

**OTTAWA 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  
OTTAWA POLICE SERVICE**

**AND**

**CONSTABLE MOHAMED MOHAMED, 90328**

**DISCREDITABLE CONDUCT AND  
INSUBORDINATION**

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**DISPOSITION**

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Before: Superintendent (Retired) Chris Renwick

Counsel for the Prosecution: Ms. Vanessa Stewart

Counsel for the Defence: Mr. Michael Smith

Disposition Hearing Date: February 6, 2024

## **Background**

On July 21, 2023, Constable (Cst.) Mohamed Mohamed plead not guilty to one count of Discreditable Conduct and one count of Insubordination. Following a seven day in-person hearing, Cst. Mohamed was found guilty on both counts by this Hearing Officer, Superintendent (retired) Chris Renwick. When charged on June 30, 2022, Cst. Mohamed was served a Notice of Increased Penalty, advising that the penalties of dismissal or demotion may be sought if misconduct is proven.

On February 6, 2024, an in-person Disposition Hearing was held to hear submissions on penalty with Ms. Vanessa Stewart representing the Ottawa Police Service (OPS) as Prosecutor and Mr. Michael Smith as Defence counsel for Cst. Mohamed.

## **Position on Penalty**

Ms. Stewart's position, supported by oral and written submissions, was for a sanction of an 18-month demotion from First Class Constable to Second Class Constable on the Discreditable Conduct count and formal counselling on notetaking for the second count of Insubordination. Mr. Smith, on behalf of the Respondent Officer, provided submissions to support a sanction for the forfeiture of five days (40 hours) pay, concurrent on both counts.

## **Decision**

On clear and convincing evidence, the Tribunal found Cst. Mohamed guilty on both counts. After a careful review and consideration of the oral and written submissions presented at the disposition hearing, I have reached an appropriate sanction that Cst. Mohamed shall be demoted from the rank of First Class Constable to the rank of Second Class Constable for a period of fifteen (15) months.

## **Reasons**

Ms. Stewart opened her submissions by stating the Canadian model of policing is Sir Robert Peel's policing on consent and the underlining inherent trust placed on the police. With misconduct, the trust in the police service and policing as a whole is eroded which requires accountability in a transparent manner.

Ms. Stewart cited *Bright and Konkle* (1997 PLR 481, Board of Inquiry, PSA), paragraph 44, which speaks to the essence of good character being essential in a police officer and that the public has the right to trust that its police officers are honest and truthful and they will not be officers any longer if they breach this trust. The community expects police officers not to use their position for personal relationships with colleague's family members.

Ms. Stewart summarized the misconduct established in submitting that while off-work on a four-month medical leave, Cst. Mohamed consulted with a colleague to attend a break and enter scene with the primary purpose of viewing video to determine who was responsible, providing special treatment to a person involved in serious criminal activity. When Cst. Mohamed became aware of the criminal activity, he chose to warn his colleague, and made no efforts to report his findings nor any safety concerns for those involved.

Ms. Stewart identified and spoke directly to nine of the 15 disposition consideration factors established in Ceysens & Childs' Ontario Police Services Act, Fully Annotated, 2023, submitting the Prosecution's position on whether the relevant disposition considerations are mitigating, aggravating, or neutral. The disposition factors identified were: Public Interest; Seriousness of the Misconduct; Recognition of the Seriousness of the Misconduct; Potential to Reform or Rehabilitate the Police officer; Effect on Police Officer and Police Officer's Family; Specific and General Deterrence; Damage to the Reputation of the Police Service; Consistency of Disposition; and Employment History. The submissions will be addressed in detail below.

Mr. Smith submitted a written Defence Material on Sanction document (exhibit 34) and opened his oral submissions by stating that this Tribunal ought to consider the five principles governing the determination of a disposition, being: Full accordance with the purpose of the police discipline; a more remedial philosophy with precedence of corrective over punitive; the presumption of the least onerous disposition; the principle of proportionality with the weighting of all mitigating and aggravating factors; and that the police be held to a higher standard.

Mr. Smith submitted that the appropriate sanction of five days (40 hours) forfeiture of pay, concurrent on both accounts, is appropriate given the facts as presented and the finding of guilt. He submitted that the Prosecution's submissions are persistent on a hypothetical approach of what could have happened in the form of retaliation or jeopardy to the investigation rather than the actual extent of Cst. Mohamed's assistance to the El Badry brothers. What we have here is a lapse in judgement, a one-off when attempting to assist a colleague's brother.

Mr. Smith provided submissions on six of the 15 disposition factors, being: Public Interest; Seriousness of the Misconduct; Specific and General Deterrence; Damage to the Reputation of the Police Service; Consistency of Disposition; and Employment History.

### Public Interest

Ms. Stewart submitted that the public expects the conduct of police to conform to the manner as set in the Oath of Office and, when breached, it must be impressed on the

public that there will be appropriate sanctions. Legislation recognizes the need for the public to have trust and confidence in the police and it follows that if conduct falls short, as set in *Bright and Konkle*, then a message must be sent to restore the confidence of community members.

Ms. Stewart submitted that the community would be shocked to learn of the finding of facts. The insertion of an off-duty officer in a very serious investigation, the selective/preferential treatment to a family member, the seriousness of fentanyl trafficking, all resulting in no note taking or evidence being forwarded to the assigned investigative units. Cst. Mohamed used his position to insert himself into a serious investigation which had a serious negative impact on the community and is an aggravating factor.

Mr. Smith submitted , also citing *Bright and Konkle*, that the public must have confidence in an officer's character and that he is trustworthy. This was a one-off situation that occurred during a 15-minute meeting with the president of the condominium corporation during which Cst. Mohamed was concerned with the safety of Mr. El Badry and had no clue that Mr. El Badry was involved in criminal activity or that the break and enter was staged and a part of a bigger drug investigation. Once Mr. Salmon said no to his viewing the video, there was no pursuit or follow up.

Mr. Smith submitted that in May 2021 when Cst. Mohamed came into some information of the activity of Mr. El Badry, he tells Cst. El Badry and advises him to cut his ties with his brother. Mr. Smith submitted that this is what one would expect from an officer to extricate himself from the situation. The public interest would remain balanced and the public would not lose confidence.

It is absolutely essential that the Ottawa public have and maintain full trust and confidence in the members of their police service to exhibit good character, sound judgement, and not to extend favors or preferential treatment when exercising their authority. Cst. Mohamed was found to have fallen well short of the public expectations when he carelessly intervened into a serious criminal investigation, and I find this to be an aggravating factor. The imposed sanction must take into consideration the scope of the breach in the public's trust and send a clear message that individual officers will be accountable for their decisions and actions.

### Seriousness of the Misconduct

Ms. Stewart submitted that the seriousness of the misconduct alone can lead to a most serious disposition and is a primary penalty consideration before this Tribunal. Cst. Mohamed used his badge on two occasions for advantage. His misconduct in attempting to have Mr. El Badry, now a convicted fentanyl trafficker, view the video of a perceived drug robbery, could very well led to further violence in the volatile drug trade.

Ms. Stewart further submitted that at some point Cst. Mohamed became aware to some extent of the criminal activities of Mr. El Badry, and that he does not disclose to investigators his undocumented insertion in the investigation nor his newly acquired knowledge of Mr. El Badry's criminality. Ms. Stewart submitted that post-event conduct is a consideration for a Hearing Officer and can outweigh mitigation factors, as cited in the *Nesbeth v. Windsor Police Service* (2015 ONCPC 23 CanLII) Ontario Civilian Police Commission (OCPC) decision. Ms. Stewart submitted that his misconduct is more serious in light of his post-conduct actions when he became aware of something serious a month after his visit to the condominium. Despite his experience with guns and drugs, he takes no action and at no point were OPS policies followed.

Mr. Smith submitted that every case is different and the facts and context matter, and must be examined. First, this Tribunal has found that Cst. Mohamed had no knowledge of the criminal activity of Mr. El Badry when he intervened into the break and enter investigation. The intervention was brief, limited in scope, and on the lower end of the spectrum. Secondly, there was 'zero' impact to the real investigation going on.

Mr. Smith further submitted that I must consider the lack of knowledge of criminal activity that Cst. Mohamed had at the time. If it was found that he had some knowledge, it would move the marker up in seriousness. Nor does the absence of notes move the marker up the scale. No video is shared and, looking at the constellation of the factors, it remains at the lower end of the spectrum. The El Badry brothers took advantage of Cst. Mohamed's trust.

I find that the misconduct established is indeed serious and an aggravating factor in my task of reaching a fair and proportionate sanction. I will concede that Cst. Mohamed's initial intervention on April 26, 2021, could be seen as less aggravating in that there is no evidence then of his knowledge of criminality on the part of Mr. El Badry. What is concerning, thus aggravating, are Cst. Mohamed's subsequent actions on May 29, 2021 when he chose to warn Cst. El Badry and took no action to document or advise the OPS investigators of his involvement in the investigation or recently acquired knowledge of Mr. El Badry's criminal activities. This, in my findings, is really the essence of the seriousness of the misconduct before this Tribunal and the key factor that has significantly breached the public's trust and confidence in the conduct of the police.

#### Recognition of the Seriousness of the Misconduct

Ms. Stewart submitted that there was no guilty plea and no recognition of the seriousness of the misconduct by Cst. Mohamed. In fact, Cst. Mohamed referred to the Professional Standards Unit's (PSU) investigation as a "Mickey Mouse investigation" during his May 25, 2022 compelled interview with PSU investigators.

Mr. Smith submitted that there was not a guilty plea entered and it was Cst. Mohamed's right to proceed with a full hearing and the circumstances were indeed worthy of a hearing. To penalize him here is not a factor and certainly not an aggravating factor.

I concur with Mr. Smith that it would be a serious error for me to make any inference that a not guilty plea should in any way be construed as non-recognition of the seriousness of the misconduct. I also refer to Ceyskens and Childs' Ontario Police Services Act, Fully Annotated, 2023 which provides some guidance on reaching a conclusion that absence of remorse usually does not directly aggravate a penalty. (*Wiles and Durham Regional Police* (1993) 3 OPR 1327, OCCPS).

This disposition factor will not be weighed as either aggravating or mitigating, rather as neutral. However, I will acknowledge here that I have been presented with some insight into some of the profound consequences of Cst. Mohamed's misconduct on his family, himself, and his career as a police officer.

#### Employment History/Potential to Reform or Rehabilitate the Police Officer

Ms. Stewart submitted that employment history should be properly considered as an aggravating factor in that Cst. Mohamed was an experienced officer with many years of policing and was a go-to for junior officers for advice. As to potential to reform/rehabilitate, Ms. Stewart submitted that although the misconduct was intentional, planned out and misguided, there is no reason to believe he is no longer of use as a police officer or will reoffend.

Mr. Smith submitted that Cst. Mohamed's employment history is exemplary, as reflected in the Defence materials submitted (exhibit 34). Mr. Smith stated that this must be considered by the Hearing Officer and requested a comparison of Cst. Mohamed's employment history with that of officers involved in similar type misconduct hearings submitted for Consistency of Disposition consideration.

Employment history encompasses the "totality of conduct" which includes performance assessments, awards, letters of commendation or appreciation, and community service. (Ceyskens and Childs' Ontario Police Services Act, Fully Annotated, 2023). As submitted by Defence, I have reviewed the 2018-20 and 2023 performance reviews of Cst. Mohamed, as well as a 2022 letter from the Somali Centre for Family Services, positive 2019 Twitter posts, and an Ottawa Citizen news article dated January 1, 2019, titled 'They brought him back to life': Constables revive man, capping dramatic week on patrol.

I concur with Mr. Smith that Cst. Mohamed's performance reviews of 2018-20 are strong. His 2023 performance review (post-charge) since his April 2023 assignment to the Special Events Section is elevated to "meets all and exceeds some expectations" and is supported by his immediate supervisor for entry into the sergeant's promotional process.

I accept Mr. Smith's submission that Cst. Mohamed is connecting to the public in a positive way and, three years on since the misconduct before this Tribunal, there is a marked improvement in his decision-making qualities.

I also have taken into consideration the undated letter (post finding of guilt) drafted by Cst. Mohamed to myself, the Hearing Officer. (Exhibit 34, tab 9). I am encouraged by Cst. Mohamed's commitment to addressing concerns raised during the hearing and have no reason to doubt his sincerity with moving onward and upward from here.

Aided by the submissions, I deem Employment History and the Potential to Reform or Rehabilitate as mitigating factors and will weigh them as such. The marked improvement in the most recent (2023) annual performance review compared to the previous three years pre-misconduct clearly supports the submission by Mr. Smith that the misconduct before me was a lapse in judgement, albeit a significant one, to a large part a misplaced trust in a colleague, and there exists a high potential to rehabilitate.

#### Effect on Police Officer and Police Officer's Family

Ms. Stewart submitted that position of the Prosecution is for an 18-month demotion and the profound effect on Cst. Mohamed and his family must be considered as a factor. However, Ms. Stewart submitted that the behaviour of Cst. Mohamed was deliberate and thought out, and not corrected when he became aware of Mr. El Badry's criminal behaviour, thus the consequences of his behaviour does fall on his shoulders.

Mr. Smith submitted that the financial impact of suspension and two and a half years on 'desk duty', which excluded Cst. Mohamed from engaging in paid duties and overtime, resulted in less income and revenue for his family. In addition to the financial impact, Mr. Smith submitted that the Tribunal should take into consideration the mental and physical factors that have affected Cst. Mohamed and his young family.

Cst. Mohamed's letter to the Hearing Officer addresses his loss of training and development opportunities and the significant effect of the loss of trust and relationships he has experienced as a result of his misconduct charges, particularly with the Ottawa South Somali community. He is candid in expressing an overwhelming sense of isolation, shame, panic attacks, the challenges of his young children having to witness the very public media accounts of their father as a 'corrupt officer', and the toll on his family.

I take into strong consideration the effect of the disposition on Cst. Mohamed and his family, both economic and mental, and deem it to be a firm mitigating factor for the overall disposition.

## Consistency of Disposition

On Consistency of Disposition, Ms. Stewart submitted that it is natural for community expectations to evolve and change over time thus it is not always appropriate to look too far back for relevant cases. Ms. Stewart also submitted that when abuse of police authorities occurs some of the harshest penalties have been upheld by the Commission.

Ms. Stewart cited three Ontario Civilian Police Commission (OCPC) decisions: *Markham v. Waterloo Regional Police Service* (2015 ONCPC 4); *Coon v. Toronto Police Service* (2003 CanLII 85797, ON CPC); and *Krull v. The Ontario Provincial Police* (2021 ONCPC 9, CanLII).

In *Markham v. Waterloo Regional Police Service* (2015), Cst. Markham received a personal text from an acquaintance inquiring about her common-law partner who had just been arrested on serious drug charges. Cst. Markham accessed related information on internal records systems, attended the cell block, and had a discussion with the arrested person, who was also an acquaintance. Cst. Markham contacted a third acquaintance to advise him of the arrest, accessed the occurrence report, emailed it to his personal email account, and then forwarded it to the third mutual acquaintance. Cst. Markham was dismissed, which was upheld upon appeal to the OCPC.

In *Coon v. Toronto Police Service* (2003), Cst. Coon was found guilty on several charges and was dismissed, which was upheld on appeal to OCPC. The misconduct related to his use of his position to obtain information from the Ministry of Correctional Services on an ex-partner, failed to report a violation of bail conditions he was aware of, and showed his badge to get an occurrence report from an external police service for his personal use.

*Cst. Krull v. The Ontario Police Service* (2021) involved Cst. Krull's interference in an impaired driving arrest/investigation by phoning the two investigating constables and asking for the favor of a roadside suspension instead of an impaired charge as the person under investigation was a personal friend of his. Cst. Krull further interfered by providing his brother-in-law's contact as legal counsel, knowing that he was not a lawyer, as well as displaying unprofessional conduct by yelling and swearing in the lobby of the detachment. Cst. Krull was demoted for 18-months.

Mr. Smith submitted that Cst. Mohamed's situation is somewhat unique in that the evidence demonstrates Cst. Mohamed was not aware of the larger Drug Unit fentanyl trafficking investigation when he intervened. As such, it is challenging to find cases exactly on point.

Mr. Smith spoke to five decisions for the Tribunal to consider for consistency of disposition: *Vo v. Ottawa Police Service* (2022); *Tapp v. Ontario Provincial Police* (2018



ONCPC 16); *Alden v. Ottawa Police Service* (2013 ONCPC 13); *Heffler v. Ottawa Police Service* (2023); and *Smith v. Toronto Police Service* (2019).

*Vo v. Ottawa Police Service* (2022) was a guilty plea with an Agreed Statement of Facts. It involved violence to a community member and there was no demotion, rather a forfeiture of seven days (56 hours). Mr. Smith submitted that the Tribunal should consider the public interest, the violence that was captured on camera, and Cst. Vo's history of misconduct.

Mr. Smith submitted that *Tapp v. Ontario Provincial Police* (2018) involves similar type charges (Discreditable Conduct and Insubordination) and the misconduct of Cst. Tapp was not a one-off, rather repetitive and involved a racial undertone. Cst. Tapp received a sanction of a forfeiture of 12 hours pay on each count.

*Alden v. Ottawa Police Service* (2013) was a finding of guilt for Discreditable Conduct and Insubordination after a contested hearing. It involved a 'road rage' incident during which Cst. Alden identified himself as a police officer while off-duty, berates a motorist, and involved a colleague in charging the motorist a few days after. Mr. Smith submitted that Cst. Alden did not report the incident and the facts are more egregious in that in comparison, Cst. Mohamed moved on after he attended and was denied the video. Mr. Smith submitted that Cst. Alden was sanctioned the forfeiture of eight days pay, well within the range of the five days that the Defence is seeking, also taking into account the 2.5 years of de facto sanction with Cst. Mohamed being assigned to "desk duty" and forfeiting the opportunity for paid duty appointments and overtime.

Mr. Smith submitted that the *Heffler v. Ottawa Police Service* (2023) decision by this Hearing Officer has been cited for comparison as the nine-month demotion sanction is significantly less than 18-month demotion that Prosecution is seeking for Cst. Mohamed. He further submitted that Cst. Heffler had previous discipline going back a number of years whereas this is Cst. Mohamed's first experience with misconduct.

Lastly, Mr. Smith referenced the decision of *Smith v. Toronto Police Service* (2019) in which Cst. Smith entered a plea of guilty for Discreditable Conduct and Insubordination and was sanctioned the forfeiture of five days' pay. Cst. Smith accessed police information to contact and attempt to date a woman he met as the subject of a call for service, actions that Mr. Smith submitted are greatly more egregious than the conduct of Cst. Mohamed.

As summarized in *Schofield and Metropolitan Toronto Police* (1984, CanLII 3101 (ON CPC), "Consistency in the discipline process is often the earmark of fairness. The penalty must be consistent with the facts, and consistent with similar cases that have been dealt with on earlier occasions."

I am also mindful of *Nesbeth and Windsor Police Service* (2015ONCPC 23) paragraph 26, which reads:

“No two cases are exactly alike but the Commission must ensure that a penalty in a case is not disproportionate to the offence by either being too severe or too lenient as the case may be. Public confidence in the oversight of policing in Ontario requires that sentences for disciplinary offences be appropriate and consistent and that the reasons for such decision are both transparent and compelling.”

It is indeed a challenging task to find a case with somewhat similar fact issues for comparison and the application of Consistency of Disposition. No two instances of misconduct are exactly alike. In the cases cited, the sanctions range from the forfeiture of five days up to the highest penalty of dismissal.

The Cst. Markham, Cst. Coon, and Cst. Nesbeth decisions are helpful as they define the upper echelons of misconduct that warranted the upheld dismissal penalty. The 2021 Cst. Krull decision, with varying similarities in facts, resulted in an 18-month demotion, and similar in penalty to Ms. Stewart’s position. Also of assistance, for comparison on consistency is the 2023 Det. Heffler decision with a sanction of a nine-month demotion. What is absent from the Det. Heffler decision is the deliberate interference in a criminal investigation in the context of a personal favor extended to a third party.

### Specific and General Deterrence

As to General Deterrence, Ms. Stewart submitted that a clear message must be sent that preferential treatment and breach of public trust will be dealt with severely and will not be tolerated. An 18-month demotion will sufficiently deter.

Mr. Smith submitted that Specific Deterrence has already occurred in that Cst. Mohamed has been assigned to ‘desk duty’ for the past 2.5 years and has missed out on paid duty assignments and overtime, thus less income for his family. Further, Cst. Mohamed has been associated to something negative in the media and his name has been attached to criminal drug activity. Mr. Smith submitted that one cannot say that there has not already been Specific Deterrence.

As to General Deterrence, Mr. Smith submitted that, yes, a message must be sent to like-minded officers, however there is a difference between Cst. Mohamed and cases where there was a blatant disregard to the Oath of Office and duties. What is different is that Cst. Mohamed had no knowledge of what was really going on.

Mr. Smith submitted that both Specific and General Deterrence will be achieved as the facts are out there in the public and the decision and disposition are publicly posted. Cst.

Mohamed's family will feel the impact of his actions and he and his family are known in the Somali community.

### Damage to the Reputation of the Police Service

Ms. Stewart submitted this is an aggravating factor in that it impacts the ability of the OPS to maintain the public trust and confidence that is required to carry out their policing mandate. Ms. Stewart cited *Morris v. Toronto Police Service* (2021 ONCPC 7), paragraph 19, as the test in determining the reasonable expectations of the community when it comes to Discreditable Conduct. There is an expectation that police will follow policy and investigative processes and that the interfering in a criminal investigation clearly tarnished the reputation of the OPS.

Ms. Stewart submitted there has been significant media attention, such as the June 24, 2021 CBC article titled: 2 Ottawa police officers charged in anti-corruption probe related to fentanyl trafficking. Further, this Tribunal's decision is posted on the OPS website for the public to read and additional scrutiny can be anticipated upon the posting of this Disposition. Only a substantial and meaningful penalty will assist in mitigating the damage to the reputation of the OPS. Ms. Stewart cited *McPhee v. Brantford Police Service* (2012 ONCPC 12) , paragraph 127, as the appropriate case reference.

Mr. Smith submitted that the focus has to be on the specific conduct of Cst. Mohamed and cautioned on speculating on the actual damage by Cst. Mohamed simply asking for a video. Cst. Mohamed was not involved in the criminal activity and should be separated from what the El Badry brothers were engaged with. Mr. Smith submitted that this is challenging as there is no metric to measure the damage, only speculation.

It is very clear in my analysis that the whole affair has caused significant damage to the reputation of the OPS, in light of the linkage to high quantity fentanyl trafficking and all the violence and social evils associated, and the inferences to corruption by constables within the Service. Overall, this is an aggravating factor to consider. However, in agreement with Mr. Smith, it is important to focus on the knowledge held by Cst. Mohamed at the time and his exact actions that followed. This by no means dismisses the aggravated factor of the damage, rather defines and recognizes the precise role of Cst. Mohamed's established misconduct in the larger scheme.

### **Conclusion**

In reaching my decision, I took into account the key aggravating factors as identified above: the Seriousness of the Misconduct; Public Interest; Damage to the Reputation of the Police Service; and General Deterrence. I balanced this with the key mitigating factors of Employment History, Potential to Reform, and Specific Deterrence.

There is no doubt in my mind that the sanction required is a period of demotion. Cst. Mohamed's actions were deliberate and a complete deviation of the expected investigative conduct and recording/reporting requirements set out in policy. Albeit his actions were found to initially be absent of knowledge of the serious criminal activity of the person he was assisting, and he did openly discuss and plan his actions with a group of fellow constables, the seriousness of the consequences (both realized and potential) of his intervention demand more than the forfeiture of days, as submitted by Mr. Smith.

As substantiated in *Nesbeth and Windsor Police Service*, post-event conduct can be taken into consideration when reaching a penalty. I find that Cst. Mohamed's decision to discuss the career risks with Cst. El Badry after learning of Mr. El Badry's criminality, instead of reporting the newfound information to mitigate his own involvement, compounds the seriousness of the misconduct, thus reinforces the requirement of a severe consequence.

Dismissal is reserved for the worst cases where it is determined that the usefulness of the officer has been annulled, as present in some of the case law before this Tribunal. This is not the case here and I concur with submissions by both counsels that there is no reason to believe that Cst. Mohamed will reoffend. Based on his pre and post-offence performance reviews, letters submitted, and media articles, I have an appreciation of the profound negative effects on himself and his young family. In my view, this does lessen the requirement for Specific Deterrence and moves me away from imposing an additional sanction of counselling on notetaking to accompany the period of demotion.

There is no doubt that the public's confidence and trust has been seriously harmed, particularly in light of the linkage of Cst. Mohamed's misconduct to elements of perceived police corruption which strikes the foundation of the OPS to its very core. In line with *McPhee v. Brantford Police Service* (2012) decision, only a "substantial meaningful penalty will prevent or reduce the damage to the reputation of the Service".

A period of demotion over a forfeiture of days also supports the requirement here to convey a firm assertion to OPS personnel that all forms of preferential treatment, deviations to investigative processes, and breach of policies will have consequences, particularly when linkages, perceived or established, are made to corruption within the police. A police service will not long survive such blows to its reputation. Each and every member of the OPS must fully understand the significance of the public's trust and confidence in them to exercise the powers of the office they hold, and that any misconduct that cause the public to be concerned of this relationship will have dire consequences.

## **Disposition**

It is the decision of this Tribunal that Cst. Mohamed Mohamed, 90328, will be demoted from the rank of First Class Constable to the rank of Second Class Constable for a period

of fifteen (15) months. This is in accordance with section 85(1) of the Police Services Act, RSO 1990, c. P.15, as amended.

(Original signed)

Chris Renwick  
Superintendent (Retired).

Dated March 18, 2024.

## Appendix A

### Exhibits

#### Exhibits Entered Prior to the November 20, 2023 Decision:

- Exhibit 1: Notice of Disciplinary Hearing.
- Exhibit 2: Hearing Officer Designation, Supt. Chris Rheaume.
- Exhibit 3: Prosecutor Designation, Ms. Angela Stewart.
- Exhibit 4: Prosecutor Designation, Ms. Christiane Huneault.
- Exhibit 5: Prosecutor Designation, Mr. Shawn Cleroux.
- Exhibit 6: Notice of Increased Penalty.
- Exhibit 7: Hearing Officer Designation, Supt. (retired) Chris Renwick.
- Exhibit 8: Prosecutor Designation, Ms. Vanessa Stewart.
- Exhibit 9: Summons. Sgt. Sege Berube.
- Exhibit 10: Summons. Sgt. Douglas Hill.
- Exhibit 11: Summons. Mr. Craig Salmon.
- Exhibit 12: Respondent's Factum. Response to Applicant's Motion for Adjournment.
- Exhibit 13: Affidavit of Sgt. Serge Berube.
- Exhibit 13a: Affidavit of Sgt. Serge Berube with redactions. (To replace page 9.)
- Exhibit 14: Respondent's Factum—Book of Authorities.
- Exhibit 15: Application for Recusal RE: Bias.
- Exhibit 16: Applicant's Book of Authorities. Motion on Reasonable Apprehension of Bias.
- Exhibit 17: Respondent's Factum. Response to Applicant's Motion on Reasonable Apprehension of Bias.
- Exhibit 18: Respondent's Book of Authorities. Response to Applicant's Motion of Reasonable Apprehension of Bias.
- Exhibit 19: Affidavit of Sgt. Serge Berube.
- Exhibit 20: E-mail titled 'Assistance'. Sgt. Doug Hill.
- Exhibit 21: E-mail titled "RE: Response to bias application. Mr. L. Laporte.
- Exhibit 22: Investigations Directorate organizational chart.
- Exhibit 23: Exhibit Book. Prosecution.
- Exhibit 24: External USB drive. Audio recordings.
- Exhibit 25: E-mail titled "RE: Mohamed and OPS. Mr. Michael Smith.
- Exhibit 26: Witness summons. Cst. Abdullahi Ahmed.
- Exhibit 27: Witness summons. Cst. Feisal Bila-Houssein.
- Exhibit 28: External USB drive. Ontario Superior Court of Justice Notice of Action and Statement of Claim.
- Exhibit 30: Ontario Superior Court of Justice Notice of Action and Statement of Claim.

**Exhibits Entered during the February 6, 2024 Disposition Hearing:**

Exhibit 31: Cst. Mohamed Decision with Reasons.

Exhibit 32: Prosecutor's Book of Authorities (Penalty Submissions).

Exhibit 33: Prosecutor's Book of Documents (Penalty Submissions).

Exhibit 34: Defence Materials on Sanction.