

OTTAWA POLICE SERVICE
Applicant

AND

CONSTABLE SERGE FORTIN
Respondent

Adjudicator:
Ian Anderson

Appearances:
S. Cleroux, for the Applicant
S. Fortin, Respondent

Heard:
May 23, 2025

Date of decision:
May 23, 2025

Length of decision:
7 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 195 (a), 202(1),
202 (8), and 202(9)3
O. Reg. 404/23, s 21(2); O. Reg. 407/23, ss. 4 and 10
Criminal Code of Canada, R.S.C. 1985, c. C-46, s. 320.14(1)(b)

COMPLIANCE WITH LAWS - Criminal offences - Off-duty arrest by OPP during RIDE program - Respondent pled guilty to impaired driving, contrary to *Criminal Code* - Finding of misconduct under s. 4 of O. Reg. 407/23 flowed from finding of guilt under *Criminal Code* - Respondent also pled guilty to second count of misconduct - Parties entering into settlement agreement at pre-hearing conference adjudication.

CRIMINAL OFFENCES - Impaired driving - During RIDE program off-duty officer arrested and charged with impaired driving - Finding of guilt under s. 4 of O. Reg. 407/23 flowed from finding of guilt under *Criminal Code* - Respondent pleading guilty to two counts of misconduct - Disciplinary matter resolved at pre-hearing conference adjudication.

INTERACTIONS WITH PUBLIC - Undermine public trust - Off-duty incident - During RIDE program Respondent arrested and charged with impaired driving - Respondent admitted conducting himself in a manner likely to undermine public trust in policing, contrary to s. 10 of

O. Reg. 407/23 - Breach of ss. 4 and 10 proven on clear and convincing evidence - Settlement agreement issued as consent order.

UNDERMINE PUBLIC TRUST - Impaired driving - Respondent stopped by OPP during RIDE program and charged with impaired driving - Conduct likely to undermine public trust in policing, contrary to s. 10 of O. Reg. 407/23 - Disciplinary matter resolved at pre-hearing conference adjudication.

DISCIPLINARY PENALTIES - Demotion - Off-duty incident - Respondent pled guilty to charge of impaired driving, contrary to *Criminal Code* - Respondent also pled guilty to two counts of misconduct under O. Reg. 407/23 - Settlement agreement reached by parties issued as consent order by pre-hearing conference adjudicator - Respondent to be demoted from rank of First Class Constable to Second Class Constable for 14 months.

SETTLEMENT - Respondent charged with two counts of misconduct following guilty plea to *Criminal Code* charge of impaired driving - Parties entering into settlement agreement at pre-hearing conference adjudication - Respondent to be demoted for period of 14 months.

Summary of Reasons for Decision

The Respondent, Cst. Fortin, had been a sworn member of the Ottawa Police Service since 1998. On November 26, 2024, while off-duty and driving his own vehicle, the Respondent was stopped at an OPP RIDE checkpoint. The OPP officer detected the odor of alcohol on Cst. Fortin's breath and observed signs of impairment, including glassy eyes and slurred speech. A cooler containing alcoholic beverages was observed in the back seat. During the interaction the Respondent informed the OPP officer that he was a police officer with the Ottawa service. The Respondent failed a roadside breath test and was arrested for impaired driving, (80+) blood alcohol concentration, contrary to s. 320.14(1)(b) under the *Criminal Code*. Further testing at the OPP detachment yielded results of 160 mg/100 mL and 150 mg/100 mL blood alcohol concentration.

After the incident, Cst. Fortin sought treatment for substance abuse, and he continued to seek treatment for post-traumatic stress disorder.

On February 3, 2025 Cst. Fortin pled guilty to the *Criminal Code* charge and received a 12-month driving prohibition and a fine of \$1,500. Following the criminal proceedings, he was charged with two counts of misconduct under O. Reg. 407/23. The matter was scheduled for adjudication. At the pre-hearing conference stage, the parties entered into a settlement agreement pursuant to s. 202(8) of the *Community Safety and Policing Act*.

Held, consent order adopted.

In the settlement agreement, and in accordance with s. 21(2) of O. Reg. 404/23, the parties consented to the pre-hearing conference adjudicator making orders and determinations on issues that would otherwise be determined at the merits hearing.

In accordance with the settlement, the pre-hearing conference adjudicator found that Cst. Fortin committed two counts of misconduct; and he imposed the agreed penalty of a 14-month demotion from First Class Constable to Second Class Constable, following which the Respondent would be returned to the rank of First Class Constable on the basis of satisfactory work performance, pursuant to s. 202(9)3 of the *CSPA*.

Authorities cited
