath technician, and two suitable samples were obtained from Cst. Jay. The reported breath sample results were 148mgs of alcohol/100mL of blood and 135mgs of alcohol/100mL of blood.
10. Cst. Jay was charged with one count of Operation while Impaired contrary to section 320.14(1)(b) of the *Criminal Code of Canada*.

TREATMENT

11. Following this incident, Cst. Jay sought treatment for problematic substance use and post-traumatic stress disorder.

COURT PROCEEDINGS

12. On September 23, 2024, Cst. Jay pled guilty to the lesser offence of careless driving under the Ontario *Highway Traffic Act* before Justice Robb of the Ontario Court of Justice in Perth, Ontario. The criminal charge was withdrawn at the request of the Crown.
13. Cst. Jay was sentenced to a fine in the amount of \$1,500, a victim surcharge, and a driver's license suspension for a period of nine months. On the date of sentencing, Cst. Jay was 96 days sober.

ADDITIONAL FACTORS

14. Cst. Jay has no prior history of serious misconduct.
15. Cst. Jay cooperated fully during the criminal investigation and with the Ottawa Police Service Professional Standards Unit throughout the course of the misconduct investigation.

D. FINDINGS OF MISCONDUCT

Pursuant to the Agreed Statement of Facts outlined herein, Cst. Jay enters a plea of guilty to Count One: Undermine Public Trust. Cst. Jay and the Service agree that the following finding of misconduct be made by the Adjudicator in this matter:

1. Cst. Jay is guilty of one count of Undermine Public Trust on clear and convincing evidence.
 - a. On June 17, 2024, Cst. Jay committed misconduct in that, while off-duty, he operated his personal motor vehicle in a careless manner resulting in a single motor vehicle collision, thereby conducting himself in a manner that undermined or was likely to undermine public trust in policing, contrary to section 10 of *Ontario Regulation 407/23* and therefore, contrary to section 195(a) of the *Community Safety and Policing Act, 2019*, as amended.

E. DISPOSITION

Pursuant to the Agreed Statement of Facts outlined herein, Cst. Jay's guilty plea, as well as the Findings of Misconduct, Cst. Jay and the Service agree that this matter be resolved through the following Orders being made by the Adjudicator, pursuant to section 202(8) of the *Community Safety and Policing Act*:

1. Cst. Jay will be demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance to be determined by the Service, pursuant to section 202(9)3 of the *Community Safety and Policing Act*.
2. Cst. Jay will work with his healthcare provider to identify an ongoing plan of care for problematic substance use and will provide the Service with documentation outlining that plan within 60 days of this Order. Further, Cst. Jay will provide regular updates regarding his progress and will provide documentation to support successful completion of the formal plan pursuant to section 200(1)5 of the *Community Safety and Policing Act*.

F. ACKNOWLEDGEMENTS

1. The Parties acknowledge and agree to the terms of the Consent Order attached as "Schedule A" to this Settlement Agreement.
2. Cst. Jay acknowledges and agrees that he has been given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process and this Settlement Agreement; and that he has obtained independent legal advice or has chosen not to do so, and that he is entering into this agreement with full knowledge of the contents and the consequences.
3. Cst. Jay acknowledges and is aware that the Ontario Police Arbitration and Adjudication Commission ("OPAAC") and/or the Service will publish the Settlement Agreement and/or the Consent Order, or portions thereof, on their respective websites and/or in publicly accessible legal databases, and in other such places and by such other means that the OPAAC and Service deem appropriate.


Constable Keith Jay #2430

2025/03/31
Date


Ottawa Police Service

April 1, 2025
Date

SCHEDULE A

IN THE MATTER OF a Police Discipline Adjudication pursuant to section 202(1) of the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1.

File No. 24-8293

BETWEEN:

OTTAWA POLICE SERVICE

Applicant

- and -

CONSTABLE KEITH JAY #2430

Respondent

CONSENT ORDER

WHEREAS the Settlement Agreement, a copy of which is attached hereto, has been executed by the Parties pursuant to section 202(8) of the Community Safety and Policing Act;

NOW THEREFORE, having made the findings outlined in the Settlement Agreement, and found that Cst. Keith Jay ("Cst. Jay") committed misconduct within the meaning of section 195(a) of the Community Safety and Policing Act on clear and convincing evidence, pursuant to section 202(8) of the Community Safety and Policing Act, it is ordered that:

1. Cst. Jay will be demoted from the rank of First Class Constable to Second Class Constable for a period of twelve (12) months, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance to be determined by the Service, pursuant to section 202(9)3 of the Community Safety and Policing Act.

2. Cst. Jay will work with his healthcare provider to identify an ongoing plan of care for problematic substance use and will provide the Service with documentation outlining that plan within 60 days of this Order. Further, Cst. Jay will provide regular updates regarding his progress and will provide documentation to support successful completion of the formal plan pursuant to section 200(1)5 of the Community Safety and Policing Act.

Dated this ____ day of March 2025 at the City of Toronto, Ontario.

MAUREEN HELT
Maureen Helt, Adjudicator
Ontario Police Arbitration and Adjudication Commission

SCHEDULE “B”

1. *Hunter v. Peel Regional Police Service* 2021
2. *Yuzefowich v. Peel Regional Police Service* 2021
3. *Monroe v. Ottawa Police Service* 2021
4. *Ramphal v. Toronto Police Service* 2024