

**ONTARIO POLICE ARBITRATION & ADJUDICATION COMMISSION**

**IN THE MATTER OF a hearing held in accordance with section 202(1) of the  
*Community Safety and Policing Act 2019, S.O. 2019, C.1***

**OPAAC File 9123**

**BETWEEN:**

**PEEL REGIONAL POLICE**

**Applicant**

**AND**

**SERGEANT HARINDER SOHI, #3071**

**Respondent**

**MERITS HEARING DECISION**

Adjudicator: Graeme Turl

Counsel for the Prosecution: Sharon Wilmot  
Peel Regional Police

Counsel for the Defence: Harry Black, Q.C.

Hearing Date: August 6 & 7, 2025  
August 19, 2025

## **OVERVIEW:**

On March 27, 2025, a Request for Appointment of An Adjudicator was submitted to the Ontario Police Arbitration and Adjudication Commission (OPAAC) by the Peel Regional Police Service under Section 202(1): Police Discipline Adjudication for “Demotion and Termination” of a Police Officer.

The Police Officer in this matter was Sergeant Harinder SOHI #3071 of the Peel Regional Police Service.

A Pre Hearing Conference (PHC) was held by Adjudicator Theoharis on May 22, 2025. The parties, Sharon Wilmot, counsel for the Applicant and Harry Black, Q.C., counsel for the respondent were unable to resolve the issues and the matter was directed to proceed to a merits hearing.

The parties at the PHC agreed that the issues to be resolved at the merits hearing are:

- a. Did Sergeant Harinder Sohi commit misconduct contrary to section 10 of the Code of Conduct for Police Officers, and specifically did Sergeant Harinder conduct himself in a manner that undermined or was likely to undermine public trust in policing by attending at and participating in two protests on October 18, 2024, and November 3, 2024?

AND FURTHER

- b. If Sergeant Harinder Sohi is found guilty of misconduct what is the appropriate penalty disposition?

The PHC also identified that the applicant would be calling two witnesses:

- a) Constable Neil Johnston, and
- b) Detective Patrick Colagiovanni.

The respondent would only be calling one witness, Sergeant Harinder Sohi.

The Merits Hearing was set for two days of in person proceedings and one later date for

submissions to be completed virtually and was to comply with Regulation 404/23, Adjudication Hearings of the Community Safety and Policing Act, 2019.

### **THE HEARING:**

The Merits Hearing commenced on August 06 and 07, 2025 at the Peel Regional Police Headquarters.

At the hearing it was determined and agreed by both counsel, that as there was not an actual “Notice of Hearing” (charge sheet) that the Hearing Officer would read out the substantive content of the Request for the Appointment of An Adjudicator as completed by the Peel Regional Police Service, into the record, where it is alleged Sergeant Harinder Sohi #3071 did commit misconduct as per the *Community Safety and Police Act, 2019, Ontario Regulation 407/23* – Code of Conduct for Police Officers, section 10 (1) A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing. The particulars of the misconduct were also read into record as follows:

*“On October 18, 2024, Sergeant Harinder Sohi attended a protest in the City of Toronto supporting the Khalistan movement. Video of the incident showed Sergeant Sohi, who was identifiable as a PRP police officer, desecrating the Indian flag by standing on it while pretending to beat the Indian Prime Minister with a shoe.*

*On November 3, 2024, Sergeant Sohi, who was identifiable as a PRP police officer attended a protest at the Hindu Sabha Temple in the City of Mississauga in support of the Khalistan movement. Shortly after arriving at the protest Sergeant Sohi became involved in a physical altercation with a member of the temple. Although video of the incident confirmed that Sergeant Sohi did not instigate any altercations, many members from his group unlawfully stormed the temple grounds, assaulted members of the temple, and committed other acts of violence, which required significant police response. Sergeant Sohi’s involvement in these matters undermined the public trust in policing.”*

Sergeant Sohi understood the allegations against him and entered a plea of not guilty to the misconduct.

Witnesses:

Constable Neil Johnston:

Constable Johnston is a sworn member of the Peel Regional Police and has been so for 34 years. On November 03, 2024, he was working a paid duty at the Hindu Sabha Temple, 9225 The Gore Rd., Brampton, for the purposes of security and traffic. The paid duty started at 9:00 am.

Upon arrival, in full uniform, he spoke with the organizer who requested he remain out front in the area of the parking lot, as there was a large event going on inside the Temple. There was a constant flow of traffic in and out of the Temple. During a lull in the traffic, he was sitting in his cruiser around 10:00 am, the organizer came out and he noticed a group of 8-10 people standing out front of the Temple on the sidewalk, holding the yellow Khalistan flag. They were off the property. The organizer who hired him from the Temple asked him to go and speak to them to attempt to be proactive to stop anything from happening. The organizer appeared somewhat concerned. Cst. Johnston was aware of tension between the two religious parties.

Cst. Johnston went out and spoke to the 8-10 people, advised them they were allowed to be there for a peaceful protest and to ensure they remained on the sidewalk and not on the Temple property.

Cst. Johnston did not recognize or see Sergeant Sohi when he spoke to the group as he only spoke to what appeared to be the main individual at the front of the group.

Shortly after, one individual came out from the Temple parking lot after arriving in his car, and words were exchanged with shouting back and forth. This individual then made a phone call, and more people came out from the Temple to the spot with the protesters. This was approximately around 12:00pm.

At this point, more people from both sides were arriving and appeared to be getting out of hand. Cst. Johnston then walked out into the street and then saw "Harry" – Sgt. Sohi for the first time as he did not see him prior. This was about 45 minutes to an hour from when he first spoke to the protesters.

Cst. Johnston was then shown a video of the event (Exhibit #2 – Tab 3 of Prosecutors Book of Documents) at the Temple which he acknowledged was taken while he was there. Cst. Johnston then acknowledged that an individual at the front of the line of protesters, in the Raiders jacket, was Sgt. Sohi. Cst. Johnston also confirmed that there were two groups of people, one group holding the Khalistan flag and another group holding the India flag, which came from within the Temple.

Cst. Johnston confirmed there was shouting going on between the two groups and that the Khalistan flag group were chanting: “Who killed Nijjar? – Indian government!” and “Who’s the terrorist? – Indian government!”

Cst. Johnston stated that there was another officer with him from the Community Mobilization Unit (C.M.U.) who was sent there because it was a community event but does not recall his name. At this time, Cst. Johnston advised he and the other officer were attempting to keep the peace and keep them separated. At this time, the Khalistan protesters are at the entrance to the Temple with traffic still coming in and out. Shortly after, the protesters were on the property of the Temple and described it as tense.

Cst. Johnston testified that eventually additional police cruisers arrived on the scene but was unaware of who had called in for them as he had not. Cst. Johnston believes it may have been a member of the public as he kept trying to keep the groups separated and attempting to keep the peace.

Cst. Johnston testified that after he first saw “Harry” there, he thought “wow” and then a second thought that perhaps he was there in an undercover capacity. We never exchanged any words or had any communication. Cst. Johnston testified that if there was an undercover officer at a situation he was at, he would not attempt to speak with him.

Cst. Johnston testified that he does not recall if Sgt. Sohi was there when he first spoke to the protest organizer and at no time did Sgt. Sohi speak with him or offer any assistance.

The Prosecution then showed a second video (Exhibit #2 – Tab 4 Prosecutors Book of Documents) which showed another view and further aspects of the situation at hand with the protestors and those from the Hindu Sabho Temple. The scene showed further confrontations between protestors, battling with flag poles and sticks.

Cst. Johnston testified that he did not see Sgt. Sohi participate in any assaultive behaviour and only saw him thereafter.

Cst. Johnston did not call for assistance and believes it was done by someone in the community. A review of the "Incident History" (Exhibit #2 – Tab 1 Incident History) shows that a "10-3" was entered at 12:14:47 for the location of the Hindu Sabho Temple. Numerous units attended to assist. Despite a further complaint from an individual at the scene complaining that the officers weren't doing anything, etc. (12:52:33), Cst. Johnston states he and the other officers were attempting to keep the peace and keep everyone separate, make sure that they all "play well in the sandbox." The officers were talking to both sides, requesting the protestors stay off the property and not to approach the Temple grounds.

Cst. Johnston did not see Sgt. Sohi again at the scene and eventually reported off-duty at 5:30pm.

During cross examination Cst. Johnston was asked if he knew if there was anything special going on at the Temple and if he knew that there were a group of Indian Nationals employed at the Consulate at the Temple, which he states he did not and was not aware of who was at the Temple.

He was further asked if any of the people that Sgt. Sohi showed up with were there, not to protest in support of the Khalistan state, but to protest the presence of those people in Canada because the Prime Minister and the RCMP have stated publicly that there is ongoing criminal conduct by people employed in the India Consul General's office for Canada? Cst. Johnstone testified that he was not aware of this specifically.

Cst. Johnston stated that he believed it was a Khalistan protest because he was aware of the flag that the protestors had. That they were in support of an independent state called Khalistan. He testified he had no knowledge of the consulate personnel being there.

Cst. Johnston believed the protestors were there for a peaceful protest and that he did speak with them. Advising them they have a right to be there to protest peacefully and ask that they do not go on the Temple property. He confirmed with counsel that he asked

the protestors to stay on the grass between the sidewalk and the roadway, which is what they did until another group arrived from within the Temple.

Cst. Johnston reiterated that he did not see Sgt. Sohi until the individual came up to the protestors from within the Temple. Cst. Johnston did not know when Sgt. Sohi arrived, nor how long he was there, nor did he see him after the confrontation took place.

Cst. Johnston acknowledges that his comment of Sohi possibly being there in an undercover capacity was not in his statement nor discussed in the interview. However, it was in his briefing note in words that he used.

Cst. Johnston acknowledged that the group Sgt. Sohi was with were compliant until the individual from the Temple came over and shouting at the protestors in a language he did not understand. The group shouted back. This individual made a phone call and numerous persons arrived and came out of the Temple fairly quickly. It was at this time that the pushing and shoving started. In Cst. Johnston's words, "all Hell broke loose!" Cst. Johnston did not see what happened to Sgt. Sohi during the altercation.

Cst. Johnston states he has known Sgt. Sohi "Harry" for 10 or 15 years. He acknowledged he recognized the Khalistan flag, as it said Khalistan on it but did not know exactly why they were there. In his interview he reiterated that he did not see Sgt. Sohi in the group, nor did he ever see Sgt. Sohi do anything that he believed would be inappropriate.

Cst. Johnston agreed with defence counsel when asked if it was Det. Colagiovanni who insinuated that Sgt. Sohi's presence at the protest was inappropriate.

During the redirect, Cst. Johnston clarified the timing of the incident as stated within the briefing that he started at 9:00am; no issues until 11:30am; party in the Honda from the Temple came approximately 30 minutes after which is about 12:00pm. Additionally, the last paragraph states that he took a photo at 12:08pm when the Temple side all came out.

Detective Patrick Colagiovanni:

Detective (Det.) Colagiovanni testified that he has been a member of the Peel Regional Police for 23 years and is currently assigned to Internal Affairs Bureau which investigates

allegations of misconduct. He was assigned the Sohi file in November 2024 as the matter came to the Chief's attention and became a Chief's Complaint.

After the protests there was some public outcry and media attention that was garnered which brought it to the Service's attention and assignment.

The Prosecutor took Det. Colagiovanni through some various media articles/pictures referencing Exhibit #2 – Prosecutors Book of Documents – Tab 9, Appendix A. There are snippets of media articles both locally and internationally. These were important to the investigation in terms of public perception of the incident with an off-duty officer taking part in the incident. This can develop into a loss of public trust and that the article identified Sgt. Sohi.

On November 4, 2024, he served a notice of investigation and notice of suspension on Sgt. Sohi at the Chief of Police direction.

Prosecution then showed video as part of Tab 9, from Global News on November 5, 2024 outside of the Hindu Sabha Temple, where it documents there was a protest the previous day (November 4, 2024) which was labelled as an unlawful assembly and required the attendance of the Public Order Unit as a result of the protest and confrontation that took place on November 3, 2024 when Sgt. Sohi was in attendance.

Det. Colagiovanni further testified that he was made aware of a further video from the Peel Regional Police Media office of a previous protest that Sgt. Sohi had attended. This was because of a tweet (Exhibit #2 – Prosecutors Book of Documents – Tab 20) that was received dated November 4, 2024. This tweet identifies Sgt. Harinder Sohi and shows him participating in a Khalistan protest at the India Consulate in Toronto on October 18, 2024.

A video of this protest was shown (Exhibit #2 – Prosecutors Book of Documents – Tab 5) and Det. Colagiovanni identified Sgt. Sohi, who was off-duty in the video. The video depicts Sgt. Sohi standing on a large India flag, along with a smaller Russian flag, carrying a protest sign depicting Khalistan and to shut down the High Commission of India in Ottawa. Sgt. Sohi is seen standing with several other unknown protestors and beside a fake jail cell with a manikin wearing jail attire with the face of India PM Modi. The mannequin was being beaten with a shoe by an unknown person behind Sohi. The crowd



can be heard chanting slogans: “Kill Modi politics;” Trudeau Zindabad (long live);” “Canada Zindabad” Khalistan Zindabad.”

Several complaints were forwarded to Det. Colagiovanni as well. These consisted of emails from civilians (Exhibit #2 – Prosecutors Book of Documents – Tab 17,18,19) addressed to Peel Region Police Services Board, along with other parties and politicians. Each email expressed their concern of the protests that took place at the Hindu Sabha Temple, specifically the actions of the pro-Khalistan movement protestors. Additionally, they have concerns as Hindu’s that their community is being targeted along with the actions of a Peel Regional Police officer (Sgt) involved in the protests and potential assaults.

Det. Colagiovanni testified that because of this video Sgt. Sohi was served another notice of investigation to make him aware that they would be investigating his actions in this protest as well. Det. Colagiovanni also advised Sgt. Sohi was being investigated criminally in relation to the assaults; however, this was later discontinued as it was determined from their review and investigation that Sgt. Sohi had not committed any criminal act.

The video (Exhibit #2 – Prosecutors Book of Documents – Tab 3) of the initial protest on November 3, 2024, was viewed again and Det. Colagiovanni testified that at no time was Sgt. Sohi seen to have committed a criminal act and that although people were using sticks and poles to assault people, Sgt. Sohi was not being the aggressor. As a result of this determination, it was decided to bring Sgt. Sohi back from suspension effective November 12, 2024, assigned to 21 Division, administration.

On November 27, 2024, Det. Colagiovanni had a meeting with the Law Enforcement Complaints Agency (LECA) because of them receiving public complaints regarding the situation involving Sgt. Sohi. As there was overlap, Det. Colagiovanni believes the complaints were not acted on by LECA due to his ongoing investigation as he never actually saw the complaints in LECA’s possession.

Det. Colagiovanni then underwent cross examination and was asked about his interview with Cst. Johnston on December 12, 2024, at page 4 where he asks him *“Are you aware from speaking to any other officer there, if there is anyone we should talk to in terms of,*

*that also saw Sgt. Sohi or if they saw him? Him? In the terms of seeing him in the Khalistani protest group, did you witness anything that you would consider inappropriate or ...? Johnston says "No." "Other than just his presence?" Johnston says "No."* Det. Colagiovanni is asked why he asked about his presence? In his response Det. Colagiovanni states that it was his interpretation of Cst. Johnston stating "Wow" in his interview for his reaction when he saw Sgt. Sohi there and appeared surprised or shocked. Det. Colagiovanni states that he should have asked why he said "wow" but did not and his testimony reflects his interpretation of Cst. Johnston's comments.

Det. Colagiovanni at the request of Defence, reviewed his notes starting at Dec. 12, 2024, page 151. Det. Colagiovanni acknowledged that it was just a summary in point form and does not go into detail due to the interview being recorded and transcripts would be available. His summary of Cst. Johnston's interview does identify: Sohi at protest, surprised he was there, no interaction with Sohi, no misconduct witnessed and did not know how long Sohi was there.

Det. Colagiovanni, when asked by counsel, acknowledged that he was surprised Sgt. Sohi was there, due to him attending a protest off-duty due to religious or political reasons where there are two sides present. Det. Colagiovanni acknowledge that he did not know much about the history of this matter and had to do some research to gain some perspective. Sgt. Sohi did give him some of the information in his compelled interview. In his view, for an off-duty officer to attend and take one side over another, it did surprise him.

Defence then goes through Regulation 402/23, Section 5(1) with Det. Colagiovanni, which states in part *"A police officer may engage in any political activity if the officer is off-duty and not in uniform, except that the officer may not,.....(four points -a-b-c-d-).."* Det. Colagiovanni testified that he did not substantiate misconduct on this section but it was based on him undermining public trust by attending this event off-duty. When asked further if he was engaged in political activity, Det. Colagiovanni states Sgt. Sohi was at a protest, at a place of worship for either a political protest or religious protest. Under the circumstances that Sgt. Sohi was in, it was inappropriate for him to be there.

Defence then went through the four points (a,b,c,d) of Regulation 407/23, Section 5 (1). Det. Colagiovanni acknowledged that subsections a, b, and c were not breached by Sgt. Sohi however believes he did contravened subsection (d), as it is the police's role to attend incidents, such as this to keep the peace and provide impartial service. After this incident there were several other protests because of this one. In Det. Colagiovanni's view as a police officer that if he is sent there in uniform one day but was seen there previously off-duty supporting one side, are they going to believe they are going to get impartial service from him?

When asked if Sgt. Sohi told him why he was there, Det. Colagiovanni testified that he told him he didn't agree with the Indian government, the killing of Mr. Nijjer, how it affected him and his family and that he remembers when he was young, his father was upset. He gave Det. Colagiovanni a full history of the situation. He agreed that Sgt. Sohi told him he was upset about the presence of people in Canada, working at the Indian consulate engaged in criminal activity.

Det. Colagiovanni agreed that Sgt. Sohi told him the history of Nijjer being murdered on June 18, 2023 in Canada, PM Trudeau rising in the House of Commons in September 2023 in which he said that representatives of the government of India were shown to be engaged in criminal activity in Canada and that in May 2024, four Indian nationals were arrested for the murder of Mr. Nijjer. Also, that in October 2024 the R.C.M.P. gave a press conference talking about the crimes being committed in an ongoing basis by Indian nationals working at the Indian Consulate in Canada.

Defence then went through Sgt. Sohi's interview ((Exhibit #2 – Prosecutors Book of Documents – Tab 7) starting at the bottom of page 2, regarding Sohi being identified as a police officer. Defence then reference (Exhibit #2 – Prosecutors Book of Documents – Tab 9) which shows two pictures of Sohi side by side: one a formal one in his uniform and the second at the protest. When asked if he investigated where the formal picture of Sohi in uniform came from, Det. Colagiovanni advised he did not and does not know where it came from.

Defence then asked about page 3, where Det. Colagiovanni speaks about Sgt. Sohi being in the Media Relations Bureau, his role in the Bureau, etc., if he is asking if that may be

why his face is known in the community, which Det. Colagiovanni agreed. In the media role he is the “face” of Peel and after numerous years, it would be out in the community.

When Defence asked about the statement Sgt. Sohi made on page 10 of his interview transcript, after discussing the Khalistani movement, media coverage, Hindu and Sikh, Sgt. Sohi states that it *“..... I don’t want to make this into a Sikh versus Hindu. It’s got nothing to do with it. It doesn’t matter. It, it’s foreign interference in our country. Our, my problem is with the Indian government, it doesn’t matter if you’re Sikh in the Indian government, it doesn’t matter if you’re Hindu in the Indian government or a Muslim. It’s got nothing to do with Hinduism. It’s we’re against, it’s the Indian government that we have an issue with.”* Det. Colagiovanni states if that is the reason he is there, that is fine, however he must use some common sense and consider what would the public perception be showing up at a place of worship showing Khalistan flags.

When asked by Defence in relation to a comment in his report “likely to undermine trust in policing” does he not agree that a normal person know the facts as to why Sgt. Sohi was there, as he has explained, that it could not possibly undermine public trust? Det. Colagiovanni disagreed with counsel and advised that with all the media attention brought on by the event and even with Sgt. Sohi agreeing with him in the interview his actions and attendance could undermine the public, Hindu’s as an example, trust in the police. No matter the reasons for showing up at the Temple, what they would perceive and how they would feel, knowing who he was, that it would undermine their trust in the police.

Defence then asked about a comment Det. Colagiovanni made on page 13, regarding information that became known about possible Hindu officers might have an issue working with him or for him, as to whether he had investigated any complaints regarding this? Det. Colagiovanni testified that they did not investigate this, but that information became known at 21 Division, due to the events of the protest at the Hindu Sabho Temple.

Det/ Colagiovanni acknowledged that Sgt. Sohi believed the protest would be peaceful and that Sgt. Sohi did not assault anyone. Other officers/units investigated any assaults, but he did liaise with them should any circumstances arise from any information gained. No further action was identified in relation to Sgt. Sohi.

When asked if he knew of any other protests after the event on November 3, 2024, Det. Colagiovanni acknowledged that there were but could not identify any specific ones relating to Hindu's or Sikh's prior too but stated from his experience on the road that it wasn't uncommon for tempers to flair but cannot comment as to specifics of other protests.

In redirect, Det. Colagiovanni acknowledged that he knew it was a Khalistani protest because of the flag carried and that it was nothing to do with Sikhism or Hinduism.

#### Defence Witness: Sergeant Harinder Sohi

Sergeant Harinder Sohi is 50 years old, born in London, Ontario in 1974. He attended Fanshaw College for Business and Information Systems and worked for 10 years as a software developer. At 30 years of age, he became a police officer with the Peel Regional Police Service as it was always something he wanted to do.

Sohi testified that his parents, coming from India, wanted him to become a lawyer or doctors as a police officer was not seen as an educated profession along with some trust issues, corruption, and criminal acts of the police in India. His parents did not trust police and felt policing would be a detriment to his life.

Sohi eventually married, his wife was supportive of his goal, and he joined the police in December 2005, started training, and then joined his shift in May 2006. Sgt. Sohi testified that he worked uniform patrol in May 2006 for 3 years at 22 Division, "C" Platoon, in Brampton. Once he was first class, he joined the Neighbourhood Policing Unit (NPU), which attended Secondary Schools to help show the positive side of policing to youths and deal with any issues at the school. He was in the NPU for about 2 years. He then got a temporary position at 22 Division in Criminal Investigative Bureau (CIB) for 1 ½ years and then got a full-time position in CIB for 4 ½ years. He then moved to Corporate Communications – Media Relations for 2 ½ years. In 2019 he was promoted to Sergeant and assigned to 22 Division, "C" Platoon. In 2020 he transferred to 21 Division where he was on "C" and "D" Platoon until 2024. Sgt. Sohi testified that while in CIB he assisted in Homicide on 3 cases. He was part of an investigative team that won a Team award while

assisting in Homicide. Sgt. Sohi also assisted with the Special Victims Unit and the Drug Unit.

Sgt. Sohi testified that it was a supervisor of his that suggested he apply for the Media Relations Unit. While in the Unit he attended many major incidents to assist with media and provide necessary updates. He was one of 6 officers within the Media Relations Unit.

Sgt. Sohi was suspended on November 04, 2024, for a period of 4 days. He was eventually reassigned to the On-line Community Reporting Bureau. He is currently not in a supervisory position there due to the existing supervisory team in place.

Sgt. Sohi testified that he loved being a police officer and never shied away from telling people what he did as he was very proud of it.

Sgt. Sohi testified that he is a Sikh but not fully practicing as he is not baptised. He does attend Temple every day. Sohi advised that religion is not a factor in his everyday life with friends as not all are Sikh, some are Hindu, Muslim, and Christian. Sohi is active in his community, lives in the area he polices, 21 and 22 Division which is Brampton. He is aware of the demographics of the area, with Brampton having a very large population of South Asian, with all various religions. His children attend a local school, has previously coached kids' baseball, and was a member of the Rotary Club of Brampton for 4 years. He assists with various charities, helps to raise funds for the local hospital with the William Osler Foundation. His wife works for RBC, and he helps her at various volunteer activities.

Sgt. Sohi testified that he is not aware of tension in his area between Sikh's and Hindu's. He has lived in the area since 2005 and has not seen or is aware of any violence or protests between the two groups, even as a police officer. The violence on November 3, 2024, had never happened before that he was aware of.

Sgt. Sohi did not have any anticipation of any violence taking place at any of the protests that he attended. There have been protests at the India High Commission for years and is not aware of any violence taking place. On October 18, 2024, at the India High Commission, he was only there for about an hour. If he knew or thought, there would be any violence he would leave.

It has not been his experience to be any violence between Hindu and Sikh's in the Brampton area. He goes to many shops or businesses that are run by Hindu's without any issues. It is the Indian government that likes to provoke or inflame religious tension. It is much more prevalent in India, due to the importance of religion and it goes back thousands of years.

When asked what Khalistan is, Sgt. Sohi advised that it is something that people in India would like to see as a separate country. Over here, over the years it has taken on a different meaning. While he is a Canadian and here to stay as Canada is his country his family is from that area. The Khalistan flag is banned in India, and the government tries to add a negative connotation to it, and they associate it with terrorists. For many here, it means self-determination, freedom, freedom of expression and religion, freedom of press. It stands for everything people don't have over there in India.

When asked about the population in India being Sikh, Sgt. Sohi believes it is very small, maybe only 2% of the population and it is in the Punjab region that they are centralized. This is the area that people want to see become a separate state. This has been ongoing, since India was created, there was a lot of violence which has subsided and now it is the "Sikh's for Justice" who want to have a referendum for a separate country. They are not advocates for violence; they want to see it done through the ballot box. India will not allow for a vote to take place.

Sgt. Sohi is not a member of the "Sikh's for Justice"; they are a self-funded group. A list was provided to Sohi and entered as an exhibit (Exhibit #4 – List of Referendum Dates). Sgt. Sohi explained that since India won't allow a referendum to take place, "Sikh's for Justice" was created to show the United Nations that there is interest. They held and are holding a series of referendums across the world – U.K, Italy, Canada, USA with one coming up on August 17, 2025, in Washington DC, USA.

When asked if Khalistan, "Sikh's for Justice" are terrorists, Sgt. Sohi said no, as they would not be allowed to operate in Canada if they were a terrorist organization. When asked who Hardeep Singh Nijjar was, Sgt. Sohi said he was President of Sikh's for Justice, originally from India but was a Canadian citizen who lived in Surrey, B.C.. He had many threats against him and in June of 2023 he was murdered outside of a Sikh Temple.

Sgt. Sohi heard it on the news. He became aware of it but did not think or dwell on the matter. Two weeks after the murder he worked at a paid duty at the Hindu Sabho Temple, where there was going to be a parade. He was the Sgt. for the event, assisting the group for the parade to another Temple. This parade is done twice a year.

Defence then submitted a Book of Documents (Exhibit #5 – Book of Documents - News Articles Relied Upon by Sgt. Sohi) but then played two videos connected to the Book of Documents. The first video (Exhibit #6) was of Prime Minister Trudeau rising in the House of Commons, four months after the murder of Nijjar, commenting that this was a very serious matter in September 2023, regarding credible allegations of a link between agents of the government of India and the killing of a Canadian citizen; Hardeep Singh Nijjar. The comments of the Prime Minister were echoed by both the Leader of the Opposition and the leader of the NDP.

Sgt. Sohi was asked if he was aware of the comments of the Prime Minister and what his reaction was. Sohi stated it was big news in the community; a lot of people were talking about it; the PM was saying a prominent citizen of Canada was killed by a foreign government. It was a shocking and upsetting revelation.

Defence then went through the several articles within Exhibit #5 – Defence Book of Documents, beginning at:

Tab 1: *What we know about the arrests and investigation into Hardeep Singh Nijja's killing*, CBC News, May 3, 2024

Tab 2: *Man charged with murder of Sik activist arrested near site of planned Sikh gathering in Ontario*, CBC News, June 3, 2024

Tab 3: *India rejects allegations by Canada*, [www.mea.gov.in/press-release](http://www.mea.gov.in/press-release), September 18, 2023

In each instance Sgt. Sohi testified that he has read the information in the articles, became aware of the information and their contents, learning more about the situation, Hardeep Nijjar, and India's denials of their involvement. Sgt. Sohi did learn from the articles that one of the parties arrested for the murder of Nijjar was in Brampton.



Defence then showed the second video (Exhibit #7) which is the R.C.M.P. press conference regarding investigations of parties' involvement in criminal activities against the South Asian community. Through their investigations they have determined that many of those involved in serious criminal activities were agents of the India government. As part of their investigations, they also determined the following:

1. Violent extremists impacting both countries.
2. Links tying agents of India to homicides and violent acts.
3. The use of organized crime to create a perception of an unsafe environment targeting the south Asian community in Canada., and
4. Interference in democratic processes.

Sgt. Sohi testified that this information presented by the R.C.M.P. to him was more shocking and surprising than what the Prime Minister had said in the House of Commons.

Defence then went over some remaining Tabs for their Book of Documents:

Tab 4: *Trudeau accuses India of supporting violent crimes in Canada*, CBC News, October 14, 2024.

Tab 5: *Foreign affairs minister says remaining Indian diplomats are "on notice"*, CBC News, October 18, 2024

Tab 6: *Minister Joly announces expulsion of Indian diplomats related to ongoing investigation on violent criminal activity linked to the government of India*, government of Canada News Release, October 14, 2024.

Tab 7: *Canadian police accuse Indian diplomats of "criminal" activities including homicides*, The Guardian, October 15, 2024.

Tab 9: *Here's why the R.C.M.P. believe Indian officials are linked to violence in Canada*, Toronto City News, October 14, 2024.

Tab 10: *Statement by the Prime Minister on the ongoing investigation on violent criminal activity linked to the government of India*. October 14, 2024  
[www.pm.gc.ca/en/news/statements/2024/10/14/statement-prime-minister-.....](https://www.pm.gc.ca/en/news/statements/2024/10/14/statement-prime-minister-.....)

In each of these media articles/statements Sgt. Sohi testified that he learned more about the situation and that it upset him, making him more focused and aware. The information portrayed in the media affected him deeply, especially due to his family, his parents, his experiences in visiting India, and his wife being from India. It was at this time that he wondered what he could do to help and decided that he could participate in peaceful protests. These had been going on for years and the next time he became aware of one, he would attend. The opportunity arose in mid-October 2024, and he attended at the India High Commission in Toronto on the 18<sup>th</sup>.

Defence then showed the video from the Prosecutions Book of Documents, Exhibit #2, Tab 5, where Sgt. Sohi is seen at the India High Commission in Toronto on October 18, 2024. Sgt. Sohi can be seen standing on the India and Russian flag. Defence counsel advised that the Russian flag was there because of India's collusion with Russia despite all the sanctions on them.

Sgt. Sohi, testified that he was there for about an hour, was holding a Khalistan sign, standing on the India flag, beside the cage with a mock-up of Indian PM Modi. Someone behind him was hitting the mock up with a shoe. The chants were against India's killing of Nijjar, support for Trudeau (Trudeau Zindabad), etc. States this was not a religious demonstration but one against the government of India. Sgt. Sohi stated that the PM in India hasn't always been a Hindu, not all diplomats are Hindu but of all religions. He was off-duty that day, wearing civilian attire with the white baseball cap and at no point did he identify himself as a police officer. At no time did any of the other protestors ask him who he was, nor did he know who they were, they just handed him a sign. Sgt. Sohi stated that since the head of "Sikh's for Justice" was killed, they are very aware of who is around and about their security. They are not a social group.

Sgt. Sohi had joined the "Sikh's for Justice" WhatsApp group and that morning (November 3, 2024) he was made aware of the demonstration at the Hindu Sabha Temple. The information he had was that there were going to be Indian diplomats at the Temple and they were going to protest their presence there and that they should be expelled. Sgt. Sohi attended because he agreed with the sentiment that the diplomats should be

expelled and that they were not welcome in Canada. Sgt. Sohi was off-duty, in civilian attire and no police identification.

Sgt. Sohi testified that upon his arrival, there was a small group setting up for the protest on the grass boulevard. At first, he did not see Cst. Johnston there until later and they just nodded heads in recognition of each other. Sgt. Sohi stated he arrived around 12:00pm. Speakers were turned on and they started with the slogans “Who killed Nijjar?” “Indian government!”

Sgt. Sohi testified he made his way to the front of the protest, noticed a large group of people had arrived from within the Temple coming towards them. At the time he wasn't thinking anything of it and that they would each stand in their spots looking at each other. Next thing he knows, is that he was pushed backwards, the flag he was holding was grabbed and he lost control of it. He was struck on his upper arm and on his leg. At that time, he was in shock and moved away to the back. Sgt. Sohi did not have any conversation with anyone about the matter and believes he was struck on his arm by the flag taken from him and on the leg by some other stick.

The video of the protest was shown again, (Exhibit #2- Prosecution Book of Documents – Tab 3) to show the events described by Sgt. Sohi.

Defence then submitted a photo (Exhibit #8) showing Sgt. Sohi's left shoulder area with a bruise on it where he was hit by the flagpole.

Sgt. Sohi testified that had he known that this would have been the outcome of the protest he would not have attended as he did not wish to be part of it. Sgt. Sohi testified that he did nothing but stand and chant. After he was assaulted, Sgt. Sohi testified that he just went to the back and stood by a Brampton By-Law vehicle and watched as his old platoon showed up to the scene. He states he did not speak to anyone, nor did he attempt to go into the Temple grounds. He recognized some of them and they recognized him, but he did not speak to them.

Sgt. Sohi testified that he was there partly because he was a Sikh and partly because he was Canadian and upset by what India had done but that this was not a anti Hindu event. There was nothing done to disparage any religion it was just against the Indian government.

Sgt. Sohi testified that he is not aware of any tension between Sikh's and Hindu's here while living in Brampton. He has never seen this type of violence. The communities are intertwined, and one experiences all the cultures.

Sgt. Sohi testified that his old platoon showed up what he thought was quickly, helped calm the situation and he left shortly thereafter. He went home and told his wife what happened and didn't hear any more about it. It wasn't until the next day, November 4, 2024, that he started receiving texts from his friends saying he was all over social media saying he attacked the Temple and other outrageous claims made online such as he tried to burn it down, things like that.

Sgt. Sohi testified that he called his S/Sgt and appraised him of the situation. He was asked if he was identifiable in the video, which he said he was in the video and people stated he was a police officer. After the call, around 9:00am Det. Colagiovanni and an Inspector arrived at his house and served him with suspension documents.

Despite his suspension being revoked four days later, he was told not to return to the Division and to remain at home. He was then called later the next week and told that two individuals would be coming by to see him. He was not given any reasons or who they would be. He did speak to his Association representative, but they were not given any answers either. Eventually, two officers arrived from the R.C.M.P. and told him they were there to provide a "duty to warn" based on his name being public, his photo out in social media etc., how quickly it was put out, that there was potential danger to his life and that he needs to be more aware and cautious. He states this did make him scared and nervous for his safety along with his families.

At this time, Sgt. Sohi testified that contact from the Peel Regional Police decreased, hearing nothing from his Superintendent or other supervisors. He only heard from a few ex-platoon members. At this point, he felt he was in a bad place, mentally and getting depressed, so he began therapy. Sgt. Sohi stated he was off work for 11 weeks and after his Internal Affairs interview, he returned to work.

Sgt. Sohi was asked by Defence about the pictures shown in Exhibit #2 – Prosecution Book of Documents- Tab 9, showing two pictures of him side by side. Asked if he could identify the picture of him on the left (uniform), Sgt. Sohi advised that the one on the right

was him at the protest and the one in uniform (left) was from his promotion ceremony at a banquet hall in Mississauga.

Sgt. Sohi was asked regarding his interview with Det. Colagiovanni on January 10, 2025, in relation to the question as to whether he was at the Temple supporting a side? Sgt. Sohi testified that he was not there to support a side but to support the Federal government and what the R.C.M.P. had said.

When asked about his interview with Internal Affairs (pg. 9, Tab 7 – Prosecutors Book of Documents – Exhibit #2) where he is asked and replies “...*can you understand how, I guess people from the Hindu community, um, would have concerns that a Peel police sergeant is attending and supporting one of, one of, you know, one side or the other in terms of this, um, just in terms of, like you said, you’re, you’re fairly recognizable from your time in media....*”, Sgt. Sohi answers “*Mm-hmm*”, Sgt. Sohi testified that he was happy to go into the interview, he did not wish to be adversarial, that he tried to say this wasn’t a Hindu or Sikh thing at the start of the interview but it kept coming back to that and he was just being agreeable by his answer. Sgt. Sohi states that his views are different now. He has not had a negative reaction within the community; all his experiences have been positive with the community. Given the opportunity now, he would answer differently.

Sgt. Sohi was asked about his comments on the top of page 10, in the interview, where he states “*I don’t want to make this into a Sikh versus Hindu. It’s got nothing to do with it. It doesn’t matter. It, it’s foreign interference in our country. Our, my problem is with the Indian government, it doesn’t matter if you’re Sikh in the Indian government, it doesn’t matter if you’re Hindu in the Indian government or a Muslim. It’s got nothing to do with Hinduism. It’s, we’re always against, it’s the Indian government that we have an issue with.*” – he advises that he was saying that because it was true, but he felt he wasn’t being heard.

When asked by defence counsel if he felt his attendance there that day would undermine public trust in policing, Sgt. Sohi stated he did not support that position. He, as a reasonable Canadian, has issues with India’s position not any religion. He felt that by

being there he was supporting the R.C.M.P. and Canadian government not undermining the peoples trust in policing.

Sgt. Sohi testified that when he attended for the interview he really wanted to go back to work, was not in a strong place mentally at the time and agreed with what was put to him.

Defence then asked Sgt. Sohi about Tab 11 – Exhibit #5 – Defence – News articles relied upon by Sergeant Sohi – who explained that BOTs are AI made accounts making or posting misleading information, essentially it is a computer program that puts out information a person wants. Sgt. Sohi believes that it is BOTs from India pushing out misleading information and that it was pro-India propaganda putting him all over social media etc. saying he attacked a Temple. Sgt. Sohi stated there is nothing he can do about the BOTs and although the Indian PM said it was a “deliberate attack on the Temple.” , no one else said that. The Indian PM just wants to inflame people.

When asked about articles in Exhibit #2 – Prosecution Book of Documents – Tab 14 and 16, Sgt. Sohi states there is no such thing as “free press” in India and that they rank 135<sup>th</sup> out of 180 countries for journalistic freedom. Sgt. Sohi called the information coming from India news outlets as fake news.

When asked by Defence in relation to the wording in the *Request for Appointment of and Adjudicator*, Sgt. Sohi states he did not attend the two protests on, October 18 and November 4, 2024, in support of the Khalistan movement, but that he was the victim of an assault and that his attendance does not undermine public trust.

Defence then asked Sgt. Sohi about a new By-Law that was enacted by the City of Brampton in relation to protesting. Sgt. Sohi stated that he became aware of it when asked about it in his interview and that protests are no longer allowed at places of worship. Defence then submitted a copy of the By-Law – Protecting Places of Worship from Nuisance Demonstrations By-Law 173-2024 – as Exhibit #9. However, Defence also emphasised Sections 5 which states: “*No person shall organize or participate in a Nuisance Demonstration within one hundred (100) metres of the property line of any Place of Worship.*”, and section 6(b) which states: “*For greater certainty: (b) section 5 does not prevent persons from peacefully protesting against foreign governments at a Place of Worship.*”.

Cross-examination of Sgt. Sohi:

Prosecution submitted Sgt. Sohi's "Oath of Office" from May 2, 2006, as Exhibit #10 and reviewed it with Sgt. Sohi. Sgt. Sohi acknowledged that the document states that he is required to act impartially (apply the law equally), regardless of religion and political beliefs and that he is to be impartial and appear impartial. When asked if he had to be impartial both on duty and off-duty, Sgt. Sohi replied "In some sense, yes."

When asked about his previous comments regarding his history, where he related that there was distrust of the police in India, he acknowledged that some people didn't trust the police there and that is why some people came to Canada along with the mistrust of the government.

Further, Prosecution asked Sgt. Sohi that because of the distrust in India, that it was more important here, to show that the people can trust the police to be impartial regardless of beliefs, political and religion, to which he did agree.

Sgt. Sohi agreed that there were two issues on this matter: religion and politics, however he did not believe religion was a big part of it, mostly politics. He acknowledged that when off-duty there are certain expectations, in that he cannot reflect poorly on the Service. Sgt. Sohi agreed that a police officer cannot use hate speech nor associate with criminals and that perception of these things is not good as a police officer.

When asked about his time in Corporate Communications prior to 2019. In the role he was highly visible, speaking with the media etc. While there he had a Twitter account – purely police related. He was shown his twitter account, which is no longer active he acknowledged that he had control of the content and photos. He agreed that the photo, which is his profile picture in his Twitter account, which was the same picture utilized by other media as his picture despite reference by his counsel that he did not know how his picture got out. Sgt. Sohi agreed that this full account was shut down after the events and being told about safety concerns.

The photo of Sgt. Sohi's Twitter account and profile picture submitted as Exhibit #11.

Sgt. Sohi further acknowledged that he was offered assistance in the form of wellness, support, and safety planning from Peel Regional Police, despite his comment of being left

alone for 11 weeks. Sgt. Sohi stated he has nothing against Peel Regional Police, as they have been good to him and treated him well. He stated that he felt left alone and that contacts dwindled.

When asked about Sikhs for Justice, Sgt. Sohi stated he was not a member but has used their WhatsApp platform for messages/chats, as well as their Instagram site. He acknowledged he attended two (2) protests that he became aware of through WhatsApp. When discussing membership, Sgt. Sohi would not acknowledge that being seen with them would necessarily mean he is associated with them. He would attend events, from the information given. He knows who they are but does not know them personally or know their names. They know who each other are but he did not. They are secretive for safety but aware of some names that have been in the media, but he does not know them personally.

Sgt. Sohi acknowledged he was aware of the Sikhs for Justice mandate which is a successionist group seeking the creation of a Khalistan state – a Sikh ethno-religious sovereign state. Prosecution clarified that one cannot separate that it isn't related to religion due to the term "Sikh" in "Sikhs for Justice" as Sikh is a religion. Acknowledged that it is a political group with political issues.

When asked if carrying the Khalistan flag was his way of supporting the creation of a Khalistani state, Sgt. Sohi stated he supported the ideals of the Khalistani state – freedom of religion, expression, self-determination, press, etc. Sgt. Sohi acknowledges that not everyone agrees with this and that it could be a divisive issue.

During the November protest at the Temple, he was carrying the Khalistan flag and those opposing him are carrying the India flag, Sgt. Sohi agrees there is tension between the two groups and that it seems they are in opposition with each other. Sgt. Sohi agreed that those holding the India flags and on the other side of him are there in support of the India government, came out of the Temple but that he has no idea who they are, whether from India or Canada.

Sgt. Sohi agreed that he is not aware of any violence or any tension between the Sikh community and Hindu community in Brampton. He is aware of political tension between



pro-Khalistan and Pro-India movements. Sgt. Sohi knows that the Indian diplomats were invited to the Temple but not aware of their beliefs regarding Khalistan/India issues.

Prosecution showed a video, at the noted objection of defence, regarding an event in 2023 at the Westwood Mall, Mississauga, highlighting confrontation between Sikh and Hindu during a Diwali celebration. The video depicted police in the middle attempting to defuse the situation. Sgt. Sohi was unaware of this event and maintained he was unaware of ongoing tension.

Prosecution that referred Sgt. Sohi to Tab 8 - Exhibit #2 – Prosecutions Book of Documents – which is a message from Chief Duraipappah speaking on the events at the Temple on November 3, 2024, which turned violent and continued later at the Westwood Mall, Mississauga resulting in police attending and making arrests. It further identifies another protest at the Hindu Sabha Temple which required the Public Order Unit being deployed.

Sgt. Sohi agrees that there is political tension however, he maintained he has not seen any violence. He believed he could attend a peaceful protest. He acknowledged the protest going to the Westwood Mall was not peaceful and that there were many groups there. He agrees that not everyone supports the Khalistan state ideal. Sgt. Sohi stipulates that there was no opposition at the High Commission, no other side. When asked if he understood the difference between a protest at a High Commission versus a Temple, Sgt. Sohi would only respond that no disparaging words were said at the Temple, both had diplomats in them at the time however he did acknowledge that the Temple contained worshippers.

When asked about violence regarding these matters and acknowledging that Nijjar was murdered because of his beliefs however it was a foreign government that did it not another religion. Sgt. Sohi stated that he should have been safe in Canada and agreed that those in the Temple should also be allowed to feel safe.

When asked to consider the position of the Hindu's at the Temple when there are protestors out front, knowing tensions are high, would a reasonable person feel safe? Sgt. Sohi thinks that they should feel safe, but some may have felt intimidated. Sgt. Sohi agreed that perception matters, that the actions of a police officer matter when they are

on duty. He believes he was acting appropriately while off-duty. When asked again if situations were reversed and he was in the Temple with his family would he have felt safe, Sgt. Sohi answered that it would not have bothered him too much.

Tab 17 – Exhibit #2 Prosecutors Book of Documents- was used as a sampling of the community's perspective on the events of November 3, 2024, at the Temple, where he expresses his outrage as to what happened, believing it to be an attack on his faith but also on the fabric of society. Sgt. Sohi states that it is a reusing of the wording of misinformation that is out there regarding the perceived violence and terrorism.

When reviewing the video of the protest again, Sgt. Sohi, is seen out front face to face with the opposing group, shouting chants. Sgt. Sohi does not take any steps to de-escalate the situation, he is still yelling and holding a stick/flag. Sgt. Sohi did not think it would be violent and states he was standing there relaxed not prepared for violence. When asked if he saw this as an active police office, would he not be concerned, Sgt. Sohi stated that he would be keeping an eye on it.

Sgt. Sohi reiterated that he was there to peacefully protest and does not agree that the was back and forth but that there was violence on both sides. When asked if they were "bumping chest" Sgt. Sohi disagrees but does acknowledge that he remained there during the initial beginning of the confrontation. He agrees that when his flag was grabbed, he participated in the back-and-forth tug of war and did not just let go and walk away. Sgt. Sohi states that shortly after he was assaulted his old platoon arrived and helped de-escalate the situation and people moved on. He was unaware of the event at Westwood Mall later that evening, nor was he aware of an officer being injured there.

In relation to further tension, the Prosecution then showed video/tweet Tab 21 – Exhibit #2 -Prosecutions Book of Documents – where there were protests and confrontations as a result of the incident at Hindu Sabha Temple on November 3, 2024, where they complain about the police being impartial and showed a picture of Sgt. Sohi and that he was involved in the attack on their Temple. Prosecution also commented that in the R.C.M.P. press conference video they urged people to remain calm, which Sgt. Sohi agreed with.

Sgt. Sohi reiterated that as a Canadian he felt the need to do something because of the allegations against the India government. It was a decision he made and that he did not go to disparage another community. He regrets his attendance now that he did not have any bad intentions, but it all blew up in his face.

When Prosecution mentions that perhaps he was wilfully blind to the events and should have recognized that this was a contentious issue that could create outrage, Sgt. Sohi agreed with that.

When asked about how he could make a reasonable prediction of how the event would go at the Temple, when he does not even know the people, he is protesting with? Sgt. Sohi explained that he believed it to be a public group, had not heard of any issues prior to and did not take any steps to determine events or even speak with anyone there.

Sgt. Sohi acknowledged that places of worship are a sacred place and that all peoples should be able to practice freely. People could be intimidated and when protestors show up at a place of worship which could create a culture of fear despite what the intentions may be.

The emails and articles, contained within Exhibit #2, Prosecutions Book of Documents - according to Prosecution, all emphasise the Sgt. Sohi's involvement in the discredit of the Police Service in undermining the public trust. Sgt. Sohi, continued to comment that the comments made in the news articles from India, contain misinformation and are incorrect.

Sgt. Sohi made a comment that he believed that India was inflaming religious tension, as seen in many parts of the world and that this is done for the purposes of dividing people. However, he did not agree that protesting outside of a Temple with Sikhs for Justice is not inflaming things and a reasonable person would understand why they were there protesting. Any other perception would be based on the misinformation from the India government and media.

Prosecution then referred to Tab11 of Exhibit #2, Prosecutions Book of Documents- a CNN article about the matter discussing the events at the Temple, violence, arrests of parties, including the suspension of a Peel Police officer. Sgt. Sohi agreed that CNN is a reputable source and not dealing in misinformation. Again, with Tab 9, Global News a Canadian mainstream media outlet regarding the protest on November 3, 2024. Sgt. Sohi

is not saying all media is biased and the Canadian and American media seem to be on a level area.

Sgt. Sohi agreed with the Prosecution that in hindsight, whether he could have predicted it or not, was outrageous, concerning, and very problematic. Sgt. Sohi also reiterated that in hindsight he wishes he were never there.

Sgt. Sohi agreed with the tweet that was read out from PM Trudeau, that all people should be able to practice their faith freely and safely. At no time when he went there did, he think it would infringe on their ability to do so.

Sgt. Sohi acknowledged again that he did not speak with Cst. Johnston nor speak with any officers that attended in relation to the matter, even though he is a police officer. He agrees that he is trained to deal with these aspects. Sgt. Sohi also acknowledged his role ensuring protective grounds within the Human Rights Code ensuring that no one can discriminate based on religion, gender, country of origin and to ensure they are treated fairly and perceived to be treated fairly. He also acknowledges in his training that he is required to treat all people with respect, no matter race, gender or religion or country of origin.

When asked about the stomping on a flag being a sign of disrespect, Sgt. Sohi believes it is only to the government of the Country, not the people. His reasoning being that they are protesting the government's actions. Sgt. Sohi acknowledged that it was a reasonable possibility of taking it as a sign of disrespect, however it was not his intent, but if that is their perception he can't change that. Prosecution acknowledged that the protest is peaceful however not respectful, and Sgt. Sohi stated it was not respectful to the Indian government.

Sgt. Sohi reiterated in relation to his comment in his interview with Internal Affairs Tab 7 Exhibit #2, Prosecutions Book of Documents – page 5 – that he no longer agrees with what he said then in agreeing that the community would be concerned about his actions and that today it is different and the issue is not resolved and that it is primarily a result of foreign interference.

Sgt. Sohi is advised that despite his movement to the On-Line reporting unit, he is still doing paid duties, and it was only once he was told not to do one, as it was back at the

Temple. Sgt. Sohi acknowledged that had he continued to work right after the event and been sent to the call at the Westwood Mall, where his picture was shown on TV, he would be concerned for his safety. In relation to people's willingness to trust him due to their perception of the matter and him, he is not sure if they could or not and if he had attended it may have likely escalated the situation.

Sgt. Sohi recognizes that as a police officer, specifically as a Sgt, he is held to a higher standard of conduct compared to other members of the community and sets an example to his subordinates.

Re-direct:

Defence asked Sgt. Sohi the reason he attended the India High Consulate? Sgt. Sohi advised that it was because of the information the R.C.M.P. and PM Trudeau had given in relation to the actions of various diplomats from the India Consulate committing crimes in Canada. He wanted to know what he, as a citizen could do. He wanted to do good things not bad. He never encouraged anyone to do anything and never spoke to anyone. At the scene in Toronto, October 18, 2024, he stood where he was directed. His motivation for attending the protest on November 3, 2024, was the same – to do something.

### **SUBMISSIONS:**

Prosecution:

Submits that the case comes down to the reasonable limitations on a police officer's conduct in the public realm, specifically on their freedom of expression and freedom of assembly in order that the Police Service and policing can maintain the public trust. It also comes down to the importance of impartiality to uphold this public trust. Provides several cases, both in policing and the general employment context. A police officers charter rights may be subject to reasonable limitations both on duty and off-duty where their expression or their assembly conflicts with their position as a police officer. Traditionally, this was where we used to say this was discredit upon the Service whereas now it is undermining the public trust in policing. These reasonable limitations are not in any way unique to policing. If there is a nexus to their employment, however this principle is

heightened in policing. The principle of some of the limitations on an officer's conduct, specifically off-duty conduct which is heightened in this profession.

One case from 1970, still stands true 50 years later, is Justice Grant inquiry into *Alleged Improper Relationships Between Personnel of the O.P.P. And Persons of Known Criminal Activity*, which is identified in paragraph 58 of the Factum of the Applicant which states:

This inquiry is based on the premise that there is a minimum standard of conduct which police officers must observe in their private lives. **This standard is quite obviously much higher than the standard required of an ordinary citizen. The most basic reason for requiring this high standard of care in a policeman's private as well as his public life stems from the realization that the efficient operation of a police force depends upon the existence of mutual respect and trust between the public and the police and among the members of the police force itself.** This mutual respect and trust will deteriorate when the conduct in a policeman's private or public life is less than blameless. The reasons being:

(1) **The equal administration of law depends upon the principle that justice must not only be done but seen to be done. Thus, a police officer must do nothing in his private life that would influence or appear to influence the performance of his public duty as an officer of the Crown.**

When looking at the main legal question to be answered by the hearing is whether Sgt. Sohi's actions undermined or were likely to undermine the public's trust in policing. The law is clear that both on and off-duty trust activities that would undermine the public trust are considered misconduct.

Additionally, Tab 7, *Horton and Ontario Provincial Police, 2015, ONCPC 16 (CanLi)* paragraph 23, states "*It is well settled that a police officer is held to a higher standard of conduct than a member of the public not only while being on duty but also when off-duty. That is so by reason of the office held, the powers granted and the need to maintain the public trust in and respect for the police service.*"

Not aware nor has defence provided any legal precedents that says a police officer has unlimited rights to protest or participate in political activity so long as it is peaceful. This is not the legal test and has no legal basis. The test is only as long as it does not undermine the public trust. This is regulated under the Regulation of Political Activity, put forward by Defence. It says a police officer may participate in political activity except in certain circumstances, including where the activity puts the officer in a conflict of interest. It does not say they can participate in political activity so long as it is peaceful, it says they can participate if it does not present a conflict.

In this instance Sgt. Sohi was very clearly placed in a conflict, by publicly taking a side in a highly charged geo-political situation that had a significant impact on the community, particularly the Indian Hindu community. That is because his actions arguably extinguished his ability to be seen to enforce the law impartially in the eyes of the community. There is no doubt that impartiality goes to the heart of the public trust in policing.

In relation to conflict of interest, the Prosecution referred to the *Community Safety and Policing Act, Ontario Regulation 401/23 – Conflict of Interest Regulation*, in the definitions section:

“actual institutional conflict”: means a potential institutional conflict for which a determination has been made under subsection 5 (1) **that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially;**

A police officer may participate in political activity, whether this was or not is up for debate, by largely irrelevant, so long as it does not impact their impartiality. That is the very definition of conflict and that it is clear whether Sgt. Sohi’s actions impacted his impartiality is the fundamental issue that must be considered. That is what goes to the heart of whether his actions undermined the public trust. Prosecution submits that Sgt. Sohi breached his obligation to refrain from activity that would interfere with his obligation to remain impartial.

There is no question that police officers have charter rights of expression and assembly, however it is also clear that those rights may be reasonably limited where the limitation

on the right is proportionate to the public benefit the limit seeks to achieve. The case law is outlined from the Divisional Court in *Briscoe v. Ontario Civilian Police Commission*, 2025 ONSC 488 outlined in Tab 1 and 12. These touch on a previous case called *Doré* which says that when considering a limitation on a police officers charter rights, a tribunal is obligated to balance the limitation against the public interest in order to determine if it is reasonable. In this case, section 10 of the Code of Conduct must be considered as it relates to freedom of expression against the public interest in maintaining the public trust in policing. Case law is fundamentally clear that words, actions, and expressions all falling short of violent or criminal activity may be considered to be misconduct and may be subject to reasonable limitations if it interferes with the officer's ability to conduct their duties impartially. The case law provided shows this when the individual created a conflict in their impartiality that interfered in their ability to be trusted to do their job.

One is the *Fraser v. Public Service Staff Relations Board*, 1985, CanLi 14 (S.C.C.) case where a CRA employee who was peacefully protesting the implementation of the metric system, as the sole protestor that stood out of a government building holding a sign "Your right to measure is a measure of freedom<sup>1</sup>". Fraser was terminated because his actions and comments impacted his ability to perform his duties impartially. He couldn't be entrusted to enforce government policies impartially and effectively. It also impacted the public's perception of that ability.

Another case involves a teacher which is *Ross v. New Brunswick School District No. 15*, 1996 CanLII 237 (SCC), [1996] 1 SCR 825, which deals with the nexus between a teacher's off-duty conduct and his employment. The teacher was engaged in peaceful activity that promoted antisemitic views while off-duty. Although the teacher did have the rights to freedom of expression, however the employment consequences are upheld as a reasonable limitation. The S.C.C. stated:

The reason why off-the-job conduct may amount to misconduct is that a teacher holds a position of trust, confidence and responsibility. If he or she acts in an improper way, on or off the job, there may be a loss of public confidence in the teacher and in the public school system, a loss of respect by students for the

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<sup>1</sup> Writers note – sign said "Your freedom to measure is a measure of your freedom"



teacher involved, and other teachers generally, and there may be controversy within the school and within the community which disrupts the proper carrying on of the educational system.

These comments by the SCC apply equally or even more importantly in the case of a police officer who has significant rights and powers that affect individual rights and freedoms.

In the policing realm there are numerous cases of police officers being disciplined for off-duty, non-violent charter expressions where it has been found and upheld that there are limitations. IE: attendance at covid-19 rallies; freedom convoy donations, statements on social media where actions discredit police service all because they created a perception that the individual officer was not impartial. These are all activities that were peaceful but were clearly prohibited by the code of conduct as they all tended to undermine the public trust. These cases are identified in the Prosecutors Book of Authorities, Tabs 1, and 8 - 12.

In this case the circumstances were not peaceful, they were not harmless. They were violent and tense leading to community complaints, with direct allegations against Sgt. Sohi's and Peel Regional Polices impartiality. This even led to a duty to warn for his own safety. The legal test in this matter is an objective one. It is based on whether a reasonable person in the community would believe that his actions would undermine the public trust in policing. Sgt. Sohi's beliefs in what he did is irrelevant along with his own subjective perception. It created a concern within the community, and it is something he ought to have known could happen.

Prosecution contends that Sgt. Sohi's testimony that he never recognized any tension or conflict on this issue absolutely defies credibility and logic. Sgt. Sohi is a police officer who polices the community, is trained to understand how to de-escalate high conflict situations and is a member of the community. He testified that he informed himself more about the issues, which all clearly refer to these geopolitical issues that underline these issues as longstanding, complex, deeply divisive and fraught with emotional tension that have led to violence and unrest both in India and Brampton. It is not the tribunals

responsibility to determine who is right or wrong in this conflict as it is irrelevant, however there is no question that the conflict is long standing.

The Prosecution strongly advises that the case at Tab 6 of their Book of Authorities be reviewed and considered: *Lakshmi Narayan Mandir v. John Doe and Jane Doe, 2024 ONSC 6660*. In this case, which is partially a result of the events on November 3, 2024, the Judge found that there was enough potential harm to issue an injunction prohibiting protestors from coming within 100 meters of the Temple, on the day of their “Consular Camp” activities. The Judges states at paragraph 7: *“The problem with the protests is that the political interests are emotionally charged, and the coming together of the protestors and counter-protestors has proven to lead to violent behaviour”*. Further at paragraph 24 Judge wrote *“ In this case, it is possible the next protest will not involve violence, especially because the police are on alert and some of the leaders have been arrested. However, the harm does not end with violence. Intimidation of elderly persons attending the temple for administrative consular services and for worship is harm to them and to the community the temple represents. Given the evidence filed by the applicant of social media and other communications by the protest organizers to prevent the consular camps from taking place, there is a high probability that the aim of the protest is to create harm by affecting participation in the consular camps”*. It was determined that it is a reasonable limitation regardless of whether there is violence or not and an injunction was issued.

The video's shown in the hearing show that there are many passionate community members on both sides of the issues. They show that there is tension, something a reasonable person would see as evident, which should have been even more evident to a Sgt. with the responsibility of policing within the community. Sgt. Sohi chose to be willfully blind as to his actions because he was personally and passionately invested. This was also seen in the hearing during his evidence as he still struggled to accept any other perspective, suggesting it was misinformation, and they needed to understand his perspective.

Sgt. Sohi while being willfully blind caused him to be so embedded in this perspective that for any objective standard, any reasonable person would find his actions would undermine the public trust in policing by placing himself in a conflict of interest. This would

result in an informed and reasonable person to believe that a member of the police service who must take action or make a decision could not do so impartially. This type of conduct by Sgt. Sohi needs to be denounced by this tribunal, especially in today's geo-political climate. In the last 5 years or so there has been a proliferation of deeply divided political issues and protests that have required significant police resources. It is of fundamental importance that officers are reminded of their obligations and their oaths that they swore to remain impartial in these activities.

In taking into consideration today's geo-political climate, his actions are no different than had it been done in relation to the Gaza/Israeli situation. Had he attended at a synagogue waving a Palestinian flag with a loudspeaker denouncing Israel's policy. He would be clearly bringing religion into question, bringing his expressions to the doorstep of a place of worship. Whether or not his intention is anything to do with the Jewish religion the impact is clearly meant to land at the doorstep of the Jewish people's place of worship. Any reasonable person could deduce that this type of action is done to inflame tension and undermine the trust in policing by creating the obvious perception within the Jewish community.

In a similar vein, consider the event of October 18, 2024, but in attendance at the Israeli embassy, doing the same thing, standing on an Israeli flag, shouting slogans holding a Palestinian flag would bring about the same considerations as today. It would undermine the public's trust in policing knowing that an off-duty officer was disrespecting a flag, its politics and religion.

These actions overall are clearly disrespectful and even Sgt. Sohi stated in his testimony that his intention was to show disrespect to the Indian government. Not just the government but to those who are deeply connected to their home country, India. This created an unsustainable situation in that Sgt. Sohi's actions, would not allow him to return to work the next day and faithfully, impartially do his job within his jurisdiction.

In summary, in looking at the totality of Sgt. Sohi's actions and the impacts of the effects it had on the community, this could not be a clearer case of conduct that would tend to undermine the public trust in policing. The expressions that Sgt. Sohi participated in outside the Hindu temple was universally denounced by community members, the Chief

of Police, politicians all the way up to the Prime Ministers of Canada and India, multiple international newspaper outlets and social media.

The finding of misconduct in this case is wholly justified in the limitations on freedom of expression. The narrow limitations on the specific actions of Sgt. Sohi in the circumstance of the community expectations, specifically attending at a place of worship waving a Khalistan flag and shouting into the Temple, publicly disrespecting the Indian flag by stomping on it while chanting “Kill Modi....politics”. The benefits of limiting this kind of behaviour in policing is clearly outweighed by the public interest and need to maintain the public trust in policing by ensuring that police officers impartially enforce the law and are perceived to impartially enforce the law, efficiently.

Prosecution submits that Sgt. Sohi has been clearly and convincingly found guilty of misconduct that undermines or is likely to undermine the public's trust in policing.

#### Defence:

Defence counsel began by stating Sgt. Sohi is to be judged by the tribunal based on what he did and why he did it, not based on what uninformed and or biased people allege that he did. In listening to the Prosecution, he was of the view that there is no recognition in her submissions of why he was there. On both occasions.

Sgt. Sohi is a 20-year officer, promoted to Sergeant and previously been asked to apply for a position as one of the spokespeople in media relations. This says something of their belief in him. He has always taken great pride in being a police officer and values that status. Growing up he had been generally aware of certain political events that took place in the 1980's and before in India, however it was something that he didn't really give too much thought to. Over the years he developed many other interests and didn't pursue and further in-depth inquiry into events in India.

Prior to becoming a police officer he attended college for computers and had a successful career in that field for 10 years. However, he always wanted to become a police officer, despite his parents wishes and beliefs, he took the opportunity to do so. Sgt. Sohi described his involvement in the community, involved with his children's school and

education, attended his Temple on a regular basis, a member of the Rotary Club and helped in some RBC funding with his wife.

Sgt. Sohi chose to live in the community that he polices, whereas many officers do not. He knows a lot of people and has never been hesitant to say he was proud to be a police officer. Sgt. Sohi had stated that he wasn't aware of any violence and Det. Cologivanni more or less supported that comment. Sgt. Sohi was not aware, in the area he lived, shopped, knew people, of any issue between Sikh's and Hindu's – "we're South Asian". They do not go around asking about someone's religion because it simply isn't an issue. Sgt. Sohi advised he worked with police officers of all or no religion. Religion just does not become a factor and not part of his life experience.

What changed things for him, although he's not a religious Sikh, was when he became aware that Mr. Nijjar had been murdered. A Planned killing as he left his temple on June 18, 2023. Sgt. Sohi was shocked over this as it was a planned execution of a Canadian citizen on Canadian soil by people who came from India to kill him.

Defence counsel then read Prime Minister Trudeau's speech to Parliament from September 18, 2023 (Tab 2 – Defence Book of Authorities: Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi). Counsel stated that Sgt. Sohi knew about this statement and that India had refused to co-operate. This involved the murder of a prominent person, in this case a person high in the Sikh community.

In the news articles from the Exhibit #5 – News Articles Relied upon by Sgt. Sohi, Tab 1, identifies that in May of 2024 four people from India, living in Canada, were arrested for the murder of Hardeep Singh Nijjar on June 18, 2023. The fourth individual lived in Brampton. The article further mentions that there may be three additional links to murders in Canada. There is another article in Tab 2 which Sgt. Sohi also saw and these articles shocked him with their content.

Counsel reviewed the articles in Exhibit #5:

- Tab 7 the R.C.M.P. news conference on October 14, 2024
  - India refused to waive diplomatic immunity
  - India Diplomats conducting criminal activity in Canada

- Targeting South Asian communities
- Ongoing safety concerns
- High Commissioner possibly involved
- Tab 8 – R.C.M.P. statement on violent criminal activity occurring in Canada with connections to agents of the government of India
  - India is a significant threat to public safety in our country.
  - Involved in homicides, extortions and other criminal acts
  - Dozens of credible threats requiring a Duty to Warn within members of South Asian community, specifically Pro-Khalistan movements
- Tab 4 – Trudeau accuses India of supporting violent crimes in Canada
- Tab 5 – Foreign affairs minister says remaining Indian diplomats are “on notice”
  - Six expelled and comments are to the 15 remaining diplomats
- Tab 6 – Minister Joly announces expulsion of India Diplomats.....
- Tab 10 – Statement of Prime Minister Trudeau
- Tab 11 – Bots and Indian TV push fake news about Canada in wake of Hindu temple clashes.

Each one of these articles Sgt. Sohi read and the last article comments about a wave of misinformation. Sgt. Sohi is being blamed for the conflict, which he didn't create, it was done by the government of India. The article at Tab 11 states that there are several posts out of India that are misleading and inflammatory comments about the Khalistan movement and Sikh Canadians in general. The government of India is maintaining that the Pro-Khalistani protestors attacked the temple, when in actuality, it was the temple attendees who attacked the peaceful protestors and of course there was then retaliation.

Counsel reiterated that the Sikh population is only about 2% and that they are wanting their own separate state within Punjab area, called Khalistan. That was not the reason

why people were outside the Temple. They weren't there saying create "State of Khalistan" they were there to support the creation of a separate state.

Sgt. Sohi testified that those who advocate for a separate state are doing so through lawful means via a referendum to present to the United Nations. Tab 10 of Defence Book of Authorities: Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi, shows a list of dates regarding the Khalistan Referendum in the U.K., Switzerland, Italy, Canada, Australia, New Zealand and the USA. (Also Exhibit #4 in the hearing). Sgt. Sohi testified that the Sikh's here are not terrorists but are attempting to do this through accepted responsible means.

The Khalistan issue is background noise, a side issue. It is not the issue he went out and the reason we are here today. In his words, "I was shocked by all the things I heard about the murder of Mr. Nijjar. I said to myself, "What can I do as a Canadian citizen to show my displeasure and my concern about the consulate remaining open in Canada?". I am going to do something about it; I am going to go to a peaceful protest. I am going to protest peacefully." That is his evidence and his compelled statement. He believed he was going to a peaceful protest.

In Tab 6 - Exhibit #2 – Prosecutions Book of Documents - which shows a picture of Sgt. Sohi, off-duty, standing at the protest on October 18, 2024. The sign he is holding is the reason he is there. The sign says, "Khalistan Referendum", "Assassination of Hardeep Nijjar", and "Shutdown High Commission of India Ottawa, Canada". He is there for that purpose. Unless you knew who he was, you would have no way of knowing he was a police officer. It was a peaceful protest, he was there for about half an hour, and he felt he made a statement as a Canadian citizen in a responsible, peaceful way. You wouldn't have known he was an officer. It didn't affect his position as a police officer.

They, as a group, are standing on the Indian flag and Russian flag to show their objection and disrespect. That is what they wanted to do, show disrespect to India. This is in protest to their ongoing crimes on Canadian soil as stated by the Prime Minister, the R.C.M.P. and Minister Joly.

There was some hyperbole in his interview with the Det. Colagiovanni, where it was said he was "desecrating the Indian flag". Desecrating is something that is done to a dead

body, or religious object. It is not used to describe the standing on a flag. It's an exaggeration.

The protest of October 18, 2024, was not directed at Hindu's or a section of the South Asian diaspora, or any members of the Canadian public. They were not sending a message to anyone other to the government to "Close it down!". He was acting in response to and supporting what the Prime Minister had said.

Sgt. Sohi was off-duty, not in uniform because the regulations say he can take part in any activity. The word political, dictionary definition is "relating to the government or the public affairs of a country". In this case it was relating to the government and public affairs of two countries: Canada and India. The fact that it was relating to the closing of the High Commission of India, it couldn't possibly be any clearer that he was basically saying, what the Prime Minister, the R.C.M.P. and External Affairs position was and by going there he sent the same message.

He knew who some of the people were that were there, but they were not his friends. He attended there because of a message that was on WhatsApp, there for a short time and then went home. Defence's submission is that no one would even have known he was a police officer, but even if they had found out, this was the kind of political activity that he was allowed to take part in. He did it in perfectly lawful, reasonable, and responsible manner. Certainly consistent with his position as a police officer.

Defence counsel then reviewed Tab 8 of Defence's Material, Statutes, Regulations and Case Law relied upon by Sgt. Sohi – Ontario Regulation 401/23: Conflict of Interest. Conflict of interest happens when someone has two conflicting interests. Defence reviewed the definition of "*personal conflict*" means a situation in which a member of a police service's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their professional duties with respect to the provision of policing functions; ("*conflict personnel*"). How could anyone possibly think that a police officer who believes people are committing crimes, which has been publicized, and that the High Commission should be shut down, is a conflict? He is consistent with his duties; he is concerned with public safety. What is happening there has been stated as an ongoing threat to the public safety of Canadian citizens and he is



saying it must stop. It is simply impossible to say that a police officer who puts himself there has put himself in a conflict of his duties. It can't be any clearer than that.

If you look at the definition of “*potential institutional conflict*” means a situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons,.... ‘ does not apply to him. Further, if you look at the definition of “*actual institutional conflict*” means a potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially;. This does not apply to him either. What matters, is that it sets up the test in a potential conflict of interest that is not covered by this definition of what would be thought by an informed and reasonable person, not just a member of the public, not some misinformed member of the public. It is for someone such as a Hearing Officer in a position of the tribunal, an informed and reasonable person, someone who knows why he is there. By applying this test, in the final analysis, the question has to be “Would an informed and reasonable person believe that Sgt. Sohi because he appeared at a peaceful protest, saying close down government of India because they are engaging in ongoing crimes against Canadian citizens? How could an informed and reasonable person ever believe he had a conflict of interest?”

Sgt. Sohi is entitled to take part in any political activity. Under Ontario Regulation 402/23 – Political Activity, Section 5, subsection a, b, c, & d, clearly have no application. We measure that by saying would an informed and a reasonable person believe that he could not “do so impartially”? Adopting that test, it is important that police officers must appear to be and capable of conducting their duties impartially. Would they be able to do that impartially? A police officer has no conflict of interest if an informed and reasonable person would not believe that they would not be able to perform their duties impartially.

Did the R.C.M.P. undermine policing when they said the Consulate was committing crimes? It's a ridiculous question. It is equally ridiculous for Sgt. Sohi, who is there because he heard what the Prime Minister said, heard what the Minister of Justice said,

and heard what the R.C.M.P. had said. Sgt. Sohi said what can I do as a citizen? That's why he was there, four days after the stunning announcement by the R.C.M.P. .

Sgt. Sohi's reasons for going to the Temple on November 3, 2024, are precisely the same. He was told that there were people from the Consulate, some of the 15 people Minister Joly talked about being on notice, were going to be at the Hindu Temple. That is why he was there. They were saying "Who killed Nijjer? Indian government!". "Who are the terrorists? Indian government!". This had nothing to do with religion, not directed at Hindu's or Muslim's or Christians or Sikhs. Modi is a Hindu, and the previous Prime Minister was a Sikh, who was opposed to an independent Khalistan.

Cst. Johnston testified that they were polite and stayed where they were asked to stay. They did what they were asked. They were there protesting peacefully. The significance of the Khalistan flag is that it stands for freedom. It stands for the same values of our Charter of Rights. It is not a terrorist flag. The Indian government is opposed to that flag and is banned in India.

Sgt. Sohi went to the November 3 protest believing he would be once again participating in a peaceful protest. He said in his interview and in his testimony that if he had ever thought or knew that this would happen, he would never have gone. His words must be believed. He is a Sgt. with the Peel Regional Police, and he is not going to put himself, knowingly or take a chance of putting himself in the midst of a riot. Defence asks that the tribunal accept his evidence. It has never been Sgt. Sohi's experience in Brampton and Mississauga for 50 years that there's been any sort of tension between Sikh's and Hindu's. It's not his experience and not knowing of it ever happening.

Defence believes that in assessing November 3, the tribunal has to stop at the instant that he is struck. He is not responsible for, whoever the individual was that Cst. Johnston saw who came out, spoke to them and then made a call, moments later people came running out and the attack ensues. Sgt. Sohi is not responsible for what happened at the Temple, or what people did to each other – assaults. He did not cause that or anticipate it. After he was assaulted, twice, he went to the back, and he did not go on the Temple property. Sgt. Sohi is not responsible for the events that took place later. It would have

occurred whether he was there or not. This started a huge misinformation campaign later that day, including complaints to the Chief of Police.

Defence contents that the Prosecution is relying heavily on media coverage from the November 3, 2024, incident and after. In the evidence that Sgt. Sohi gave he testified that India was ranked 151 out of 181 countries for freedom of press. This shows there is no freedom there.

At Tab 10 of Exhibit 2 – Prosecution Book of Documents – which shows a CBC article which simply states a Peel Regional officer was suspended from duty after being caught on camera participating in a contentious protest outside of a Hindu temple in Brampton on Sunday. This is not accurate as when it was contentious, Sgt. Sohi was not around as he'd left. There is no identification of the officer, no name or picture. All that is there is that he'd been suspended from duty. This is not overwhelming media coverage.

The same at Tab 12 of Exhibit #2 – Prosecution Book of Documents – CTV article, at page 2, second and third paragraphs. Again, the officer is not identified or pictured. This is just basic coverage.

At Tab 16, Exhibit #2 – Prosecution Book of Documents – this is an article from the Times of India from November 5, 2024. The article is misleading with the information as it states Sgt. Sohi was suspended for participating in a pro-Khalistani protest, which he has testified it was not, and he did not attack anyone, he was one of those assaulted. Although, it has his picture, it is the one from his promotion and from the video of the protest.

Tab 9, Tab 13 and Tab 14 from Exhibit #2 – Prosecution Book of Documents – are all media articles from India (India Today and Hindustan Times) which have misleading headlines and false information in the body stating it was a pro-Khalistani protest and that he was not part of the so-called attack. Tab 15, from the same book, is a news reel again full of false information, published in India about the “Khalistani cop” which the Peel Police seem to have accepted as their position.

The emails from Tabs 18 and 19 – Exhibit #2 – Prosecution Book of Documents – are also complete with misinformation, sent in on November 4, 2024, saying they were attacking Hindu devotees, women and children and seem to follow the “party line” of the

Modi government. It seems odd that they have near identical words used within their emails. Sgt. Sohi is cast as part of the pro-Khalistan mob that attacked people in the Temple, when he in fact is the victim.

The coverage by Canadian papers, by comparison, is measured. Prosecutions position that there was overwhelming public outrage is not accurate.

Defence then moved onto the Notice of Hearing, as it relates to in this case, as being under Ontario Regulation 407/23 – Conflict of Interest, section 10 “*A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing*”. Defence contends that in the Notice of Hearing, the bottom of the page says, “Sgt. Sohi involvement in these matters undermined the public trust in policing”. They have particularised it to not rely upon the section that says or is likely to undermine, which is a significant point. They must prove that it undermined public trust, for example by him standing in front of the embassy on October 18, which is ridiculous. Similarly, him going to the protest on November 3<sup>rd</sup>, thinking he was going to a peaceful protest standing there chanting “Who killed Nijjar? Indian government!” The focus is on the Indian government which had been called out by the Prime Minister, R.C.M.P. and Minister of External Affairs. His standing there, advocating for the closing down of the building, can’t be said that it undermined the public trust in one fell swoop. That is that charge that has been laid.

Defence has provided the case of *Golomb and the College of Physicians and Surgeons of Ontario, (1976) O.R. (2d) 73 (Div.Ct.)*, Tab 14 – Defence Book of Material, Statutes, Regulation and Case Law relied upon by Sgt. Sohi. It states that the prosecutor is bound by the particulars of the Notice of Hearing, when a prosecutor particularizes its bound by it. In this case the prosecutor removed the possible allegation of is “likely to”, and restricted themselves to “undermine”, of which they must prove. This is an important point for consideration, as he can’t be found guilty at the hearing, regardless of what the evidence would be of conduct that would likely undermine, that is not the charge he faces.

The charge of undermining trust in policing, contrary to the Prosecutions submissions and reference to discreditable conduct, no reliance can be placed on the old charge as to likely to bring discredit. That section is gone and is no longer part of our law.

Interpretations of likely to bring discredit is all irrelevant. Firstly, the new section uses the word “undermine”. At Tab 11 - Defence Book of Material, Statutes, Regulation and Case Law relied upon by Sgt. Sohi – Defence provided a definition of “undermine” from the online Cambridge dictionary which states “ to make someone less confident, less powerful, or less likely to succeed, or to make something weaker, often gradually:”. In the Merriam dictionary (online) it states, “to subvert or weaken insidiously or secretly, to weaken or ruin by degrees” and to erode the foundation. That Sgt. Sohi eroded the foundation of public trust is a much higher test for the prosecutor to overcome. We all know that reputations can be temporarily lessened by something but undermining public trust speaks to something very different. The wording has been changed, they could have kept the same section or used the words likely to bring discredit, but they did not.

In terms of reputation Defence maintains that it can be enhanced, lost and then regained. Reputation can be considered bad and then be rehabilitated. Public trust is a feeling one has within themselves whereas reputation is something that is “out there”. Public trust is talking about the change within ourselves, it is something we feel. A police force doesn’t have trust; it is people that have trust or not have trust in someone.

This is the first hearing; there is no guidance to the tribunal as to what these words mean – undermine the public trust as opposed to likely bring discredit. The tribunal needs to look at the definitions given and submit that these definitions drive the conclusion that this is a higher burden on the prosecutor. It talks about a foundational change. Undermine talks about foundation, so a foundational change in trust. One cannot say it means the same thing as the old section; it doesn’t as it is different words. It’s a principle, that if they wanted to keep it the same, they would have but they didn’t. There is no guidance as to the words, other than the dictionary definition as to what they mean. These words mean something more significant other than a temporary damaging to public on someone’s reputation. Police can refurbish their reputation. In saying one has undermined the public trust it is more significant move than what it used to be. It is incumbent on this tribunal to determine what these words mean. Undermine refers to attacking somethings foundation, its base and is not applicable to discreditable conduct.

On the second day of the hearing, Prosecution presented a video, which Defence objected to, it appeared to show a deranged man accusing his client or someone else of murder or something like that. Defence is arguing as to the video's authenticity. The basis of the objection is in Ontario Regulation 404/23, which is at Tab 6 – Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi – section 30 – 33 and thereafter section 56 and section 202 of the Act. Within the Statute there are time lines for disclosure, for example: in subsection 31, the documents must be provided within 15 days of request. In section 32, *“no party in a merits hearing may rely on the following: a document in the party's possession that was not provided to the other parties in accordance with section 31”*. These were the basis for Defence's arguments and want the record to reflect such.

Another objection, in receiving it or treating it as evidence, found in section 15 of the *Statutory Powers Procedure Act, (SPPA) R.S.O. 1990, c.22*, governs this hearing. Subsection 4 it says, *“where a tribunal is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing”*. There has been no evidence as to its authenticity. By definition, a document, includes video tapes, photographs and so on. Before a document can be admitted, the tribunal must be satisfied as to its authenticity. Defence does not know if it is a real tape, how many hands it has passed, knows nothing of its integrity. Prosecution tendered zero evidence about it, therefore no basis that could be found that the document was authentic. Tab 13, - Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi- *R v. Andalib-Goortani, 2014 ONSC 4690*. This was a G20 incident of allegation against a Toronto Police Officer. In this matter, the Crown sought to rely on a photograph that purports to record the alleged assault. The problem was that no one knew who took the photo as it was posted anonymously to a website. At page 7, paragraph 28, states “ .....*All the cases dealing with the admissibility of photographs go to show that such admissibility depends upon (1) their accuracy in truly representing the facts; (2) their fairness and absence of any intention to mislead; and (3) their verification on oath by a person capable of doing so*”. The Crown was unable to call any evidence to show that it had not been altered, in any way. In this case, the Crown made an attempt to show it authenticity, however in the

case before you there was none, and the video was just handed up. There is no evidence as to its authenticity. That tape is not admissible in this hearing.

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At this point, the Prosecution interjected, stating that this was argued and answered at the hearing. It was about a video played, not at a tab in any book. Defence is now bringing a whole new argument in closing submissions, rather than making a motion which Prosecution would be able to respond to. Defence has provided a criminal case, whereas the rules of evidence in a tribunal are different. Unless the tribunal is willing to open this argument again, it can be argued, however, at this point it is not appropriate to do so. No argument as to the video's authenticity was given at the hearing.

Defence acknowledges that they did not argue authenticity, they argued the acceptance and admissibility of the video. They argued further that there was no notice that this evidence was coming, and the Hearing Officer allowed it. There was a second argument that was not made but is making it now. Whether it was raised by Defence or not the tribunal cannot be satisfied as to its authenticity and should not be allowed.

Prosecution stated that Defence is providing a motion and is quite content to respond at this time. The tribunal then allowed the Prosecution to provide a response to Defence's argument: In addressing this, Prosecution states that under the SPPA, the rules of evidence are significantly different, and the tribunal can allow evidence that is relevant to the hearing. The SPPA states "*a tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court.*" Distinguishing it from the criminal case. "*any oral testimony; and any document or other thing, relevant to the subject matter of the proceeding and may act on such evidence, but the tribunal may exclude anything unduly repetitious*". If the tribunal is satisfied as to the authenticity of the video, which had to do with weight. Prosecution is not asking for significant weight be placed on it, as there is overwhelming evidence in all the articles and others, suggests there is a pre-existing long standing controversy. This was submitted only in relation to Sgt. Sohi's incredible comment as to him not being aware of any pre-existing tension within the community. The video was one small example of a few pre-existing tensions found on-line. The link has been provided, and the tribunal can

decide as to authenticity. This is an event that clearly happened and those weren't real police officers in the video. The source may not be known and if necessary, Sgt. Sohi could easily look up the occurrence related to it that exists. Defence put up such issue as to the video and bringing it in, that he did not allow the Prosecution to put in anything to authenticate it. Prosecution is submitting that this video can be admitted as it already has. In their submission it goes to weight, it is not a make-or-break document as it supports other information that has already been submitted. The tribunal can choose to admit it and choose to put whatever weight they want to it.

Defence says it is unknown if this is a copy or an original or on the internet. If it is from the internet there is no guarantee as to any alterations. Considering Section 15(4) SPPA, the evidence should not be admitted. The video was not raised at the hearing, and the Prosecution have a duty to disclose.

Prosecution stated that had Defence raised the authenticity of the video, they would have been suitable able to respond providing all required information to it.

At this point the tribunal stated that the video was entered in relation to Sgt. Sohi's evidence of him not being aware of any tension in the communities. This is not in relation to anything relating to what Sgt. Sohi caused or responsible for. The acceptance of it by the tribunal, was in relation Sgt. Sohi's comments made during his testimony as to lack of knowledge in relation to tension only. The tribunal is not overly concerned with the video on its own, it is just in relation to weight, and the tribunal will not be putting a lot of weight on the video.

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Defence referred to the Declaration of Principles (Tab 3 – Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi ) as stated within the *Community Safety and Policing Act, 2019, S.O., c.1, Sched. 1*, section 1, paragraph 2 which states:

*Policing shall be provided throughout Ontario in accordance with the following principles:*

2. *The importance of safeguarding the fundamental rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code.* The tribunal must administer and adjudicate this case in relation to the Charter.



At, at Tab 4 - Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi - , he provided Section 2 of the Charter of Rights, dealing with fundamental freedoms, specifically *(b) freedom of thought, belief, opinion and expression, including freedom of press and other media communication and (c) freedom of peaceful assembly*. It is a freedom of expression for Sgt. Sohi to express his opinion and views against the Consulate that is committing serious crimes against the Canadian public. The Charter is the most powerful law in Canada.

At Tab 18 - Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi – Defence referred to a Supreme Court of Canada case: *Doré v. Barreau du Quebec*, [2012] S.C.J. No. 12, as it relates to administrative tribunals, such as this. Defence provided that at page 2 of 19 the headnote provides a convenient overview, “.....*It must determine whether the decision-maker disproportionately, and therefore unreasonably, limited the Charter right. In the Charter context, the reasonableness analysis is one that centres on proportionality, that is, on ensuring that the decision with the relevant Charter guarantee no more than is necessary given the statutory objectives. An administrative decision-maker exercising a discretionary power under his or her home statute, has, by virtue of expertise and specialization, particular familiarity with the competing considerations at play in weighing Charter values. He or she will generally be in the best position to consider the impact of the relevant Charter guarantee on the specific facts of the case*”. The tribunal must consider the impact of Section 2(b) which guarantees to Sgt. Sohi his freedom of expression. The most powerful law in Canada, far more powerful than the Police Act. It guarantees him the right to freedom of expression. That right is being threatened by this prosecution. The tribunal must decide, weigh the importance of the Charter guarantee of freedom of expression with, weigh it against what public good would be achieved by finding this officer guilty. This analysis must be done. As stated in the overview of *Doré* “.....*the issue is whether the Disciplinary Council’s decision to reprimand Doré reflected a proportionate balancing of his expressive rights with the Councils mandate to ensure that lawyers behave with objectivity, moderation and dignity. The decision must balance the fundamental of open, and even forceful, criticism of public institutions with the need to ensure civility in the legal profession*”. This applies to the matter before the tribunal. The tribunal must balance Sgt. Sohi’s freedom of expression

to peacefully protest the conduct of the India delegates, with the statutory objectives. The balance in the opinion of Defence, is so far in favour of the Charter. Any benefit to finding him guilty of what he actually did, to the public interest would be negligible.

The Prosecution additionally agreed with the Defence's position in the importance of this case and its considerations to this matter.

Defence contends that during Sgt. Sohi's interview with Det. Colagiovanni, no less than five times was he asked about how his actions would affect Sikh's and/or Hindu's perspective. The matter before the tribunal has nothing to do with that. There is a stubborn refusal to believe and accept the truth. The Prosecution has bought into the line published by the Indian press that he was part of the attack – Khalistani against Hindu's. That does such a disservice to him. Sgt. Sohi does not deserve that; he deserves to be judged by what he did.

When Sgt. Sohi was asked about fellow officers, who are Hindu, who may not want to work with him, Defence contends that if that was the case then it would be against Sgt. Sohi's Human Rights. As per Section 5 of the Human Rights Act (Tab 5 - Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi), everyone has the right to equal treatment with respect to, one of which is creed. If that was the case, an officer should be charged with misconduct for saying that, along with the Service denouncing that. That type of conduct is not tolerated.

Prosecution interjected and advised the tribunal that there were no allegations in relation to this comment and that when put to Sgt. Sohi in the interview it was more of suggestion as to fairness in relation to showing up at a Hindu temple waving a Khalistan flag, not against any religion. There is no allegation of misconduct as it pertains to this comment against Sgt. Sohi or any other officer.

Defence then identified Tab 21 - Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi – *Brampton By-Law #173-2024– Protecting Places of Worship from Nuisance Demonstrations*, which defines a "Nuisance Demonstration" *means one or more persons publicly and in person, protesting against something or expressing views on any issue, in any manner, whether it is intended or not, that is likely, on an objective standard, to cause a reasonable Person to be intimidated, meaning that they are either*

*concerned for their safety or security, or they are unable to access any Place of Worship. For greater certainty, intimidation can be caused by, but not only by, actions or expressions that incite hatred, violence, intolerance or discrimination;.* It goes on to say in Section 5 and 6(b): *No person shall organize or participate in a Nuisance Demonstration within one hundred (100) metres of the property line of any Place of Worship. 6(b) For greater certainty; section 5 does not prevent persons from peacefully protesting against foreign governments at a Place of Worship.*

What they have done with this exception, is allowing for the protest of foreign governments at places of worship, which essentially means it is lawful to do so.

Lastly, Defence counsel spoke about the Notice of Hearing, Tab 1- Materials, Statutes, Regulations and Case Law relied upon by Sgt. Sohi –, going through the brief description area within the Request for the Appointment of An Adjudicator notice submitted by Peel Regional Police, reading each line out(in bold):

- **On October 18,2024, Sergeant Sohi attended a protest in the City of Toronto supporting the Khalistan movement.** FALSE – He was not there supporting the Khalistan movement
- **Video of the incident showed Sergeant Sohi, who was identifiable as a PRP officer....** – FALSE, he was not identifiable as such on October 18, 2024.
- **...desecrating the Indian flag by standing on it while pretending to beat the Indian Prime Minister with a shoe.** FALSE – standing on a flag is disrespectful, not desecrating a flag. He did not propert to beat Modi with a shoe.
- **On November 3, 2024, Sergeant Sohi, who was identifiable as a PRP police officer** – FALSE – he was just a face in the crowd. No one would have known he was there except for the riot started by the people from the temple that attacked his group.
- **..attended a protest in support of the Khalistan movement.** FALSE. He wasn't there in support of the movement.
- **Shortly after arriving at the protest Sergeant Sohi became involved in a physical altercation with a member of the temple.** FALSE – he was assaulted.

He was shoved, his pole was grabbed and he was struck twice. He was a victim of an assault.

- **Although video of the incident confirmed that Sergeant Sohi did not instigate any altercations, many members from his group.....it wasn't his group.** He was there as part of the protest.
- **...unlawfully stormed the temple ground, assaulted members of the temple, and committed other acts of violence, which required significant police response.** If that happened Sgt. Sohi certainly was not part of it. After he was assaulted he moved back at least 45 feet and stood there.
- **Sergeant Sohi's involvement in these matters undermined the public trust.**  
FALSE – unproven.

Defence then requested that the tribunal find that the allegations have not been proven on clear and convincing evidence.

- Defence then went into points they had difficulties with within the Prosecutions Factum. At paragraph 5 where Cst. Johnston said he was shocked when he saw Sgt. Sohi, Defence believes that it he was surprised and said “wow”, whatever that means.
- Paragraph 6 – “shouting into the temple” – there was no evidence of this. They were outside for some time, Sgt. Sohi for 1/2hour when the guy came out and then he left.
- Paragraph 7 – “Khalistan movement is complex and deeply rooted in allegations of human rights abuses by the Indian government and has become highly contentious in recent years in India and in communities where there is a large diaspora of Indian nationals, such as Brampton. – There is no evidence that it has become highly contentious in Brampton”. Sgt. Sohi has lived here for 50 years and is not aware of it or seen it.
- Paragraph 8 – “.....what has led to increased tensions between India and Canada” is the fact that India are committing crimes, including murder of Canadian citizens in Canada. This is what has increased tensions.

- Paragraph 11 – “....well known historical tension.... “There is no evidence of that. It’s just a statement. It wasn’t in evidence.
- Paragraph 13 – again no evidence of tension. It’s just a theory. This has to be proven on clear and convincing evidence; this is just theory and no evidence put forth. It didn’t come from the two witnesses.
- Paragraph 15 – “.....protestors, including Sgt. Sohi, remained on scene and continued to shout into the loudspeaker”. Where does this come from? It wasn’t in evidence. The evidence was that a man came out and made a phone call, there was no evidence that it happened.

It was identified that the information is all cited within the Factum and that Defences perspective is based on evidence whereas Prosecutions isn’t. The news articles from India are completely unreliable.

In the video, Sgt. Sohi is there. In seconds there is a movement of people into the crowd, and the events take place where Sgt. Sohi is shoved and assaulted. Sgt. Sohi didn’t fight against anyone, he tried to hold on to his flag pole, as stated in paragraph 16. The events on November 3, 2024, after Sgt. Sohi backs away from the front of the line, cannot be attributed to him. He’s not responsible for that. He is not the cause of those.

To the extent that he understood how members of the community could feel, however he was not in a good mental state and found the interview difficult. He did not want to give the impression to the Det, to the Chief, through the interview, that he was arguing or stubbornly refusing to adopt something he should have. He wanted it to go away and not prepared to be disagreeable. That is understandable, as he’d been home for 10 weeks wondering if he still had a job. He did not hear from the Service, nothing said to him, leaving him hanging. The only thing he heard was when he got the Duty to Warn. There was a need for communication and there was none.

#### Prosecution Reply

Prosecution wanted to address a few legal issues mentioned by the Defence. The first is in relation to the wording in the particulars could change the nature of the code of conduct. This is not legally correct. He was charged under the code; the code was read to him.

That is the provision and charge, what was written in the particulars are to give an idea, but it was made very clear that he was charged under section 10. Misconduct was clearly made on clear and convincing evidence, both whether it was likely to undermine or actually undermined. It is a dangerous suggestion that Prosecution can change the code of conduct – they can't, nor would they. The facts are in there and the charge is the charge.

It is a very dangerous proposition that the tribunal should have no regard whatsoever to the entire well settled body of law on discreditable conduct. Although, it has changed and we have to develop it, it is not founded in any law for an informed or reasonable person not to agree that they are related. Prosecution would direct to several passages presented in cases before the tribunal on discreditable conduct. In the *Briscoe* case, at Tab 1 – Prosecutions Book of Authorities - paragraph 58 and 59, the Divisional Court speaks to discreditable conduct in the context of the *"The discipline process here was aimed at expressive activity that undermined the objectives and provisions of adequate and effective police services and the maintenance of confidence in policing"*. Wording is exactly the same, the two things are interchangeable. Undermining the confidence in policing or undermining the trust in policing. They are both the same fundamental issue. Yes, we do need to look at words, but it doesn't eliminate all case law under the *P.S.A.* and no longer exists.

In the second *Briscoe* case at Tab 12 – Prosecutions Book of Authorities -, paragraph 21 which speaks to undermining the confidence, undermining the objectives and maintaining confidence in policing, that's the test for discreditable conduct.

Tab 10– Prosecutions Book of Authorities -, *Neilson* at page 5, *"It requires a clear message aimed at all members of the OPS and other services across Ontario that have or may express sympathies to any controversial causes that serve to undermine public trust and impartiality of the police"*.

Tab 11– Prosecutions Book of Authorities – page 7, *"I find Constable Howard's behaviour deplorable; she encouraged and supported unlawful behaviour. Constable Howard's comments undermined police services' efforts of ensuring the safety and security of all person in Ontario and beyond"*.

The test is very much intertwined with the test looked at before and that you can have reference to the test before.

Defence stated that the Prosecutor has bought into some narrative or line which, is offensive. Prosecution has been clear that they are remaining impartial and not taking a side. It has been very clear that they have said it is a controversial and complex matter. Defence has also stated that the Prosecution has bought into some crazy line that Sgt. Sohi was there supporting Khalistan efforts. The tribunal has the video, and it is so fundamentally clear, it is absurd to say anything else. Sgt. Sohi at both occurrences/events is either waving a Khalistan flag or carrying a sign that says Khalistan on it. He is now choosing to try and separate himself, seems to be a recognition that this is a very controversial issue. There is no question that it is controversial, that he knew those Hindu people in the temple did not agree with the Khalistan flag that he held. If he is suggesting it wasn't his intention, it doesn't matter, any reasonable person can't read his mind, but they can see that he is holding a Khalistan flag. It is like saying "I'm showing up somewhere in a KKK outfit but that wasn't my intention". People see what is on the outside, it is controversial, nonetheless. You cannot distance oneself from perception and what is clearly seen on this video, which is that Sgt. Sohi showed up with a Khalistan flag, outside a Hindu place of worship, that he knew would not support this, as he was trying to send a message. Sgt. Sohi instigated what happened next and it is the Prosecutions position that he is responsible for his own actions in showing up and inflaming these tensions with the Khalistan flag. It cannot be separated that his intentions were solely to deal with a government issue, but that is not the perception and is not what happened.

Prosecution would further state that, Defences comment was very concerning in his submissions, that this was no different than the R.C.M.P. making their press conference. The R.C.M.P. is tasked at law, with investigating an ongoing serious criminal investigation, that poses a threat. Defence took great pains to say how serious this ongoing criminal investigation is and poses a threat.

Even if one believes that this had nothing to do with Khalistan, despite the flag, despite where they were, even if they have chosen to speak about an open ongoing criminal investigation to which they have no personal knowledge about as a police officer. That is

just as problematic, and it is nowhere near the same as saying the R.C.M.P., who have a legal duty to investigate, and put out a controlled press release to maintain public safety. Sgt. Sohi was asked about this. One statement made in the press release was to “Please, remain calm”. It was not to attend the temples with Khalistan flags and scream about murders. We as police members do not do that about controversial events, religion or ongoing open criminal investigations, particularly those to which we have no knowledge about or permission to speak about. This was not helpful for the R.C.M.P. investigation, in fact it caused more work as it caused them to do a “Duty to Warn” for Sgt. Sohi.

It is not a police officer’s job to go out and wave a controversial flag, saying their guilty of murder, kill their politics. What Defence has spent hours putting before the tribunal cannot be equated with the R.C.M.P. making a statement of an ongoing investigation they’re lawfully conducting.

### **ANALYSIS:**

At this point I want to thank both Counsels for their presentations and for the cases provided during this, at times, contentious hearing. They were of great assistance to me in the analysis of the issues. I have reviewed the exhibits, testimony and the submitted cases. Although, I may not quote or mention a specific case, it does not mean that it wasn’t taken into consideration.

A Merits Hearing conducted under Part XII of the *Community Safety and Policing Act (CPSA)* is an employer / employee issue. It relates to an officer’s duties under the *CPSA* for their on and off duty conduct. The standard of proof required is located within section 202(9) of the *CPSA*. That standard of proof is clear and convincing evidence. The evidence must be based on “weighty, cogent and reliable evidence upon which a trier of fact, acting with care and caution, can come to the fair and reasonable conclusion that the officer is guilty of misconduct.”

In reviewing the credibility of the witnesses, I take into consideration the following passage on pages 10 and 11, from the Board of Inquiry, *Police Services Act Part VI*; Allan



v. Munro, Niagara Regional Police Force, (PC055/93) which states: *“Credibility is central to our determination in this case. In coming to our conclusion of this allegation, we have considered the evidence of the witnesses, their demeanor when testifying, any internal inconsistencies in their versions of the events, and the extent to which they had an interest in the outcome of the case.”* This was the same approach I took when reviewing the evidence of each witness to assess their credibility and reach my determination. I am also mindful that a tribunal need not accept every aspect of a witness’s testimony as a witness may fail to recall “irrelevant minutiae” or even have a varied perception of the same event.

Within the Hearing, there were three witnesses: The Prosecution presented Cst. Johnston, who was at the scene of the protest on November 3, 2024, and Detective Colagiovanni from Internal Affairs who conducted the investigation into Sergeant Sohi. Defence presented one witness, Sgt. Sohi, who spent a considerable amount of time on the stand. In all the testimony given, some of it quite lengthy in duration, I find that the Prosecution witnesses were, credible and forthright in their testimony and recollection. In relation to Sgt. Sohi, I did find that much of his testimony was credible, albeit self serving at times as he would not always directly answer a question but put a slight tangent on his response and often had to be reminded to give a verbal response, as opposed to a “hmmm” or other sound, particularly during cross-examination.

Before, I go into the main body of my review and analysis it is important that I address what I believe are two important concerns brought up by the Defence as it relates to the lawfulness of the proceedings regarding Sgt. Sohi’s alleged misconduct. These are:

1. the submitted Request for Appointment of An Adjudicator or what has been referred to as the “Notice of Hearing” by Defence and its sufficiency; and
2. the constitutionality of the limitations being placed on Sgt. Sohi regarding his freedom of expression and assembly as is allowed under the Canadian Charter of Rights.

1. It would be important to clarify the issue in relation to the identified “Notice of Hearing (NOH)” utilized in the Merits Hearing, as to whether it encompasses “undermines” public trust only as argued by Defence or whether or not it included “or is

likely to undermine public trust”.

As there was no identified NOH within the new *Community Safety and Policing Act* process, it was agreed by both counsels to use the Ontario Police Arbitration and Adjudication Commission’s (OPPAC) form for “Request for the Appointment of An Adjudicator.” This form, as stated on it, “serves as a prerequisite for initiating an adjudication hearing under Part XIII and any other relevant sections of the CSPA.” As has been identified, this Hearing was in relation to an application under section 202(1): Police Discipline Adjudication for “Demotion and Termination” of a Police Officer. Within this document a brief description of the matter(s) to which the application applied, identifying an overview of the perceived misconduct.

In the Hearing it was agreed upon by both counsels that the relevant section of the *Community Safety and Policing Act, 2019, Ontario Regulation 407/23 – Code of Conduct for Police Officers – Section 10 (1)*, which was read into the record: “*A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing*, along with the descriptors of the identified misconduct”.

This was identified into the record as a single “global” charge, even though it identifies two separate events, in relation to public trust by the Prosecution, and when all was read into the record, together with the descriptors, Sgt. Sohi plead not guilty.

When asked if Sgt. Sohi understood and was aware of the information within the “Request for Appointment of An Adjudicator” and what it all entailed, he acknowledged on record, that he did.

Defence argues that the Prosecution is bound by the Notice of Hearing, which is normally correct, however in this process we do not have an identified Notice of Hearing or “charge sheet” in which to initiate this Merits Hearing. In reviewing the new *Community Safety and Policing Act, 2019*, and its related Regulations, specifically *Ontario Regulation 404/23 - Adjudication Hearings, Section 51(a)(i) &(ii) (Responding Materials)* which states the following:

*Responding materials:*

*51. The chief of police, police service board or Minister, as applicable, shall submit to the adjudicator,*

*(a) no later than 15 days following the day on which an adjudicator is appointed by the Commission Chair,*

*(i) a description of the conduct allegedly engaged in by the police officer that constitutes misconduct or unsatisfactory work performance, as applicable,*

*(ii) a description of the particulars of the alleged misconduct or unsatisfactory work performance, and*

In review of the accepted document used for Sgt. Sohi's PHC Hearing and the Merits Hearing, I find that the criteria listed in *O.Reg. 404/23, Section 51(a)(i) &(ii)* were met, given the limited options available on the form by the Prosecution in outlining what the alleged misconduct was. Additionally, no arguments were presented at the beginning of the Hearing when it was agreed upon by both Counsels when Section 10 was read in full for the record and included both "undermines or is likely to undermine public trust in policing" as the alleged misconduct.

Additionally, in reviewing the case provide by Defence, *Golomb and College of Physicians and Surgeons of Ontario, (1976) O.R. (2d) 73 (Div. Ct.)*, at page 9 of 28 it states: "*In cases of this type, no one would suggest that an allegation of professional misconduct need have that degree of precision that is required in a criminal prosecution. But the charge must allege conduct which if proved could amount to professional misconduct and it must give the person charged reasonable notice of the allegations that are made against him so that he may fully and adequately defend himself*".

Further, in *Gill v Canada(Attorney General) 2007 FCA 305 at para 18, [2007] FCJ 1241* it identifies that "*This is not to say that the particulars should be read microscopically or in an unduly narrow manner or in a manner that meets the standards governing criminal proceedings*".

Lastly, as has been identified in *P. Ceyssens, Legal Aspects of Policing*, at 5.7(d), it states “ *The law governing sufficiency of a criminal charge does not apply to professional discipline proceedings*”.

In consideration of all the above, direction, information, case law, and identified process at the beginning of the Hearing, I find that there was sufficiency contained therein as it pertains to a “Notice of Hearing” in bringing this matter to a Merits Hearing in turn allowing for an adequate defence.

2. In terms of the Defence argument regarding the infringement of his Charter of Rights, as it pertains to his freedom of expression and assembly, Sgt. Sohi is a police officer, with the Peel Regional Police and as such has significant authorities and powers. With these powers, to use a cliché, “comes great responsibility”. Some of these responsibilities are outlined within the Oath of Office that he took when he joined the Service. Sgt. Sohi’s Oath of Office was submitted as an exhibit (#10) by the Prosecution and states in full “ *I, Harider Sohi, solemnly swear (or affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Consitution of Canada and that I will, to the best of my ability, preserve the peace, prevent offences and discharge my other duties as a Police Officer faithfully, impartially and according to law. So help me God*”.

The Supreme Court ruled that administrative decision-makers, like professional disciplinary bodies, must reasonably balance Charter rights with their statutory mandates. Instead of applying the full Oakes test (used for laws), the Court introduced a “reasonableness” standard for reviewing discretionary decisions that engage Charter values.

*Doré v. Barreau du Québec* (2012 SCC 12) could influence how section 10 of *Ontario Regulation 407/23*, under the *Community Safety and Policing Act*—is interpreted and applied, especially in disciplinary proceedings involving Charter rights, which has been identified in this matter before the tribunal.

Section 10 of the Code of Conduct addresses off-duty conduct that may discredit the police service or undermine public trust. If an officer challenges a disciplinary decision

under this section by invoking Charter rights (e.g., freedom of expression, peaceful assembly), the Doré framework becomes relevant:

- Doré requires administrative decision-makers to balance Charter values with statutory objectives.
- Instead of applying the full *Oakes* test, tribunals must ask whether their decision reasonably and proportionately limits Charter rights considering their mandate to uphold police integrity and public confidence.

If an off-duty officer, such as Sgt. Sohi, who attended, what they believed to be a peaceful protest, that turned violent and is now facing disciplinary action: Is this disciplinary action a reasonable limit on the officer's Charter rights, given the need to uphold police standards?

This tribunal must then consider the Sgt. Sohi's Charter rights—such as freedom of expression or peaceful assembly and then weigh those rights against the public interest in maintaining police professionalism, impartiality, and public trust.

It is a well-known and accepted fact that police officers are held to a higher standard due to their unique societal powers, such as the ability to use force and detain citizens, which necessitate public trust and accountability. This elevated standard extends to both their professional conduct, ensuring ethical decision-making and responsible use of force, and their private lives, as their actions reflect on the integrity of law enforcement as a whole and the public's perception of justice. Police officers and the Service itself, must not only do the right thing but also be seen to do the right thing.

An effective police service relies entirely on the public's confidence. Their authority to perform their duties is dependent on public approval and their ability to secure and maintain public respect. Misconduct erodes this trust, making it more difficult for officers to perform their jobs and leading to a breakdown in cooperation between the public and police.

Police are under constant public scrutiny, and their integrity is critical to their professional position. They are expected to maintain a high level of ethical conduct both on-duty and

off-duty because their conduct reflects on the entire police service, as well as the entire police profession.

In the matter before this tribunal, we have protests taking place at a sovereign nation's consulate and at a Place of Worship. In both instances, signs or flags are being held or waived, and there is shouting/chanting as part of the protest, some of which may or may not be deemed offensive, depending on one's perspective. In these circumstances, especially those that can become quite tense and divisive, it is not unusual for police to be in attendance to keep the peace. When police are there, it is expected that they will remain professional, impartial (unbiased) to both sides of the situation, keeping the peace and enforcing the law equally.

Sgt. Sohi is identified in videos from two protests, one at the India High Commission on October 18, 2024, and the Hindu Sabha Temple on November 2, 2024. He is later identified as a police officer for the Peel Regional Police. In the October 18, 2024, video, Sgt. Sohi (off-duty) is seen standing on the India flag and holding a sign imprinted with: Khalistan referendum; Assassination of Hardeep Nijjar; and "SHUTDOWN" High Commission of India, Ottawa, Canada. In the video of November 3, 2024, Sgt. Sohi, (off-duty) is seen at the front of the protest, carrying a Khalistan flag. In each video, chants or shouts are being made by the participants.

Sgt. Sohi, in his testimony admitted that he lives in the area he polices, he is known in the community, is involved in the community and has many friends/associates of varying religious faiths and nationalities.

It would not be unreasonable for a police service to consider limitations on one of their own in relation to freedom of assembly and expression, in a situation where the perception and belief of an officer's ability to uphold police integrity, public interest in maintaining police professionalism, impartiality, and public trust is jeopardized.

In the matter before me, I do not believe that Sgt. Sohi's fundamental rights under the Charter for freedom of assembly or expression have been infringed because of the allegation of misconduct on his part. As one who is well known in the community and has been the "face" of Peel Regional Police when attached to Corporate Communications, he

has an increased responsibility to ensure impartiality while on and off-duty. I believe his attendance at these protests does fall within the definition of an “actual institutional conflict” where “an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially”. Therefore, the Services disciplinary action against Sgt. Sohi is a reasonable limitation on his Charter rights.

Moving on to the fundamentals of the hearing itself, essentially we have two situations involving Sgt. Sohi, while off-duty, that are alleged to have undermined or likely to undermine the public trust.

Sgt. Sohi is a Canadian, born and bred, with South Asian heritage. His parents immigrated to Canada from India and his wife is also from India.

Sgt. Sohi is a married father of two adult children. He became a police officer, which was a lifelong desire, after a successful career in computer technologies. Sgt. Sohi did the normal routine of policing as a uniform officer on a platoon in Brampton. He then did his CIB training and then obtained a full-time position within CIB. During his time in CIB he assisted in many major investigations. After his tenure in CIB, he became a Media officer with their Corporate Communications unit. In this position he was the “face” of the Service either at scenes of importance, dealing with the various media outlet as well as managing social media information and chat groups. His picture, in uniform, was his profile in social media. While in Corporate Communications, he was promoted to the rank of Sergeant, and he added a picture of himself as a Sgt. in uniform for his profile picture. Shortly after being promoted, he was transferred to uniform branch and became a platoon Sgt in the Brampton area.

Sgt. Sohi, while in uniform, CIB, and Corporate Communications would have obtained a large amount of experience and understanding of many aspects of policing, policing in the community and the awareness and importance of social media platforms. Sgt. Sohi, at the time of this hearing has 20 years experience.

Sgt. Sohi is very proud of being a police officer and has never shied away from it when asked what he did for a living. He lives in the area he polices in, has many friends in the area, all different religions and faiths: Sikh, Hindu, Christian and Muslim. He is a Sikh

himself, although not fully baptised but does attend temple often. Sgt. Sohi has been involved in the community with the Rotary Club and does some volunteer work at different community events/programs.

Sgt. Sohi testified that he was somewhat familiar with the history of Sikh's in India and the desire for a separate Khalistan nation in the Punjab area from his father. He was taught some of the tragic and horrific details of events in India against those wanting a separate Khalistan nation in India and how the Indian government reacted to this, eventually labelling Khalistan supporters as terrorists.

I do, however, find it very difficult to reconcile the fact that Sgt. Sohi, as per his testimony, in all his time, living and working in the Brampton area, whether experienced or not, was not aware of any tension whatsoever between the various South Asian cultures, be it Hindu or Sikh. From his own testimony, his father told him of the atrocities that took place in India against Sikh's and those wanting a Khalistan state. I find it would be inconceivable for someone with his breadth of experience in policing, his understanding of the history of the Sikh's and the information garnered in the Canadian news on the matter, which he stated he now followed, not to be aware of or astute enough to recognize any tension or even potential tension due to the ongoing political events. Even I, as someone who is not from the area or culture, am aware of the ongoing tensions and potential tensions that could arise. One does not have to experience something to know that it can be perceived or be real.

As a result of the investigation into the homicide of Hardeep Singh Nijjar in June 2023, numerous announcements were made that it was determined that members/associates of the India government in Canada were responsible for this homicide, and perhaps others. This information was made known by the Prime Minister of Canada in the House of Commons. This included an announcement of the expulsion of Indian diplomats working in Canada believed to be complicit in criminal activities, including homicides. Additionally, on October 14, 2024, the R.C.M.P. gave a Press Conference on the investigation, as a whole, which involved India's interference of Canadian citizens rights and freedoms. As identified in the evidence presented at the hearing from the R.C.M.P. press conference, Commissioner Mike Duheme advised that the R.C.M.P. had evidence



of “agents” acting on behalf of the Indian government engaging in extortion, intimidation, coercion and harassment. Commissioner Duheme stated “Investigations have revealed that Indian diplomats and consular officials based in Canada leveraged their official positions to engage in clandestine activities, such as collecting information for the government of India, either directly or through their proxies, and other individuals who acted voluntarily or through coercion<sup>2</sup>.”

According to Sgt. Sohi, this information shocked him to the core. He knew of Hardeep Nijjar and his involvement in a Khalistan free movement and as part of “Sikhs for Justice”. To Sgt. Sohi, it sounded a lot like the information he was told by his father growing up of the problems in India, and now they’re doing it here in Canada. This got Sgt. Sohi, wondering what he could do to help? In his interview to Internal Affairs, Sgt. Sohi, started reading more information on it, he followed certain sites, “Sikh’s for Justice” being one of them. It was also when he decided that he would attend some of the protests he learned about to show his displeasure of what has happened.

Sgt. Sohi, does not know specifically who the people are in “Sikh’s for Justice” but knows of them, not by name. He was part of the WhatsApp chat group, which is where he received a lot of his information on upcoming protests. In his testimony, Sgt. Sohi advised that the main people in “Sikh’s for Justice” are not necessarily secret in nature but only cautious and careful because of what has happened. The “Sikh’s for Justice” movement is also seeking a referendum to present to the United Nations for a Khalistan state.

One such event was the protest in Toronto on October 18, 2024, and the other event was the one at the Hindu Sabha Temple on November 3, 2024.

Is the attendance, on its own, at either of these protests’ problematic, to the extent that it does or could undermine public trust in policing? I would suggest no, it isn’t. However, one’s actions and responses at the protests along with the outcome could be problematic.

Sgt. Sohi has stated, as has his Defence, many times, that this has nothing to do with religion: IE: Hindu vs Sikh, it has all to do with protesting against what the Indian government and its delegates are doing, criminally in Canada. I do believe Sgt. Sohi,

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<sup>2</sup> <https://www.theguardian.com/world/2024/oct/14/india-canada-expel-top-diplomats-escalating-row-sikh-activists-death-hardeep-singh-nijjar>

when he says this and that he does believe this. However, perceptions of others can be something completely different when one is seen carrying a placard for Khalistan, seeking the closure of the India High Commission, while standing on a flag for the nation of India or protesting outside of a Hindu temple, carrying a Khalistan flag and in both instances chanting various negative slogans about India Prime Minister Modi, politics along with some pro-Trudeau and pro-Canada slogans.

Additionally, standing on a nation's flag is widely considered as a sign of disrespect and in some cases seen as an act of desecration. Flags are a powerful symbol of national identity, unity and part of the collective history and sacrifices of people. Although, it is not illegal, in Canada, to stand on a nation's flag, the context of the act is almost always seen as disrespectful, showing contempt for a nation and is perceived as a deliberate and symbolic insult.

If, as did happen with Sgt. Sohi, a protestor doing the above is recognized and identified as a police officer, then the perception could be that this officer would not be impartial to someone who is of the Hindu faith, or from India should they require assistance. It also would not be difficult for an individual who saw the videos of the two protests to perceive that Sgt. Sohi, was in fact pro-Khalistan.

In respect to the protest on November 3, 2024, I agree with the Defence, that in the end, Sgt. Sohi, was a victim of assault when the protest became violent. Sgt. Sohi attended the protest at the Temple, because there were reportedly diplomats or delegates from the India High Commission there and, in his mind, they wanted to show their displeasure of them being there and what they are alleged to be involved in, while posted to Canada. This was another event organized by the "Sikh's for Justice".

The group were peaceful, at the beginning and when speaking with Cst. Johnston, who was there to assist with traffic and keeping the peace. Cst. Johnston did not at first see Sgt. Sohi and did not know he was even there. When he did see him, Cst. Johnston was surprised but didn't approach him out of caution in case he may have been there in an undercover capacity. When he saw Sgt. Sohi, they both recognized each other, and they nodded and that was the extent of their interaction.

The testimony of Cst. Johnston and Sgt. Sohi weren't that different when it came to the point of confrontation of the two groups. Unfortunately, the peace was not kept for long and confrontation occurred between the protestors and the temple attendees. Sgt. Sohi, who was holding a Khalistan flag, at the front of his group and became involved in a "tug of war" over his flag/stick, eventually losing hold of it and reports that he was assaulted twice in the melee. He then retreated to the back of the protestors, watched his old platoon officers arrive, deal with the matter and then left the scene.

As the trier of fact, I must look at the totality of the situation and determine whether misconduct has taken place as was presented to me by both Prosecution and Defence.

It was at the November 3, 2024, incident that it became known that one of the attendees of the protest, who was carrying a Khalistan flag and became engaged in a struggle with members from the Hindu temple was a member of Peel Regional Police and identified as Sgt. Sohi. Despite some of the news articles and comments to the Chief et al, I believe Sgt. Sohi when he testifies that he did not participate in the alleged attacks at the Temple or even go on Temple property.

I do have difficulties with the fact that he is a police officer, and a Sgt., witnessing all of this and after being assaulted goes to the back area out of the protest and simply watches the events unfold, watches many Peel Regional Police cruisers and uniform officers attend to try and settle a now violent protest and then leave. He makes no attempt to assist his colleagues, does not advise that he was assaulted nor does he try to provide any information or context to the situation. The only thing he does is, much later calls his S/Sgt to tell him what happened. I am disappointed to the fact that he is not living up to the requirements of his position, although I will acknowledge he may have been in some form of shock over the events, but again with his experience level he should have been able to at least stayed to provide some information to those that were required to attend as a result of the violence that took place.

Sgt. Sohi demonstrated a significant lack of judgement in his actions at these two protests. He states he did not tell others who he was, ask who others were and just took the signs, flags that were handed to him and stood where he was directed. He says he did as he was told. I would hope that Sgt. Sohi, considering his experience and abilities would be

able to rationalize as to whether what he was about to do could be perceived as inappropriate or questionable.

Those that saw what he did, or learned about what he did, who many not agree with him, will certainly ask themselves whether this individual can be impartial with them, should they have to deal with him. Additionally, knowing who he was and that he was at a Place of Worship protesting and that it became violent, whether he was part of the violence or not, would throw concern on his and the Peel Regional Police's ability to be impartial.

The events that took place not only made local news but also went nationally and internationally. Since he was identified as a participant, both he and the Peel Regional Police became a focal point in the media. This was certainly a concern, to the extent that the R.C.M.P. had to attend his residence and give a Duty to Warn notification to him because of his involvement and identity being known. This is something that is not done haphazardly and is done out of safety concerns and caution.

It has been identified several times that impartiality is an important factor in this matter. It is part of his oath of office, it is part of the Peelian Principles (1829)<sup>3</sup> as well as part of the *CSPA, O. Regulation 401/23 – Conflict of Interest*. As a police officer being impartial is distinctly related to their position and they must be perceived as:

1. Neutral by not favouring one side over another
2. Fair by giving equal consideration to all
3. Integral by upholding ethical standards even when it may be inconvenient or unpopular
4. Objective by basing decisions on facts rather than emotion or prejudice

With Sgt. Sohi's involvement and actions at the two protests on October 18, 2024, and November 3, 2024, his ability to remain impartial is in question. With his impartiality in question, it has the effect of eroding the community's confidence and trust in the Peel Regional Police Service.

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<sup>3</sup> Peel Regional Police and Sergeant Paul Brown, May 8, 2023

**DECISION:**

I find that Sergeant Harinder Sohi did commit misconduct contrary to section 10 of the Code of Conduct for Police Officers, and that he did conduct himself in a manner that undermined or was likely to undermine public trust in policing by attending at and participating in two protests on October 18, 2024, and November 3, 2024.

A handwritten signature in black ink, appearing to read 'G. Turl', with a stylized flourish at the end.

Dated: September 20, 2025

Graeme Turl  
Ontario Police Arbitration and Adjudication Commission  
Adjudicator

## **LIST OF EXHIBITS**

1. Letter of appointment for Graeme Turl as Adjudicator
2. Prosecution – Book of Documents
3. Community Safety and Policing Act, 2019, Ontario Regulation 402/23 – Political Activity
4. List of Khalistan referendum dates
5. News Articles Relied Upon by Sergeant Sohi
6. Video of Prime Minister Trudeau, making an announcement in the House of Commons, September 2024
7. Video of R.C.M.P. press conference, October 14, 2024
8. Picture of Sgt. Sohi's injuries
9. Protecting Places of Worship from Nuisance Demonstrations By-Law 173-2024; City of Brampton
10. Oath of Office – Harinder Sohi – May 2, 2006 – Peel Regional Police
11. Printed copy of image from Sgt. Sohi's PRP social media account, with his profile picture
12. Materials, Statutes, Regulations and Case Law Relied Upon by Sergeant Sohi
13. Factum of the Applicant, Peel Regional Police
14. Book of Authorities and Other Sources of the Applicant, Peel Regional Police