

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

BETWEEN:

OTTAWA POLICE SERVICE

Applicant

- and -

CONSTABLE SERGE FORTIN (#1248)

Respondent

SETTLEMENT AGREEMENT

A. BACKGROUND

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

Ian Anderson was appointed pursuant to subsection 202(1) of the CSPA by the Chair of the Ontario Police Arbitration and Adjudication Commission to act as a Pre-Hearing Conference Adjudicator in this matter.

Pursuant to s. 21(2) of O. Reg. 404/23, the parties hereby consent to the Pre-Hearing Conference Adjudicator making orders, including determinations, on issues that would otherwise be determined at the related merits hearing.

B. ALLEGATIONS OF MISCONDUCT

Constable Serge Fortin (#1248):

COUNT ONE: GUILTY OF AN OFFENCE UNDER THE CRIMINAL CODE OF CANADA

You are alleged to have committed misconduct in that, on February 3, 2025, you plead guilty to, and were found guilty of, operation while impaired (over 80mg per 100ml) contrary to section 320.14(1)(b) of the *Criminal Code of Canada*, which is contrary to section 4 of Ontario Regulation 407/23, and therefore, contrary to section 195(a) of the *Community Safety Policing Act*, R.S.O. 2019, as amended.

COUNT TWO: UNDERMINE PUBLIC TRUST

You are alleged to have committed misconduct in that, on November 26, 2024, you were arrested and charged under the *Criminal Code of Canada* by the Ontario Provincial Police for impaired operation of a motor vehicle during a Reduce Impaired Driving Everywhere (RIDE) program, thereby conducting yourself in a manner that undermined, or was likely to undermine, public trust in policing, contrary to Section 10 of Ontario Regulation 407/23 and therefore, contrary to Section 195(a) of the *Community Safety Policing Act*, R.S.O. 2019, as amended.

C. AGREED STATEMENT OF FACTS

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

BACKGROUND

1. The subject officer, Cst. Fortin, is a sworn member of the Ottawa Police Service. Cst. Fortin has been a police officer with the Service since 1998.

OPP RIDE Program

2. On November 26, 2024, at approximately 1:42 a.m., while off-duty driving a personal vehicle, Cst. Fortin arrived at a police checkpoint located at Russell Road and Drouin Road in Clarence-Rockland. The Ontario Provincial Police (OPP) were conducting a Reduce Impaired Driving Everywhere (RIDE) program.

3. The OPP officer at the checkpoint detected the odor of alcohol on Cst. Fortin's breath and observed signs of impairment, including glossy eyes and slurred speech. He also observed a cooler containing alcoholic beverages in the back seat of the vehicle and observed that all four windows of the vehicle were down. The OPP officer directed Cst. Fortin to pull over.
4. Cst. Fortin initially denied drinking alcohol but ultimately admitted to having consumed alcohol approximately five minutes prior to arriving at the checkpoint.
5. During the interaction, Cst. Fortin advised that he is a police officer with the Service.
6. The OPP officer proceeded with a roadside breath sample demand using an approved Alcohol Screening Device (ASD).
7. After several failed attempts to provide a suitable roadside breath sample, Cst. Fortin eventually provided a sample which registered a "FAIL" result.
8. Cst. Fortin was arrested for Operation While Impaired – Alcohol and Drugs, as well as Operation While Impaired – Blood Alcohol Concentration (over 80 mg per 100ml) under the *Criminal Code of Canada* ("*Criminal Code*").
9. Cst. Fortin was transported to the Rockland OPP Detachment for further breath testing. Intoxilyzer tests conducted yielded results of 160 mg/100 mL and 150 mg/100 mL blood alcohol concentration.
10. Cst. Fortin was charged with Operation While Impaired – Alcohol and Drugs, contrary to Section 320.14(1)(a) of the *Criminal Code*, and Operation While Impaired – Blood Alcohol Concentration (80+), contrary to Section 320.14(1)(b) under the *Criminal Code*.

TREATMENT

11. Following this incident, Cst. Fortin sought treatment for problematic substance use. He continues to seek treatment for post-traumatic stress disorder.

COURT PROCEEDINGS

12. On February 3, 2025, Cst. Fortin plead guilty to, and was found guilty of, Operation While Impaired (over 80mg per 100ml) contrary to section 320.14(1)(b) of the *Criminal Code* before Justice M. D'Amours of the Ontario Court of Justice. The other charge was withdrawn at the request of the Crown.
13. Cst. Fortin received a 12-month driving prohibition and a fine of \$1,500.

ADDITIONAL FACTORS

14. Cst. Fortin has no prior history of serious misconduct.

15. Cst. Fortin cooperated fully during the criminal investigation and with the Ottawa Police Service Professional Standards Unit throughout the course of the misconduct investigation.

D. DETERMINATIONS OF MISCONDUCT

Pursuant to the Agreed Statement of Facts outlined herein, Cst. Fortin enters a plea of guilty to Count One: Guilty of an Offence under the *Criminal Code of Canada* and Count Two: Undermine Public Trust. Cst. Fortin and the Service agree that the following determinations of misconduct be made by the Pre-Hearing Conference Adjudicator in this matter:

1. Cst. Fortin is guilty of one count of “Guilty of an Offence under the *Criminal Code of Canada*” on clear and convincing evidence.
 - a. On February 3, 2025, Cst. Fortin plead guilty to, and was found guilty of, operation while impaired (over 80mg per 100ml) contrary to section 320.14(1)(b) of the *Criminal Code of Canada*, which is contrary to section 4 of Ontario Regulation 407/23, and therefore, contrary to section 195(a) of the *Community Safety Policing Act*, R.S.O. 2019, as amended.
2. Cst. Fortin is guilty of one count of “Undermine Public Trust” on clear and convincing evidence.
 - a. On November 26, 2024, Cst. Fortin committed misconduct in that, while off-duty, he was arrested and charged under the *Criminal Code of Canada* by the Ontario Provincial Police for impaired operation of a motor vehicle during a Reduce Impaired Driving Everywhere (RIDE) program, thereby conducting himself in a manner that undermined, or was likely to undermine, public trust in policing, contrary to Section 10 of *Ontario Regulation 407/23* and therefore, contrary to Section 195(a) of the *Community Safety Policing Act*, R.S.O. 2019, as amended.

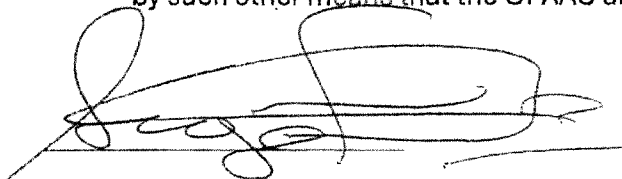
E. DISPOSITION

Pursuant to the Agreed Statement of Facts outlined herein, Cst. Fortin’s guilty plea to both counts, as well as the Determinations of Misconduct, Cst. Fortin and the Service agree that this matter be resolved through the following Order being made by the Pre-Hearing Conference Adjudicator, pursuant to section 202(8) of the *Community Safety and Policing Act*:

- a. Cst. Fortin will be demoted from the rank of First Class Constable to Second Class Constable for a period of fourteen (14) months, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance to be determined by the Service, pursuant to section 202(9)3 of the *Community Safety and Policing Act*.

F. ACKNOWLEDGEMENTS

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



Constable Serge Fortin (#1248)

2025/05/23

Date

Shawn Cleroux

Ottawa Police Service

2025/05/23

Date