

OPAAC ADJ #25-007

OTTAWA POLICE SERVICE
Applicant

And

CONSTABLE KEITH JAY
Respondent

Adjudicator:
Maureen Helt

Appearances:
S. Cleroux, for the Applicant
G. LaFoley, for the Respondent

Heard:
January 29, March 6, and April 1, 2025

Date of decision:
April 10, 2025

Length of decision:
15 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 195(a), 200 (1)5, and 202(9)3
O. Reg. 407/23, s. 10; O. Reg. 404/23, ss. 20 and 21
Criminal Code, R.S.C. 1985, c. C-46, s. 320.14(1)(b)
Highway Traffic Act, R.S.O. 1990, c. H. 8

COMPLIANCE WITH LAWS - Undermine public trust - Off-duty incident - Settlement agreement incorporating respondent's plea of guilty to allegation of misconduct, contrary to O. Reg. 407/23 - Respondent admitted he breached s. 10 of Code of Conduct - Consent order consisting of 12-month demotion from rank of First Class Constable to Second Class Constable and requirement to complete remedial assistance plan.

DISCIPLINARY PENALTIES - Demotion - Guilty plea to one count of misconduct, contrary to O. Reg. 407/23 - Respondent admitted he operated his personal vehicle in a careless manner - Agreed penalty for breach of s. 10 incorporated in consent order - Respondent to be demoted from rank of First Class Constable to Second Class Constable for period of 12 months - Respondent also required to complete remedial assistance plan.

DISCIPLINARY PENALTIES - Directed program or activity - Guilty plea to one count of misconduct, contrary to O. Reg. 407/23 - Respondent admitted he operated his personal vehicle in a careless manner - Agreed penalty consisting of 12-month demotion in rank - Pursuant to s. 200(1)5 of *Community Safety and Policing Act*, respondent also required to complete remedial assistance plan.

SETTLEMENT - Respondent pled guilty to one count of undermine public trust, contrary to s. 10 of Code of Conduct - Parties agreeing to settle all disciplinary issues at pre-hearing conference - Pursuant to s. 202 of *Community Safety and Policing Act* and O. Reg. 404/23, consent order incorporated in decision of pre-hearing conference adjudicator.

Summary of Reasons for Decision

The respondent, Cst. Jay, had been a police officer since November 2014. On June 17, 2024, while off-duty, Cst. Jay's personal vehicle left the road and collided with a rock. He was charged with one count of impaired driving, contrary to s. 320.14(1)(b) of the *Criminal Code*. He pled guilty to the lesser offence of careless driving under the *Highway Traffic Act* and was sentenced to a fine of \$1,500, a victim surcharge, and a driver's license suspension for nine months.

On November 14, 2024 the Chief of the Ottawa Police Service initiated an investigation which resulted in one allegation of misconduct, undermine public trust, contrary to s. 10 of the Code of Conduct, O. Reg. 407/23. Pursuant to s. 202(1) of the *Community Safety and Policing Act*, on December 19, 2024 the pre-hearing conference adjudicator was appointed. During the initial pre-hearing conference date, the parties participated in settlement discussions. Settlement discussions continued on subsequent dates. On April 1, 2025 the parties submitted a fully executed settlement agreement.

The settlement included an agreed statement of facts, the respondent's guilty plea to one count of misconduct, as well as the parties' agreed disposition – namely, a 12-month demotion and remedial assistance plan.

Held, consent order adopted.

Section 202 (8) of the *CSPA* and s. 20 of Reg. 404/23 contemplated settlement at the pre-hearing conference stage of disciplinary proceedings. Under the legislation the pre-hearing conference adjudicator had the authority to settle any issues that would otherwise be determined at the merits hearing.

Constable Jay's admission of guilt provided clear and convincing evidence that misconduct occurred. The proposed penalty was reasonable: it ensured protection of the public interest; satisfied specific and general deterrence; and it was consistent with the range of penalties for similar misconduct.

Accordingly, the pre-hearing conference adjudicator ordered that Cst. Jay:

- i) be demoted from the rank of First Class Constable to Second Class Constable for a period of 12 months, following which he would be returned to the rank of First Class Constable, pursuant to s. 202(9)3 of the *CSPA*
- ii) undertake a plan of care for problematic substance use, provide regular progress updates, and provide documentation to confirm successful completion of the program, pursuant to s. 200(1)5 of the *CSPA*.

Authorities cited

Hunter v. Peel Regional Police Service, 2021
Yuzefowich v. Peel Regional Police Service, 2021
Monroe v. Ottawa Police Service, 2021
Ramphal v. Toronto Police Service, 2024