

PEEL REGIONAL POLICE
Applicant

And

CONSTABLE CONNOR MACPHERSON
Respondent

Adjudicator:
Catherine Hoffman

Appearances:
S. Wilmot, counsel for the applicant
M. Kirwan, member representative for the respondent
C. MacPherson, respondent

Heard:
September 12 and 23, 2025

Date of decision:
September 24, 2025

Length of decision:
8 pp.

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

CRIMINAL OFFENCES - Impaired driving - Off-duty incident - Respondent pled guilty to charge of excess blood alcohol under *Criminal Code* - Guilty plea in criminal proceeding constituted evidence of guilt under s. 4 of Code of Conduct - Parties reaching settlement at pre-hearing conference stage - Joint submission incorporated in consent order of adjudicator.

DISCIPLINARY PENALTIES - Demotion - Off-duty incident - Respondent pleading guilty to violating s. 320.14(1)(b) of *Criminal Code* - Settlement reached at pre-hearing conference including guilty plea to breach of s. 4 of O. Reg. 407/23 and agreed penalty of 20-month demotion - Order accordingly.

SETTLEMENT - Off-duty incident resulting in respondent pleading guilty to breach of s. 320.14(1)(b) of *Criminal Code* - Parties achieving settlement at pre-hearing conference phase of disciplinary proceeding - Settlement including guilty plea to violation of s. 4 of Code of

Conduct and penalty of 20-month demotion - Joint submission accepted and incorporated in decision of adjudicator.

Summary of Reasons for Decision

At approximately 5:30 a.m. on March 16, 2025, while off-duty, Cst. MacPherson lost control of his vehicle on Highway 401, striking a barrier in Milton, Ontario. The car ended up in the ditch. An off-duty Halton police officer called 911. Constable MacPherson immediately identified himself to attending OPP officers and to EMS. The OPP officers observed several *indicia* of impairment: slurred speech, odor of alcohol on the respondent's breath, unsteadiness on his feet. Paramedics had to assist Cst. MacPherson in standing. His dog had been ejected from the vehicle and did not survive the crash. OPP officers arrested Cst. MacPherson for impaired operation of a vehicle. Two breath samples were then taken. The first, at 8:26 a.m. registered 216 mg/100 ml; the second, at 9:10 a.m. registered 198 mg/100 ml. These results led to an additional charge of operating a motor vehicle with excess blood alcohol, contrary to s. 320.14 (1)(b) of the *Criminal Code*. On May 1, 2025 Cst. MacPherson pled guilty to violating s. 320.14(1)(b). The charge of impaired operation was withdrawn by the Crown. Justice MacLure of the Ontario Court of Justice imposed a sentence of a \$3,000 fine and a 12-month driving prohibition.

Following his guilty plea and conviction in the criminal proceeding, the Peel Regional Police applied to OPAAC for the appointment of an adjudicator under s. 202(1) of the *Community Safety and Policing Act, 2019*, Demotion and Termination of a Police Officer. The parties appeared before the Pre-Hearing Conference Adjudicator on September 12, 2025. They agreed to a brief adjournment with the goal of settling the matter. On September 23, 2025 a second pre-hearing was held, at which time the parties filed documents including an Agreed Statement of Facts and a proposed penalty. Constable MacPherson confirmed at the pre-hearing his understanding of and consent to the contents of the settlement.

Held, Settlement adopted and issued as consent order.

The parties agreed that being found guilty of an offence under the *Criminal Code* amounted to a breach of s. 4 of the Code of Conduct, O. Reg. 407/23 and as such it amounted to misconduct pursuant to s. 195 of the *CSPA*. The adjudicator agreed that there was clear and convincing evidence of misconduct. She considered various penalty factors: the off-duty offence was serious in nature and outcome; there was strong evidence of impairment; the readings were high; specific and general deterrence as well as the reputation of the police force were relevant considerations. There were also mitigating factors: Cst. MacPherson's prompt admissions of guilt in both criminal and disciplinary proceedings; his clear employment record; his sincere, credible expressions of remorse and acceptance of responsibility; and his recognition of the seriousness of the misconduct. The proposed penalty was a 20-month demotion in rank from first class constable to second class constable, with a return to first class rank at the end of the period. This penalty reflected the nature and seriousness of the misconduct, balanced with the officer's ability to reform and rehabilitate. As such, it was an appropriate disposition.

Authorities cited
