

UNDER SECTION 202 OF THE COMMUNITY SAFETY AND POLICING ACT
AND ONTARIO REGULATION 404/23 MADE UNDER THE
COMMUNITY SAFETY AND POLICING ACT

IN THE MATTER OF THE ONTARIO PROVINCIAL POLICE
AND PROVINCIAL CONSTABLE MICHAEL WALLI, 14280

Misconduct: *Contrary to O. Reg. 407/23 – Code of Conduct for Police Officers:*

1. Compliance with Laws (s. 4) – Found guilty of an offence under the Criminal Code (Canada)

PENALTY DECISION

Adjudicator: Peter Lennox

Prosecutor: Jason Kirsh

Defence Counsel: Lawrence Gridin

Hearing Date: Thursday, August 14, 2025

Decision Date: Friday, August 29, 2025

PENALTY

Ontario Provincial Police and Provincial Constable Michael Walli, 14280

DATE: THURSDAY, AUGUST 28, 2025

Penalty

The penalty in this matter, imposed under subsection 202(9) of the Community Safety and Policing Act, is that Provincial Constable Michael Walli will be demoted in rank from first-class constable to second-class constable for a period of six months. He will then return to the rank of first-class constable.

Const. Walli will also be required to undergo remedial firearms training at the discretion of the Ontario Provincial Police.

Background

On February 12, 2025, I was provided with a Request for the Appointment of an Adjudicator by the Ontario Police Arbitration and Adjudication Commission. This document, which was not entered as an exhibit in this matter, specified that the reason for the hearing was found in subsection 202(1) of the CSPA (seeking the demotion or termination of a police officer). It also described the matter as follows:

On August 20, 2022, members of the Orillia OPP Detachment were involved in a SAP [suspect-apprehension pursuit] which resulted in a single motor vehicle collision. While attempting to remove Mr. MOUNTNEY from the vehicle, PC WALLI unintentionally discharged his pistol, resulting in a round striking the leg of Mr. MOUNTNEY. The Special Investigations Unit (SIU) invoked their mandate, charging PC WALLI with Criminal Negligence Causing Bodily Harm, Careless Use

of a Firearm and Assault Causing Bodily Harm. On July 8, 2024, at the Ontario Court of Justice, in the City of Barrie, PC WALLI pled guilty to the Criminal Code offence of Careless Use of a Firearm. The OPP is seeking a penalty of 18 month demotion of PC WALLI.

Prior to this hearing, a pre-hearing conference was held by Adjudicator Verlyn Francis. The conference considered the factors listed in section 20 of Ontario Regulation 404/23 (Adjudication Hearings).

The pre-hearing conference was held electronically and involved three teleconference dates: March 25, April 29 and May 9, 2025, and was reported by Adjudicator Francis on May 29, 2025. I received the document on June 1, 2025.

Adjudicator Francis's report is Exhibit 2 to this matter, and gave directions for the production of certain documents and directed that the matter proceed to a one-day merits hearing on August 13 or 14, 2025.

Through an email exchange, the parties and I agreed to hold the merits hearing on August 14, 2025. I was also informed at that time that the hearing was expected to last one day, and that, while the parties agree on the facts in issue, they would not be presenting a joint submission on penalty. I was also told that expert evidence would be offered in the matter.

The hearing was accordingly held by Zoom on August 14, 2025, starting at 10:00 a.m. I recorded the hearing using the Zoom application. Both parties had agreed to an electronic hearing.

At the hearing, I introduced myself and identified myself as the member of the O.P.A.A.C. Roster of Adjudicators who had been appointed to adjudicate this hearing. I confirmed who was in attendance, including the respondent, Const. Walli, the prosecutor, the defence counsel and a number of observers. The respondent identified himself by name and number, and I ensured that he had received copies of the Summary of Allegations, the pre-hearing conference order from Adjudicator Francis, and my notification of this

hearing, which I had sent on July 21, 2025. The respondent replied that he had received them, and understood them.

The exhibits to this matter were then assigned exhibit numbers, which can be found in the appendix to this document. The recording of the Professional Standards interview was assigned its number later, near the end of the hearing.

The prosecutor, Mr. Kirsh, indicated that the matter would proceed with a guilty plea based on the Agreed Statement of Facts, and then would move to penalty submissions, as the penalty is contested between the parties.

I read the Agreed Statement of Facts into the record, as follows:

Background

- 1. Constable Michael Walli is employed by the Ontario Provincial Police and works out of the Orillia detachment. He has been employed as a police officer since August of 2015 and has no criminal record or disciplinary history.*

The Pursuit

- 2. On August 20th, 2022 at about 4:10 a.m., OPP Acting Sergeant Townsend was conducting an unrelated investigation speaking with a civilian on Matchedash Street in Orillia. The acting sergeant and the civilian heard motor vehicle tires squealing very loud at Elgin Street.*
- 3. The source of the sound was a black Ford F150 pickup truck, which did not come to a complete stop at the stop sign, then accelerated rapidly, and a large toolbox as well as other items fell out of the tailgate of the truck. It appeared the truck lost control and possibly hit the curb, bouncing off it.*
- 4. Acting Sergeant Townsend returned to his cruiser and proceeded southbound on Matchedash Street towards Elgin Street, maneuvering around items that had fallen into the intersection from the pickup truck. The acting sergeant*

continued to make observations of the vehicle bouncing off curbs and nearly colliding with hydro poles and had concerns about the driver's impairment.

- 5. On nearby Colborne Street, the acting sergeant activated his emergency lights on his cruiser. The driver of the pickup truck made no effort to stop for police. The acting sergeant then notified dispatch by radio that he was initiating a pursuit for failing to stop and a suspicion that the driver was impaired.*
- 6. The driver of the pickup truck drove westbound on Colborne Street and almost collided head-on with an eastbound police vehicle with full emergency equipment activated. That police vehicle was being driven by Constable Walli. The pickup narrowly missed Constable Walli's cruiser, striking into the curb and possibly making contact with the building located adjacent to the sidewalk.*
- 7. The acting sergeant provided updates over the air as he pursued the vehicle. He crested the hill located by Zehrs and Tim Hortons and observed brake lights on the pickup as it began to slow. However, the vehicle then made a series of erratic movements in the area of Coldwater Street, with debris continuing to scatter from the back of the truck.*
- 8. The vehicle exited Coldwater onto Highway 11 northbound, increasing speed. The suspect vehicle reached speeds of 160 kilometres per hour. The acting sergeant created distance due to objects falling from the motor vehicle. The manner in which the pickup was driven was dangerous and posed a potentially deadly threat to police, other users of the road and the occupants of the pickup themselves.*
- 9. The pickup passed a civilian vehicle on Highway 11 and suddenly exited the highway at the ramp for Sundial Drive. It then travelled off the ramp at an excessive speed, resulting in the vehicle not being able to negotiate the curb. It struck a curb, [and] went airborne over the bank towards the parking lot of 600 Sundial Drive, which is a retirement residence.*

10. While the pickup was airborne, it launched over an approximately seven foot tall fence, colliding with a light standard and coming to a standstill on top of two parked motor vehicles within the parking lot of the retirement residence. Officers observed smoke and sparks as a result of the collision.

The Unintentional Discharge of PC Walli's Firearm

11. Constable Walli was one of several officers who first arrived to the accident scene and participated in the immediate effort to take the occupants of the pickup truck into custody. Constable Walli had reasonable and probable grounds to arrest the driver of the vehicle and to detain any other occupants for investigation. The driver had driven extremely dangerously, had fled from police, had nearly struck Walli's police car head-on, and had only stopped after crashing.

12. Officers, including Constable Walli, had reason to suspect that the occupants were involved in serious criminality which is why they had attempted to evade police in such an extreme manner. Constable Walli did not know if the occupants were armed or how many there were, but he reasonably believed that the occupants were highly motivated to avoid being taken into custody and that there was a high risk to police and the public.

13. Officers, including Constable Walli, were trained that these circumstances justified a high-risk takedown which involves ordering the occupants out of the vehicle at gunpoint. Constable Walli and the other officers were wearing police uniforms that clearly identified them as police.

14. Constable Walli approached the pickup truck from the rear while another officer, Constable Brancatella, approached from a similar direction. In accordance with his training, Constable Walli drew and pointed his firearm towards the truck and issued commands to the occupants. To Constable Walli's left, about eight to ten feet away, was his fellow officer also with his firearm drawn. Constable Brancatella was about five to six feet from the tailgate of the truck and was also issuing commands.

15. *Two people exited the cab of the pickup truck by climbing through the cab's rear window which was smashed. The driver of the vehicle was Mr. Mason Mountney, an 18-year-old male. The passenger was a 16-year-old male who will be identified by his initials M.M.*
16. *Both males crawled out of the rear window into the truck bed. It was dark out and the area of the truck bed was not well lit except for some artificial lighting. The truck appeared to be some sort of construction truck and the truck bed was littered with tools such as screwdrivers and utility knives. Police are trained to be mindful that such tools can be used as weapons of opportunity.*
17. *Constable Walli was focused on Mr. Mountney and Constable Bracatella was focused on M.M.*
18. *Constable Walli noted that there were lots of tools in the bed of the truck, which he believed could be accessed to cause him serious bodily harm or death or facilitate escape, so he was trying to watch both males and both of their hands.*
19. *The following events unfolded very quickly.*
20. *Constable Walli repeatedly yelled "get out now let me see your hands" as he slowly approached the tailgate of the truck, coming to within a few feet of the males in the truck bed.*
21. *At the same time, Mr. Mountney crawled towards the tailgate. Mr. Mountney then turned onto his right side facing away from Constable Walli, so that his hands were no longer visible. Constable Walli yelled "let's see your hands."*
22. *Being unable to see Mr. Mountney's hands, and with Mr. Mountney not following directions to show them, Constable Walli decided to immediately remove Mr. Mountney from the truck bed to limit his ability to grab a weapon of opportunity or formulate a plan to escape.*

23. *Constable Walli reached out with his left hand to grab Mr. Mountney's shirt and pull him out of the truck, while still holding his firearm with his right hand and pointing it in the general direction of Mr. Mountney.*

24. *Constable Walli was yelling "get out" and Mr. Mountney responded "can't".*

25. *As Constable Walli's left hand touched Mr. Mountney's shirt, Mr. Mountney flinched and tried to push away. Constable Walli continued to try to grab Mr. Mountney's shirt harder, to pull him out of the vehicle.*

26. *As he was making a fist with his left hand to grab the shirt, Constable Walli depressed the trigger of his firearm with his right hand. The firearm discharged a single round, with Constable Walli having no intention of discharging it.*

Aftermath

27. *After the shot was fired, Constable Walli's firearm was "out of battery", meaning the firearm's action had not returned to the normal firing position. Constable Walli attempted to holster his firearm but it would not seat correctly in the holster.*

28. *At the time of the discharge, only Constable Walli and Constable Brancatella were in the immediate vicinity of the rear of the truck, but four other OPP officers, including another sergeant, were rapidly approaching the location of the truck on foot.*

29. *Constable Walli and another officer assisted in getting Mr. Mountney out of the truck and onto the ground, where he was assessed for injuries. A gunshot wound to Mr. Mountney's leg was located. Constable Walli assisted with providing first aid. Constable Walli applied a tourniquet.*

30. *Once additional officers arrived to take over, Constable Walli separated himself from the incident. He left the other officers to continue to provide first aid to Mr.*

Mountney and went some distance away to sit on the large rock in the parking lot away from the truck. He was observed by other officers to be sitting by himself, visibly upset.

31. Mr. Mountney and M.M. were taken into custody. Mr. Mountney was transported to hospital for further medical treatment. He remained conscious. He did not sustain any other injuries apart from the gunshot wound to his right leg above his knee. Medical records describe it as a penetrating injury to right thigh. There was also a complex femoral shaft fracture, but the medical records did not indicate whether the fracture was the result of the motor vehicle collision or the gunshot. Mr. Mountney was released from the hospital after approximately five days and taken into custody by correctional officers and charged with dangerous driving, flight from police, theft of a motor vehicle and other offences arising from this incident.

32. Both Mr. Mountney and M.M. were interviewed by SIU investigators. They advised that they were carhopping when they located a vehicle which had keys inside it and decided to take it for a drive. After being observed by police, Mr. Mountney acknowledged trying to flee from police and Mr. Mountney estimated his speeds on Highway 11 as ranging between 160 to 180 kilometres an hour. Mr. Mountney subsequently plead [sic] guilty to a number of criminal offences and was sentenced to a period of incarceration.

33. Mr. Mountney was not initially aware that he was shot by police and thought the pain in his leg was caused by the accident. It was not until one or several officers present at the time of the discharge said something about an accidental discharge and officers were searching his body for a potential gunshot wound that he realized he was shot.

Misconduct

34. Constable Walli was trained that an officer is not to place their finger on the trigger of their firearm until they are intending to shoot when justified pursuant to section 25(3) of the Criminal Code, that being the officer must fear on

reasonable grounds that there is an imminent threat of grievous bodily harm or death to themselves or another person. The parties agree that although the drawing and pointing of the firearm was justified by the dangerousness of the situation, an imminent threat of grievous bodily harm or death, and therefore the corresponding authorization for an officer to place their finger on the trigger, was not yet present at the moment of the discharge.

35. The parties agree that Constable Walli's placement of his finger on the trigger which created the risk of an accidental discharge which actually materialized in this case constitutes a careless use of his firearm.

36. On July 8, 2024, Constable Walli appeared before the Honourable Justice Peter West of the Ontario Court of Justice in Barrie. He entered a guilty plea to the offence of careless use of a firearm, contrary to section 86(1) of the Criminal Code. Justice West accepted the plea, found Constable Walli guilty, and imposed a sentence of a conditional discharge.

Following the reading of the Agreed Statement of Facts, the respondent indicated that he would plead guilty to the count of misconduct he faced. Based on the Agreed Statement of Facts, I found that I had clear and convincing evidence of the misconduct, and found Const. Walli guilty of the misconduct.

Prosecutor's Submissions

Mr. Kirsh, the prosecutor, indicated that the O.P.P. is seeking a penalty of an 18-month demotion, as permitted by the Community Safety and Policing Act (C.S.P.A.). To justify this, said that he would refer to relevant law and its application rather than the facts of the case, which are not in dispute. He reminded me of the guiding principle that I must ensure a proportionate penalty that is reflective of the circumstances of the matter and the respondent. He suggested that while there is not much jurisprudence under the C.S.P.A. at this point, that jurisprudence under the new legislation has tended to support the use of Peter Ceyssens' 15 factors to penalty, referring to my own decision in Horan and the

London Police Service (Exhibit 6, Tab 6) from earlier in 2025. He indicated that he would refer only to the factors of relevance to this case, and reminded me that it is my role to determine whether each factor is aggravating, neutral or mitigating to penalty.

He underscored that, depending on the individual facts of a case, one factor alone, such as *seriousness of the misconduct*, can be sufficient to justify a substantial penalty. He referred to Clough and the Peel Regional Police (Exhibit 6, Tab 1, at paragraph 104) to support this, and submitted that, considering this finding in Clough, the penalty of 18 months' demotion is appropriate.

He started by submitting that the factors of *public interest* and *damage to the reputation of the O.P.P.* are strongly aggravating to this matter as public trust is fundamental to policing. He read from section 82 of the C.S.P.A., which describes the duties of a police officer, underscoring "preserving the peace", "preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention", and "apprehending criminals and other offenders and others who may lawfully be taken into custody". He reminded me that police officers are held to higher standards of behaviour both on and off duty, which is needed to maintain public trust and respect. He suggested that the Ontario Civilian Police Commission (O.C.P.C.) has found that a proper approach to determine penalty is to estimate the penalty that would be given to a civilian and to increase it for a police officer.

He indicated that there is also a strong interest in ensuring that police officers comply with the law, and linked it to this case, where the underlying facts are that Const. Walli injured a member of the public with the result that he pled guilty and was found guilty of careless use of his firearm. While he allowed that this act was not intentional, it involves a member of the public being shot without justification, and a member of the O.P.P. who appeared in court and pled guilty to a criminal offence. He reminded me that I found in Horan and the London Police Service (Exhibit 6, Tab 6, at page 17) that a criminal conviction for a police officer is serious in itself, and that the public demands more from the O.P.P., which exacerbates the seriousness of this matter. A finding of guilt, even if not a conviction, is serious with respect to the public interest, and the finding of guilt combined with causing an injury is a strongly aggravating factor to penalty as it erodes the public trust.

Turning to the *effect of publicity*, the prosecutor pointed out that there was media attention when the criminal charges were laid and when Const. Walli pled guilty to the criminal offence. More negative publicity – and negative scrutiny of the police – will occur when this hearing decision is made public on the Internet. He submitted that the negative effects of publicity are aggravating in this matter.

He submitted that the *seriousness of the misconduct* is the most serious factor in this matter, and that it is, in his words, “very aggravating here”, as a member of the public was injured by a gunshot fired by an O.P.P. officer who then pled guilty to a criminal offence. He repeated that while the incident was not intentional on the part of the respondent, that does not mean that it is not serious, especially as the conduct was found to rise to a criminal level. He said that had the respondent’s act been intentional, the O.P.P. would have been seeking dismissal, but that the finding of guilt, coupled with the injury, warrants a demotion of 18 months, and that a reprimand or loss of hours would not be an appropriate penalty in this matter.

The respondent’s *recognition of the seriousness of the offence*, however, is a mitigating factor. The prosecutor pointed out that Const. Walli’s guilty plea at the criminal trial and at this hearing, as well as the officer’s letter accepting responsibility (Exhibit 7, Tab 2), serve to mitigate the penalty.

Turning to *specific and general deterrence*, the prosecutor suggested that the sanction of a demotion would serve as a reminder to both Const. Walli and other O.P.P. officers that firearms interactions are serious matters, and that the highest standard of conduct is expected in such interactions. He repeated that a reprimand or the loss of time off would not send a sufficient message.

The prosecutor allowed that the officer’s *employment history* is “somewhat of a mitigating factor”. Exhibit 5 contains three years of performance plans (personnel evaluations) for Const. Walli which indicate that he meets or exceeds expectations, and a letter of recognition (Exhibit 5, Tab 4) also mitigate the matter. He cautioned, though, that this is not a strongly mitigating factor, but did not expand on why he said so. I note that the letter

of recognition is from a staff sergeant who commends Const. Walli for helping to solve a technical issue with speed-detection equipment.

Turning to *consistency of disposition*, the prosecutor allowed that there is no case that is “directly on point” to the facts of this matter in which a firearm was used carelessly, a member of the public was hit and injured, and the resultant criminal process resulted in a finding of guilt. Although the actual misconduct at question here is that Const. Walli has contravened the Code of Conduct for Police Officers (O.Reg. 407/23, s. 4) by that finding of guilt, the prosecutor submitted that the underlying facts are important, and he offered a number of cases to guide me. Note that each case is cited more specifically in the Appendix.

- The matter of van Straalen and the Ontario Provincial Police (Exhibit 6, Tab 3) is an Ontario Civilian Police Commission (O.C.P.C.) appeal of the penalty imposed on an officer who was convicted of driving while exceeding the legal alcohol limit. The hearing officer’s penalty of a demotion for 21 months was reduced to 12 months by the O.C.P.C., but underscored (in paragraph 9) that the seriousness of the offence is an issue, saying “Nothing in this decision should be taken as minimizing the importance of such sanctions”. The case differs in that the offence was impaired driving and there were no injuries, but is similar in that the officer was found guilty of a criminal offence.
- Schlarbaum and the Chatham-Kent Police Service (Exhibit 6, Tab 7) is another O.C.P.C. appeal involving impaired driving. In this case, the O.C.P.C. varied the penalty from a 15-month demotion to a 9-month demotion. The prosecutor referred to paragraphs 70 and 71 of this decision to underscore the O.C.P.C. position that a penalty decision must be made in the context of factual circumstances:
 - “70. In reviewing the cases presented to him the Hearing Officer applied a distinction between those that resulted in a criminal conviction and those that were resolved without a conviction. In our view, that distinction between those that resulted in a criminal conviction and those that were

resolved without a conviction is too restrictive. The actions constituting misconduct committed by an officer must be carefully considered in each case whether a conviction is registered or not. Consequently, a penalty decision must be reviewed in the context of each factual circumstance.”

- “71. ... “A criminal conviction is certainly an aggravating factor.”

The prosecutor submitted that with or without a conviction or finding of guilt, the underlying factors must be considered when determining penalty, although a conviction is an aggravating factor. While the respondent in this matter received a finding of guilt rather than a conviction, he submitted that there is not a big difference between being convicted and being found guilty of a criminal offence.

- The prosecutor then turned to an informal resolution within the O.P.P. related to an incident in November 2021 in which an officer who was preparing for duty at the detachment by testing a C8 rifle, discharged a round into the proving barrel and the ricochet struck another member in the arm. This incident was not subjected to the rigour of a hearing and there was no analysis of the 15 penalty factors, and it was different in that critical similarities to this case were not present.
- Insp. Springer and the Ontario Provincial Police (Exhibit 6, Tab 4) is a hearing decision for a charge of discreditable conduct in which an inspector, in the presence of administrative staff, practiced drawing his firearm and discharged a round that penetrated several surfaces and ricocheted off a wall, coming to rest in a hallway. The inspector lost 120 hours for the misconduct. The prosecutor pointed out that the differences in this case were that nobody was injured and there was no finding of criminal guilt.
- Provincial Constable Bender and the Ontario Provincial Police (Exhibit 6, Tab 5) is also a hearing decision from the O.P.P. In this case, the officer was charged with discreditable conduct after being at fault in a motor-vehicle collision in which a prisoner in the vehicle was killed. Const. Bender was assessed a penalty of 120 hours on a joint submission and ordered to take remedial training. The officer was charged criminally with dangerous driving causing death, but pled to careless driving under the Highway Traffic Act. The facts are substantially different than the

current matter; Const. Bender experienced a “lapse of judgement” in his driving, as compared to unintentionally pulling the trigger of a gun when the firearm was pointed at another individual. Another difference is that the matter was ultimately resolved under the Highway Traffic Act rather than the Criminal Code.

- Constable Horan and the London Police Service (Exhibit 6, Tab 6) is a decision of my own from March 14, 2025. In this matter, the respondent was charged with numerous criminal offences but pled guilty to driving with more than the legal limit of alcohol in his blood. He pled guilty to Code of Conduct offences under O. Reg. 407/23 s. 4 (found guilty of a criminal offence) and s. 10 (interactions with the public). Following a joint submission to penalty, I imposed a 14-month demotion on the officer for these two offences. Nobody was injured in this matter, but the conviction is serious in itself, as a high standard of conduct is required of the police. I note also, though, that this matter involved intentional acts on the part of the police officer.

The prosecutor summed up by saying that while the defence may bring up cases of accidental discharges with lower penalties, this case involves the finding of guilt and a member of the public being injured. These two facts alone and together demonstrate why the penalty needs to be higher.

He also submitted that while the defence has tendered an expert report to the tribunal, it has limited value and should not be given much weight as it is a general study and not specific to the facts of this case or to the O.P.P. In addition, there is no indication that the expert, while he may have observed unintentional discharges during training, is familiar with training at the Ontario Police College or the O.P.P. Academy. More importantly, while it is not contested that Const. Walli’s discharge was unintentional, the seriousness of the current matter arises from the injury to a member of the public. We should not focus on the fact that the discharge was unintentional because the parties agree that it was.

He concluded by saying that his case warrants more than a reprimand or a penalty of the forfeiture of hours, and repeated his position that the appropriate penalty is a demotion for a period of 18 months.

Defense Submissions

Mr. Gridin, the defence counsel, began by reiterating that Const. Walli was found guilty of a criminal offence, as opposed to being convicted, and was given a discharge. There is legal significance to this, as the legal test for granting a discharge considers factors similar to this tribunal, including such considerations as the public interest. He referred to R. v. Elsharawy (Exhibit 7, Tab 6) to justify this point, and drew my attention to paragraph 3 of that finding, which states, in part,

*For the court to exercise its discretion to grant a discharge under s. 730 of the **Criminal Code**, the court must consider that that type of disposition is: (i) in the best interests of the accused: and (ii) not contrary to the public interest. The first condition presupposes that the accused is a person of good character, usually without previous conviction or discharge, that he does not require personal deterrence or rehabilitation and that a criminal conviction may have significant adverse repercussions. The second condition involves a consideration of the principle of general deterrence with attention being paid to the gravity of the offence, its incidence in the community, public attitudes towards it and public confidence in the effective enforcement of the criminal law.*

He underscored that for the court to exercise discretion, it considers the same features I have to apply, including, among others, character, public interest and the gravity of the offence. Having considered all these criteria, the judge “did the heavy lifting” by finding that Const. Walli should be granted a discharge as he met all the criteria under consideration. The discharge means that Const. Walli will continue to have a clean record when he completes his probation, which has, in fact, been completed, as the officer was required to complete two hundred hours of community service but has, in fact, completed six hundred hours.

Counsel agreed with the prosecutor that the facts of the case are the key issue in this matter, encouraging me to consider what the officer actually did wrong. He drew my attention to the transcript of the respondent's criminal matter (Exhibit 7, Tab 1), pages 20 and 21. In this section, the Crown attorney makes the following submission.

Mr. Walli is being sentenced for an offence of negligence. Consistent with his training on this evening, in the circumstances that he encountered, he was authorized to conduct a high-risk takedown on the vehicle's occupants, which means he was entitled to draw and point his firearm in an attempt to place the occupants of the truck under arrest.

Contrary to his training, however, he placed his finger on the trigger in the event he needed to use his firearm, even though the circumstances did not call for it. There is a reason for that training requirement and that's because it does not take many pounds of pressure on the trigger to discharge a firearm. While at that time he had no intention of discharging his firearm, by this error in judgment in placing his finger on the trigger, he created a situation that ultimately resulted in the injury sustained by Mr. Mountney when the firearm discharged without him intending to fire it.

Counsel underscored that the key mistake Const. Walli made was incorrect finger placement, in that he moved his finger about an inch from the slide to the trigger guard, leading to the charge of careless use of a firearm.

Remaining with the transcript of the criminal matter, defence counsel drew my attention to pages 41 and 42, in which the judge found that, considering the facts before the officers on the night in question, they were "completely justified" in effecting a high-risk takedown and in drawing their firearms to do so. The judge also said that he would not consider the other criminal charges against Const. Walli, as they had been withdrawn and that those charges "have no basis" as "all that really comes from the facts is that ... it's an improper placing of a finger on a trigger". The judge stated that he did not wish to make light of the decision [to place the finger on the trigger], but that there may be some fault

in the training, which should take place regularly. He also acknowledged on p. 48 that “there was a very high level of stress in existence for the officers who were involved”.

Counsel turned to the expert report (Exhibit 7, Tab 4), prepared by retired Calgary police inspector Chris Butler. He acknowledged that he had no way of knowing that the adjudicator in this matter would be a retired police officer (as I am) who understood guns, and the report was intended to educate the adjudicator about the events in this case. He said that even for me, there is value to the report as it bridges the gap between evidence and additional information that bears on this matter. He also disagreed with the prosecutor about the qualifications of the expert, underscoring Insp. (ret) Butler’s C.V., which includes giving expert testimony in Ontario.

He drew my attention to page 11 of the expert report (page 79 of the exhibit), which discusses improper finger placement. Despite rigorous training, the expert writes, unintentional discharges “happen frequently despite the paucity of reporting. And these discharges happen despite the fact that standardized police firearms training places a strong, regular and repeated emphasis on the safety rules to guard against them ... Despite the fact that an officer’s training dictates that the trigger finger be kept outside of the trigger guard and along the frame of the weapon until the decision has been made to fire, ... officers will sometimes find that their trigger finger has slipped inside the trigger guard – which may well occur completely outside of the awareness of the officer, and when this happens it may be a recipe for disaster”.

Counsel also underscored the expert’s comments on page 12 (80) that the design of the handgun is such that the finger “naturally” rests on the trigger, that keeping finger along the frame of the handgun takes conditioning and training, and that an officer can place their finger on the trigger in high-stress arousal situations without intending to do so or even knowing that they have done so, despite training to the contrary.

Defence counsel turned my attention to the section of the expert report on “interlimb coordination”, a situation in which involuntary muscular contractions occur when action is taken using muscles in the opposing limb [in this case, the other hand]. Counsel submitted that this phenomenon dovetails with the Agreed Statement of Facts, which

illustrates a “high-stress, high-adrenalin situation” in which the respondent unconsciously placed his finger on the trigger, which contracted sympathetically when the officer grabbed the suspect with his non-gun hand.

He submitted that this speaks to the issues of moral blameworthiness and the degree of negligence on the officer’s part. He submitted that the wrongful act is moving the finger about an inch, likely below the level of consciousness, and that the prosecution wants a substantial demotion because the respondent moved his finger an inch.

He submitted that an intentional act would be more serious than this case, in which we are dealing with an act of negligence or a mistake, and that the degree of the mistake – the degree to which Const. Walli failed to follow his training – matter a great deal. This case involves a minor deviation, rather than a series of outcomes that lead to an injury. He submitted that his client did not have the faculty to concentrate on his training in the context of the whole situation.

Moving to the penalty factors and starting with *acceptance of responsibility*, defence counsel agreed with the prosecutor that the two guilty pleas are an important mitigating factor. The remorse expressed by the officer increases the potential for his rehabilitation. To illustrate this, he led me to the letter from Const. Walli (Exhibit 7, Tab 2). I note that the officer expresses remorse in the first sentence, and accepts “full, unequivocal responsibility” for his actions in the second. He also drew my attention to the submissions of the Crown in the criminal matter (Exhibit 7, Tab 1, page 27), to the effect that courts should reward officers who take responsibility for their actions, and similar comments from the judge on page 43.

Defence counsel then illustrated the respondent’s *good character* by turning my attention to the character reference letters in Exhibit 7, Tab 5, in which supervisors, colleagues and friends characterize Const. Walli as hard-working, kind, compassionate, level-headed and committed to making a difference. He made special reference to the letter from fellow officer Dave Townson, found on pages 157-158, which describes an incident in which Const. Walli was injured by a man in crisis with an edged weapon, but “saved the male’s

life that day, putting himself in danger by engaging the male, preventing other officers from shooting the male, and showing restraint by not shooting”.

Reading the eight letters, one of which was from another officer at the scene during the incident in question, I found that his friends, supervisors and colleagues consider him to be a reliable, hard-working person of character, dedicated to his family and his duties, and a person of integrity, fairness, positive attitude, motivation and compassion. He is described as a calm officer who makes sound decisions. The letters express strong support for the officer.

Counsel concluded his remarks on the respondent’s character by returning to the criminal court transcript (Exhibit 5, page 49) which largely reflects Officer Townson’s comments and concludes with a wish about the internal discipline process: “I would hope that when you go through the various things that you’re going to have to go through with the internal hearings that are going to take place, that they will see the support that you have within the Force and the comments that are made about you, [sic] I think you are someone that should maintain this occupation”.

Defence counsel called the *prospect of rehabilitation and character* strongly mitigating, and took issue with the prosecutor’s position that the *employment history* is not strongly mitigating. He submitted that the respondent’s career history is “seriously” mitigating, pointing out the positive evaluations (which, I note, contain strongly positive written comments to which I give more weight than the “meets” and “exceeds” ratings) and Const. Walli’s dedication to working, when he was permitted to do so, throughout the aftermath of this event. Counsel also pointed out the positive comments on the appraisals, leading me to specific passages that praised him as a coach officer and mentor, a strongly motivated high producer, a possessor of the core competencies, and his acceptance of extra responsibility, including (as a pilot himself) providing advice and support to both the Aviation Unit and to those responsible for speed-detection equipment, and working on his days off. I found the comments to be unreservedly positive.

Also, in response to a question from me, Const. Walli said that he is moving into a traffic-safety specialty. He is a Level III collision reconstructionist and is scheduled to advance

to Level IV in May. I know of my own knowledge (as a former police officer, divisional commander and training commander) that these achievements involve a great deal of extra work.

Counsel promised to send me an audio-recording of Const. Walli's compelled interview by D/Sgt. Matt Turner. I listened to the entire interview and found that Const. Walli was commendably cooperative with D/Sgt. Turner, taking full responsibility for his actions even when he was somewhat displeased with some of the processes he faced. He had no issue providing full answers to the investigator's questions, which were consistent with the Agreed Statement of Facts and the submissions of the parties, particularly the defence. He described his role in the event and his lack of intent, as well as his feelings of shock in the aftermath. The interview struck me as two collegial gentlemen having a difficult but respectful conversation.

While the officer was not subjected to unpaid suspension, the legal processes have reduced his income "significantly" as he is unable to benefit from overtime and paid duties. To underscore this, counsel led me to a letter from Mackenzie Roy, the respondent's spouse, with whom he has one child and another on the way (Exhibit 7, Tab 3). As well as speaking to her spouse's character, qualities and acceptance of responsibility, she writes that the family has lost about \$70,000 during the legal processes, and that a demotion would worsen "the hardships we face – emotionally, mentally and financially". Defence counsel submitted that Const. Walli and his family have already "suffered enormously" – effectively, he has already been punished – and pointed out that the proposed demotion would probably mean a further loss of between \$10,000 and \$20,000 which, he submitted, is neither appropriate nor necessary.

Defence counsel turned to *public interest*, which he characterized as an important factor, but submitted that fully informed members of the public, apprised of the law and the facts, including the financial loss already suffered, would be satisfied with a lesser penalty.

Counsel responded to some of the prosecutor's submissions. He said that the criminal finding is not aggravating to penalty, though a conviction would have been. The finding is inherent in the C.S.P.A. charge and is therefore neutral to penalty here. He also took

issue with the prosecutor's submission that the injury is aggravating to penalty. He took me to the criminal transcript (Exhibit 1, Tab 1) at page 23, where the Crown submitted that while the injury is significant, it occurred in the context of the officer's lawful duties due to a brief period of inattention and carelessness; it was "on the lower end" of "the negligence continuum", not a full mens rea offence as Const. Walli did not intend to fire. The Crown characterized the incident as well below the standard of criminal negligence.

Defence counsel added to this perspective by submitting that Const. Walli was required by his duty to be present and to "go hands on" with Mr. Mountney, and had ample justification to do so. Under the circumstances, however, he was pressed for time and worried about the prospect of escape or injury, a "perfect storm" of circumstances. It was essentially a minor mistake that led to an injury and, as the Crown pointed out, the negligence-based nature of the occurrence reduced the "moral blameworthiness" of the act.

Defence counsel then turned to legal principles and the law. He reminded me that corrective dispositions should prevail where possible, and that the least onerous, most proportional penalty should be applied. He also agreed with the prosecutor that there are few cases that are relevant to this matter, as accidental discharges are usually dealt with informally or through training, denying us access to the resolutions. The closest case is one referred to by the prosecutor, which was an accidental discharge caused by negligence. The officer involved was penalized 12 hours and given additional training within the O.P.P. in November 2021.

More serious, though, was the matter of Inspector Springer and the Ontario Provincial Police (Exhibit 6, Tab 4), in which an O.P.P. inspector engaged in horseplay with his pistol, practicing "quick draws" with a loaded firearm near administrative staff. The gun went off and ricocheted around the building, and, counsel submitted, could have killed anybody. The inspector received a penalty of 120 hours as a higher standard was applied due to his rank. The difference here is that there was no legal justification leading to the use of the weapon or the discharge, increasing the degree of negligence involved. He took strong issue with the prosecutor's position that a significant difference between the matters is that the inspector was not convicted criminally, and took the position that this

is because the O.P.P. chose not to charge him criminally. He speculated that the inspector would have been convicted had he been charged criminally. He referred to the Springer matter as ten times more egregious than Const. Walli's conduct, and said that I should consider the 120-hour penalty as the high-water mark for this matter, as an 18-month demotion cannot be justified in terms of *consistency of disposition*.

Defence counsel summed up by submitting that the penalty in this matter should be less than the 120 hours in the Springer matter. The appropriate corrective disposition in this matter is a reprimand, plus additional requirements such as training. A penalty of a forfeiture of hours is inappropriate due to the financial loss the officer has already experienced. He has suffered enough. He has atoned for his actions and has gone through a criminal process with humiliating publicity, so there is no sense in applying more punitive measures. He will be a valuable, contributing member even after this event, which involved him unconsciously moving his finger an inch in a high-stress situation.

Prosecution Reply

The prosecutor made the following points in response to the submissions of defence counsel.

- Defence counsel indicated that the placement of the finger on the trigger was “likely” unconscious. A reading of the Agreed Statement of Facts shows that the finger was placed unconsciously, but this is in neither the expert report nor the Agreed Statement of Facts.
 - [On rereading the Agreed Statement of Facts, I did not find any mention of the unconscious nature of the placing of the finger. I note that paragraph 14 of the statement describes Const. Walli drawing and pointing his firearm, paragraph 23 indicates that he grabbed Mr. Mountney's shirt while pointing the firearm in the general direction of Mr. Mountney, and paragraph 26 reads “As he was making a fist with his left hand to grab the shirt, Constable Walli depressed the trigger of his firearm with his right hand. The firearm discharged a single round, with Constable Walli having no intention of

discharging it”. I note also that the expert report dealt with unintentional discharges in general terms, but did not cover the specific facts of this incident.]

- The factors assessed by the court as it contemplated a conditional discharge to this matter are not applicable here, as those considerations were made by a court and this is a police-discipline hearing with a different statutory theme and, therefore, different considerations.
- Referring to “improper finger placement” is not inaccurate, but it tends to downplay the seriousness of this situation. It is “almost a cardinal rule” that one does not place a finger on the trigger unless intending to fire.
- The comments made by Justice West (on page 41 of the criminal transcript) about other charges at play that would not have made the high test of a finding of guilt are obiter and not part of his main decision.
- Defence counsel took me to various areas of the expert report, but on page 25 of the report (page 93 of Exhibit 7), the expert indicates that human error happens and discharges are extremely rare.
- While reference has been made about the financial impact on Const. Walli, those impacts are related to the respondent’s duties and the result of the criminal investigation and the time it took to complete. This impact is present in any situation involving offences.
- The submissions of the Crown in the criminal matter are not findings of the court and are not binding on me. The individual who was shot was involved in criminal activity, which is the reason for everything that happened here, but the fact remains that someone engaged in criminal activity should not be shot accidentally.
- The references to the Springer decision and the comment that had he been charged he would have been convicted are speculations that cannot be taken as fact.

Analysis

The facts of this case are not in dispute. What happened on August 20, 2022, is accepted by both parties.

Const. Walli has pled guilty in this tribunal and in the criminal court. While the parties agree on what occurred, however, they are far apart in their submissions on penalty. The prosecutor is asking me to demote Const. Walli for 18 months, while the defence asks that he be reprimanded and subjected to some sort of additional program.

I must now consider the accepted penalty factors in light of the oral and documentary submissions of the parties and determine a suitable penalty. I will do so in the pages that follow.

Seriousness of the Misconduct

I agree with the prosecutor's submission that the seriousness of a matter can be sufficient to justify a substantial penalty. In this case, an accidental discharge caused by a failure to follow important training with respect to the safe and legal use of firearms caused a significant injury to a member of the public, even if it was someone involved in criminal activity at the time. The discharging of the firearm, and therefore the injury, were not justified under the circumstances.

That said, it must also be remembered that, while serious, the actions of the respondent in causing the injury were not intentional. I heard nothing in the submissions to contradict this. This was a serious act that escalated into the criminal realm as well as becoming the subject of the police discipline process, but it is also true that nobody, including the respondent, wanted it to happen.

While I accept the position of the prosecutor that many of the passages from the criminal-court transcript were either obiter dictum or submissions by the Crown and

therefore not worthy of significant weight, I was guided by the statements and comments from the judge and the Crown. However, I found that, while the positive and negative aspects of the matter were articulated and weighed, the seriousness of the matter was not diminished.

The seriousness of this matter is aggravating to penalty, though perhaps not to the extent suggested by the prosecution.

Public Interest

I also accept the submission of the prosecution that public trust in the police is in the public interest and is, in fact, fundamental to the role of the police in our society. Section 82 of the C.S.P.A. outlines the duties of a police officer, which include upholding and enforcing the law. In this matter, the public, which has already been informed of this incident by the media, knows that an act by a police officer has caused injury to a citizen, which has the potential to damage the trust and confidence the public must have in its police.

Police officers must comply with the law, and in this case force was used, however unintentionally, to injure a person without legal justification. That act resulted in a police officer being found guilty in a criminal court. This is clearly not in the public interest.

Defence counsel submitted that fully informed members of the public would be satisfied with a lesser penalty than is proposed by the prosecution. I agree, but find that counsel's suggestion of a reprimand and avoiding further financial impacts is not in the public interest.

I find that the public interest factor is aggravating to penalty in this case.

Recognition of the Seriousness of the Misconduct

Both parties allowed that Const. Walli's recognition of the seriousness of the misconduct is a mitigating factor. From the moment he was observed sitting on a rock near the scene of the discharge, appearing (according to the Agreed Statement of Facts) "visibly upset", he has taken responsibility for his actions and expressed regret with respect to them. His letter (Exhibit 7, Tab 2) says that he has "reflected deeply on my actions and their impact", and he expresses "remorse" and that he takes "and continue to take full, unequivocal responsibility for my actions".

He recognizes the impact of his actions, "not just on the individual involved, but on my colleagues, my family, and the integrity of the profession".

His guilty pleas in both criminal court and this tribunal are also evidence that the officer recognizes the seriousness of this matter.

I find that Const. Walli's recognition of the seriousness of his misconduct is mitigating to penalty.

Disability and other Relevant Personal Circumstances

I have been given no evidence of any disability on the respondent's part that could impact on this matter.

This factor is therefore neutral to my consideration of penalty.

Provocation

The circumstances surrounding this incident was dynamic and stressful, but I have been given no evidence that Const. Walli was unduly provoked in any way to behave as he did.

This factor is therefore neutral to penalty.

Procedural Fairness Considerations

Neither party has raised concerns about procedural fairness in this matter. Const. Walli has had the benefits and protections of the police discipline system and of experienced counsel.

Procedural fairness is neutral to penalty.

Employment History

I heard the submissions of both parties on the impact of Const. Walli's employment history, and I reject the position of the prosecutor that this officer's career history is only a minimally mitigating factor. I accept the position of the defence that Const. Walli's employment history is exemplary. His evaluations and his career path, including applying his unique skills to the benefit of the organization and therefore to the community, are commendable.

Const. Walli's employment history is mitigating to penalty.

Potential to Reform or Rehabilitate the Police Officer

I accept defence counsel's position that the two guilty pleas and the officer's expression of remorse speak well to the potential to reform or rehabilitate the officer, though in light of his commendable service record and to the fact that the finding of guilt stemmed from an unintentional act, reformation or rehabilitation may not be a substantial issue in this case. In addition, some remedial training may also have a positive effect for the respondent, moving forward.

I am also mindful of the eight letters of support for Const. Walli from colleagues, friends and supervisors. They lead me to believe that this incident, while serious, is an isolated one and not typical for the respondent.

The potential to reform or rehabilitate the officer is mitigating to penalty in this matter.

Effect on the Police Officer and Police Officer's Family

I read and understood the letter from Mackenzie Roy, the respondent's spouse, which articulated the emotional, mental and financial impact this matter has had on the officer and his family.

However, I accept the prosecution's position in his reply that such impacts are typical in legal processes such as the one Const. Walli and his family have endured over the past three years. I accept that the family has been through a challenging time, but I have been given no evidence that this will result in undue hardship.

This factor is therefore neutral to penalty.

Consistency of Disposition

This matter is an unusual one, so there are few or no cases that are exactly "on point", other than cases that involved a finding of guilt in criminal court. I also note that many of the cases presented by the prosecutor involved intentional acts, such as the decision to drive after drinking or horseplay with a firearm. The one case that also involved unintended harm, a motor-vehicle collision, resulted in a resolution under the Highway Traffic Act rather than a finding of criminal guilt. While I was guided by these historic matters, none could be compared specifically to the current matter.

This factor is neither mitigating nor aggravating, but I am guided by the cases and submissions presented.

Specific and General Deterrence

I heard the submissions of both parties with respect to the need to ensure an appropriate penalty that is reflective of the circumstances of the matter and of the respondent (the prosecutor), and the need to avoid unnecessarily punitive measures (the defence).

That said, while this incident has been characterized as a minor error with serious consequences, the actions of the respondent were in violation of a basic principle of firearms training; that is, that the trigger finger must remain outside of the trigger guard and along the frame of the weapon unless a decision has been made to fire (as articulated in the expert report on page 11).

The penalty here must underscore the importance of heeding and following the training given to police officers, particularly training that is crucial to public and officer safety. The penalty must be sufficient to send a message to the respondent and to every other police officer in Ontario that failing to follow police training, including training that impacts on safety, is taken seriously by police services in this province, including the O.P.P.

Deterrence is, I think, neither mitigating nor aggravating as a factor, but the penalty and related orders of this tribunal must be sufficient to correct the misconduct at hand and to prevent it in the future.

Systemic Failure and Organizational/Institutional Context

Institutional failure was not raised by either party. From the information I have been given, I find that it is not a factor in this matter and is therefore neutral to penalty.

Damage to the Reputation of the Police Force

I learned from submissions that this incident has been subjected to media attention when the criminal charges were laid and when the finding of guilt was rendered. When this tribunal decision is released, it will be published, as I understand it, on the websites of the O.P.A.A.C. and the O.P.P. This publicity will have a negative impact on the reputation of the Ontario Provincial Police.

The damage to the reputation of the Ontario Provincial Police is aggravating to penalty.

Effect of Publicity

This factor is addressed in “Damage to the Reputation of the Police Force”, above.

Loss Resulting from Unpaid Interim Administrative Suspensions

The issue of financial loss has been dealt with above. Evidence has shown that Const. Walli faced no unpaid administrative suspension. This factor is therefore neutral to penalty.

Finding

I have reviewed carefully the mitigating and aggravating factors and considered the submissions of the prosecutor and defense counsel, as well as the documents with which I was provided. My conclusions are articulated under “Analysis”, above.

I find that the penalty of an 18-month demotion would be unreasonably harsh and severe. While this matter is serious, the mitigating factors articulated above lead me to find that a substantial but less onerous penalty will be a sufficient deterrent, and can help to ensure that any gaps in PC Walli’s training can be filled.

That said, a reprimand is not sufficient to reassure the public (and remind the police) that this misconduct and the finding of criminal guilt that resulted from it are taken seriously. It must send a clear message that violations of the criminal law, especially when they cause harm, as is the case here, are taken seriously and not brushed aside.

Training came up several times in this hearing and in the report of the expert, retired Inspector Chris Butler. Because a failure to follow an important aspect of firearms training is central to this matter, I also considered that some remedial training could serve to reinforce safe firearms practices for the respondent.

The penalty in this matter, therefore, imposed under subsection 202(9) of the Community Safety and Policing Act, is that Provincial Constable Michael Walli will be demoted in rank from first-class constable to second-class constable for a period of six months. He will then return to the rank of first-class constable.

Const. Walli will also be required to undergo remedial firearms training at the discretion of the Ontario Provincial Police.

I conclude by saying that I respect the way Const. Mike Walli conducted himself following the incident and during the ensuing legal processes. He behaved with dignity and honour, and I wish him well as he continues a long, rewarding and successful career.

A handwritten signature in black ink, appearing to be 'Peter Lennox', with a stylized flourish at the end.

Peter Lennox
O.P.A.A.C. Adjudicator

Dated and released (electronically) on Friday, August 29, 2025

APPENDIX

LIST OF EXHIBITS

Provincial Constable Michael Walli and the O.P.P.

1. O.P.A.A.C. designation of Peter Lennox as Merits Adjudicator, dated February 12, 2025, and signed by Chair Sig M. Walter, O.P.A.A.C.
2. Pre-Hearing Conference Order by Adjudicator Verlyn Francis
3. Summary of Allegations to Prov. Const. Mike Walli, 14280, alleging misconduct contrary to Section 4 of the Schedule Code of Conduct of O.Reg. 407/23 and therefore contrary to s. 195(a) of the C.S.P.A.
4. Agreed Statement of Facts in the O.P.P. and Const. Michael Walli
5. Prosecution Book of Documents, containing:
 - i. Performance, Learning and Development Plan for 2020
 - ii. Performance, Learning and Development Plan for 2021
 - iii. Performance, Learning and Development Plan for 2022
 - iv. Letter of Recognition dated September 21, 2023
6. Prosecution Book of Authorities, containing:
 - i. Constable Christy Clough and Peel Regional Police. Ontario Civilian Police Commission. 2014 ONCPC 12, dated July 9, 2014
 - ii. Police Constable (Robert) Bryan Horton and the Ontario Provincial Police. Ontario Civilian Police Commission. 2015 ONCPC 16, dated May 8, 2015
 - iii. Cst. Caitlyn van Straalen and the Ontario Provincial Police. Ontario Civilian Police Commission. 2017 ONCPC 17, dated December 20, 2017
 - iv. The Ontario Provincial Police and Inspector D. H. (David) Springer, 6923. Hearing decision of Supt. K. M. (Mike) Bickerton, dated July 14, 2021

- v. Provincial Constable Troy E. Bender, 12785 and the Ontario Provincial Police. Hearing decision of Supt. Robin D. McElary-Downer, dated August 28, 2014
 - vi. London Police Service and Constable Darryl Horan, 397227. O.P.A.A.C. hearing decision of Adjudicator Peter Lennox, dated March 14, 2025
 - vii. Constable Cindy Schlarbaum and the Chatham-Kent Police Service. Ontario Civilian Police Commission. 2013 ONCPC 5, dated March 22, 2013
7. Defence Book of Materials, containing:
- i. Transcript of R. v. Michael Walli before The Hon. Justice P. West in Barrie, Ontario, on July 8, 2024
 - ii. Letter from Mike Walli regarding his acceptance of responsibility
 - iii. Letter from Mackenzie Roy (Const. Walli's spouse) regarding the impact of this matter on the officer's family
 - iv. Expert report of Chris Butler, including Mr. Butler's CV
 - v. Letters of Reference:
 - a. Bowen, Kaitlin (friend)
 - b. Brancatella, Alex (provincial constable)
 - c. Keen, Gordon (retired sergeant)
 - d. Lee, Marcus (sergeant)
 - e. O'Connor, Cathy (retired detective sergeant)
 - f. Sean O'Connor (provincial constable)
 - g. Pileggi, Joe (sergeant)
 - h. Townson, Dave (detective)
 - vi. R. v. Elshawary. Supreme Court of Newfoundland and Labrador, Court of Appeal, dated October 6, 1997
8. Audio recording of Professional Standards interview between D/Sgt. Matt Turner and Prov. Const. Michael Walli on August 28, 2024