

OTTAWA POLICE SERVICE DISCIPLINE HEARING

IN THE MATTER OF ONTARIO REGULATION 268/10
MADE UNDER THE *POLICE SERVICES ACT*, RSO 1990, c.P.15 as
THE AMENDMENTS THERETO.

THE OTTAWA POLICE SERVICE
AND
Constable Omair Khan, #2385

DECISION ON DISPOSITION AND SENTENCE

APPEARANCES:

Counsel for the Prosecution: Mr. Shawn Cleroux

Non-Legal Representation for the Defence: Mr. Grayson

Lafoley

BEFORE:

Superintendent Chris Rheaume

Ottawa Police Service

Hearing Officer

June 25, 2025

Part I: Overview.

Background of Respondent Officer.

1. Constable Omair Khan (“Cst. Khan”) was hired by the Ottawa Police Service (“OPS”) on October 3, 2016. Prior to being hired by the OPS, Cst. Khan was a police officer with the Regina Police Service since January 5, 2011.
2. On December 4, 2022, Children’s Hospital of Eastern Ontario (“CHEO”) security staff notified the OPS of a physical interaction involving a youth and a police officer that had recently occurred and was concerning in nature.
3. On November 6, 2022, at approximately 10:33 p.m., the mother of E.G., a young person who was 13 years old, called police to report that E.G. was out of control in their family home. The mother advised the dispatcher that E.G. had threatened to kill both the mother and his sister as they slept. All three individuals reside at the location to which police responded.
4. The responding officers, Cst. Khan and his partner also received additional information that the young person’s mother and sister had barricaded themselves in the bedroom out of fear from E.G. and that E.G. was armed with a kitchen knife. E.G. was reported to have been sliding the knife under the door in a threatening manner.
5. At approximately 10:43 p.m. Cst. Khan and his partner arrived at the residence. It was learned that E.G. had some mental health challenges, including that he had Tourette syndrome, and that he had refused to take his prescribed medication. E.G.’s mother advised the officers that E.G. also had an undiagnosed personality disorder and had recently been expelled from school and was refusing to see a doctor or a therapist.
6. E.G.’s mother indicated that this threatening behavior had escalated in the weeks leading up to police attendance on November 6, 2022, and that she had grown increasingly concerned for the safety of herself and her daughter.
7. At approximately 11:11 p.m., Cst. Khan and his partner apprehended E.G. under the authority of section 17 of the *Mental Health Act* as they had formed grounds to believe that he was suffering from a mental disorder that would likely result in serious bodily harm to himself or another.

8. E.G. was handcuffed and transported to CHEO for an assessment. They arrived shortly before midnight.
9. After E.G.'s apprehension, he became extremely belligerent towards the two responding officers. He began swearing profusely, calling them every insulting name in the book. Cst. Khan's partner noted that E.G. was more belligerent than anyone he had ever dealt with in the past.
10. At approximately 12:03 a.m., security footage shows that once E.G. was removed from the police cruiser at CHEO, E.G. makes an aggressive movement towards Cst. Khan's partner, jerking his head and upper body in a forward motion towards him, in a motion resembling a head-butt. In response, Cst. Khan's partner pushed E.G. up against the rear cruiser door. E.G. can be observed smiling at the officer.
11. Shortly thereafter, Cst. Khan's partner places a mask on E.G. and escorts him inside CHEO, with Cst. Khan following behind.
12. A second video from a hallway within CHEO captures the two officers with E.G. Cst. Khan's partner pulled E.G. by the arm and pushed him against the hallway wall where he exchanged some words with him. That officer is then observed directing E.G. to sit on a chair in the hallway. E.G. appears to be talking throughout.
13. At approximately 12:04 a.m. Cst. Khan's partner goes into a separate room, leaving E.G. alone with Cst. Khan. E.G. is observed fidgeting, moving around and using his mouth to try and remove his face mask.
14. At approximately 12:06 a.m., E.G. stands up from his chair and Cst. Khan motions with his hand for him to sit back down, which he does.
15. At approximately 12:07 a.m., E.G. removes his face mask with his right hand and continues to say things to Cst. Khan, who was using his phone.
16. Shortly thereafter, E.G. throws his mask on the ground. Cst. Khan points to the mask and appears to say something to E.G., to which E.G. can be seen motioning his head in a negative side to side motion.
17. Cst. Khan then moves towards E.G. who responds by kicking the mask away twice. In response, Cst. Khan steps on E.G.'s foot with his left boot. E.G. continues to smile sarcastically at Cst. Khan throughout these interactions.

18. At approximately 12:08 a.m., E.G. knocks the back of his head against a white hand sanitizer dispenser which was attached to the wall behind him.
19. Shortly thereafter, E.G. raises his right leg and appears to motion a kick towards Cst. Khan. No actual kick is completed and E.G. drops his leg back to the ground. E.G. then again raises his right leg and motions a kick towards Cst. Khan. Again, no kick is completed.
20. Cst. Khan then approaches E.G. while putting his duty gloves on. The two are observed exchanging words.
21. At approximately 12:09 a.m., E.G. raises his right arm towards Cst. Khan who responds by making a quick motion towards the youth, but no contact occurs.
22. At approximately 12:12 a.m., Cst. Khan puts his face mask on.
23. Shortly thereafter, E.G. kicks his mask which is on the ground. The mask flies up in the air, and then he kicks it towards Cst. Khan. Cst. Khan is still putting on his gloves when this takes place. The mask lands on Cst. Khan's left foot.
24. Cst. Khan then quickly moves towards E.G. and kicks him on the sole of his left foot. Throughout this interaction, E.G. can be seen exchanging words with Cst. Khan and moving erratically
25. Cst. Khan then grabs E.G. by the jaw area with both hands. He pushes E.G. back in his chair. Cst. Khan then positions his face directly in front of E.G. and they both appear to exchange words for approximately 5 seconds.
26. Cst. Khan then jerks E.G. to the right, removes his right hand, and proceeds to take E.G. to the ground, face down. This grounding is performed in the presence of his partner and a nurse who had just returned to the hallway.
27. Cst. Khan then places his right knee on E.G.'s back and then removes his knee and places his foot on the youth's lower back area. Cst. Khan then picks E.G. up from the floor with his right arm and escorts him down the hallway with his partner. This part of the interaction is approximately 10 seconds.
28. There is no evidence which indicates that E.G. suffered any physical injuries as a result of the event.
29. Following the incident, despite making memorandum book notes, Cst. Khan failed to submit a General Occurrence report or an Investigative Action detailing his use of physical force on E.G as required by OPS Policy Number 6.07 - *Use of Force*. Section 6 of the

Policy states “Any time force is used; details must be included in the General Occurrence (GO) report.”

30. Cst. Khan cooperated fully with the OPS Professional Standards Unit throughout the course of the misconduct investigation. Cst. Khan has no prior history of serious misconduct
31. After Cst. Khan plead guilty in Criminal Court; he returned to his substantive position on frontline patrol in July 2024. Since that time, there have been no reported issues.

Allegations and Particulars of Misconduct.

1. You are alleged to have committed Discreditable Conduct in that, on April 11, 2024, you were found guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction, namely, assault, contrary to section 266 of the *Criminal Code of Canada* in relation to an incident that occurred on or about November 6, 2022, thereby constituting an offence against discipline as prescribed in Section 2(1)(a)(ix) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.
2. You are alleged to have committed Discreditable Conduct in that, on or about November 6, 2022, you acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Ottawa Police Service when you applied unnecessary physical force on a handcuffed youth apprehended under the *Mental Health Act* in a children’s hospital, in the view of members of the public and hospital staff, thereby constituting an offence against discipline as prescribed in Section 2(1)(a)(xi) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.
3. You are alleged to have committed Insubordination in that, on or about November 7, 2022, you failed to submit a General Occurrence Report following an incident involving use of force with a youth as required by OPS Policy No. 6.07 – Use of Force, thereby constituting an offence against discipline as prescribed in Section 2(1)(b)(ii) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.

Plea.

4. A hearing was held on May 16th, 2025, at 09:30 hrs, in which Constable Khan pled guilty to three counts of Discreditable Conduct. I accepted the guilty plea on clear and convincing evidence.
5. As a result of this plea, a joint submission on penalty was submitted in which both parties agreed that the appropriate disposition for the finding of three counts of Discreditable Conduct would be a demotion from 1st Class Constable to 2nd Class Constable for sixteen (16) months. This was accepted on the Record during the Hearing by Constable Khan on May 16th, 2025, at 09:42 hrs.

Part II: Summary of Misconduct.

Agreed statement of facts.

6. An agreed statement of facts (Exhibit #6) was read on record by the prosecutor, Mr. Shawn Cleroux, on the 16th of May 2025 proceeding as follows:

The subject officer, Constable Khan (cadre, #2385) is a sworn member of the Ottawa Police Service Constable Omair Khan ("Cst. Khan") was hired by the Ottawa Police Service ("OPS") on October 3, 2016. Prior to being hired by the OPS, Cst. Khan was a police officer with the Regina Police Service since January 5, 2011.

On December 4, 2022, Children's Hospital of Eastern Ontario ("CHEO") security staff notified the OPS of a physical interaction involving a youth and a police officer that had recently occurred and was concerning in nature.

On November 6, 2022, at approximately 10:33 p.m., the mother of E.G., a young person who was 13 years old, called police to report that E.G. was out of control in their family home. The mother advised the dispatcher that E.G. had threatened to kill both the mother and his sister as they slept. All three individuals reside at the location to which police responded.

The responding officers, Cst. Khan and his partner also received additional information that the young person's mother and sister had barricaded themselves in the bedroom out of fear from E.G. and that E.G. was armed with a kitchen knife. E.G. was reported to have been sliding the knife under the door in a threatening manner.

At approximately 10:43 p.m. Cst. Khan and his partner arrived at the residence. It was learned that E.G. had some mental health challenges, including that he had Tourette syndrome, and that he had refused to take his prescribed medication. E.G.'s mother advised the officers that E.G. also had an undiagnosed personality disorder and had recently been expelled from school and was refusing to see a doctor or a therapist.

E.G.'s mother indicated that this threatening behavior had escalated in the weeks leading up to police attendance on November 6, 2022, and that she had grown increasingly concerned for the safety of herself and her daughter.

At approximately 11:11 p.m., Cst. Khan and his partner apprehended E.G. under the authority of section 17 of the *Mental Health Act* as they had formed grounds to believe that he was suffering from a mental disorder that would likely result in serious bodily harm to himself or another.

E.G. was handcuffed and transported to CHEO for an assessment. They arrived shortly before midnight.

After E.G.'s apprehension, he became extremely belligerent towards the two responding officers. He began swearing profusely, calling them every insulting name in the book. Cst. Khan's partner noted that E.G. was more belligerent than anyone he had ever dealt with in the past.

At approximately 12:03 a.m., security footage shows that once E.G. was removed from the police cruiser at CHEO, E.G. makes an aggressive movement towards Cst. Khan's partner, jerking his head and upper body in a forward motion towards him, in a motion resembling a head-butt. In response, Cst. Khan's partner pushed E.G. up against the rear cruiser door. E.G. can be observed smiling at the officer.

Shortly thereafter, Cst. Khan's partner places a mask on E.G. and escorts him inside CHEO, with Cst. Khan following behind.

A second video from a hallway within CHEO captures the two officers with E.G. Cst. Khan's partner pulled E.G. by the arm and pushed him against the hallway wall where he exchanged some words with him. That officer is then observed directing E.G. to sit on a chair in the hallway. E.G. appears to be talking throughout.

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At approximately 12:06 a.m., E.G. stands up from his chair and Cst. Khan motions with his hand for him to sit back down, which he does.

At approximately 12:07 a.m., E.G. removes his face mask with his right hand and continues to say things to Cst. Khan, who was using his phone.

Shortly thereafter, E.G. throws his mask on the ground. Cst. Khan points to the mask and appears to say something to E.G., to which E.G. can be seen motioning his head in a negative side to side motion.

Cst. Khan then moves towards E.G. who responds by kicking the mask away twice. In response, Cst. Khan steps on E.G.'s foot with his left boot. E.G. continues to smile sarcastically at Cst. Khan throughout these interactions.

At approximately 12:08 a.m., E.G. knocks the back of his head against a white hand sanitizer dispenser which was attached to the wall behind him.

Shortly thereafter, E.G. raises his right leg and appears to motion a kick towards Cst. Khan. No actual kick is completed and E.G. drops his leg back to the ground. E.G. then again raises his right leg and motions a kick towards Cst. Khan. Again, no kick is completed.

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Cst. Khan then grabs E.G. by the jaw area with both hands. He pushes E.G. back in his chair. Cst. Khan then positions his face directly in front of E.G. and they both appear to exchange words for approximately 5 seconds.

Cst. Khan then jerks E.G. to the right, removes his right hand, and proceeds to take E.G. to the ground, face down. This grounding is performed in the presence of his partner and a nurse who had just returned to the hallway.

Cst. Khan then places his right knee on E.G.'s back and then removes his knee and places his foot on the youth's lower back area. Cst. Khan then picks E.G. up from the floor with his right arm and escorts him down the hallway with his partner. This part of the interaction is approximately 10 seconds.

There is no evidence which indicates that E.G. suffered any physical injuries as a result of the event.

Following the incident, despite making memorandum book notes, Cst. Khan failed to submit a General Occurrence report or an Investigative Action detailing his use of physical force on E.G as required by OPS Policy Number 6.07 - *Use of Force*. Section 6 of the Policy states "Any time force is used; details must be included in the General Occurrence (GO) report."

Cst. Khan cooperated fully with the OPS Professional Standards Unit throughout the course of the misconduct investigation. Cst. Khan has no prior history of serious misconduct

Cst. Khan returned to his substantive position on frontline patrol in July 2024. Since that time, there have been no reported issues.

Summary of Evidence and Exhibits.

7. As part of this hearing, the Prosecution presented the following exhibits and no witnesses:

- Ottawa Police Service Hearing Officer Designation – Superintendent Chris Rheaume (Exhibit #1)
- Ottawa Police Service Prosecutor Designation – Mr. Shawn Cleroux (Exhibit #2)
- Ottawa Police Service Prosecutor Designation – Ms. Christiane Huneault (Exhibit #3)
- Notice of Disciplinary Hearing service to Cst Khan (Exhibit #4)

- Notice of Disciplinary Hearing (Exhibit #5)
 - Agreed Statement of Facts (Exhibit #6)
 - Court File of His Majesty of the King vs. Mohammad Khan Appendix A (Exhibit #7)
 - Court File of His Majesty of the King vs. Mohammad Khan Appendix B (Exhibit #8)
 - Joint Submission on Penalty (Exhibit #9)
 - Book of Authorities (Exhibit # 10.1, 10.2, 10.3, 10.4, 10.5, 10.6 & 10.7)
8. Defence presented no exhibits.

Part III: Analysis.

9. I will start my decision on penalty by first outlining the objectives of police discipline, which are to:
- i) Correct unacceptable behaviour;
 - ii) Deter others from similar behaviour; and
 - iii) Assure the public that the police are under control.
10. To assist me in achieving these objectives, I am guided by the foundational principles that govern the determination of an appropriate disposition in police disciplinary proceedings. Those principles are described in the Annotated Police Services Act (Ceyssens & Childs) as follows:

The first principle is that the disposition should fully accord with the purposes of police discipline processes, which are as follows: the employer's interest in maintaining discipline in the workplace; the rights of a respondent officer suspected of misconduct being treated fairly; the public interest: ensuring a high standard of conduct in the constabulary, and public confidence in the constabulary; and where members of the public are involved the process should ensure that the interests of those individuals is protected.

The second principle, which flows from the move towards a more remedial philosophy, as noted above, dictates that a corrective disposition should take precedence over a punitive disposition, where possible.

The third principle is the presumption of the lowest disposition – that a respondent police officer is entitled to the most favourable disposition in the circumstances of the case, where possible.

The fourth principle is proportionality, requiring that the tribunal consider all applicable mitigating and aggravating considerations, and then weigh those applicable factors appropriately.

The fifth principle is that the law holds police conduct to a higher standard. Court and tribunal decisions have consistently embraced the concept that police officers should be held to a higher standard of behaviour compared to other employees or members of the public.

11. In Legal Aspects of Policing, Paul Ceyssens outlines the steps that a decision-maker should follow to properly adhere to the proportionality principle:

It is a “fundamental proposition” that a disposition must be proportionate to the misconduct, “given due regards to those special considerations applicable to service in the police force. Proportionality is arguably the most complex of the five principles that govern the process of crafting an appropriate disposition, and requires three decisions:

- First, a decision-maker must identify which disposition considerations are *relevant* to the matter in question.
- Second, a decision-maker must determine whether the relevant disposition considerations are *mitigating, aggravating or neutral*.

• Third, the decision-maker must *properly balance* (or appropriately “weigh”) the identified relevant considerations in accordance with the factual background of the matter, and the competing interests. Thus “a decision-maker must give proper weight to the relevant factors in a particular case,” and a “proper balance” is of “utmost importance.” In Ontario, although the Commission frequently cites various disposition considerations as “key factors”, it has stated that “there is no requirement that any one factor be given more weight than another,” while at the same time stating that a hearing officer need not give all the factors equal weight and one factor can support the highest penalties, if appropriate.

12. Mr. Ceyssens lists 15 factors which now routinely guide the proportionality analysis of police discipline adjudicators in Ontario. I will speak to seven of the established 15 disposition considerations: public interest; seriousness of the misconduct; recognition of the seriousness of the misconduct; employment history; deterrence; damage to the reputation of the police service; and consistency of disposition. I am satisfied that these factors sufficiently capture all the relevant issues and considerations in the present matter.

Public Interest.

13. The prosecution submitted the decision of *PC Rice vs Windsor Police Service*, where the Hearing Officer stated that, “Public interest is very relevant. Police officers are held to a higher standard. There is a reasonable public expectation that police officers will obey the law. In committing a criminal act by using excessive force PC Rice has fallen short of this expectation.” The assurance that police officers will not assault people that are in custody is essential to the public’s trust and confidence in policing. Police officers should not respond with intimidation or violence against people in custody, especially if they are a minor and they have mental health issues. Police officers must always conduct themselves professionally, whether on duty or off duty.

14. From the evidence presented in the criminal trial and disciplinary hearing, it is clear and convincing that Constable Khan assaulted E.G. during the incident. Constable Khan was found

guilty in the Court Proceedings by Justice G.J. Griffin and his sentence was a conditional discharge with probation for a period of twelve (12) months. Constable Khan is to have no direct contact with E.G. and will complete 100 hours of community service. The Ottawa Police Service has been named in multiple news articles where members of the public have shown dissatisfaction towards Constable Khan's actions, thereby undermining trust and confidence in the police. The public must be assured that its police officers will always demonstrate professionalism in their actions—whether they are on duty or off duty. Constable Khan has eroded public trust by engaging in this type of behavior.

15. In determining an appropriate disposition in this matter, I consider the public interest in Constable Khan's actions to be an aggravating factor.

Seriousness of the Misconduct.

16. I concur with Mr. Cleroux' s assertion that the offences that Constable Khan was charged with and found guilty of rightfully fall within the classification of serious misconduct. These charges are of a serious nature and should be dealt with appropriately.

17. In *Constable Wren and Hamilton Police Service*, 2019, the Hearing officer stated:

In matters involving police misconduct, the law places considerable importance on assessing the degree of seriousness and misapprehending the seriousness of the misconduct can compromise.

18. The seriousness of the misconduct is further aggravated by the fact that Constable Khan has been a police officer for over fourteen (14) years. Moreover, Constable Khan has experience working with the Regina Police Service and dealing with people with addiction/mental health issues and therefore he ought to have used better judgement than that exhibited in the facts of this matter.

19. Considering the foregoing, I consider the seriousness of Constable Khan's misconduct to be an aggravating factor.

Recognition of the Seriousness of the Misconduct.

20. To the credit of Constable Khan, he fully cooperated with Professional Standards Unit throughout the course of the misconduct investigation, and he pleaded guilty to assault during his first available court proceeding in Criminal Court. Constable Khan admitted that he over-reacted, he was wrong with his actions, and he apologized to E.G. and the community. He was ashamed of what he did, and this demonstrates his appreciation and recognition of the seriousness of his misconduct.

21. I consider Constable Khan recognition of the seriousness of his misconduct a mitigating factor for the purposes of determining a proportionate disposition.

Employment History.

22. As addressed above, Constable Khan has over 14 years of policing experience. He has no previous discipline on his record. While Constable Khan's extensive experience as a police officer suggests that he should have known better than to assault a minor with mental health issues while they are handcuffed, I consider Constable Khan's employment history a mitigating factor for the purposes of determining an appropriate disposition given his positive employment record.

Deterrence.

23. With respect to general deterrence, every sworn officer must know fully well that they are held to a higher standard, and that they must not assault children that have mental health issues while in police custody, especially if they are handcuffed. Mr. Cleroux cited the case of Constable Wren vs Hamilton Police Service:

Where police officers assault those in their custody and without a doubt AA was in custody when assaulted, is to deter the defendant and other officers from such actions in the future. Police officers owe a duty to serve and protect all citizens, including those they are arresting. When that duty is breached, trust is breached, and the consequences of that breach of duty

must be apparent to all peace officers and to the public at large

The penalty imposed in this matter must impress upon all police officers the message that they cannot assault people that are under arrest and in police custody while being handcuffed, especially if that person is a minor and has mental health issues.

24. In terms of specific deterrence, it is evident that Constable Khan now recognizes that his actions of assaulting a minor with mental health issues while in police custody and being handcuffed constitutes a serious matter. There is no evidence before me to suggest that there is a likelihood that he will reoffend in the future. Constable Khan has completed 100 hours of community service, and he has an understanding on dealing with children with mental health issues especially when they are in police custody while being handcuffed. However, misconduct must be met with profound consequences to ensure clear deterrence in the subject member.
25. Mindful of the objectives of police discipline enumerated at the beginning of this decision, I regard the need for effective general and specific deterrence to be an aggravating factor in the present matter.

Damage to the Reputation of the Police Service.

26. Through the evidence presented, I am left with no doubt that the actions of Constable Khan have strained the reputation of the Ottawa Police Service, particularly by the fact that Constable Khan committed discreditable conduct by being found guilty of the criminal offence of assault, as well as being found guilty of applying unnecessary physical force on a handcuffed youth while being apprehended under the Mental Health Act in a children's hospital, and failing to report the incident of force in a General Occurrence to the Ottawa Police Service. Police officers are held to a higher standard and the public expects that officers will not assault children that have mental health issues and then fail to report it to their police service. Constable Khan breached this trust to the public by being found guilty in Criminal Court by being charged with and found guilty of assault against E.G., thereby damaging the reputation of the Ottawa Police Service as well as other police services more broadly.

27. I consider the damage to the reputation of the Ottawa Police Service to be a factor that aggravates the appropriate penalty for Constable Khan's misconduct.

Consistency of Disposition.

28. Consistency of disposition is particularly relevant to the determination of an appropriate penalty in the present circumstances. Mr. Cleroux spent considerable time outlining case law to support his position that the joint submission on penalty constitutes a fair and reasonable sanction for Constable Khan.

29. Mr. Cleroux referred me to a similar of fact case that addresses misconduct involving an officer that abused his spouse. In *Constable Kent Rice vs Windsor Police Service* (September 18, 2015), Constable Rice was demoted from first-class constable to second-class constable for 18 months. At the conclusion of the term and subject to a satisfactory work performance evaluation, Constable Rice would then be reinstated at first-class constable.

Summary of Findings.

30. I have taken into consideration several mitigating factors in reaching a disposition. Constable Khan acknowledges and accepts his actions and the harm that they have caused to himself and the Service. His guilty plea is viewed as further acceptance. Furthermore, there is no previous history of discipline and Constable Khan possesses a positive employment history spanning the course of his career.

31. In determining an appropriate disposition in this matter, I have also assigned weight to various aggravating factors. The seriousness of the misconduct itself commands a disposition that will send a clear message of deterrence to all Ottawa Police Service officers that there must and will be severe consequences for officers that are found guilty in criminal court of assault. The public interest and the loss of trust resulting from a police officer being found guilty in a criminal court of this offence has caused considerable damage to

the reputation of the Ottawa Police Service, which has had an aggravating effect on my determination of a proportionate disposition.

32. Finally, I am also mindful of the significant body of jurisprudence, within and beyond the realm of police discipline, which supports the notion that joint submissions should be accorded a high level of deference and are not to be disregarded unless there are good and cogent reasons for doing so.

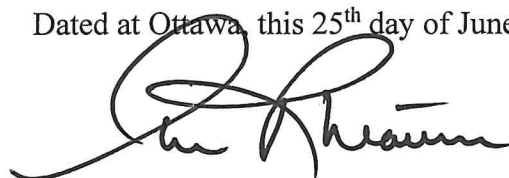
Part IV: Disposition on Penalty

Disposition.

33. I have taken into thoughtful consideration the agreed statement of facts, the submissions of the parties, relevant case law, and the applicable principles of disposition to come to a fair and fitting decision. Two counts of Discreditable conduct and one count of Insubordination has been proven on clear and convincing evidence. The joint submission on penalty has been of assistance in reaching a decision and I see no argument or sound reason to vary from the penalty agreed to by the parties.

34. I order that Constable Khan be demoted from 1st Class Constable to 2nd Class Constable for a period of **sixteen (16) months** in accordance with section 85(1)(f) of the *Police Services Act*.

Dated at Ottawa, this 25th day of June 2025.

 #998

Superintendent Chris Rheaume #998

Hearing Officer.

Appendix A: Book of Authorities.

AUTHORITIES	TAB
<i>Schofield and Metropolitan Toronto Police</i> , (OCPC, 1984)	1
<i>Kotzer v. Toronto Police Service</i> , (Supt. Hussein, 2019)	2
<i>Rice and Windsor Police Service</i> , (S/Insp. Fazackerley, 2015)	3
<i>Wren and Hamilton Police Service</i> , (Supt. Walton, 2024)	4
<i>Venables and York Regional Police</i> , (OCPC, 2008)	5
<i>Lord and Ottawa Police</i> , (OCPC, 2011)	6
<i>Rault v. Law Society of Saskatchewan</i> , (2009, SKCA 81)	7