

ONTARIO 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
THE OTTAWA POLICE SERVICE

- and -

DETECTIVE HELEN GRUS, #1631

DISCREDITABLE CONDUCT (one count)

DISPOSITION

Adjudicator:	Superintendent (retired) Chris Renwick
Counsel for the Prosecution:	Ms. Jessica Barrow
Counsel for the Defence:	Ms. Bath-Shéba van den Berg
Disposition Hearing Date:	May 19-21 and June 18, 2026, at Ottawa, ON.
Decision Delivered:	August 18, 2026

Background

Detective (Det.) Helen Grus was before this *Police Service Act (PSA)* Hearing on August 15, 2023, and plead not guilty to the one count of misconduct, which reads:

Count One: Discreditable Conduct

Cst. Grus is alleged to have committed Discreditable Conduct in that between June 2020 and January 2022, she did, without lawful excuse, act in a disorderly manner prejudicial to discipline or likely to bring discredit upon the reputation of the Ottawa Police Service, in that she self-initiated an unauthorized project, wherein she accessed nine child and/or infant death cases in which she had no investigative role/responsibility, and failed to then record her involvement or finding in the files. Further, on or about January 30, 2022, she interfered in an investigation of an infant death, without the lead detective's knowledge or authorization, by contacting the father of the deceased baby to inquire about the COVID vaccination status of the mother. The foregoing conduct constitutes an offence against discipline as prescribed in section 2(1)(a)(xi) of Schedule 1 of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.

On March 25, 2025, following 24 days of submissions, witness testimony, and motions, this Hearing Officer, on the standard of clear and convincing evidence, found Det. Grus guilty on the one count of Discreditable Conduct.

The disposition phase of this hearing commenced on September 3, 2024, however, due to objections by both counsels on the admissibility of documentary evidence, submissions were requested and two written rulings resulted. (Ruling on Admissibility of Victim Impact Statement (exhibit #105) and Ruling on Motion to Exclude Defence Materials (exhibit #106). Submissions on the motion were heard on December 18, 2025, and the disposition hearing resumed on May 19, 2026, for three and a half days.

Representation

Ms. Jessica Barrow appeared as Prosecutor representing the Ottawa Police Service (OPS). Det. Grus was represented by Ms. Bath-Shéba van den Berg. Both counsel presented documentary evidence to support their submissions and Defence called one witness: Det. Helen Grus.

Position on Penalty

Prosecution's position is that the appropriate disposition for Det. Grus's established misconduct is a two-year demotion. Defence submitted that Det. Grus has already been punished enough and that no further penalty is warranted.

Decision

Having considered the evidence before this Hearing and the submissions of both counsel, I order Det. Grus to be demoted from the rank of first class constable to the rank of second class constable for a period of twenty-four (24) months.

Submissions, Analysis, and Findings:

Defence Witness Evidence: Det. Helen Grus

In examination-in-chief, Det. Grus testified on her most recent performance review (2025) since her transfer to the Robbery Unit in 2022, following the rescinding of her initial suspension. She spoke to the professional and personal impact of her suspension and transfer, as well as the lost opportunity for promotion and the overwhelming financial impact, including her legal costs. Det. Grus testified to her good reputation within the service and that she has difficulty to this day in understanding why her actions were discreditable. She had a duty to save lives and there was no personal gain in doing so. She testified to the support she has received from the public and within the police and her opportunity through this hearing to correct the inaccurate public narrative that was portrayed by the media. Det. Grus testified that she is open to a restorative disposition and that she and her family have suffered enough and any other disposition will have a further devastating effect.

Prosecution Submissions

Ms. Barrow submitted that, in policing, there exists checks and balances to ensure that police powers are used only when authorized and without abuses. The issue before this Tribunal have been very simple: Det Grus had to follow the rules and be transparent with coworkers and supervisors, respect her chain of command, and be impartial. She was aware of these rules and

intentionally sidestepped them. She submitted that the Ottawa Police Service (OPS) is not seeking to punish Det. Grus for her beliefs or the fact that an investigation was undertaken, but for the blatant disregard for the necessary checks and balances on the otherwise extensive powers given to police officers.

Ms. Barrow submitted that there has been a lot of irrelevant evidence put forward by the Defence. I will be invited to revisit factual findings, to find that Det. Grus was appropriately responding to her duty and should not be further penalized. I will hear about the incompetence of others, but this entirely misses the point. It is not about the data or how it was reported by the media. It is not about how the OPS managed their response to COVID, nor is it about an attempt by OPS to conceal the connection.

Ms. Barrow submitted that I have already made findings of fact in my decision and they can no longer be disputed by Defence. There is a very narrow set of issues still before this Tribunal, being what is an appropriate disposition for the established misconduct, based on the Mr. Paul Ceyssens's well known and established disposition factors contained in *Legal Aspects of Policing*.¹

Ms. Barrow cited the three key considerations for Hearing Officers to take into account when assessing an appropriate penalty, as contained in the *Williams*² decision, being: "the nature and seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage to the reputation of the police force that would occur should the officer remain on the force." This is upheld in the 2017 *Costa*³ decision, along with numerous other factors, depending on the circumstances, as contained in Mr. Ceyssens's *Legal Aspects of Policing*.

Ms. Barrow cited the *Krug*⁴ decision which provides a description of the weighing exercise for the 14 factors listed in Ceyssens and provides that there is no requirement that any one of the factors be given more weight than another. Ms. Barrow further cited the *Husseini*⁵ decision which affirms

¹ Paul Ceyssens, *Legal Aspects of Policing*, looseleaf, ((Salt Spring Island: Earls Court, 1994).

² *Williams and Ontario Provincial Police*, December 4, 1995 (OCCPS)

³ *Costa v. Toronto Police Service*, 2017 ONCPC 14.

⁴ *Krug and Ottawa Police Service*, 2003 CanLII 85816 (ONCP)

⁵ *Husseini and Your Regional Police Service*. 2017 CanLII 4791 (ON CPC), aff'd 2018 ONSC 283 (Div. Ct.)

that no one factor is determinative over the others and they remain flexible, textual, and may evolve over time.

In summary, Ms. Barrow submitted that lesser case law demonstrates a wide range of penalties with the higher range decisions resulting in dismissal. Det. Grus's case does not warrant a fine, nor does it warrant a dismissal, or a low term demotion, but somewhere in the middle. The overwhelming factors are aggravating or very aggravating and her employment history is mitigating. Ms. Barrow submitted that there is no doubt that her trust with her employer and the community was broken. She has remained defiant during this hearing. Ms. Barrow submits that, based on case law, and the application of the disposition factors, that a 24-month demotion will demonstrate the necessary community trust that the police are taking this misconduct this seriously.

Defence Submissions

Ms. van den Berg submitted that the proceedings of this Tribunal have been unfair to Det. Grus and are a breach of section seven of her *Canadian Charter of Rights and Freedoms (Charter)*, the right to security of the person, and of section two, her freedom of thought and expression.

Ms. van den Berg submitted that Det. Grus has already been punished through disguised discipline. She was suspended in 2022 and then removed from the Sexual Assault and Child Abuse Unit (SACA) and temporarily assigned to the Robbery Unit. Case law is clear that a temporary transfer may amount to disguised discipline and Ms. van den Berg cited the 2024 arbitration decision between the *Ontario Provincial Police and the Ontario Provincial Police Association*⁶ as case law. Ms. van den Berg submitted that Det. Grus has already been punished, and I must take into account the imposed return to work conditions, her removal from her SACA position, and the associated stigma.

Ms. van den Berg submitted that this hearing is understood by Defence as a reprisal for whistle blowing on the items that Det. Grus raised at the 2022 town hall meeting with the Chief. Within two weeks she had her access to police work cut off and on September 4, 2022, she was suspended. Ms. van den Berg stated that this timing supports the instance of a reprisal for her

⁶ *Ontario Provincial Police v. Ontario Provincial Police Association*, 2024. (Exhibit #122.)

whistle blowing. She raised an issue on public safety, was retaliated against, and stripped of her badge. Ms. van den Berg submitted that the Defence approaches this Hearing through the lens of reprisal for whistle blowing. The OPS response was not to investigate her concerns, but rather to charge her. Ms. van den Berg cited the Mulligan⁷ Ontario Civilian Police Commission (OCPC) decision and submitted that Det. Grus's conduct was much in line with whistle blowing in that she raised life and safety concerns and faced reprisals.

Ms. van den Berg submitted that there is a separate aspect of public interest (apart from public interest as a disposition factor), that of the public not supporting a police service using discipline to punish an officer for raising a public health issue. These proceedings are being used to stop or chill a public safety issue, and it can be perceived by the public as being wrongly used and any further penalty imposed would undermine public confidence in the police. Ms. van den Berg cited the 2020 OCPC's *Whiteway* order⁸ instructing the Durham Regional Police Service to withdraw the *PSA* Notice of Hearing served on Sergeant (Sgt.) Whiteway as it ruled that it was not in the public interest to allow a *PSA* hearing to be used as leverage for purposes other than disciplinary.

Ms. van den Berg submitted that the Defence's position is that the Hearing Officer's logic in the decision is deeply flawed in that the analysis does not marry with the conduct described in the notice of hearing, and that part of the justification in finding her guilty was not actually in evidence. This makes it a challenge for the Defence to argue proportionality factors as it calls for applying a test towards information that was not in evidence and conduct that she was not charged with. This is absurd and highly prejudicial to Det. Grus.

Ms. van den Berg submitted that the Hearing Officer's finding that Det. Grus misused her police powers does not provide proper foundations for the Defence to argue disposition factors as this case is not about her misusing her police powers, but one of using her police discretion. The Tribunal misapprehended police discretion, relying on the *Crown v. Beaudry*⁹. Det. Grus was lawfully using her police discretion and, according to *Beaudry*, this is what is expected by the courts. Ms. van den Berg submitted that misuse of police discretion only occurs when it is used to not fulfil a police duty and, here, Det. Grus was using her police discretion to fulfil her duties to protect the public. Police are expected to exercise judgement, oversight is not a preauthorization,

⁷ *Mulligan (No.2) v. Ontario Provincial Police*, 2018 ONCPC5. (Exhibit #122.)

⁸ *Durham Regional Police Service v. Sgt. Nicole Whiteway*, June 17, 2021. (Exhibit 122, tab 1.)

⁹ *R. v. Beaudry* [2007] 1 S.C.R., 190, 2007 SCC5. (Exhibit #122, tab 2.)

and if your decision stands, it sends a chilling effect to those conducting investigations. The public expects police to follow the evidence wherever it leads and police discretion should be a mitigating factor. Police discretion is misapplied in the decision. Ms. van den Berg further submitted that this is an error in law and an affront to policing in Canada. The Chief asking for a 24-month demotion sends a message that police officers should not be police officers, but puppets.

Ms. van den Berg cautioned that the decision does not find Det. Grus guilty of privacy breaches, and this is a new Prosecution theory introduced into their disposition submissions. Det. Grus was found guilty of Discreditable Conduct--not a privacy breach. It would be wrong to consider the privacy breach submissions in the disposition.

Ms. van den Berg submitted that it is misleading for the Prosecution to link Det. Grus's conduct to ordinary Canadian Police Information Centre (CPIC) breaches as it improperly conflates personal interests. The allegations of Insubordination for the alleged misuse of CPIC were concluded as unfounded and this matters in consideration for penalty. The Prosecution cannot dress this up as public interest and reintroduce it as an aggravating factor. It would be misleading to link Det. Grus's circumstances to ordinary CPIC snooping cases. She did not gain some personal benefit from the CPIC inquiry, nor did she take the information into the public realm. Rather, she was using the information for professional reasons, as the Professional Standards Unit (PSU) investigation found. This is not a CPIC case or a privacy case.

Ms. van den Berg cautioned on the Prosecution's reliance on the three key factors that exist in *Williams*¹⁰, *being*: the nature and the seriousness of the misconduct; the ability to reform or rehabilitate the officer; and the damage to the reputation of the police force that would occur should the officer remain on the force. This premise is legally incorrect as it places these three factors above all other relevant considerations and could distort the Hearing Officer's decision making, as it would omit the balanced approach in Mr. Ceyssens's analysis. All are relevant and none are paramount above the others. Prosecution cannot select seriousness, rehabilitative, and public interest over the others as it would funnel the entire case into aggravating factors. The others are not afterthoughts or minimally mitigating. Ms. van Den Berg submitted that the Tribunal should reject this structure.

¹⁰ *Williams and Ontario Provincial Police*, December 4, 1995 (OCCOS). Exhibit #121, tab 33.)

Prosecution Reply

In reply, Ms. Barrow submitted that, since day one, the Defence has demonstrated a consistent pattern of ignoring rulings, the finding of fact, and the law. This is concerning as the intent is to refocus this hearing into something it is not about. You are being asked to abandon the process before you and this cannot lawfully be done.

Ms. Barrow submitted that I am bound by my rulings and finding of fact which are the basis for this disposition. I cannot revisit the factual findings, including the wording of the Notice of Hearing. They are no longer disputable and only can be addressed upon appeal.

Ms. Barrow submitted that I have heard extensive Defence submissions on police powers versus police discretion. None of the submissions have any utility as I have already ruled that there was an abuse of police powers.

As to the seriousness of the misconduct, Ms. Barrow submitted that there is no “new theory” by Prosecution alleging that the inadequate record keeping by Det. Grus was to hide her actions. Page 28 of the Decision (exhibit #102) found that “Det. Grus made a deliberate effort to conceal her activities as she was aware that approval would be required, and it would be denied”. This is not a new Prosecution theory, rather a finding of fact by the Hearing Officer that was contained in the decision, and as a finding of fact, is binding.

On the issue of Det. Grus’s privacy breach, Ms. Barrow submitted that any misuse of private information is a misuse of privacy. A finding of no breach on one set of facts does not mean you cannot find a breach on another set of facts. In your decision, you found that Det. Grus did in fact access 22 Record Management System (RMS) investigations in which she had no investigative role or responsibility. Ms. Barrow stated that although it was common for SACA detectives to conduct searches, she was still misusing police information motivated by her bias and personal convictions.

As to the whistle blowing, Ms. Barrow submitted that the *Durham Regional Police Service and Sgt. Whiteway* decision, cited by the Defence, has no application here and is of no use to this Tribunal. At the time (2020), an administrator was placed over the Chief and it was found that the disciplinary system was being misused. The administrator saw no evidence of wrongdoing and

ordered the *PSA* charges to be withdrawn against Sgt. Whiteway. Entirely unlike the Durham case, Det. Grus has been found guilty of misconduct.

Speaking specifically to the Defence citing *Sgt. Mulligan and Ontario Provincial Police* decision in which the Appellant unsuccessfully raised the whistle blowers defence, Ms. Barrow submitted that Defence never raised this at the merits hearing. The Hearing Officer has already found Det. Grus guilty of Discreditable Conduct, as she was engaged in misconduct, and you cannot lawfully accept this defence. Ms. Barrow submitted that the Defence's position of using the whistle blower defence as a mitigating factor is also not applicable in this case. To invoke such a whistle blower defence, the respondent officer had to establish three factors: the acts jeopardized the life, health or safety of the officer or others; it was not merely a difference of opinions; and the officer had taken all reasonable steps to have the matter addressed internally.¹¹ Again, this does not apply here.

On disguised discipline, Ms. Barrow submitted that the 2024 arbitration decision between the *Ontario Provincial Police (OPP) and the Ontario Provincial Police Association (OPPA)* has no application here as and OCPS directed the OPP to hold a hearing to determine if there was misconduct by Sgt. Macdonell which determined that there was in fact no misconduct, thus the transfer was not upheld. With Det. Grus, the OPS took steps to protect the service and, in contrast to the OPP, initiated a formal discipline process against Det. Grus. Ms. Barrow stated that correctness or reasonableness as the discipline process unfolded is of no relevance to this Hearing Officer. There is a separate process to decide the reasonableness of the OPS's decisions and it is not here.

Analysis

In arriving at a considerate, fair, and proportionate disposition, I will rely on the submissions and applicable case law as provided by both counsel. I will also rely heavily on the Mr. Paul Ceyssens's well defined *Legal Aspects of Policing* which provides foundational principles and considerations that are accepted in all *PSA* misconduct hearings as the framework for deciding the appropriate penalty.

¹¹ *Mulligan (No.2), v. Ontario Provincial Police*, 2018 ONCPC 5. Exhibit #122, tab 3.

As appropriately submitted by Ms. van den Berg, there are five foundational principles governing the drafting of an appropriate police misconduct disposition, contained in *Legal Aspects of Policing*¹² which are:

1. The disposition should fully accord with the purpose of the police discipline process:
 - The employer's interest in maintaining discipline.
 - The rights of the respondent officer.
 - The public interest, ensuring a high standard of conduct and public confidence.
2. A corrective disposition should take precedence over a punitive disposition, where possible.
3. The presumption of the least onerous disposition.
4. The disposition is proportionate to the misconduct, weighing the mitigating and aggravating considerations appropriately.
5. Police officers are held to a higher standard of conduct.¹³

On proportionality, arguably the most complex of the five principles, Ceyssens lists three decisions that are required by the adjudicator:

1. First, the decision-maker must identify which of the 15 disposition considerations are relevant.
2. The decision-maker must determine whether the relevant disposition considerations are mitigating, aggravating, or neutral.
3. The decision-maker must properly balance the identified relevant considerations in accordance with the factual background of the matter and the competing interests.¹⁴

Another guiding principle to consider when imposing penalty is the importance of considering prior disciplinary cases dealing with similar types of misconduct, or consistency. This is also found in Ceyssens who cites the *Schofield* decision in which the Ontario Police Commission wrote:

¹² *Legal Aspects of Policing* by Paul Ceyssens, Volume 2, Earls Court, September 2002. (Exhibit #122, tab 9.)

¹³ Paul Ceyssens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, pages 347-48.

¹⁴ Paul Ceyssens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 348.

“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.”¹⁵

Prosecution referred me to the 1995 *Williams* Commission appeal decision and the three key elements that must be considered, being: The nature and seriousness of the misconduct; the ability to reform or rehabilitate the officer; and the damage to the to the reputation of the police force that would occur should the officer remain on the force.¹⁶ The Defence’s position is that to rely on these three factors as key elements is wrong as there are actually 14 disposition considerations, as laid out in Ceyssens, and that “there is no requirement that any one factor be given more weight than another”, as cited in Clough decision.¹⁷

I will state that the *Williams* decision is often cited in *PSA* hearings and is widely accepted case law. As well, Ceyssens’s 14 disposition considerations are a mainstay in arriving at *PSA* dispositions, and the principles are applied by all Hearing Officers. It has been my experience to apply the *Williams* three element test when considering dismissal and since dismissal is not being considered with Det. Grus, I will refrain from applying any additional weight to the three factors listed in *Williams*.

I do, however, find that this is binding case law which, as submitted by Ms. Barrow, is upheld in the 2017 *Costa*¹⁸ decision, and again upheld in the OCPC’s *Brewer*¹⁹ decision in 2022. I remain mindful that no one factor outweighs another, but if I accept the submissions by Defence I would, in essence, be ignoring relevant and heavily relied upon case law.

Public Interest

Ms. Barrow submitted that Det. Grus’s misconduct has created a risk that has undermined the public confidence in the police. Therefore, it is necessary to restore the confidence of the public but done in the fairest possible manner. Det. Grus’s conduct was clouded by her personal beliefs

¹⁵ Paul Ceyssesn and Scott Childs’ *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 397.

¹⁶ *Williams and Ontario Provincial Police*, Decembre 4, 19995 (OCCPS). Exhibit #121, tab. 33.

¹⁷ Paul Ceyssens and Scott Childs’ *Ontario Police Services Act, Fully Annotated*, 2023 Edition, Earls court. Page 349.

¹⁸ *Costa v. Toronto Police Service*, 2017 ONCPC 14.

¹⁹ *Brewer v. Toronto Police Service*, 2022, ONCPC.

and there is clearly a strong public interest in the outcome. The sanction must be severe enough to ensure that this type of misconduct is not repeated. Of concern, Det. Grus has failed to recognize her misconduct and is treating this disciplinary process with disdain. She may be a great investigator, but if she cannot be trusted, it will be of little solace to the public.

Ms. Barrow further submitted that Det. Grus's misconduct strikes at the heart of public trust as it is set in the tragic context of infant deaths. She has her supporters that share her views, but your obligation is to the public as a whole and to give a penalty that restores overall public trust. Ms. Barrow submitted that it is inherent that trust be restored by a significant penalty that shows the OPS takes the community's concerns seriously. Public trust is a highly aggravating factor.

Ms. Barrow cited two case laws pertaining to public interest: The *Markham*²⁰ decision and the *Grieve*²¹ decision. Ms. Barrow submitted that Markham establishes that when it comes to police misconduct, the public interest must always be considered, even when the public was not a party to the disciplinary hearing. In *Grieve*, it was the finding of OCPC that failures to comply with police policies and orders can seriously compromise investigations, undermine accountability of both the officer and the service, and jeopardize the public's trust and confidence in the service.

Ms. van den Berg reaffirmed, as outlined in Paul Ceyssens's *Legal Aspects of Policing*, that police have considerable power and discretion over members of the public and police work requires individuals who can exercise a significant degree of judgement and integrity, and a position that requires the utmost public trust. In case law such as the *Thompson*²² and *Benoit*²³ decisions, public interest were aggravating factors (mistreating a prisoner by Cst. Thompson and engaging in sexual harassment by Cst. Benoit), but the situation with Det. Grus is entirely different.

Ms. van den Berg submitted that Det. Grus acted from a public safety concern, and this changes the public interest analysis. At real risk here is creating the appearance that police discipline is being used to control an unruly officer and it is in the public's interest to ensure that discipline is not a reprisal for raising a real issue. Det. Grus is being penalized for her probe into infant deaths. By framing her actions as misconduct, a chilling effect is put on officers following evidence where

²⁰ *Markham and Waterloo Regional Police Service*. 2015 ONCPC 4. (Exhibit #121, tab 23.)

²¹ *Grieve v. Ontario Provincial Police*. 2013 ONCPC 7. (Exhibit #121, tab 11.)

²² *Ottawa Police Service v. Cst. Gregory Thompson*, May 24, 2018. (Exhibit #122, tab 6.)

²³ *Ottawa Police Service v. Cst. Charles Benoit*, July 28, 2018. (Exhibit #122, tab 5.)

it leads. This would have a profound effect on the reputation of the police, and it is penalizing police discretion which is an essential feature of the justice system. Here, the public sees suppression, and it is a dangerous precedent. Ms. van den Berg submitted that it is a mitigating factor and that public interest does not require any further punishment.

Public interest in this *PSA* hearing has drawn national attention due to the misconduct's connection to the COVID pandemic, mandatory vaccination policies, and perceived linkages to an increase in infant deaths. It is also quite evident that public opinion is divided, as submitted by the Defence, that some members of the public and indeed the policing community view Det. Grus as being penalized for using her police discretion to expose a public safety concern.

I reject this position. The Public Interest consideration is about the protection of the interests of the public in general and not elements of the public who view her employer as complicit in using the discipline process as a reprisal for raising the real issue of infant deaths. This Tribunal found that Det. Grus, clouded by her personal beliefs, deliberately inserted herself into an investigation, self-initiated an unauthorized project, and misused the authority of her position. These actions are what significantly damage the public trust in policing, and it will take a significant penalty to demonstrate to the public that the OPS takes their concerns seriously. This is an aggravating factor.

Seriousness of the misconduct

Ms. Barrow submitted that fair and impartial policing is fundamental in maintaining public trust. Not strictly for personal reasons, but to further an unauthorized project which was motivated by her personal convictions, Det. Grus began an unauthorized project, accessed highly private records that were personal in nature, concealed her actions, sidestepped investigations and chain of command, all to prove to her employer that they were wrong. This is a significant departure of what is expected and is a privacy intrusion. Her actions were deliberate and she knew they would be stopped by the service if they were aware of it. Ms. Barrow stated that the nature of the misconduct is a very significant aggravating factor. Although there was no insubordination charge, the Hearing Officer found that the searches were motivated by personal bias and caused trauma to parents. She concealed her actions and caused an unnecessary intrusion on their privacy. This was serious misconduct which required a serious response.

Ms. Barrow spoke to case law that speak specifically to the issue of CPIC and Records Management System (RMS) privacy breaches. In *Christian and Grbich*²⁴, the OCCPS affirmed that the misuse of CPIC for personal reasons is a serious abuse of privacy and Cst. Grbich must be held accountable. The OCPC appeal panel in *Cardi*²⁵ is relevant as it found that Cst. Cardi had a personal interest which placed him in a conflict of interest, and that the CPIC searches were not exclusively for official police business. In the *Lavoie*²⁶ OCPC appeal the panel fully endorsed the Hearing Officer's ruling that the public has the right to protection of their confidential information and if an officer ignores this, it must be corrected. The *Wildebou*²⁷ appeal decision speaks to the distress and trauma to members of the public when a CPIC breach occurs, as well the breach of the contract between the police service and the Royal Canadian Mounted Police (RCMP) which maintains the CPIC system. Lastly, Ms. Barrow cited the OCCPS appeal decision in *Hample* where it reads:

“The conflict of interest is clear. Save for the most exceptional circumstances, a police officer should not pursue, in his or her capacity as a police officer, any matter in which she or he has a personal interest.”²⁸

On the issue of record keeping, Ms. Barrow submitted that note taking is essential for accountability in exercising police powers. Ms. Barrow stated that my decision ruled (exhibit #102, page 24) that “Det. Grus’s notebook entries were inadequate, there was an absence of any submitted reports or documentary evidence, and compelling evidence of her failure to record her involvement of findings. Ms. Barrow referenced case law to assist: The *Lloyd*²⁹, *Parent*³⁰ and *Grieve*³¹ decisions.

Ms. Barrow submitted that Det. Grus’s actions were not a momentary lapse in judgement but a prolonged pattern of behaviour involving 22 separate queries. The more repeated, the more aggravating, not unlike the Vaugh-Evans OCPC appeal decision that agreed that Cst. Vaughan-Evans’ conduct “...had to be assessed as a whole and not in microscopic sections. A common

²⁴ *Christian and Grbich and Aylmer Police Service*, 2002 ONCPC 8. (Exhibit #121, tab 6.)

²⁵ *Cardi and Peel Regional Police Service*, 2013 ONCPC 10. (Exhibit #121, tab 4.)

²⁶ *Lavoie v. Greater Sudbury Police Service*, 2014 ONCPC 18. (Exhibit #121, tab 20.)

²⁷ *Wildebou v. Toronto Police Service*, 2006 ONCPC 10. (Exhibit #121, tab 32.)

²⁸ *Hample v. Toronto Police Service*, 2008 ONCPC 6. (Exhibit #121, tab 12.)

²⁹ *Lloyd and London Police Service*, 1999 CanLII 31609. (Exhibit #121, tab 22.)

³⁰ *Parent and Hawkesbury Police Service*, 1998 CanLII 27144 (ON CPC). (Exhibit #121, tab 25.)

³¹ *Grieve v. Ontario Provincial Police*, 2013, ONCPC 7. (Exhibit #121, tab 11.)

series of events and repetitive misconduct may be considered more serious than a single isolated event.”³²

Ms. van den Berg submitted that the question is not simply if misconduct was found, but rather the type of misconduct, and if it damaged public trust. Paul Ceysens says it is important but not on its own and cautions that even serious misconduct is not always decisive as it is a balance that must be decided by the decision maker.

Ms. van den Berg cautioned against the Prosecutions position that Det. Grus acted on personal beliefs, in secrecy, accessed private records, and knew she would be stopped if found out, as this is not grounded on facts and would convert this case to something it is not. Ms. van den Berg stated that this is not a weapons case, a use of force case, a corruption case, nor a breach of confidence case. No member of the public was harmed through a police officer’s execution of power. Det. Grus has stated that she had no benefit or gain, was cordial in her conversation with the parent of the deceased infant, and her intention was simply to raise the awareness of infant deaths with the Executive.

Ms. van den Berg submitted that Det. Grus’s conduct was in good faith, without malice, and there was no public concern. There were no victims in the regular police context, no victim impact statements from the families, and no complaint from the father who she contacted. In the *Brisbois*³³ decision where a knife was used against a spouse (which resulted in a two-year demotion), it was seen as both serious and aggravating and required a clear message of deterrence to all officers, due to the damage to public trust. However, Det. Grus’s case is entirely different. Her misconduct was due to her beliefs over infant deaths and this reduces the seriousness.

Ms. van den Berg stated that the Prosecution relied on several CPIC breaches to argue seriousness and as stated previously, they are simply not applicable. Further, Prosecution failed to show Det. Grus’s notetaking amounts to serious misconduct that is highly aggravating. You cannot justify a two-year demotion on inadequate notetaking, and the Prosecution is dressing up this notetaking issue.

³² *Vaughn-Evans and Toronto Police Service*, 2008 CanLII 90934 (ON CPC). Exhibit #121, tab 31.)

³³ *Ottawa Police Service v. Cst. Yourik Brisbois*, December 11, 2023. (Exhibit #122, tab 7.)

Ms. van der Berg submitted that repetition could indicate seriousness, but in the view of Defence, there is no repeated misconduct or recurring acts as this is a single course of conduct. Even the number of nine breaches had morphed into 22 and is now being used to argue as an aggravating factor.

The misconduct of Det. Grus cannot be viewed as anything but serious, thus aggravating, as it strikes directly to the fundamental requirement to maintain the public's confidence and trust in its police services. The public expects police officers to be professional and unbiased in their work and not to misuse highly personal and confidential information contained within RMS, but rather to safeguard that information. It would be most concerning for members of the public to learn that unauthorized criminal inquiries into public officials were made by a police detective, motivated by personal conviction, on such a sensitive topic of infant deaths, and the accessing of protected medical records for this purpose. As cited by the Prosecution in the *Hampel* decision, the conflict of interest is clear.

It is not whether Det. Grus actually damaged public trust, as submitted by Defence, it is the potential for the damage of public trust that matters, even if an instance of a single course of misconduct and not a prolonged repetition of misconduct. I do not accept that the conduct was in good faith, without malice, there were no victims, and no public concern. I found that Det. Grus, the experienced investigator that she is, ought to have known the risks of her unauthorized actions and was willfully blind to conclude she had executive consent. She was grossly naïve not to comprehend the severity of her independent actions.

Recognition of the Seriousness of the Misconduct

Ms. Barrow submitted that, at every turn, Det. Grus does not accept accountability, throws her colleagues under the bus, and attacks the OPS. She did not respect the rules, her chain of command, nor her peers during this hearing, and behaved unprofessionally with an unrelenting desire to prove she is right and everyone else is wrong. It must be stressed that that a lack of remorse is not an aggravating factor, however her lack of recognition of her misconduct is problematic as it is tied to rehabilitation. She has been adamant that she has done nothing wrong and is critical of her colleagues. She disputes the legitimacy of every aspect of your ruling, says you have got it all wrong, and sees herself as the victim. She views the impact to her career and

her costs to date as the fault of the OPS and now argues that this is punishment enough. Det. Grus is not a victim rather the author of her own misfortune.

Ms. Barrow restated that the absence of remorse cannot be an aggravating factor, however, her testimony and actions in her strategy speak to the lack of mitigation that she otherwise would be afforded. Disdain for your authority and rulings speak to the lack of remorse. On this point, Ms. Barrow cited the OCPC *Carson*³⁴ appeal decision (paragraph 43) which found that the Hearing Officer should not have concluded Cst. Carson's refusal to accept responsibility as an aggravating factor to increase the penalty. Ms. Barrow submitted that it cannot be considered aggravating, however, there can be no mitigation available to Det. Grus due to concerns of lack of remorse during the hearing. This is reinforced by the 2023 *Brisco*³⁵ decision in which Cst. Brisco's fixation on his treatment by his employer and the Hearing Officer took into consideration his minimization of accountability for his actions.

Ms. Barrow further referenced five case law decisions (*Issac*³⁶, *Lauzon*³⁷, *International Brotherhood of Electrical Workers*³⁸, *Roberts*³⁹, and *Clough*⁴⁰), all of which address placing little to no mitigation value due to the absence of remorse and/or the recognition of harm caused, particularly, as in the *Roberts* decision, when it comes to the potential for rehabilitation.

Ms. Barrow submitted that all this tells me that I can and should look at her disrespectful attempts to sneak in evidence, her accusing me of bias for often ruling against Defence, her chosen strategy of blaming colleagues, and her complete lack of accountability. It cannot be aggravating, but it compels no mitigation.

Ms. van den Berg conceded that the Prosecution expressed the proper principle, as contained in *Carson*, that lack of remorse is not an aggravating factor. As in *Ceyssens*, a guilty plea could be mitigating but an officer is entitled to a full answer in defence and this cannot be interpreted as aggravating. Ms. van den Berg submitted that beyond their agreement with *Carson* as the

³⁴ *Carson and Pembroke Police Service*, 2001 CanLII 56731 (ON CPC). Exhibit #121.)

³⁵ *Brisco and Windsor Police Service*, 2024 ONCPC 24. (Exhibit #121.)

³⁶ *Brisco v. Windsor Police Service*, 2024 ONCPC 24. (Exhibit #121.)

³⁷ *Lauzon v. Justices of the Peace Review Council*, 2021 ONSC 6174. (Exhibit #121.)

³⁸ *International Brotherhood of Electrical Workers, Local 636 v. Hydro Ottawa*. (Exhibit #121.)

³⁹ *Roberts v. Deputy Head (Correctional Service of Canada)*, 2007 PSLRB 28. (Exhibit #121.)

⁴⁰ *Clough and Peel Regional Police Service*, 2014 ONCPC 12. (Exhibit #121.)

appropriate case law, the Prosecution has gone too far in painting Det. Grus as a horrible person who is deserving of a 24-month demotion, and suggesting that Det. Grus was ungovernable. She did not have disdain for her colleagues but was concerned about an incomplete infant death report. It would be wrong to turn her continued belief in her innocence into an aggravating factor, and she is not required to confess guilt to avoid a harsher penalty. Ms. van den Berg submitted that this recognition of the seriousness of the misconduct is a neutral factor.

I am in agreement with Defence that recognition of the seriousness of the misconduct is a neutral factor and I fully respect that lack of remorse cannot be seen as an aggravating factor, or even a factor that compels no mitigation. However, I do maintain reservations in Det. Grus not accepting any culpability whatsoever. This will only serve to hinder her in repairing the relationship with her employer, hinder her continued reintegration into her investigative role, and any future supervisory potential. The absence of remorse will not be factored into the weighing of the disposition factors.

Disability and Other Relevant Personal Circumstances

Ms. van den Berg submitted that this has not been an ordinary hearing and Det. Grus's evidence is that it has impacted her family, her work, and promotion prospects over a period of four and a half years. This is important to proportionality as it risks the disposition becoming punitive rather than corrective. The Prosecution proposed two-year demotion falls on a long serving detective whose life has already been deeply disrupted and will add two years of disruption to the four years she has already endured. Any further punishment would be layered on the already imposed punishment, and the Tribunal should consider the accumulative effect of everything that has happened and determine no further penalty is required. Ms. van den Berg submitted that Det. Grus has already lost \$25,000 since 2022, in overtime, paid duties, and court time and, if demoted for two years, she will lose an additional \$30,000 in reduced pay. The Tribunal is entitled to consider these factors and to calibrate the discipline so as not to impose a greater penalty than warranted.

In reply, Ms. Barrow submitted that the Defence's position is not consistent with the legal characterisations within Ceyssens which states that extenuating personal circumstances may mitigate a disposition but expert evidence must establish a clear nexus between a disability and

the misconduct in question.⁴¹ Ms. Barrow submitted that everything Defence referenced occurred after the misconduct and therefore this factor cannot be applied here. The raised personal circumstances are the consequences of her misconduct and are entirely irrelevant under the disposition factor of personal circumstances.

In reviewing Ceyssens and Child's section on Relevant Personal Circumstances in their *Ontario Police Services Act, Fully Annotated*⁴², I too come to the conclusion that this disposition factor, in the context presented by the Defence, has no application here and will not be taken into consideration as mitigating. The reasoning is, as submitted by the Prosecution, it is not consistent with the legal characterizations in Ceyssens and Childs and the extenuating personal circumstances raised occurred after the misconduct.

Procedural Fairness Considerations

Ms. van den Berg submitted that there are four procedural fairness themes that have had an accumulative burden on Det. Grus and have created an unfair and coercive situation that Tribunal did not treat with seriousness.

The first theme is the Prosecutions' disdain towards Det Grus's position in not allowing her to access and use police documentation to provide a defence causing her to defend herself under duress. Similarly, was the Prosecution's (Ms. Vanessa Stewart's) comparison of Det Grus to Colonel Russell Williams which was prejudicial, unfair, and the sole purpose was to shame her.

The second theme was on disclosure. Ms. van den Berg submitted that Det. Grus was materially blocked in her ability to prepare her defence, she was not permitted to review her own duty book notes, thus defence was denied the opportunity to put out a defence.

The third theme was the expert witness issue which is critical to procedural fairness. Defending the accusations of being motivated by personal reasons was central to her defence and she was entitled to answer to this and to rely on expert witness testimony which was denied.

⁴¹ *Legal Aspects of Policing* by Paul Ceyssens, Volume 2, Earls court, September 2002. (Exhibit #122, tab 9.)

⁴² Paul Ceyssesn and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 375.

The fourth theme were the pre-hearing circumstances, a part of the fairness analyses, where she was punitively transferred to the Robbery Unit before the hearing commenced. She has been denied course and training due to her temporary status and her suspension conditions entailed a sense of shame.

Ms. van den Berg submitted that the Tribunal should not assess a 24-month demotion as Det. Grus has already suffered.

In reply, Ms. Barrow submitted the Prosecution mischaracterized how this factor is applied. Ceyssens, under Procedural Fairness Considerations, writes that a small number of tribunal decisions in the police discipline process support that the denial of procedural fairness may mitigate a disposition, but the respondent must demonstrate “the clearest of grounds” and it is rare to find in decisions.⁴³

On the first theme of wrongdoing by Prosecution, Ms. Barrow submitted that the Tribunal has never made a finding of abuse and that I cannot form this opinion now in the disposition hearing. Nor was Defence’s abuse of process arguments successful in the Motion for Disclosure.

On disclosure, Ms. Barrow submitted that Det. Grus repeatedly use her position to access and gather material for defence when it is improper to access police databases for personal reasons such as defence for misconduct. She could have applied for the documents and the suggestion that this was arbitrarily imposed by OPS cannot be used as a mitigating factor.

On the third theme of the denial of expert witness testimony, Ms. Barrow submitted that the ruling was made not to allow the expert witnesses give evidence and the only appropriate remedy is an appellate process and it cannot factor here.

To the fourth theme of the pre-hearing actions by OPS, Ms. Barrow submitted that there is no finding that the restrictions imposed amounted to procedural unfairness. There has been no evidence on this and it cannot be considered here.

⁴³ *Legal Aspects of Policing* by Paul Ceyssens, Volume 2, Earls court, September 2002. (Exhibit #122 tab 34.)

Ms. Barrow spoke to the Defence raised issue of delay and submitted, unfortunately, delay is quite common in *PSA* hearings and the finding of delay is exceptionally rare. There is no evidence that the Prosecution was at fault for delay and the Defence had many motions and irrelevant evidence. The Tribunal has no evidence that delays were the fault of any one party or another and this cannot be relevant to you.

To rule that procedural fairness considerations are a mitigating factor which would warrant the mitigating of the penalty, I would first have to determine that there were breaches of procedural fairness that occurred in the merits hearing. This would cause me to re-visit some of the rulings on motions that I have made and it is improper for Defence counsel to put this to the Hearing Officer in this context. I, as the adjudicator, made the ruling that the hearing was to move forward and that Det Grus was not going to review the notebook. I made the ruling that excluded Defence expert witnesses from testifying. As submitted by Ms. Barrow, this is a matter for an appellate body, and I cannot be asked to reconsider my decisions, even in this context, as they are final and binding.

As to professional misconduct by the Prosecution in not allowing Det. Grus access to OPS documentation for her defence, and for intimidating and shaming her prior to her testimony, there has been no ruling or finding of any such abuse by this Tribunal and it will not be factored here at the disposition phase.

It is the Defence's position, and theirs alone, that Det. Grus's transfer out of SACA to another investigative unit was punitive and her suspension and subsequent return to work restrictions amount to procedural unfairness. It is the prerogative of the OPS, as the employer to manage their perceived risks, and even if there was evidence on this, I would rule it out of the scope of my authority, even for consideration as a factor under procedural fairness considerations.

This Tribunal is not the appropriate body to make rulings on the actions of an employer when determining parameters or limitations placed on an employee to mitigate perceived damage resulting from alleged misconduct. I have no opinion to offer, nor should I, on the rationale or the effects of a suspension, or any conditions placed on an agreed upon return-to-work plan, including the temporary transfer out of the unit that is mandated to investigate sudden, unexplained infant deaths. I perceive such decisions as the obligation of an employer to take immediate steps to limit exposure when misconduct is suspected. Weighing whether such actions by the employer

constitutes disguised discipline is well outside of my authority, although I do acknowledge that there are associated financial, reputational, and stigma consequences that have been borne by Det. Grus.

Employment History

Ms. Barrow submitted that it is well accepted that employment history is a key factor in determining a disposition and part of the reason is its alignment to rehabilitative potential. If misconduct is out of character, it is less likely to be repeated, and short service is usually more aggravating. Det. Grus has been a police officer since 2003, with positive evaluations and is recognized as a competent investigator with no prior discipline. This is a mitigating factor, and it what keeps her as being governable.

Ms. van den Berg submitted that Det. Grus's employment history is a strongly mitigating factor as there is ample evidence that demonstrates her excellent reputation and respect. She has no previous discipline proceedings, and her performance reviews while in SACA, including her current 2025 performance review in the Robbery Unit, meet or exceed all expectations and are a testimony to her talent as an investigator and potential for promotion to sergeant. (Ms. van den Berg read into the record various excerpts from her performance reviews from 2018 through 2020, and 2025, which are marked as exhibits #28, #29, #30, and #119.)

It is without doubt that Det. Grus's exemplary employment history is a strong mitigating factor. There is no previous disciplinary history in Det. Grus's 23 years as a police officer and she has spent several years as a criminal investigator, with consistently above average performance reviews, letters of commendation from her superiors, colleagues, and members of the public. I have reviewed the 20 reference letters/affidavits that were ruled to be admissible, and all speak to her character, dedication, and skill as an investigator.

Potential to Reform or Rehabilitate the Police Officer

Ms. Barrow referred to Mr. Ceyssens *Legal Aspects of Policing*⁴⁴, which addresses the factor of likelihood of future misconduct and the connection between rehabilitation potential with

⁴⁴ *Legal Aspects of Policing* by Paul Ceyssens, Volume 2, Earls court, September 2002. (Exhibit #122, tab 34.)

employment history and remorse. Ms. Barrow submitted that some benefit of the doubt must be given to an officer with no previous discipline, as required by case law. Ms. Barrow submitted that the Prosecution remains cautious as it is only partly mitigating and there remains a need to show that similar misconduct cannot continue in the future. This is serious misconduct here, there is no recognition of misconduct by Det. Grus, and her lack of remorse has to be factored in to prevent further occurrences. Det Grus's actions were not out of character and she has specifically and repeatedly stated that her misconduct is a manifestation of her character. There is the potential that she may, in the future, conduct further similar actions.

As to the volume of character reference letters, Ms. Barrow submitted that this Tribunal should only focus on the proper character reference portions and to ignore the parts that are not, including opinions of OPS leadership, her actions, and her motivations. As in *Ceyssens*, the mere presence of character evidence does not necessarily speak to rehabilitation but rather is only one part of it. Ms. Barrow cited the case law of *Seamons*⁴⁵, *Nelles*⁴⁶, *Barlow*⁴⁷, and *Abbott*⁴⁸. In *Seamons*, the Hearing Officer concluded Cst. Seamons was “ungovernable” notwithstanding the positive character references. In *Nelles*, the nature of the misconduct outweighed the mitigating factor of character evidence, as in *Barlow*, where it was found that character evidence does not outweigh the totality of Cst. Barlow’s misconduct. Lastly, Ms. Barrow referenced the *Abbott* decision which speaks further to the frailties of character reference evidence. It is not about the number of the letters submitted, rather the trust of the public in Mr. Abbott as a lawyer. The fact that Det. Grus has supporters should not inflate this factor and it is really about whether her actions were out of character, which they clearly are not.

Ms. van den Berg submitted that Det. Grus’s employment record, letters, character references, and her 2025 performance review all demonstrate she remains committed to the community she serves, continues to make a positive contribution, and is not disengaged. The letters of support are particularly relevant as they show that she is not defined by the allegations before her and that her misconduct was out of character, contrary to the position of the Prosecution. Ms. van

⁴⁵ *Seamons v. Durham Regional Police*, 2006 ONCPC 8. (Exhibit #122, tab 28.)

⁴⁶ *Nelles v. Cobourg Police Service*, 2007 ONCPC 4. (Exhibit #122, tab 24.)

⁴⁷ *Barlow v. Ottawa Police Service*, 2011 ONCPC 9. (Exhibit #122, tab 2.)

⁴⁸ *The Law Society of Upper Canada v. Abbott*, 2017 Onca 524. (Exhibit #122, Tab 29.)

den Berg summarized 20 reference letters that we permitted to be entered into evidence which spoke to Det. Grus's work ethic, abilities, and professionalism.⁴⁹

In response to the Prosecution's case law, Ms. van den Berg submitted that the *Issac* case has no application as it is not a police case. It was not Det. Grus who was making submissions, rather her counsel who was trying to mount a defence. Det Grus cannot be deemed as ungovernable for disrespecting the process. As well, the *Seamons* case is different as the behaviour was totally unlike what we have with Det. Grus. Cst. Seamons was deemed ungovernable due to serious misconduct on several accounts, akin to providing private police services. The two cases are completely unlike. Similarly, Ms. van den Berg took exception to the Prosecution's comparison to the *Nelles*, *Barlow*, and *Abbott* cases, and they are not relevant and totally unlike what Det. Grus is charged with. Det. Grus has always been honest; she did not hide anything and never lied. This Tribunal has twice found her evidence consistent and credible.

As outlined in Ceyssens, and submitted by Ms. Barrow, it is widely accepted that employment history, as a mitigating or aggravating consideration, is closely aligned to the consideration of rehabilitation potential.⁵⁰ It stands that a detective with 23 years of exemplary service is a prime candidate for rehabilitation and will navigate through her penalty and continue to make a positive contribution to her profession and community.

The Prosecution expressed some caution due to Det. Grus's refusal to recognize her misconduct, a lack of remorse, thus the potential for future similar serious misconduct in the future, should similar circumstances arise. Employment history remains mitigating, however the potential to rehabilitate should only be afforded minimal mitigation. I share this caution and it will be entirely up to Det. Grus on how she will proceed with the remainder of her career with the OPS and her efforts to repair the damage caused by her misconduct to her relationship with her peers, supervisors, and the communities that she serves. The 23 years of groundwork does exist and potential to rehabilitate is a mitigating factor.

Effect on Police Officer and Police Officer's Family

⁴⁹ Please see exhibits #113-119.

⁵⁰ *Legal Aspects of Policing* by Paul Ceyssens, page 56-410. Exhibit #122, tab 9.

Ms. Barrow submitted that, in line with Ceyssens's *Legal Aspects of Policing*⁵¹, economic effect, heavy as it may be, should not be a mitigating factor. Legal fees are common factors in legal processes and there is always a monetary impact to a penalty. This is a cost in engaging in misconduct. Ms. Barrow submitted that I should not consider Det. Grus's legal fees as they are a result of an out of province prosecutor, decisions by the Ottawa Police Association (OPA), and the manner of the defence chosen. It was the Defence's choices that caused the financial consequences. As to the impact of career progression, Ms. Barrow submitted that Det. Grus engaged in serious misconduct and that in itself is a consequence.

Ms. van ben Berg submitted that, as outlined in Ceyssens, the Tribunal must weigh the effects on Det. Grus and her family, if necessary and proportionate, as mitigating, and the Prosecution's position that she caused her own misfortune are harsh and not in line with the goals of discipline. The impact of a 24-month demotion would be close to a \$30,000 loss before court time, overtime, and without the loss of promotion opportunities being factored in. This would be in addition to the \$25,000 already suffered in lost opportunities since her suspension in 2022. Ms. van den Berg submitted that this is not just a demotion, rather a significant financial burden. Det. Grus has not had the opportunity for promotion during this proceeding and, if demoted, the barrier to promotion will be a sanction of six years in interfering with her leadership potential and opportunities, including delaying the future opportunity of promotion to staff sergeant.

Ms. van den Berg submitted that there have been significant legal fees and transcript costs, totalling \$60,000. This has caused financial stress on her family, in addition to the stress caused by the publicity of this proceeding.

In *Legal Aspects of Policing*, Mr. Ceyssens is clear that I, as a decision-maker, should at least consider the economic impact of a disposition on the respondent officer and her family, at least any extenuating reasons to lessen the impact. In reviewing the submissions, I find that I cannot, in fairness, without severely undermining other disposition considerations such as Public Interest, the Seriousness of the Misconduct, Consistency, Specific and General Deterrence, and Damage to the Reputation to the Police Service. I have deemed this to be serious misconduct and serious misconduct requires a severe enough penalty to deter similar actions, and severe enough to

⁵¹ Paul Ceyssens *Legal Aspects of Policing* (Saltspring Island: Earls court, 1994, paragraphs 2 and 3, page 5-418.)

restore public confidence in their police service. A reduced penalty, or no penalty at all, as submitted by Defence, would serve no benefit here.

It deeply troubles me that that Det. Grus and her family have incurred such a significant financial burden to date, and anticipate even greater future legal costs, that sadly, are impacting post-secondary education decisions within the family. However, I must concur that legal fees are common factors in legal processes and cannot be a factor for a Hearing Officer to consider. Nor do I see it appropriate to take into consideration lost income opportunities pre-disposition or loss of promotional potential as mitigating factors. Employer imposed suspensions and/or employment restrictions on employees are the prerogative of the OPS to protect their and the public's interests pre-hearing and there are certainly no absolutes in any merit based promotional system. I will weigh this as a neutral factor in my overall consideration of disposition considerations.

Consistency of Disposition

Ms. Barrow submitted that it is long held that consistency of disposition is the hallmark of fairness. Identical cases are unlikely thus perfect consistency is not possible, but it is possible, based on similar case law, to create a range. As long as a disposition is not significantly out of the range, it can be considered reasonable. Ms. Barrow referred to *Legal Aspects of Policing* where Ceyssens recognizes that a Hearing Officer may use a reasonable exercise of discretion to arrive at a reasonable outcome, based on similar case law, as long as the penalty is not significantly out of the range.

Ms. Barrow submitted that the situation here is unique and there are no great comparators, but analogies can still be drawn to create a range. It then falls upon the Hearing Officer to pinpoint where the appropriate disposition falls within this range. Ms. Barrow introduced seven case law decisions that will assist the Hearing Officer: *Greive, Thornborrow, Coon, Gregg, Andrews, Kleinsteinber, and Parent*.⁵²

Ms. Barrow submitted that the 2013 *Greive* decision of misconduct in notebook deficiencies, is at the lower end of the range. Cst. Greive failed to make proper notes on 267 occasions which was

⁵² Exhibit #121, tabs 11, 30, 8, 10, 11, 16, and 25.

attributed to lazy policing. The penalty imposed was a forfeiture of 80 hours. Another example of lazy policing was the 2018 *Thornborrow* decision where 17 Provincial Offence Notice (PON) warnings were not served, two PONs were produced without supporting evidence, and no or inadequate notes were recorded. The Commission upheld the penalty of a nine-month demotion.

Ms. Barrow submitted the 2003 *Coon* appeal, in which the Commission upheld the dismissal of Cst. Coon for the abuse of CPIC searches and for abuse of power due to personal interest, compounded by the serious lack of admission for the misconduct. The Commission wrote to a strong penalty for the misuse of police powers involving private information, and for personal reasons. In Det. Grus's case, Ms. Barrow submitted that I found the entirety of the misconduct was a product of a personal bias and a challenge by Det. Grus to her perceived unfairness of the vaccine policy, thus a wilful misuse of the records management system.

Ms. Barrow submitted that the *Gregg* and *Andrews* appeal decisions (2001 and 2002) are related as both sets of misconduct originated from the same set of circumstances, and, similar to Det. Grus, both involve conducting duties (or failing to conduct duties) with a personal bias and attempts to conceal their actions. On appeal, Cst. Gregg received a one-year demotion whereas Sgt. Andrews received a two-year demotion. Similar to Det. Grus, the penalties involved elements of abuse of police powers, deceit, and were motivated by a personal bias. Det. Grus is a veteran officer and although her length of service is a mitigating factor, she understood her obligations and should not have flouted them.

In the 1996 *Kleinstein* appeal, the Commission reduced the Hearing Officer's penalty of dismissal to a demotion from First Class Constable to Fourth Class Constable, the second most serious penalty that can be given. Ms. Barrow submitted that this was a case of the misuse of police resources over a long period of time and to further an agenda that is aligned with personal biases.

Lastly, Ms. Barrow cited the 1997 *Parent* appeal, submitting that this is the closest comparator to Det. Grus's circumstances. Cst. Parent conducted a secret investigation, kept a separate notebook, did not report to his superiors, obtained a search warrant, and advised his neighbour to lie, and misled superiors. The Commission upheld a penalty of dismissal, noting that failure to report the investigation to superiors was alone justifiable to warrant dismissal. Ms. Barrow submitted that the behaviours are similar in that both are serious and sensitive matters that could

reflect badly on the service if not investigated properly. Some distinguishing differences are that Cst. Parent asked his neighbour to lie, and that he had a poor employment history with previous, recent misconduct, but we can draw from the strong stance of the Commission that it was deemed very serious misconduct and a dismissable offence.

Ms. van den Berg submitted that the Prosecution's submissions on consistency of the disposition is flawed and parity is not satisfied by putting cases on a ladder and saying it falls somewhere on that ladder. The cases cited are not similar to Det. Grus's Discreditable Conduct charge and there is in fact no case law that supports any sort of penalty for this type of misconduct. Det. Grus was not charged with deceit, breach of privacy, or dishonesty. Prosecution is trying to fit Det. Grus into these situations.

Ms. van den Berg submitted that the decision was framed in such a way as to create an opportunity for the Prosecution to latch on at this penalty phase to something beyond the scope of what Det. Grus was charged with and with no evidentiary basis. Ms. van den Berg asserts that the Prosecution has used hyperbole and inflammatory language to frame the actions of Det. Grus.

Ms. van den Berg submitted that the CPIC breach cases do not apply and RMS is not CPIC, and she was not found guilty of privacy breaches. What occurred in the *Clough* case is not what happened with Det. Grus as no information was shared outside of the police and it was not for a personal or private benefit.

Ms. van den Berg submitted that the circumstances of the *Christian and Grbich* case law is also dissimilar. In *Christian and Grbich*, CPIC information was used to identify and threaten a member of the public which resulted in a five-day suspension. Det. Grus was simply looking for a pattern of infant deaths during the course of her SACA duties. In *Cardi* there existed a personal interest in the welfare of a friend which resulted in the forfeiture of a week's pay. There was no personal relationship element with Det. Grus. *Lavoie* is also a CPIC case where information was shared outside the realm of the police, resulting in a dismissal, which, again, is not what occurred here.

Ms. van den Berg submitted that the *Wildeboer* decisions consisted of two counts of insubordination for CPIC inquiries on a girlfriend, former acquaintance, his daughter, and himself, aggravated by two previous findings of *PSA* misconduct. The finding of a breach of privacy rights

caused stress to the public and to the RCMP who administer the CPIC system and resulted in the forfeiture of 18 days' pay, certainly less than the 24 months proposed by the Prosecution.

Ms. van den Berg submitted that the 2008 *Hampel* appeal decision involved accessing CPIC information for personal reasons and sharing it with his wife. This is not what happened with Det. Grus as there was no personal advantage nor was anything shared outside the service. The same accessing and sharing of CPIC information applies to the *Coon* decision which was viewed as major misconduct.

In summary, Ms. van den Berg submitted that the above CPIC breach cases cannot be used to determine penalty for Det. Grus as they simply do not apply. Looking at the the totality of the evidence, it would be extremely harsh to put a penalty on Det. Grus for looking into RMS to see if there was a pattern on the deaths as it was related to her duties as a police officer.

As to note taking, Ms. van den Berg submitted that this Tribunal found that Det. Grus did in fact take notes and the issue in the Prosecution's case law on note taking are cases of taking no notes or misstatements in notebooks and do not focus on how good the notes are. The *Lloyd*, Greive, and *Thornborrow* decisions are cases involving the failure to take notes, entirely different from Det. Grus.

Ms. van den Berg submitted that in contrast to the *Parent* decision, Det. Grus was not found to be deceitful and was deemed to be a creditable witness. She did not conceal what she was doing, she used her duty book, reported her findings to the Chief on the same day, and she talked to Det. Stewart and Det. Botchar.

Ms. van den Berg submitted that the Prosecution is focusing on deceit, concealment, and dishonesty, which are elements found in the *Gregg* and *Andrews* decisions. Deceit is one of the greatest forms of misconduct, as highlighted in by Ceyssens, but Ms. van den Berg submitted that this is at odds with the circumstances with Det. Grus and I simply cannot rely on the Prosecution's case law decisions to assist in deciding on penalty. Consistency of disposition should be a neutral or mitigating factor, as none of the presented case law are factual in behaviour to Det. Grus's misconduct.

Consistency of disposition is indeed a guiding principle, and it is imperative that I carefully take into account previous decisions and make comparisons of similar facts, fully understanding that each set of circumstances will be different. I do agree with taking the approach of establishing a range and, as best as I can, to arrive at a specific point.

One of the challenges is that the set of circumstances with Det. Grus are multi-faceted and rather unique. Submissions on 14 decisions were received by both counsel with no identified case law closely mirroring the misconduct within the Det. Grus decision. The range of penalty was from the forfeiture of three days (*Hampel*) to dismissal (*Coon, Parent, Clough, and Lovoie.*)

In reviewing the case law, I find that the 1997 *Parent* appeal provides some valuable comparisons in some key respects as it involved self-initiated criminal inquiries, a deliberate effort to conceal the investigative activity, inadequate notetaking, and a failure to record involvement and findings. Also similar is the exceedance of the parameters of exercising police discretion, not considering the implications of a complex investigation into a public official, the harm to public interest, and the harm to the service's reputation. What is dissimilar is not knowing what Cst. Parent's motivations were whereas Det. Grus allowed her own personal views on the risks of vaccination to seep into the professional responsibilities and cloud her judgement and professional conduct. Much more aggravating in the *Parent* decision was the element of deceit in lying to his superiors and counselling a witness to lie which is totally absent with Det. Grus. In fact, as submitted by Defence, Det. Grus was found to be a creditable witness and certainly not deceitful in her post misconduct actions. Nor did Det. Grus have the previous disciplinary history of Cst. Parent, who's penalty of dismissal was upheld.

I am also dissuaded from drawing strong parallels with inadequate notes and CPIC breach case law as these activities do not strike to the core of Cst. Grus's misconduct. Her failure to record or document her findings overshadows her specific duty book entries which, incidentally, were found to be inadequate for the investigative actions she undertook. Further, the 22 RMS records accessed were found to have been accessed outside of her investigative roles and responsibilities but were not specifically used for personal reasons nor shared for personal gain. CPIC case law is not of much assistance as it fails to capture the complexity of Det. Grus's circumstances and is less serious, mostly resulting in the forfeiture anywhere from two to 18 days' pay.

Both the *Gregg* and *Andrew* appeal decisions provide additional assistance in that they share the same elements of misuse of police powers motivated by personal bias, although they are reserve instances of failure to take required action whereas Det. Grus initiated unauthorized action. Cst. Gregg received a one-year demotion and being a supervisory rank, Sgt. Andrews received a two-year demotion.

For the above reasons, I find that a forfeiture of pay would fall at the lower end, based on presented case law, and would not align with the seriousness of Det. Grus's multi-faceted misconduct. Nor is there any factual elements present that would bring into consideration the most severe penalty of dismissal. Case law clearly supports a disposition of a term of demotion.

Specific and General Deterrence

Ms. Barrow submitted that there is a need for both specific deterrence for the particular officer and general deterrence for all other police officers to establish that misconduct will not be tolerated. General deterrence is foundational to effective policy and all police officers must understand how serious this type of misconduct will be treated. On specific deterrence, Det. Grus must be shown that her lack of accountability and her lack of belief that she has done something wrong cannot be repeated.

Ms. van den Berg submitted that the proper question here is what message is necessary to send as to the circumstances to the case, aligning with exactly what was found. The Prosecution's position is that because she has not taken responsibility, then deterrence is required for Det. Grus to hear the message loud and clear. Ms. van den Berg states that this risks using deterrence as a back door for a respondent officer disagreeing to the decision and suppressing her rights to appeal. In *Benoit*⁵³, the Hearing Officer found specific and general deterrence is required but some deterrence could have been achieved in the hearing process, such as stress, legal costs, reputational harm, and loss of promotion. In the *Thompson* decision⁵⁴, the Hearing Officer determined that deterrence did not require demotion. In the *Brisbois* decision⁵⁵, the Hearing Officer determined that it was necessary to look at the actual facts and not just the charge.

⁵³ *Ottawa Police Service v. Cst. Charles Benoit*, July 28, 2025. (Exhibit #122 tab 5.)

⁵⁴ *Ottawa Police Service v. Cst. Gregory Thomson*, May 24, 2028. (Exhibit #122, tab 6.).

⁵⁵ *Ottawa Police Service v. Cst. Yourik Brisbois*, December 11, 2025. (Exhibit #122, tab 7.)

Ms. van den Berg submitted that Det. Grus's return to work conditions do not have an end date and act as a specific deterrence as it placed a list of conditions on her when her suspension was concluded, being: Not to be involved in any investigations involving SACA, vaccines and/or deaths; not to conduct any work involving her previous SACA workload; not to participate in any unsanctioned projects and/or research; and to be placed under a senior supervisor to monitor and supervise her investigations. Ms. van den Berg submitted that with these existing conditions there is no need for further deterrence.

As to general deterrence, Ms. van den Berg submitted that the message needs to be defined to not investigate matters with political undertones. With the new *Community Safety and Policing Act (CSPA)* and the new requirement for investigative authorization, general deterrence is no longer necessary.

Some dispositions require specific deterrence but not general deterrence and some require general deterrence but not specific.⁵⁶ It is my opinion that both are required here and that deterrence is an aggravating factor.

Det. Grus, in her testimony during the disposition hearing, maintains the position that she, to this day, has difficulty understanding why what she did was discreditable and that she was acting within the authority of her discretion and applying investigative techniques to save lives. It is clearly apparent that Det. Grus has not taken any responsibility for her actions nor any reflection of the harm and damage determined. This absence of recognition of any wrongdoing requires a firm disposition that hopefully will convey the message to Det. Grus that any future similar behaviour will result in her facing another disciplinary process and likely progressive discipline as a deterrent.

There is also a necessary requirement to send a strong message to all police officers that their service will ensure that they carry out their policing duties, moving forward, in accordance with the *CSPA* and its regulations, in a professional and unbiased manner, and without personal bias. This includes ensuring that the proper authorization, oversight, and resources are brought into any controversial criminal investigations or ones with political overtones.

⁵⁶ Paul Ceyssesn and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 401.

Systemic Failure and Organizational/Institutional Context

Ms. van den Berg submitted that Det. Grus's case is riddled with examples of institutional failure thus this factor is engaged and should be determined and applied as mitigating. The misconduct occurred during the Covid upheaval when the return-to-work conditions were being implemented, a time during which Det. Grus was subjected to the "Grus rules" for her views on vaccination and was being bullied and ostracized at work. The management function was not functioning properly: management was not ensuring completed investigations; Sudden Unexplained Death in Infants (SUDI) questionnaires were not being monitored for completeness; and notebooks were not being reviewed and signed off. Covid concerns were not being openly discussed, and Det. Grus was cut off when she tried to help the team comply with policy and the expected standard.

Ms. van den Berg submitted that a 24-month demotion does not fix the inconsistently applied policies and rules. The OPS is seeking to punish her for asking questions when the management function was not working as it should have. The Tribunal can accept she conducted misconduct but at the same time can accept the situation at the time, one of supervisor failure during the Covid upheaval, and deem it to be a mitigating factor.

In reply, Ms. Barrow submitted that in *Legal Aspects of Policing* Systemic Failure can be mitigating, but to do so, I must first determine that there were "serious problems" with the respondent's work environment that would mitigate penalty.⁵⁷ You have heard that Det. Grus did nothing wrong, she complied with her duties and filled in gaps due to the incompetence of others. She said she does not require supervisor approval to do her job. Ms. Barrow submitted that my finding in the decision was that Det. Grus, with her level or experience, understood what was required of her, and her actions were a disregard for her duties. Ms. Barrow submitted that Det. Grus is responsible for her actions and urges the Tribunal to disregard this penalty factor.

There can be no argument on the evidence submitted that our entire community, including our police service, were operating in a most challenging environment during the COVID pandemic, further complicated by daily COVID protocols prior to entering the workplace, and a pending mandatory vaccination policy for OPS employees in January of 2022.

⁵⁷ Paul Ceyssesn and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 403.

It was a finding of this Tribunal that Det. Grus took on a self-initiated leadership role in challenging COVID policies and eroded the support of her SACA colleagues and supervisor to the extent that she was directed by the staff sergeant not to debate COVID policies in the office. I agree with the Defence submission that COVID concerns, as a result, were not being openly discussed in the SACA office, and that Det. Grus was dismissed when she tried to offer assistance to members of her investigative team. This was the situation when Det. Grus undertook her unauthorized actions that resulted in an internal investigation by the Professionals Standards Unit (PSU) and ultimately a finding by this Tribunal that Det. Grus self-initiated an unauthorized project and misused the authority of her position.

I concur with the Prosecution's position that Det. Grus alone is responsible for her actions and there are no grounds for me to conclude that SACA management was not functioning properly and that there existed "serious problems" with her supervisors that would mitigate Det. Grus's misconduct.

Damage to the Reputation of the Service

Ms. Barrow submitted that harm to the reputation of the service can be caused by a deficiency in the penalty. If there is no apparent damage, then damage may be inferred by the Hearing Officer and media coverage may also be inferred as damage. With negative media coverage comes wider publicity, more interest, and greater damage. Ms. Barrow submitted that Det. Grus's misconduct would bring serious damage in the eyes of the public. They do not expect secret unassigned investigations into sudden infant deaths.

Ms. Barrow submitted that the main takeaway in Ms. Chen's affidavit⁵⁸ is there have been a dozen articles written and considerable public interest, media attention, thus widespread awareness of the misconduct. The Tribunal has already ruled that the dispassionate member of the public would be concerned. Ms. Barrow submitted that this, along with the media interest, has caused widespread damage to the OPS's reputation.

Ms. van den Berg submitted the fact that this case has generated media attention should not be an aggravating factor to the damage of the reputation of the OPS. The wider the publicity, the

⁵⁸ Affidavit of Ms. Joyce Chen. Exhibit #104.

greater the damage approach is wrong and overstated, as supported by Mr. Ceyssens who stated that the public is aware that the actions of one does not necessarily damage all.

Ms. van den Berg submitted that some factors overlap, and it is important that media attention falls under the publicity factor as a separate heading, as addressed by Ceyssens. Public media coverage is a consideration but not a multiplier. There is media coverage that is favorable to Det. Grus and I cannot rely on media coverage to gauge damage to reputation and, at the same time, dismiss community support for Det. Grus and the issues around the leak that led to the first two stories that damaged the OPS's reputation.

Ms. van den Berg submitted that in the *Benoit*⁵⁹ decision the Hearing Officer reasoned that public confidence could be met with a fair and proportionate sanction and not the harshest penalty of dismissal. In *Brisbois*⁶⁰, the Hearing Officer found that the damage to the reputation was due to the criminal court finding of guilt. This is not the case with Det. Grus.

Ms. van den Berg requested that the Tribunal accept their position that media attention should fall under a separate Effect of Publicity Factor and submitted that it is mitigating as Det Grus has already suffered greatly due to the media articles.

It is indisputable that this *PSA* discipline proceeding has generated much media attention and will likely continue to do so upon the release of this disposition. I find that I cannot separate the impact of the media attention from the damage to the reputation of the OPS. They are interrelated in that the more media attention, the more widespread and greater the damage to the reputation of the service. For this reason, I will address media attention as a factor under the consideration of damage to the Reputation of the Service and not as a stand-alone consideration of Effect of Publicity.

Although this disciplinary issue must remain narrowly focused on specific actions of Det. Grus that constituted misconduct, the linkages to COVID vaccination protocols, employer mandated vaccines, and adverse effects of vaccinations, at least in the public forum, are difficult to separate.

⁵⁹ *Ottawa Police Service v Charles Benoit*, July 28, 2025. Exhibit #122, tab 5.

⁶⁰ *Ottawa Police Service v Yourik Brisbois*, December 11, 2023. Exhibit #122, tab 7.

Vaccines, for various reasons, remains a polarized issue in our communities, and this continues to generate much public interest in this hearing.

I find this an aggravating factor in that significant reputational harm was caused to the reputation of the OPS when a SACA criminal investigator allowed a personally held bias to cause her to initiate unauthorized criminal negligence inquiries into public officials involving the death of infants. The public has an expectation that their police service exercises proper and effective oversight and authority over their employees to ensure a bias free approach when undertaking criminal investigations and that any deviation by an employee from this standard be firmly addressed to reinstall the public's confidence. The families of the nine deceased infants were adversely affected when they were advised of privacy breaches by the OPS. Harm was caused by Det. Grus's misconduct.

I reject the Defence's submissions that public media coverage is a consideration but not a multiplier and that I should not rely on media coverage to gauge the damage to the service's reputation. Negative media coverage does indeed generate more interest, wider publicity, hence greater damage.

In regard to the damage that media attention has caused to Det. Grus and her family, particularly the Canadian Broadcasting Corporation's (CBC) March 28, 2021 and March 31 articles⁶¹, it can be understood as to why Det. Grus has personally suffered due to the articles. However, I find this in no way mitigating. The harm suffered by Det. Grus was a direct result of her misconduct. The intense media scrutiny is merely an unfortunate consequence. Of much more concern is the damage to the reputation of the OPS that her actions have caused, hence the need for this Tribunal to ensure that this disposition reflects the seriousness of the misconduct and sends a strong message of reassurance to the community in an effort to restore trust in their police service.

Conclusion

As the designated Hearing Officer, it my obligation to ensure that the disposition is fair and proportionate to the facts of the misconduct and the application of binding case law. I am required to determine what of the 14 accepted disposition considerations are relevant to this this specific

⁶¹ Exhibit #39 and #41.

hearing, whether they are aggravating, mitigating, or neutral, and then to give the appropriate weight to arrive at a fair disposition that is corrective over punitive, where possible.

On the disposition considerations, I have determined that Det. Grus's misconduct is serious misconduct and the key aggravating factors are: Public Interest; Specific and General Deterrence; and Damage to the Reputation of the Police Service. I determined that Employment History is a mitigating factor, along with Potential to Reform or Rehabilitate the Police Officer, although with some reservations, due to Det. Grus's refusal to accept this Tribunal's finding that she engaged in misconduct. I concluded that Disability and Other Relevant Personal Circumstances, Procedural Fairness, and Systemic Failure are non-applicable in the context submitted, and the Effect on the Peace Officer and Family as neutral.

I have also carefully reviewed the 14 case law decisions cited by both counsel on Consistency of Disposition, along with the detailed submissions, and have concluded, in fairness of consistency, that the appropriate disposition for the facts of Det. Grus's misconduct demands a period of demotion. This will be necessary to reaffirm to the public that the police take seriously the abuse of police powers and bias motivated actions, and that such misconduct will be met firmly with sufficient deterrence to dissuade the respondent officer or other police officers from similar actions. Thirdly, the harm caused by Det. Grus's misconduct seriously damaged the reputation of her employer, the OPS, and has the real potential for further damage. A term of demotion, the second most serious disposition after dismissal, is required to recognize the extent of the harm in of a member of the OPS initiating unauthorized criminal inquiries into public officials on the most sensitive issue of infant deaths, motivated by a personal bias.

I have not lightly dismissed the Defence's position that Det. Grus has been already punished through disguised discipline and that this hearing is understood by Defence as being an OPS reprisal for whistle blowing as she raised an issue of public safety with linking infant deaths to vaccinations. Taking these factors into consideration, Defence submits that the appropriate disposition is no further penalty. Again, I have been provided no case law by Defence to assist me in considering these arguments and I had no submissions or evidence during the merits hearing to advance these arguments. In fairness to all parties, and the community at large, I am obligated to consider the seriousness of the misconduct and the aggravating factors of Public Interest, Specific and General Deterrence, and Damage to the Reputation of the Police Service

to guide me, with strong consideration of the Consistency of the Disposition. This is how I arrived at a 24-month demotion.

On the mitigating side, I found that Det. Grus has been an exemplary police officer and investigator, with an impressive 23-year employment history. This is no small feat and is considered strongly mitigating. It should follow that a strong employment history equates to the potential to reform, however, there is some reservation in Det. Grus's persistent refusal to accept a finding of misconduct. In my view, Det. Grus deserves the benefit of mitigation in her ability to reform due entirely on her impressive employment history.

I am equally impressed on her determination to work through this disciplinary process and that her dedication and skills remain forefront, as attested by her most recent performance review in the Robbery Unit. It is entirely up to Det. Grus on how she will move forward with her career, despite the 24-month demotion imposed. I urge Det. Grus to reflect on her actions that have resulted in the finding of misconduct, and to reconcile her relationship with her employer, the OPS.

Disposition:

It is the decision of this Hearing Officer that Det. Helen Grus, 1631, shall be demoted from the rank of first class constable to the rank of second class constable for a period of twenty-four (24) months. This order is made pursuant to section 85(1)(c) of the *Police Services Act*, R.S.O. 1990.

A handwritten signature in black ink, appearing to read 'Chris Renwick', with a stylized, cursive script.

Chris Renwick
Superintendent (Retired)
Adjudicator

Dated August 18, 2026.
Ottawa, ON.

Appendix A

Exhibits

- Exhibit 1: Hearing Officer Designation, Supt. (retired) Chris Renwick.
- Exhibit 2: Prosecutor Designation, Ms. Angela Stewart.
- Exhibit 3: Prosecutor Designation, Ms. Christiane Huneault.
- Exhibit 4: Prosecutor Designation, Mr. Shawn Cleroux.
- Exhibit 5: Notice of Disciplinary Hearing.
- Exhibit 6: Notice of Increased Penalty.
- Exhibit 7: Non-legal Representative Waiver, Ms. Pam Twining.
- Exhibit 8: Motion Regarding Disclosure (December 29, 2022).
- Exhibit 9: Respondents Factum—Response to Applicant’s Motion for Disclosure.
- Exhibit 10: Respondent’s Book of Authorities-- Response to Applicant’s Motion for Disclosure.

- Exhibit 11: Ruling on Motion for Disclosure. (January 21, 2023).
- Exhibit 12: Prosecution’s Book of Authorities.
- Exhibit 13: Consolidated Motion.
- Exhibit 14: Response (Prosecution) to Applicant’s Consolidated Motion.
- Exhibit 15: Prosecutor Designation, Ms. Vanessa Stewart.
- Exhibit 16: Prosecutor Designation, Ms. Bonnie Cho.
- Exhibit 17: Ruling on Consolidated Motion.
- Exhibit 18: Notice of Filing Evidence (Prosecution).
- Exhibit 19: Respondent’s Response to Notice of Filing Evidence.
- Exhibit 20: Decision (Revised) on Notice of Filing Evidence and Applicant by Cross-Application.

- Exhibit 21: Affidavit of Ms. Sarah Hanks (Defence). August 11, 2023.
- Exhibit 22: Exhibit Book (Prosecution).
- Exhibit 23: External USB Drive. Compelled interview of Det. Grus. May 12, 2022.
- Exhibit 24: Defence Letter on Prosecution Witnesses Summaries. August 4, 2023.
- Exhibit 25: Notice of Filing Evidence (Prosecution). August 3, 2024.
- Exhibit 26(a): Defence Book of Authorities, Volume I.
- Exhibit 26(b): Defence Book of Authorities, Volume II.
- Exhibit 27: Ottawa Citizen article. ‘PSW ‘monster’ jailed for another child-sex crime.’ June 6, 2019.

- Exhibit 28: Det. Grus’s 2018 Annual Performance Review.
- Exhibit 29: Det. Grus’s 2019 Annual Performance Review.
- Exhibit 30: Det. Grus’s 2020 Annual Performance Review.
- Exhibit 31: Excerpt for the Ontario Code of Conduct.
- Exhibit 32: Ontario Court of Appeal Decision: R. v. H. (J). 2013.
- Exhibit 33: Ontario Court of Appeal Decision: R v. Saunderson. 2017.
- Exhibit 34: Decision. Ottawa Police Service and Cst. Kevin Benloss. 2022.
- Exhibit 35: OCPC Decision. Bennett v. Ottawa Police Service. 2012.
- Exhibit 36: OCPC Decision. Bargh v. Ottawa Police Service. 2011.
- Exhibit 37: Decision. R. v Samaneigo, SCC. 2022.

- Exhibit 38: Ontario Reg. 645-21, Appendix A: Requirement for Patrons in Indoor Sport and Recreation Fitness Facilities.
- Exhibit 39: CBC article. 'Detective tried to uncover vaccine status of dead children's parents, sources say.' March 28, 2022.
- Exhibit 40: OPS letter. Discipline Hearing involving Cst. Grus. September 26, 2022.
- Exhibit 41: CBC article. 'Grieving mother not told nature of misconduct in probe of baby's death: lawyer.' March 31, 2022.
- Exhibit 42: Redacted copy of January 30, 2022 notes of Det. Grus.
- Exhibit 43: Excerpt of section 40, *Police Services Act*, Regulation 268/10.
- Exhibit 44: *Police Services Act*, Regulation 368/10, Code of Conduct.
- Exhibit 45: Emails between Sgt. Arbuthnot and Coroner Dr. Cowan, titled Re: Ottawa Police Service internal investigation ***Confidential**. April, 2022.
- Exhibit 46: Covid-19 Vaccine Clinical Studies. (12 bound documents.)
- Exhibit 47: Applicant Motion for Additional Disclosure (Defence).
- Exhibit 48: Applicant Abuse of Process Motion II—Motion to Stay (Defence).
- Exhibit 49: International Guidelines for Certification and Classification (Coding) of Covid-19 Cause of Death.
- Exhibit 50: Covid-19 Vaccines: Safety Surveillance Manual.
- Exhibit 51: Ramsay v. Brantford, Ontario Human Right Tribunal decision. 2021.
- Exhibit 52: Richard Sahadeo and Pafco Insurance Company. Ontario Licence Appeal Tribunal decision. 2022.
- Exhibit 53: Sgt. Berube's notes of compelled interview of Det. Grus. February 4 and 12 May, 2022.
- Exhibit 54: Sgt. Berube's notes of compelled statement of Det. R. Stewart. April 6, 2022.
- Exhibit 55: Email titled 'RE: With all due respect, Helen Grus #1631. September 9, 2021'.
- Exhibit 56a: Notice of Internal Complaint.
- Exhibit 56b: Application for Third Party Records (Defence).
- Exhibit 57: R.J.S. v. R. SCC decision. 1995.
- Exhibit 58: R. v. Rybak. Ontario Court of Appeal decision. 2008.
- Exhibit 59: R. v. Jolivet. SCC decision. 2000.
- Exhibit 60: Defence Book of Authorities for Expert Witness Submission.
- Exhibit 61: Defence Expert Witness Documents. (Dr. McCullough, Dr. Payne, Dr. Thorp, Dr. Chan, and S/Sgt. (retired) Danyluk.
- Exhibit 62: USB stick. Expert witness documents. (Dr. Payne, Dr. Chan, Mr. Buckley.)
- Exhibit 63: Ruling on Proposed Expert Witnesses for Defence.
- Exhibit 64: Application Motion of Non-Suit.
- Exhibit 65: Hearing Transcripts. Binder 1 of 2.
- Exhibit 65b: Hearing Transcripts. Binder 2 of 2.
- Exhibit 66: Authorization for Release of Medical Information form.
- Exhibit 67: S/Sgt. (retired) Danyluk resume.
- Exhibit 68: OPS Honour, Courage, Service ethics booklet.
- Exhibit 69: OPS Service Sergeant Major job description. **Sealed exhibit**.
- Exhibit 70: OPS Sergeant Major School PowerPoint. **Sealed exhibit**.
- Exhibit 71: *Police Service Act*, Ontario Regulation 268/10.
- Exhibit 72: Excerpt of *Police Service Act*, Police Officers (sec. 42-45).
- Exhibit 73: R. v. Lyttle, 2004 SCC.

- Exhibit 74: Blank v. Canada (Minister of Justice), 2006 SCC.
- Exhibit 75: BORN Ontario document titled Data Privacy and Security.
- Exhibit 76: IC/ES document titled Working With ICES Data.
- Exhibit 77: ICMJE disclosure Form template.
- Exhibit 78: *Coroners Act* Ontario Regulation 523/18.
- Exhibit 79: Ontario Civilian Police Commission's Rules of Practice.
- Exhibit 80: Prosecutor Designation, Ms. Lynda Bordeleau.
- Exhibit 81: Prosecutor Designation, Ms. Jessica Barrow.
- Exhibit 82: Adopted Rules on Motions.
- Exhibit 83: Ruling on Adopted Rules on Motions and Motion to Remove Prosecutor Ms. Vanessa Stewart.
- Exhibit 84: Affidavit of Helen Grus.
- Exhibit 85: Transcripts. January 8-11, 2024.
- Exhibit 86: Det. Grus's 2023 Annual Performance Review.
- Exhibit 87: Peel's Nine Policing Principles.
- Exhibit 88: Det. Grus's notes (redacted). January 5 to April 15, 2021.
- Exhibit 89: Email titled 'Re: Additional duty notes of Det. Grus', February 27, 2023, and Det. Grus's notes (redacted) from September 15 to 18 January, 2022.
- Exhibit 90: Nanobots excerpt from Smithsonian Science booklet.
- Exhibit 91(a): Article titled 'How nanotechnology helps mRNA Covid-19 vaccines work.'
- Exhibit 91(b): *Majecenic v. Natale*, 1967 Ontario Court of Appeal.
- Exhibit 92: *R. v. Van Wissen*, 2018 Court of Appeal of Manitoba.
- Exhibit 93: Det. Grus's notes from 30 January, 2022.
- Exhibit 94: Prosecution's Book of Authorities. (Two volumes.)
- Exhibit 95: *Abbott v. Chief of Police*, 2005 ABKB 2 decision.
- Exhibit 96: *R. v. Khelawon*, 2006 SCC 57 decision.
- Exhibit 97: *Browne v. Dunn*, 1894 House of Lords privy Council, Probate, Divorce, and Admiralty Division decision.
- Exhibit 98: *R. v. M. (J.)*, 2021, ONCA 150 decision.
- Exhibit 99: Prosecution's June 8, 2020 to January 30, 2022 RMS query timeline chart, used for closing submissions.
- Exhibit 100: Defence's revision (addition of a 'Defense Response' column) of the Prosecution's June 8, 2020 to January 30, 2022 RMS query timeline chart, used for closing submissions.
- Exhibit 101: Notebook of Det. Helen Grus, dated January 30, 2022. (Single day entry consisting of two pages of notes.)
- Exhibit 102: Decision With Reasons, Det. Helen Grus, March 25, 2025.
- Exhibit 103: Case law: The decisions of Cst. Mikalachki; Csts. Kobayashi, Vongkhamphou, and Green; S/Sgt. Harrison; Cst. Joubert; Cst. Raison; Cst. Milburn; Sgt. Gravelle; Cst. Benoit; and Cst. Cady.
- Exhibit 104: Affidavit of Ms. Joyce Chen.
- Exhibit 105: Ruling on Admissibility of Prosecution's Victim Impact Statement.
- Exhibit 106: Ottawa Police Service Motion to Exclude Defence Materials.
- Exhibit 107: Excerpts from Legal Aspect of Policing, Volume 2, by Mr. Paul Ceysens, September 2002.
- Exhibit 108: Ottawa Police Service Factum on the Motion to Exclude Defence Materials.

- Exhibit 109: Ottawa Police Service Reply Submissions by the Prosecution.
- Exhibit 110: Defence's Response to Ottawa Police Service Motion to Exclude Defence Materials.
- Exhibit 111: Motion Record on the Response to Ottawa Police Service Motion to Exclude Defence Materials.
- Exhibit 112: Ruling on Motion to Exclude Defence Materials, January 10, 2026.
- Exhibit 113: Affidavit of Helen Grus, May 18, 2026.
- Exhibit 114: Supplemental Affidavit of Helen Grus, September 3, 2025.
- Exhibit 115: Affidavit of Peter Danyluk, September 2, 2025.
- Exhibit 116: Affidavit of Derek McCluskey, September 2, 2025.
- Exhibit 117: Affidavit of Dale Hayes, September 3, 2025.
- Exhibit 118: Affidavit of Mark Kuntz, September 2, 2025.
- Exhibit 119: Det. Grus's 2025 Annual Performance Review.
- Exhibit 120: Ottawa Police Service 2025-2029 Collective Agreement rates of pay, Police Personnel.
- Exhibit 121: Prosecution's Book of Authorities, Volume I and Volume II.
- Exhibit 122: Defence Materials/Case Authorities for May 19-21 Penalty Hearing.
- Exhibit 123: R. v. Clayton Decision, 2007, Supreme Court of Canada.
- Exhibit 124: Dedman v. The Queen, Supreme Court of Canada decision, 1985.