

ONTARIO POLICE ARBITRATION AND 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**

IN THE MATTER OF

ONTARIO PROVINCIAL POLICE

- and -

CONSTABLE MARK CONDRON, #12800

ALLEGED MISCONDUCT:

- 1. UNDERMINE PUBLIC TRUST**
- 2. ENGAGE IN WORKPLACE HARRASSMENT**

MERITS HEARING DECISION WITH REASONS

Adjudicator:	Mr. Chris Renwick
Counsel for the Prosecution:	Mr. Adrien Iafrate Ms. Alice Sandiford
Counsel for the Defence:	Mr. Mark Wallace

Hearing Date(s): **October 20-23, 2025, Carleton Place, Ontario.**

Part I: OVERVIEW

Background:

On December 12, 2024, the Ontario Provincial Police (OPP) submitted a formal request for the appointment of an Adjudicator to the Ontario Police Arbitration and Adjudication Commission (OPAAC) regarding a demotion or termination hearing into alleged misconduct against Constable (Cst.) Mark Condrón of the Renfrew Detachment. On January 13, 2025, the Chair of OPAAC appointed Ms. Alisa Chaplick the Pre-Hearing Conference Adjudicator and Mr. Chris Renwick as the Merits Adjudicator. The Pre-Hearing Conference took place on February 12, 2025, directions and orders were made, and dates were set for the Merits Hearing from October 20-24, 2025.

Summary of Allegations:

Cst. Condrón is before this Hearing accused of two counts of misconduct contrary to the *Community Safety and Policing Act, 2019, (CSPA) Ontario Regulation 407/23*, as described in the Summary of Allegations (Exhibit #2), which reads:

Count One: Undermine Public Trust – Sec.10 CSPA Reg 407/23

- (1) A police officer shall not conduct themselves in a manner that undermines, or is likely to undermine, public trust in policing.
- (2) A police officer shall not be subject to discipline for a contravention of subsection (1) if the police officer demonstrates, on a balance of probabilities, that their conduct was in the good faith performance of,
 - (a) their duties as a police officer; or
 - (b) their duties as a representative of,
 - (i) a police association, or
 - (ii) a police organization referred to in subsection 225(3) of the Act.

Count Two: Duty-Respectful Workplace – Sec. 30 CSPA Reg. 407/23

30. A police officer shall not engage in workplace violence or workplace harassment, including workplace sexual harassment, as those terms are defined in the *Occupational Health and Safety Act*.

(i) fails to treat or protect persons equally without discrimination with respect to police services because of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

Particulars of Allegations:

On or about June 21, 2024, Acting Sergeant (A/Sgt.) Briana Roberge¹ hosted a charity golf tournament that she had organized at the Renfrew golf course. A/Sgt. Roberge was asked to participate in a live interview with a local radio station to discuss the event and the money raised for charity. During that audio interview, Cst. Mark Condon walked by A/Sgt. Roberge and slapped her across her buttocks with an open hand. Cst. Condon continued walking and did not say anything at the time. This incident was witnessed by A/Sgt. Roberge's husband and other family members.

Cst. Condon committed the following misconduct:

- Cst. Condon had consumed alcohol while participating in the golf tournament. His level of intoxication was unclear. He denied being intoxicated.
- Cst. Condon slapped A/Sgt. Roberge on the buttocks with an open hand. He kept walking and did not say anything to her.
- A/Sgt. Roberge described being embarrassed and humiliated by Cst. Condon's actions.
- Cst. Condon was less than forthcoming in his interview to Professional Standards. He stated he tapped A/Sgt. Roberge on the back with the back of his left hand.
- Witnesses advised that Cst. Condon slapped A/Sgt. Roberge across her buttocks with an open hand so hard that it could be heard from 10-20 feet away.
- Cst. Condon sent text messages to A/Sgt. Roberge that included the following passage:
"...it was stupid of me...I never meant to disrespect either one of you...for what it's worth, I see you more as one of the guys, I guess I sometimes forget you are a woman."

¹ A/Sgt. Brianna Roberge changed her surname to Babin since the laying of the charge and the drafting of the Summary of Allegations. The surname Babin will be used in this decision.

He knew, or ought reasonably to have known his actions constituted misconduct.

Representation:

The four day in-person Hearing commenced on Monday, October 20, 2025, at the Carleton Place Fire Hall Board Room, 15 Coleman St., Carleton Place, Ontario, an annex of the Carleton Place OPP Detachment. Mr. Adrien Iafrate, Ministry of the Solicitor General, was counsel for the OPP, assisted by Student-at-Law Ms. Alice Sandiford. Cst. Condrón was represented by Mr. Mark Wallace as Counsel for Defence. There were no persons present requesting standing as a party to the Hearing.

Plea:

As the *CSPA* does not require a formal Notice of Hearing as prescribed in the former *Police Service Act (PSA)*, it was agreed by both parties that the Adjudicator would read the Summary of Allegations document (Exhibit #2) in its entirety to arraign Cst. Condrón. Cst. Condrón stood when the document was read and when asked, acknowledged that he understood the charges before him and entered a not guilty plea to both counts.

I will also note that the Summary of Allegations contains six bullet points at the end (see above), alleging the specific misconduct that Cst. Condrón stands accused of committing. As read, there are really three allegations contained within the six bullet points: That Cst. Condrón had consumed alcohol with an unclear level of intoxication while participating in the golf tournament; that he slapped A/Sgt. Babin on the buttocks with an open hand; and that he was less than forthcoming in his interview to Professional Standards. Bullet points two and five are the same allegation, point three is a description of the resulting impact on A/Sgt. Babin, and point six is an apologetic text message sent by Cst. Condrón to A/Sgt. Babin the following day. The latter points are not allegations and merely statements of fact pertaining to the three alleged acts.

Finding:

Guilty of misconduct contrary to section 30 of the Code of Conduct for Police Officers by engaging in workplace harassment, including workplace sexual harassment, as defined by the terms in the *OHSA*, when he intentionally slapped A/Sgt. Babin's buttocks while she was on duty and engaged in a taped media radio interview at an OPP charity golf tournament on June 21, 2024.

PART II: THE HEARING

The prosecution called four witnesses: A/Sgt. Brianna Babin (formerly Roberge); Mr. Devin Babin; Detective Sergeant (D/Sgt.) Marc Gauvin, and Ms. Lorraine Vincent and entered four documents: a transcript of the compelled Professional Standards statement of Cst. Mark Condrón (Exhibit #6); the duty report of Cst. Kyle Brown (Exhibit #7); the duty report of Cst. Nick van der Woude (Exhibit #8); and the transcript of a Professional Standards statement of Mr. Cody Rawlek (Exhibit #9).

Mr. Wallace called Cst. Condrón as the sole witness for the Defence and entered two diagrams drawn by witnesses A/Sgt. Babin and Mr. Devin Babin. (Exhibits #4 and #5), and two aerial photographs of the Renfrew Golf Club (Exhibits #11 and #12). (Exhibit #11 was marked by witnesses D/Sgt. Gauvin and Ms. Vincent. Exhibit #12 was marked by Cst. Condrón.)

Opening Submissions:

For the Prosecution, Mr. Iafrate submitted that, at its core, this Hearing is about an incident of Workplace Sexual Harassment that occurred during an OPP charity golf tournament. A/Sgt. Babin was giving a recorded audio interview when she was slapped on her left buttock with an open hand by Cst. Condrón which was witnessed by her family members. It was unexpected, unwanted, was disgraceful and had an impact on Cst. Babin and her family members.

Mr. Iafrate submitted that this case follows a sequence of events that occurred within a minute. The evidence presented will focus on the sequence, followed by evidence of a text messages the following day between Cst. Condrón and A/Sgt. Babin.

Mr. Iafrate submitted that A/Sgt. Babin was on shift as a community relations officer when the event occurred. I will hear submissions on case law specific to undermining public trust as well as a new provision regarding Workplace Harassment and Sexual Harassment under the *Occupational Health and Safety Act (OHSA)* as Cst. Condrón's misconduct amounts to a breach of the *OSHA*.

Mr. Wallace stated that he had no opening statement and that the Defence will admit the first bullet point in the Particulars of Allegations, which reads:

“- PC Condrón had consumed alcohol while participating in the golf tournament. His level of intoxication was unclear. He denied being intoxicated.”

Prosecution Witness: A/Sgt. Brianna Babin:

Examination-in-chief

A/Sgt. Babin testified that she is a seven-year constable with the OPP, hired in April 2019. She was assigned as a C-platoon road officer at the Renfrew Detachment for two years, followed by two years with the Community Safety Unit. In 2024 she was temporarily assigned as the Community Mobilization and Engagement Coordinator at Regional Headquarters, an acting sergeant position, while holding her constable position in the Renfrew Detachment as a community officer. Currently, she is an acting sergeant at the Canadian Police College.

A/Sgt. Babin testified that in her community safety coordinator's role, she visited various detachments to assist with community coordination, including bridge ceremonies, fun fairs, school presentations, fraud presentations, and charitable events such as golf tournaments.

A/Sgt. Babin testified that she and Cst. Condrón were members of the same platoon in Renfrew and that she had a good working relationship with him. He was a mentor as well as a team member who helped her. They did not socialize outside of work.

A/Sgt. Babin stated that the June 21, 2024, golf tournament was a second charity fundraiser for the Renfrew Food Bank, and it was planned by herself and two OPP colleagues. It was also intended to build camaraderie for the Renfrew Detachment. Her specific role was to organize the tournament, hosted by the OPP and open to the public, and that she was on duty that day, along with two other OPP colleagues. She arrived at the Renfrew Golf Club before 9:00 am to set up before the golfers arrived at 11:00 am for a 1:00 pm 'shotgun' start. She had duties into the evening, including the dinner and the giving out of prizes to the golfers.

A/Sgt. Babin testified that Mr. Kasey Egan, a journalist with radio station myFM played in the tournament and asked to interview her as the golfers were coming in between 5:00 pm and 6:00 pm. The interview occurred on the walkway between the pro shop and the club house, an outdoor space. Mr. Egan had his back to the pro shop, and she had her back to the club house, facing

the golf course. A/Sgt. Babin stated that her husband (Devin Babin), her cousin Lorraine Vincent, and her cousin's husband Holly Vincent were present.

After the interview started, A/Sgt. Babin testified that she saw Cst. Condrón walking towards her from her left side and that he did not look himself, having a red face. He swung and slapped her left bum cheek with his left hand as he walked towards the parking lot. She stated that she looked at her husband but kept her composure and continued the interview until the end, not wanting to draw attention to what just occurred, a sexual assault within the OPP, in public.

A/Sgt. Babin testified that she did not see his hand but felt the slap. She was wearing a golf skirt with spandex shorts underneath, a thin material. Cst. Condrón did not say anything, and she did not see where he went as she was still doing the interview.

A/Sgt. Babin stated that she was embarrassed and felt extremely uncomfortable. This was a colleague. The incident occurred within the context of a work setting and during an interview with local media. It is not acceptable anytime, but this made her feel awful.

A/Sgt. Babin testified that when the interview was over her husband immediately approached her, worked up. She asked him to please not make a scene. Cst. Condrón was gone, she would address it at work on Monday, and she still had responsibilities to oversee at the tournament.

A/Sgt. Babin testified that it looked like Cst. Condrón had had a few drinks when he walked towards her. She stated that she had another interaction with him later that night when she was in the club house when he approached her and asked when dinner was. She acknowledged that she maybe looked a little frazzled and he put his hand on her shoulder and said, "I was just joking Bri, just joking". She stated that a nearby table of OPP colleagues asked about the exchange, and she replied that Mark had "slapped her bum" and she asked if someone else could give the 'closest to the hole' prize to Cst. Condrón so she would not have to, however he was gone by then. Some colleagues asked her if she was okay and Cst. Kyle Brown called her the next morning to follow up. She stated that she went home at the end of the evening and made notes of the incident.

A/Sgt. Babin testified that she does not like being touched or even hugged and this was not a normal interaction with Cst. Condrón. He had never touched her before.

When asked about criminal charges by her superiors in the days following the event, A/Sgt. Babin stated that she did not want a criminal investigation as she did not think it was necessary. In her heart of hearts, she did not think there was a sexual intent and knew that there would be an internal Professional Standards Unit (PSU) investigation.

A/Sgt. Babin stated that it was her intent to talk to Cst. Condrón when she returned to work. She received a text from him the next day, Saturday, June 22, 2024, thanking her for putting on the tournament and advising her that she did a great job. Mr. Lafrate provided a printout of the June 22, 2024, texts (Exhibit #3) to A/Sgt. Babin who read the text into the record. She testified that she had not spoken or communicated with Cst. Condrón since the text conversation and was directed by a superior not to speak to him.

A/Sgt. Babin testified that the incident was embarrassing and made her feel awful. No one wants to be involved in anything like this in a male dominant profession and the last thing you want is your name in a sexual assault trial and someone losing their job. It is an ongoing stress at home and at work where she certainly gets treated differently with people being careful around her. She stated that she “stood back” from a sergeant promotional competition she was going through at the time as the incident was “definitely taking up space” as it continues to do with a current 2025 promotional process.

Cross-examination

In cross-examination by Mr. Wallace, A/Sgt. Babin testified that she obtained an audio copy of her interview with reporter Mr. Kasey Egan of myFM and listened to it. She stated that she could not pinpoint the slap but the change in her voice after the slap is evident to her.

A/Sgt. Babin confirmed that, being new to C-Platoon at the Renfrew detachment, Cst. Condrón was a ‘go-to guy’ for her, particularly as an experienced breach technician, and was generous with his time and provided her accurate advice. She also agreed that they had a good, healthy professional relationship but did not socialize outside of work, and that her dislike of being touched was not known within her detachment.

A/Sgt. Babin also agreed with Mr. Wallace that Cst. Condrón seemed fine and she had no concerns about his sobriety when she had contact with him between 1:00 pm and 5:00 pm, when

she spoke to him on the course over concerns about the intoxication and behaviour of two female golfers attached to his foursome. She stated she could not offer an opinion at the time of the incident other than his face was red. There was no conversation, no smell of alcohol, nor any indication that he was intoxicated. However, A/Sgt. Babin testified that during the dinner interaction it was different. When he touched my shoulder, he did not seem himself. It was an awkward conversation. I worked with him long enough and know how he talks. This interaction was different than ones I have had in the past. He was certainly awkward at the time and in that moment. I could not tell if he was drunk.

A/Sgt. Babin estimated, under cross examination, that the distance from the pro shop to the club house was approximately 30 feet from door to door. She also confirmed that she was wearing a white golf dress--a skirt with spandex shorts underneath and what she describes as a "flowy" blue shawl over her shoulders and down to her legs over the back, with the shorts, skirt, and shawl covering her back.

A/Sgt. Babin agreed that the interviewer, Mr. Kasey Egan, gave her no indication that he saw or heard anything and that he was the closest to her at the time of the incident.

A/Sgt. Babin confirmed that when Cst. Condrón walked towards her she saw that he used his left arm but could not see his hand and agreed with Mr. Wallace that the contact was not a grab. She stated that it sounded like a palm slap, but she did not see it. A/Sgt. Babin, when questioned, agreed that a slap would never have been acceptable and that boundaries were crossed and needed to be discussed, and that respectful workplace issues indeed must be discussed and not swept under the rug. She stated that she had wanted to speak to Cst. Condrón, in person, in the office, as it was a work-related incident, but was given direction by superiors not to have the conversation and that she has not spoken to Cst. Condrón since the incident.

Prosecution Witness: Mr. Devin Babin

Examination-in-chief

In his examination-in-chief by Mr. Iafate, Devin Babin introduced himself as a firefighter with the Ottawa Fire Services and the husband of A/Sgt. Brianna Babin.

Mr. Babin testified that he attended the OPP golf tournament on June 21, 2024, and was helping with logistics wherever needed, arrived at 10:00 am, later than A/Sgt. Babin, and that he did not play in the tournament.

Mr. Babin testified that right before dinner was being served, he was standing on the paved area between the pro shop and the country club with Lorraine and Holly Vincent when the myFM interview with A/Sgt. Babin occurred. He estimated that he was 15 to 20 feet away from her, close enough to hear the interview, but not everything that was being said. He placed himself, Lorraine and Holly Vincent near the pro shop and towards the golf course side with Brianna and the interviewer being closer to the parking lot side.

Mr. Babin stated that once the interview started Cst. Condrón came from the golf course side between the two buildings, raised his hand, and slapped Brianna on the behind. Mr. Babin described it as Cst. Condrón's left hand being raised in a backwards motion before slapping her left buttock with the palm of his left hand. Mr. Babin stated that he heard the slap and that Cst. Condrón continued on into the parking lot where he lost sight of him.

Mr. Babin testified that he had met Cst. Condrón that morning but had seen him in passing at the OPP detachment prior. He recognized him as Cst. Mark Condrón.

Mr. Babin testified that he was extremely upset and walked towards Brianna who did not "skip a beat" and continued to the end of the interview. He stated that he asked her if that just happened and advised her that he was going to have words with Cst. Condrón, however respected her wishes when she asked him not to.

Mr. Babin stated that he felt surprised and upset and it was such a disgraceful thing to do to his wife.

Cross-examination

In cross-examination by Mr. Wallace, Mr. Babin drew a diagram of the paved area between the pro shop and the country club and placed himself, Lorraine and Holly, Brianna, two interviewers, and Cst. Condrón. (Exhibit #5.). He stated that Cst. Condrón passed between himself and Brianna.

Mr. Babin confirmed that he was interviewed via telephone by D/Sgt. Gauvin on July 4, 2024, but he was not provided a transcript nor an audio of the interview to prepare for his evidence on this date, and that he replayed the incident in his mind in preparation.

At Mr. Wallace's request, Mr. Babin stood and demonstrated the motion of Cst. Condrón's arm and stated that the arm definitely went up. (Demonstration was of left arm raised back nearly shoulder level with a downward forward motion ending at waist level.)

Prosecution Witness: D/Sgt. Marc Gauvin

Examination-in-chief

D/Sgt. Gauvin testified that he has 20 years with the OPP and is currently assigned to the Professional Standards Unit and is the lead investigator in the Cst. Condrón investigation. He stated that he was assigned the investigation on June 27, 2024, by Sergeant Major Trevor Nicholas.

D/Sgt. Gauvin stated that during the course of his investigation he conducted and recorded a compelled interview with Cst. Condrón on August 13, 2024, at the Renfrew Detachment. (Mr. Lafrate played a redacted audio recording of Cst. Condrón's compelled interview (Exhibit #10) and provided a redacted transcript (Exhibit #6).

D/Sgt. Gauvin testified that during the course of his investigation he interviewed Cst. Kyle Brown, Cst. Nick van der Woude, and Mr. Cody Rawlek, a friend and neighbour of Cst. Condrón who partnered with him at the tournament. Mr. Lafrate played the audio recording of the telephone interview with Mr. Cody Rawlek (Exhibit #10) and provided transcripts of the interviews of Cst. Brown (Exhibit #7), Cst. van der Woude (Exhibit #8) and Mr. Rawlek (Exhibit #9).

Cross-examination

Under cross-examination by Mr. Wallace, D/Sgt. Gauvin confirmed familiarity with the Renfrew Golf Club and its buildings. He replied that he could not comfortably estimate the distance between the pro shop and the club house but stated it was two golf carts minimum at the narrowest part.

D/Sgt. Gauvin testified that he received an audio of the myFM interview from A/Sgt. Babin and initial information provided was that a slap could be heard. D/Sgt. Gauvin stated that he listened to the recording three to four times, making an effort to hear a slap, but could not hear it.

D/Sgt. Gauvin stated that witnesses he interviewed during his investigation included persons who A/Sgt. Babin stated were present with the exception of Mr. Kasey Egan, the myFM reporter. As to the reason, D/Sgt. Gauvin stated that Mr. Egan was a media person and he was not interviewed to protect the integrity of the OPP involved, including Cst. Condrón, and to avoid damage to the reputation of the OPP, a decision confirmed by his inspector.

Mr. Wallace cross-examined D/Sgt. Gauvin on several points contained in the compelled interview of Cst. Condrón, including the accuracy of statements D/Sgt. Gauvin put to Cst. Condrón based on information various witnesses had provided. Mr. Wallace also cross-examined D/Sgt. Gauvin on his understanding, as the lead investigator, of exactly what Cst. Condrón stated in answering to the allegations put to him during the interview.

Prosecution Witness: Ms. Lorraine Vincent

Examination-in-chief

Ms. Lorraine Vincent's examination-in-chief was conducted by Ms. Alice Saniford. She stated that she is the cousin of A/Sgt. Babin, is a self-employed hairstylist, and played golf in the June 21, 2024 tournament with her brother. She was present when A/Sgt. Babin was interviewed outside the club house, near the pro shop between 5:30 pm and 6:00 pm.

Ms. Vincent testified that she used to work at the Renfrew Golf Course and is familiar with the facility. She stated that there is a walkway between the two buildings, five to six feet wide. Referring to the aerial photograph (Exhibit #11), Ms. Vincent marked the kitchen door and to the main door the club house and the main door to the pro shop. Ms. Vincent stated that the kitchen door is for employees only.

Ms. Vincent stated that she was standing close to the pro shop door, approximately 15 feet away from where the interview was taking place. She stated that she witnessed A/Sgt. Babin being "slapped on the bum" by Cst. Condrón at the end of the interview. She does not recall what hand

was used or what side of the bum was slapped but does recall a definite arm motion and the hitting of A/Sgt. Babin's behind.

Cross-examination

On cross-examination by Mr. Wallace, Ms. Vincent stated that she had purchased and consumed three to four cooler drinks throughout the tournament, approximately a drink an hour.

Ms. Vincent marked the aerial photograph where she was standing and where A/Sgt. Babin was standing. She stated she was smoking a cigarette, standing with Holly Vincent. She placed Mr. Devon Babin about 10 to 15 feet away.

Defence Witness: Cst. Mark Condron:

Examination-in-chief

Cst. Mark Condron gave evidence as a witness to his defence, and the examination-in-chief was conducted by Mr. Wallace.

Cst. Condron stated that he is 48 years of age, and from 1996 to 2009, served in the infantry with the First Battalion, Royal Canadian Regiment, in Petawawa, Ontario, completing three operational tours in Kosovo, Croatia, and Bosnia. He joined the OPP in 2009 and was posted to Renfrew in front line policing. In 2013 he transferred to the Pembroke Detachment upon the amalgamation of the Pembroke Police Service and subsequently re-posted back to Renfrew in 2018, until present. He became a breath technician in 2015, retains that designation, and has conducted over 200 breath tests since.

Cst. Condron testified that he first met A/Sgt. Babin in 2020-21 when she joined the Renfrew Detachment. They were on the same platoon and worked directly as colleagues for two years. He described their working relationship as good, professional, and with friendly conversation. They did not have a relationship outside of work. His opinion of her was that she was respectful, intelligent, and it was an honour and privilege to work with her. He never knew her to be dishonest.

Cst. Condron testified that he golfed that day with friend and neighbour Mr. Cody Rawlek. He stated that he drove Mr. Rawlek to the golf course and they had an agreement that he would be the designated driver and that Mr. Rawlek had his ride covered if he chose to have drinks.

When asked by Mr. Wallace if he consumed alcohol, Cst. Condrón replied that he had. He testified that he received a can of beer that was being handed out to all the golfers just before the 1:00 pm start and that he had drank about a third of the can over the first nine holes and poured out the remaining two thirds as they started the back nine, as it got warm and flat. Cst. Condrón stated that he also had a sip of a cooler type of drink, called Triple Bogie, which was handed out at a sample table beside the lunch table at the registration area. Cst. Condrón described the Triple Bogie as a small plastic cup with about half an inch sample of an alcoholic beverage. He stated that he had a sip and gave the remainder to Mr. Rawlek.

Cst. Condrón stated that there was a sealed plastic sample container of Vodcow vodka in the gift bag given to each golfer, but he did not consume it as he was the designated driver and does not like vodka, certainly not straight.

Cst. Condrón testified to the alcohol consumption of his golf foursome, comprised of Mr. Rawlek and the two ladies who were assigned to their group at the start of the tournament. He stated that Mr. Rawlek had two drinks while golfing besides the complementary can of beer. He described the two females as intoxicated.

After the golfing was over, and in the club house, Cst. Condrón stated that he purchased two Whitewater Seltzers, one for himself and one for Mr. Rawlek. He stated that he drank about half the can. Cst. Condrón described himself as sober throughout the day and that his judgment was not affected by alcohol that day.

When Mr. Wallace asked Cst. Condrón if he had any intention to touch A/Sgt. Babin's buttock, he replied "absolutely not". He stated that he was walking from the club house when he saw her talking to someone he did not know, nor did he know that it was an interview. His intention was to tap her on the back as he walked by, to say hello, and not interrupt her, and to continue on his way. Specifically, Cst. Condrón stated that as he was walking by, he went to give her a tap with the back of his hand to her back. It was to convey a "friendly hello", as he had done before with colleagues, thinking that she would not mind, and unaware that she did not like to be touched.

Cst. Condrón stated that he had golfed at the Renfrew Golf Club a couple of times previous and marked where A/Sgt. Babin and her interviewer were standing on an aerial photograph provided

by Mr. Wallace (Exhibit #12). He testified that he recognized three additional people on the golf cart track, near the south corner of the pro shop, as he was walking to the parking lot. One was Mr. Devin Babin who he had met once at the detachment, and the other two he later learnt were Lorraine and Holly Vincent.

Mr. Wallace had Cst. Condrón stand and demonstrate his physical motion of his contact with A/Sgt. Babin. Cst. Condrón testified that he was walking with his left arm at his side as he approached her to come around behind her. As he passed her left side, he raised his left arm to a right angle and extended his arm to a straight angle and tapped her with the back of his left hand/tip of the fingers, and made contact with what he believed to be her back.

Cst. Condrón testified that he believed he had tapped her on the back and did not believe it to be inappropriate. It was a friendly gesture that he has done to many work colleagues in the past, and it never has been identified as inappropriate. He recalled that she was wearing a shawl, a loose-fitting garment, from mid-thigh to just above the knees and a straight back with no definition. He stated that he first learned that he had in fact touched her buttocks was on the Saturday evening when he texted A/Sgt. Babin and she replied. (Exhibit #3.)

Cst. Condrón stated that he sent A/Sgt. Babin a text at 7:36 pm, Saturday, June 22, 2024, the day following the golf tournament, as he wanted to congratulate her on a good job and to let her know that he recognized and appreciated all her hard work. He stated that he was shocked when she responded that she wanted him to know she felt really uncomfortable when he slapped her behind. He stated that he believed up to this point that he made contact with her back and he stated he instantly felt upset that he had done something that embarrassed and upset a friend, and he would never intentionally do something like that to someone he respected.

Cst. Condrón testified that his text response "I'm sorry Bri.....certainly wasn't meant to be" was his conveying to her that there was certainly no intent to make contact with her buttocks, but that he had no reason to believe she was not being honest, and he took her at her word. He stated that he did not feel explaining intent and purpose over text was the right forum and presumed that he would get the opportunity to speak to her in person, but this never happened, as the following week he had been advised there was an investigation and directed not to speak to her.

As to his response text "For what it's worth, I see you more like one of the guys, I guess I sometimes forget you are a woman. Not that it's an excuse", Cst. Condrón stated what he was conveying was that he then appreciated that his gesture of a tap on the back might not be taken as a friendly gesture between work colleagues, male or female. He stated that it is not okay to tap anyone on the buttocks, it was certainly not his intent, and that he would never do that on purpose.

Cst. Condrón testified that in his compelled interview with D/Sgt. Gavin, he indicated that the incident occurred after dinner was served when he was departing for home. He stated that he concedes that he could have been mistaken with the timeframe of the incident occurring before dinner, but states that he does not remember why he would have been outside the club house before dinner other than that he was leaving the club house to go home. Mr. Rawlek had unexpectedly left before dinner to meet a buyer for his boat, and Cst. Condrón stated that he himself left separately before the dinner was finished. It was Friday, his first day off work and, having shared custody, he wanted to get home to see his daughters whom he had not seen for a week and to see his spouse who was getting home around 7:00 pm.

Cst. Condrón testified that he recalled the interaction with A/Sgt. Babin in the club house just before dinner. He states that he does not recall putting his hand on her shoulder-does not deny it, only does not recall it. He stated that he walked up to her and asked when dinner was going to be ready as it was late. He stated he made a sarcastic remark about staff going out to kill a cow for the meal and observed she looked overwhelmed and stressed. He testified that he thought she had not appreciated his comment and then he said he was just joking, in reference to the comment. Cst. Condrón denied that this conversation was, in effect, his apologizing because he knew it was wrong that he had slapped her butt.

Cross-examination

Cst. Condrón testified that at the time of his August 13, 2024 compelled interview with D/Sgt. Gauvin he was aware that the interview was about a butt slap, assumed that it had occurred after dinner, but later conceded during the interview that he could have been mistaken as to the time of the incident and it happened before dinner. He agreed that he had no memory of a discussion during his interview about a conversation with Cst. van den Woude about the Triple Bogie beverage sample. Cst. Condrón further agreed that he told D/Sgt. Gauvin that he did not have a conversation with Mr. Cody Rawlek later that evening as he was returning home and Mr. Rawlek

was out in his driveway having just pulled his boat from his shop. Cst. Condrón testified that he did speak with Mr. Rawlek about the golfing and the dinner, but it was in fact later and it occurred in his own driveway.

When questioned about his pre-dinner conversation with A/Sgt. Babin in which she stated he placed his hand or arm on her shoulder, Cst. Condrón confirmed that he did not recall touching her at the time.

Mr. Lafrate put to Cst. Condrón that the incident of the slap and the conversation between them after the incident were important details and that, at a minimum, he was aware the following day, after the texts with A/Sgt. Babin, that his hand had made contact with her buttocks and how she felt. Cst. Condrón testified he did in fact replay the details at that time, but his honest belief was that the incident could only have happened when he left. Not being able to recall exactly when the incident occurred or him placing his arm or hand on A/Sgt. Babin's were not intended to be misleading, rather simply not being able to remember those specific details. Cst. Condrón denied that his not remembering the two key details was due to him having more drinks than stated or that he was being untruthful to D/Sgt. Gauvin.

Cst. Condrón denied the suggestion by Mr. Lafrate that, at the very least, his action was reckless as he knew A/Sgt. Babin was wearing a shawl, he could not see where her waist ended and her buttocks began, and his hand was low. He reaffirmed that, as he passed A/Sgt. Babin he raised his left arm to a right angle and extended it downward to a straight angle, with the back of his left hand—tip of fingers, made contact what he believed to be her back. There was no definition of her back with the loose-fitting shawl that hung straight down at the back.

Cst. Condrón testified that he offered an apology when he texted "I'm sorry Bri...certainly wasn't meant to be. I hope you know that I certainly would never want to make you feel like that. It was stupid of me...I'm really sorry...I hope you know that. I will talk to you when I see you. But I am sorry." Cst. Condrón testified that the apology was regret for the unintentional contact to her buttocks, upon just learning from her that is where the contact was made. He did not text any explanation that it was unintentional as he believed he would have the opportunity to do so in person. The text messages were brief and his mental state at the time was of shock, having just learned he had unintentionally made contact with her butt.

Cst. Condrón agreed that a sport teammate slapping another on the butt was acceptable with his generation, but not now, and it is not appropriate for a male colleague to tap a female colleague on the butt. Cst. Condrón denied that his text of “For what it’s worth, I see you more like one of the guys, I guess I sometimes forget you are a woman” was in direct reference to his intentionally slapping her on the butt and forgetting that she was a woman and not one of the guys.

PART III: SUBMISSIONS AND ANALYSIS

Defence Submissions

Mr. Wallace submitted that the issue at the fore is whether the Hearing Officer is satisfied, on clear and convincing evidence, that Cst. Condrón intentionally touched A/Sgt. Babin’s buttocks and not merely touched her buttocks. What Cst. Condrón was intending to do and thought he had done at the time was to give her a friendly tap on the lower back.

On clear and convincing evidence, Mr. Wallace cited the *Carmichael and Ontario Provincial Police, 1998 CanLII 27137 (ON CPC)* decision that defines clear and convincing evidence, which reads:

“There must be weighty, cogent and reliable evidence upon which a trier of fact, acting with care and caution, can come to a reasonable conclusion that the officer is guilty of misconduct.”

Mr. Wallace submitted that the standard of clear and convincing evidence is higher than a balance of probability but less than that of beyond a reasonable doubt. Clear and convincing evidence is unique in that other governance bodies use balance or probabilities, but the police use this higher standard of clear and convincing evidence.

Mr. Wallace asked the Hearing Officer to ask himself, as he looks at the evidence, as to why Cst. Condrón would do such a thing so disrespectful and in such a public way to A/Sgt. Babin. They have known each other since 2019 and they both spoke of a mutual respect they had for each other in their strictly professional relationship. She considered him a mentor, and he contributed to her success as a police officer. She turned to him for advice on impaired cases and he generously provided her sound advice.

Mr. Wallace submitted that the evidence is non-existent if this is about the consumption of alcohol. Cst. Condrón attended with a friend and was the designated driver. Cst. Condrón's evidence was he had a sip of a sample beverage, was given and poured out a can of beer on the back nine, and purchased a Whitewater Selzer after the golf game. Mr. Rawlek verified in his interview that Cst. Condrón did not finish the can of beer and purchased the one round of two drinks, one for himself and one for Mr. Rawlek, at the club house. Further, Cst. Condrón described himself as being sober and no witness offered an opinion that he was intoxicated. Nor could A/Sgt. Babin offer an opinion that Cst. Condrón was intoxicated. She gave evidence that his face was red at the time of the incident, as it was when he was in the Hearing when she testified Monday. She noted his demeanor after dinner as "Mark being Mark". In his written statement, all that Cst. Brown stated was that Cst. Condrón appeared to have consumed alcohol but did not appear intoxicated. In his written statement, Cst. van der Woude stated that he spoke to Cst. Condrón at the Triple Bogie sample cart and the only observation made was an odour of alcohol. Mr. Wallace stated that this was not surprising as Cst. Condrón had just had a sip of the sample.

Mr. Wallace further submitted that the evidence falls short of establishing intoxication, particularly in light of the evidence of Cst. Condrón and Mr. Rawlek. The defence is not challenging consumption of alcohol, but the evidence must be clear and convincing on intoxication.

Mr. Wallace submitted that the evidence given by the witnesses on how the demonstrated contact to A/Sgt. Babin by Cst. Condrón is not consistent. A/Sgt. Babin, Mr. Devon Babin, and Ms. Lorraine Vincent all gave different versions of how the contact was made. A/Sgt. Babin demonstrated an upward motion where his arm starts low and is raised to come into contact. Mr. Babin demonstrated an arm that starts high and ends low and was pretty dramatic. Ms. Vincent's demonstration was of a side-to-side motion, and it is more consistent to what Cst. Condrón described.

Mr. Wallace asked the Hearing Officer to also consider that Mr. Babin, on his drawing (Exhibit #5), has drawn two interviewers with A/Sgt. Babin whereas A/Sgt. Babin's diagram (Exhibit #4) has only one interviewer, Mr. Kasey Egan. Ms. Lorraine Vincent testified that there was only one interviewer. Mr. Wallace submitted that this should be applied in assessing the reliability of Mr. Babin's evidence.

Mr. Wallace submitted that I have heard three different versions of how the touching was accomplished. As to whether it was the palm or the back of the hand, Mr. Babin could not say one way or the other, however his demonstration was consistent with it being a palm. Ms. Vincent stated that she did not know if it was the palm or the back, and A/Sgt. Babin stated that she did not know if it was the palm or the back, nor did she offer an opinion on how the contact felt.

Mr. Wallace submitted that Mr. Babin stated that he was 15 to 20 feet away and heard the slap, although he stated he could not hear what was being said. In his interview with D/Sgt. Gauvin, Mr. Babin did not say he heard it, but he was not asked.

Mr. Wallace submitted that the interviewer, Mr. Kasey Egan, a foot away and the closet person, gave no indication that he was aware that anything happened. A/Sgt. Babin listened to the audio recording of the interview and could not hear a slap, nor could D/Sgt. Gauvin who listened to it on numerous occasions, using speakers. Mr. Wallace submitted that the fact that it is not audible in the recording of the interview means that there is no clear and convincing evidence that it was in fact audible.

Mr. Wallace submitted that Cst. Condrón provided clear evidence that he did not intend to touch her buttocks with his hand. He saw that she was in conversation and his intention was to give her a friendly tap on the lower back. He demonstrated with the back of a chair the motion of his left arm at approximately 90 degrees, and a sweeping motion to make contact with her lower back with the back of his hand. A friendly hello that he believed that she would not mind. He had done this sort of thing with other colleagues, as a friendly gesture, and he was without knowledge that this would not be welcomed.

Mr. Wallace submitted Cst. Condrón has acknowledged, as early as the following day, that he got it wrong. He indicated that she was wearing a loose-fitting shawl which gave no definition to her back and where her back ended and her buttocks started. He did not have a clear view of the anatomy, and he thought he had given a tap to the back.

Mr. Wallace asked if it is reasonable to think that Cst. Condrón would slap A/Sgt. Babin's buttocks in front of others, including her husband? He knew that this would be inappropriate and he could reasonably expect a reaction if it was done intentionally. There was no attempt at concealment

as he did not think it was inappropriate to touch her back and he did not anticipate that this action would be minded.

As to the encounter in the club house, Mr. Wallace submitted that it was Cst. Condrón's evidence that he approached her before dinner was served. Dinner was late and he made a sarcastic comment about the staff having gone out to kill the cow for the meal. A/Sgt. Babin was overwhelmed and stressed and reacted to the comment. When Cst. Condrón told her he was only joking, it was in reference to his comment and no connection to what had occurred earlier.

Mr. Wallace submitted that Cst. Condrón's text exchange with A/Sgt. Babin the following evening was a text to congratulate her on a well-planned event. Cst. Condrón explained why he sent the text to her only and not the other two organizers, as they were colleagues he sees regularly and she was not. The text reveals that A/Sgt. Babin is telling Cst. Condrón that he slapped her behind. This is the first time he is made aware of this and he is shocked and felt awful, accepting her word as he knows her, respects her, and knew she would not make this up.

Mr. Wallace submitted that Cst. Condrón's text response is very short. "I am sorry...certainly was not meant to be." His submission is that Cst. Condrón's evidence is that he was trying to convey that the touching was not intentional. A/Sgt. Babin proposes that they talk about it later that week and he was expecting a face-to-face discussion where he could explain himself.

As for the closing "for what it's worth" text, Cst. Condrón testified that what he was trying to convey was that he tapped male colleagues on the back, the same as he had intended to do to her. He was treating her as one of the guys. Mr. Wallace submitted that Cst. Condrón knows that a tap on the butt is not acceptable, but a touch on the back is not the same and, in Cst. Condrón's experience, it was acceptable amongst colleagues.

Mr. Wallace addressed the discrepancy as to whether the incident occurred before or after dinner. The incident occurred on June 21, 2024 and Cst. Condrón was interviewed by D/Sgt. Gauvin on August 13, 2024--seven weeks later. The text exchange on June 22, 2024 contains no reference as to whether the incident occurred before or after dinner, nor did the notification from Professional Standards for the compelled interview. Therefore, during the interview, Cst. Condrón stated that he thought it took place after dinner as it was the only time he remembers leaving the club house.

During the interview, when it is explained to him by D/Sgt. Gauvin that it makes more sense that it occurred prior to the dinner, Cst. Condrón saw the logic and agrees that it must have been prior.

Mr. Wallace submitted that to this day, other than speculating, Cst. Condrón cannot recall why he was outside the club house before dinner. If he was advised earlier, he may have been able to remember why he was outside and heading towards the parking lot. Mr. Wallace submitted that the timeline has nothing turning on it. What is important here are the facts themselves. The evidence is contrary to Cst. Condrón being “blackout drunk” and prior to the interview, he held the belief that the event must have occurred on his way out.

As to Cst. Condrón’s early departure immediately after dinner, Mr. Wallace submitted that it was to get home and see his children as he had received texts from them. His early departure was for a family issue and not anything to do with a guilty conscience.

Mr. Wallace stated that his submissions have focused on the six bullet points contained in the Summary of Allegations (Exhibit #2), with the exception of bullet point three—that of A/Sgt. Babin being embarrassed and humiliated by Cst. Condrón’s actions.

Mr. Wallace submitted that the question is really if Cst. Condrón’s action was intentional. What he states is that he intended and thought that he had touched her on the back with the back of his hand.

In summary Mr. Wallace submitted that Cst. Condrón has provided a credible and unshakable account of his actions. The touching of A/Sgt. Babin’s buttock was unintentional and it does not rise, on clear and convincing evidence, that he intentionally touched her buttocks as the Prosecution maintains.

Prosecution Submissions

Mr. Lafrate submitted that the OPP’s position is that Cst. Condrón is guilty of misconduct because he slapped A/Sgt. Babin’s buttock without her consent. There is no doubt that this occurred. Defence put the question to you as to why he would do such a thing to a respected colleague and the answer is found in the text message he sent to her—because he was treating her as one of the guys and he forgot that she was a woman. This is not acceptable in any organization, but especially in a police setting.

Mr. lafrate referenced the *Pitts and Director of Family Benefits Branch of Ministry of Community & Social Services, 1985 Can LII 2053 (ON SC)* decision by the Ontario Divisional Court, highlighting some practical tips for assessing witness credibility, notably: the extent of the witnesses opportunity to observe the matter about which he/she is testifying to; whether the witness has any interest in the outcome of the litigation; and if the testimony of the witness contradicted by the evidence of another witness or witnesses assessed to be more worthy.

Mr. lafrate submitted that the evidence of A/Sgt. Babin is both credible and reliable. Her credibility was not challenged, and she had no motivation to fabricate. She did not want to be involved in the process and was opposed to the pursuit of criminal charges, demonstrating no personal motivation of slight.

Mr. lafrate submitted that A/Sgt. Babin provided that the incident occurred while she was on shift as the community mobilization officer, along with two OPP colleagues, an important point as to the aspect of workplace harassment.

As to the slap, Mr. lafrate submitted that A/Sgt. Babin's testimony was that the incident occurred between 5:30 pm and 6:00 pm while she was providing a media interview. She was outside with her back towards the pro shop, facing the golf course and could see her husband and two cousins. She saw Cst. Condrón approach, red faced, and slapped her buttocks. She heard the slap and he walked right by her. She did not see if it was the front of the back of his hand and the angle of his arm was unclear, but she felt it. A/Sgt. Babin did not stop the interview so as not to draw attention to the incident. She stated that she looked at her husband and saw the look on his face, asking herself what she had done to make Cst. Condrón think that this was acceptable. She testified that Cst. Condrón came up to her later that evening, placed his hand on her shoulder, and said "it's okay Bri". She stated that she felt uncomfortable and said this to some of her colleagues present.

Mr. lafrate submitted that the text sent to A/Sgt. Babin the next day by Cst. Condrón was really an apology. "...never want to make you feel like that. It was stupid of me...". He provided an explanation—that "...I see you more like one of the guys,...". Nowhere in the text does he say that he actually intended to tap her on the back. Mr. lafrate stated that the text messages are an admission of his guilt and an attempt to rationalize his behaviour.

Mr. lafrate submitted that there are no credibility issues in the evidence of Mr. Devin Babin. He was an eyewitness to the slap on the left buttock, standing 15-20 feet away. His testimony was he saw Cst. Condrón coming from the golf course side of the open area, raised his left arm and swung his arm downwards, and slapped her left buttock with his left palm. He testified that he heard the slap and was immediately surprised and upset as it was such a disrespectful thing to do to his wife.

Ms. Lorraine Vincent, who used to work at the golf course and was very familiar with the layout, also gave credible and reliable testimony that she was 15 feet away when she saw Cst. Condrón's hand make contact with A/Sgt. Babin's buttocks although she cannot recall if it was with his palm or the back of his hand. She stated that she felt uncomfortable with seeing the slap.

Mr. lafrate submitted that it is important for this case that the three factual witnesses were all consistent in the main, important parts. All three testified that Cst. Condrón slapped her butt, were consistent that she was standing towards the club house while they were standing near the pro shop, and that Cst. Condrón came from the club house side. All three knew him and identified him.

Mr. lafrate submitted that it is important to consider whether or not Cst. Condrón was forthcoming in his compelled interview on August 13, 2024, when he stated to D/Sgt. Gauvin that as he was leaving, he tried to tap her on the back, just to say 'hey' as he walked by, with the understanding that he made contact with her back with the back of his hand.

Mr. lafrate submitted that there are reliability issues with Cst. Condrón's testimony in that he cannot remember some of the key details. He cannot recall when the slapping incident occurred, the placing of his hand on A/Sgt. Babin's shoulder, the conversation with Cst. Nick van der Woude concerning the Triple Bogie sample, and the meeting and conversation with Mr. Cody Rawlek upon arriving home that evening. Mr. lafrate submitted that this is problematic. Cst. Condrón was told the next day by A/Sgt. Babin and four days following, he received a Professional Standards Unit notification. He knew that this was a serious matter and it is reasonable to believe that the events of the evening would be imprinted in his mind. His recollection of what occurred is certainly lacking.

Further, Mr. lafrate submitted that no reason for his poor recollection was provided by Cst. Condrón. He denied that alcohol consumption or being untruthful were causes, but the Hearing Officer must use caution in putting too much weight on his evidence. If he is not certain about key details, how can I be confident on particulars such as the back of his hand versus the front of his hand.

Mr. lafrate submitted that Cst. Condrón testified that because of the shawl worn by A/Sgt. Babin, he did not realize that he hit her buttocks. A shawl is open at the front and he would have seen her waistline at the time of the slap. However, both Mr. Babin and Ms. Vincent were clear that his hand made contact with her butt and had no confusion by her wearing a shawl. Mr. lafrate stated that it is not credible that, because of the shawl, he was not to discern the exact location of her buttocks.

Mr. lafrate submitted that Cst. Condrón's demonstration of his arm swing was very insightful. His hand came up about 90 degrees and swung backwards, very low with some bending, and in line with his own buttocks. After seeing the demonstration, Mr. lafrate stated it was no surprise that his hand made contact with her buttocks. Yet Cst. Condrón refused to admit that he was aiming for her butt or was simply reckless.

Mr. lafrate submitted that the last two exchanges of the text messages are the most telling. Cst. Condrón saw A/Sgt. Babin as 'one of the guys'. His testimony was that it was not unusual to tap a butt, as in such a team sport as rugby. Mr. lafrate submitted that Cst. Condrón was treating her as one of guys, forgetting she was a woman, and this was his rationale for his behaviour. He intended to slap her butt and normalized it, attempting to explain his behaviour in the text messages.

As to legal submissions, Mr. lafrate submitted that the standard to be applied is that of clear and convincing evidence and it is the Prosecution's position that the OPP's burden to establish a breach of section 201(10) of the *CSPA* has been met. Section 10 of Ontario Regulation 407/23 (Code of Conduct for Police Officers) has replaced the discreditable conduct section of the former *Police Services Act (PSA)*, however the same principles apply. The task of the Hearing Officer to assess if Cst. Condrón's actions undermine or likely undermines public trust in policing. Mr. lafrate stressed that there are two options: to undermine or likely to undermine. It is not necessary for undermining trust to have occurred. It also does not include an intent component. Whether

or not it was intentional, reckless, or accidental, Cst. Condrón slapped A/Sgt. Babin's buttock. If he intentionally did so, then it is clear. If he did it recklessly, then lesser, but still undermines public trust in policing.

Mr. Lafrate referred to the recent (October 2025) CSPA decision of *Peel Regional Police and Sgt. Harinder Sohi*, contained within the Prosecution's Book of Authorities (Exhibit #13) which involves a breach of section 10 of Regulation 407/23 and speaks to public trust. Mr. Lafrate highlighted the points on page 61, in which Adjudicator Mr. Graeme Turl references: the well-known and accepted fact that police officers are held to a higher standard due to their unique societal powers; the elevated standard extends to both their professional conduct and their private lives; that police officers must not only do the right thing but also be seen to do the right thing; and misconduct erodes public trust making it more difficult for officers to do their jobs and leading to a breakdown in cooperation between the public and police.

As to section 30 of the regulation (engaging in workplace violence or workplace harassment), Mr. Lafrate submitted that this section imports definitions from the *Occupational Health and Safety Act (OHSA)*, as stated in the Ministry of Labour's Workplace Violence and Harassment: Understanding the Law guideline. (Exhibit #13, tabs 3 and 4.) Mr. Lafrate submitted that to find Cst. Condrón guilty of section 30, a violation of the definitions within the act must also be found to have occurred. Mr. Lafrate stated that the guideline, at page nine, explains what is workplace sexual harassment and page 10 provides several relevant examples.

Mr. Lafrate submitted that the Summary of Allegations (Exhibit #2) can really be divided into two parts: The slap, which is the primary focus; and the secondary allegation that Cst. Condrón was less than forthcoming. The evidence unequivocally establishes that he slapped her on the left buttock with the palm of his left hand, heard 15 feet away. His statement that it was unintended is not credible and that he could not see where he was aiming due to the shawl is not credible.

Mr. Lafrate submitted that Cst. Condrón's slap undermines public trust, contrary to section 10 of the Code of Conduct but it is also workplace harassment contrary to section 30. However, in fairness, Mr. Lafrate submitted Cst. Condrón should only be found guilty on one of two offences, citing the Kienapple principle, which prevents a person from being found guilty of two or more offences arising from the same act.

The request from Prosecution is for a finding of guilt for a violation of Section 30 as this is a textbook example fitting all the aspects of the definitions of workplace harassment and sexual harassment. If not, then Mr. lafrate asks for a finding of guilt on section 10 as the misconduct occurred at a public event, in front of persons, and clearly undermines public trust in policing. It was very fortunate that the reporter did not report the incident as it would have done harm to the reputation of the police.

As to the secondary allegations, that of Cst. Condrón being less than forthcoming in his explanations provided to D/Sgt. Gauvin during his compelled interview on August 13, 2024, Mr. lafrate submitted that the OPP's position is that his statements were simply not true. Cst. Condrón was treating A/Sgt. Babin as one of the guys and intentionally struck her buttocks with the palm of his hand. He was not attempting to tap her on the back and, if I accept Mr. Devin Babin's evidence, Cst. Condrón's statement that he used the back of his hand, is not true. Mr. lafrate submitted that if the Hearing Officer finds both statements were less than forthcoming, it amounts to conduct that undermines public trust.

In conclusion, Mr. lafrate asked the Hearing Officer to find, on clear and convincing evidence, a violation of section 30 or section 10 of the Code of Conduct for the slap and a violation of section 10 for Cst. Condrón being less than forthcoming in his compelled interview. Mr. lafrate invited the Hearing Officer to first make findings on the facts, then to figure out what offences apply. Of the six bullet points of misconduct contained in the Summary of Allegations (Exhibit #2), the second, third, fifth, and sixth are applicable to the slap and a violation of either section 10 or section 30, whereas the fourth point is applicable only to section 10, in being less than forthcoming in his interview.

Defence Reply

Mr. Wallace submitted that the Prosecution misconstrued Cst. Condrón's evidence concerning the text message he sent to A/Sgt. Babin on June 22, 2024, where he sends "For what it's worth, I see you more like one of the guys, I guess I sometimes forget you are a woman. Not that it's an excuse". Mr. Wallace submitted that what it is that Cst. Condrón does to the guys is to tap them on the back. The context of the text is what he does in his workplace to guys at work, currently, and not equating one of the guys to the guys 20 years ago in a sport team context.

Mr. Wallace restated his submission on the reliability of the people who witnessed the incident. He submitted that they did not give consistent descriptions of Cst. Condrón's hand and arm motions. One stated upwards, one downwards, and one side to side, certainly not consistent with one another. Nor were the drawings consistent. A/Sgt. Babin and Mr. Devin Babin were consistent in they both drew a group of three persons: Holly Vincent, Lorraine Vincent, and Devin Babin. However, Lorraine Vincent stated she was only with Holly and that Devin was as far away as A/Sgt. Babin. Mr. Wallace submitted that this was not consistent, and the Prosecution is asking me to make decisions on recollections that are not reliable.

Mr. Wallace submitted that all Cst. Condrón was told when called to the compelled interview was that he was alleged to have touched A/Sgt. Babin. Seven weeks after the incident he came to address that and was not prepared to address the timing of the event or other details of that day. What was important was what happened in the walkway. He had no idea that his interaction and remarks with A/Sgt. Babin just prior to dinner were an issue and it is wrong for the Prosecution to portray Cst. Condrón's evidence as not being reliable due to his being mistaken on timelines and unsure of some unimportant details.

Mr. Wallace submitted that Cst. Condrón's evidence on the shawl worn by A/Sgt. Babin was quite clear in what was said. The shawl had arms, he was approaching her from the side, and there was no evidence that he actually saw the front, therefore it is not fair to saddle Cst. Condrón with knowledge he did not know. The shawl covered her backside and when he tapped her back he was not able to determine where the back stops and the buttocks begin, due to the loose-fitting garment.

Mr. Wallace submitted that the Prosecution is inviting me to make a finding of misconduct on accidental or reckless behaviour. This cannot be. We do not punish for accidental behaviour. As far as reckless behaviour, Mr. Wallace submitted that it implies an element of not caring of a likely outcome. Cst. Condrón would not want to do anything that would offend A/Sgt. Babin because of his respect for her, clearly a mutually respectful relationship. If recklessness exists, it is not applicable in this case. Cst. Condrón simply misjudged her back when his hand landed.

Analysis:

This Hearing heard oral testimony from five witnesses and received documentary evidence from three witnesses. My task as adjudicator is to assess the credibility and reliance of each witness

and apply it to the main issue at hand—am I satisfied, on clear and convincing evidence, that the totality of the evidence establishes that Cst. Condrón intentionally slapped A/Sgt. Babin’s buttock and, as put by Mr. Wallace, not merely touched her buttock when he misjudged the location of her back when his hand landed. This will entail a finding of whether the contact was deliberate or reckless, as argued by Mr. Lafrate, or accidental, as submitted by Mr. Wallace.

I am in agreement with Mr. Lafrate’s assessment that my first task is to make findings of fact and then turn my attention to what offences, if any, apply. The Prosecution has asked for a finding of guilt for a violation of section 30 (Respectful Workplace) of the CSPA’s Code of Conduct for Police Officers, or a finding of guilt for a violation of section 10 (Undermine Public Trust). In addition, for the secondary allegation of Cst. Condrón being “less than forthcoming” in his compelled Professional Standards interview, the Prosecution asks for a finding of guilt in violation of section 10 as providing a statement proven not to be true amounts to an undermining of public trust.

I will commence with the assessment of the credibility and reliability of the evidence of the witnesses and will refer to the *Pitts and Director of Family Benefits Branch of the Ministry of Community & Social Services*, 1985 CanLII (ON SC) decision in the Prosecution’s Book of Authorities (Exhibit #13, tab 2). Besides finding that a trier of fact owes a duty to the Respondent Officer to clearly state the grounds for not finding testimony credible or believing the testimony of one witness or witnesses over another, it provides considerations in assessing witness credibility being: the appearance and demeanor of the witness; the extent of the opportunity to observe the matter being testified upon; the witness’s interest in the outcome; witness partisanship; does the evidence make sense; was the testimony contradicted; and are there any inconsistencies with previous statements. Only after weighing these considerations can the adjudicator decide the credibility or truthfulness of the witness and apply the appropriate weight to the evidence.

The evidence of each witness is captured above, in significant detail, and I will be careful not to be repetitive in my assessment for credibility and reliability but rather focus on the specifics of which weight I applied and my rationale.

I find A/Sgt. Babin’s evidence to be both credible and accurate. She was on shift in the capacity of the Community Mobilization and Engagement Coordinator sergeant, performing her work duties of managing and overseeing an OPP sanctioned charity golf tournament which was open to the public. She did not participate in the event, and it is evident through her testimony that she

had some concerns about the behaviour and alcohol consumption of some participants that could have put the future of the tournament in jeopardy. A/Sgt. Babin maintained a professional posture throughout the day and evening, even after the incident on the pathway with Cst. Condrón. Her testimony was delivered in a straightforward, professional manner which only reinforces her account of what exactly occurred and her determination to address the actions of Cst. Condrón in a formal work setting, as the incident occurred while she was on duty and performing work responsibilities.

A/Sgt. Babin's testimony on the incident was concise, believable, and she offered no embellishments or opinions, other than the observation that Cst. Condrón did not look himself as he approached and appeared red faced. The same can be said for her description of the interaction an hour or so later inside the dining room where A/Sgt. Babin made the observation that she could not tell if Cst. Condrón was drunk, only that the encounter was awkward and different from their many previous interactions.

A/Sgt. Babin described that she was standing on the walkway between the club house and the pro shop with her husband, Devin Babin, her cousin Lorraine Vincent, and her cousin's husband, Holly Vincent when they stepped aside as the interview with Mr. Kasey Egan began, between 5:00 pm and 6:00 pm, after Mr. Egan had finished golfing. A/Sgt. Babin's evidence was that she observed Cst. Condrón walking towards not looking himself, and swung and "slapped her bum cheek" with his left hand as he passed by. Her evidence was that she did not see his hand but felt it through the "flowy" shawl, golf skirt, and spandex shorts she was wearing and it sounded like a palm slap.

A/Sgt. Babin's evidence is consistent with that of her then fiancé (now husband) Mr. Devin Babin and her cousin, Ms. Lorraine Vincent, the two of the four witnesses who were present and saw the incident unfold, however were the only two eyewitnesses who were called to give oral evidence at this hearing. (Mr. Kasey Egan and Ms. Holly Vincent were also present when the incident occurred.) Mr. Babin placed himself approximately 15 to 20 feet away, describing Cst. Condrón's approach, raised hand, and slapping of A/Sgt. Babin's behind. Mr. Babin demonstrated the left hand being raised to the rear, coming forward, slapping with the left palm, and that he heard the slap.

Ms. Lorraine Vincent's testimony placed herself standing beside Ms. Holly Vincent, smoking a cigarette, approximately 15 feet away from where the interview was taking place. Consistent with Mr. Babin, she described witnessing A/Sgt. Babin being "slapped on the bum" by Cst. Condrón and described a definite arm motion, the hitting of her behind, although she does not recall what side and that she did not hear the contact.

A/Sgt. Babin was the recipient of the unwarranted and unwanted physical contact by Cst. Condrón and she described, in detail, what she felt and heard. Her evidence was believable, made sense, and was not contradicted by any of the witnesses, including Cst. Condrón. I do take into account the kinship of both Mr. Babin and Ms. Vincent (husband and cousin) when considering interest in the outcome and partisanship. However, despite some minor inconsistencies, their evidence on what they saw and their immediate interpretation and reaction is both consistent and believable.

Of significance is the consistency of all three witnesses in their descriptions of their immediate interpretation of what they had witnessed and how it made them feel. A/Sgt. Babin testified that her immediate reaction was embarrassment and extreme uncomfortableness, feeling awful that a police colleague would do this in front of a media person. She testified that she immediately looked over to her husband but kept her composure and continued with the interview so as not to draw attention to what had just occurred. After the interview she maintained her professional composure by ensuring her "worked up" husband did not confront Cst. Condrón at the event and make a scene in front of her work colleagues. She still had work responsibilities to oversee for the remainder of the event and would address the incident in the appropriate work setting on Monday morning.

Consistent with A/Sgt. Babin's testimony, Mr. Babin stated that she looked over to him but continued with the interview. His immediate reaction was one of surprise and upset as it was such a disgraceful thing to do and it was done to his wife. His evidence was that he walked towards her, asked "if that just happened", and told her he was going to have words with Cst. Condrón. She asked him not to and he respected her wishes and did not seek out Cst. Condrón by following him into the parking lot.

Ms. Vincent described feeling shock and disbelief, and upon speaking to A/Sgt. Babin immediately following, asked if it was Chantal's fiancé that did it, feeling uncomfortable for A/Sgt. Babin that this happened to her.

Cst. Condrón's testimony is that as we were walking from the club house, he observed A/Sgt. Babin in conversation with a person unknown to him and he was unaware that it was a media interview. Not wanting to interrupt, his intention was to convey a friendly hello by giving her a backhand tap on the back as he passed, a gesture that he has done with colleagues in the past. He testified that he had absolutely no intention to touch her buttock and his intention was a backhand tap on the back.

To accept Cst. Condrón's evidence would require me to determine that A/Sgt. Babin, Mr. Babin, and Ms. Vincent each misinterpreted the intent and action of Cst. Condrón's friendship gesture of a tap on the back. I cannot accept this. Their individual accounts of their immediate, raw reactions to what they witnessed is too compelling and too consistent to dismiss on the basis that they all misinterpreted what they had witnessed—that Cst. Condrón intentionally slapped A/Sgt. Babin's buttocks as he passed her.

To accept Cst. Condrón's testimony, I would have to find that he had no perception or knowledge that he had in fact made hand contact with A/Sgt. Babin's buttock until she advised him by a text message the following day. I am left trying to resolve how could three persons have immediately realized what had just occurred, however the person initiating the contact could be so oblivious. How could Cst. Condrón not have realized that his hand had made contact with A/Sgt. Babin's buttock upon doing so, even if it was an intended tap to her back as he maintains? One would expect an immediate shock, similar to what Cst. Condrón described to feeling when he read the text from A/Sgt. Babin. The prudent and reasonable reaction would be to stop and immediately apologize to A/Sgt. Babin and all present and offer an immediate explanation of his intended action and the obvious error in his judgement. This did not occur and I cannot accept Cst. Condrón's testimony that he was not aware of where his hand made contact.

A second area of concern with the testimony of Cst. Condrón is the interaction he had with A/Sgt. Babin in the club house after the incident and prior to dinner. A/Sgt. Babin's testimony described the interaction as awkward, different than other encounters, and that Cst. Condrón did not seem to be himself. A/Sgt. Babin was very definite that Cst. Condrón placed his arm on her shoulder and stated "I was just joking with you, Bri, just joking" which she took as direct reference to him slapping her buttocks earlier on the walkway. The interaction was witnessed by a table of OPP

colleagues and when asked by Jason Golds what that was about, her response was “Mark slapped my bum”.

Cst. Condrón’s testimony was that he recalls the conversation, but not placing his hand on her shoulder, not denying it, only not recalling it. He testified that his statement of just joking was in reference to his sarcastic comment about the lateness of the dinner, and the chef going out to get the cows for dinner, after which he observed that she looked overwhelmed and stressed. I am being asked by Defence to find that A/Sgt. Babin, once again, misinterpreted the intent of Cst. Condrón in that his apology was for the remark and not the slap. A/Sgt. Babin does not recall the sarcastic remark and clearly attributed Cst. Condrón’s “only joking” explanation to his earlier slapping her bottom. I find A/Sgt. Babin’s recollection to be the most likely, thus credible, version.

A third area of concern is the content of the text messages between Cst. Condrón and A/Sgt. Babin on June 22, 2024, the evening following the golf tournament, initiated by Cst. Condrón, and, as submitted by Mr. Iafrate, most telling as it provides the rationale for why he intentionally slapped A/Sgt. Babin’s butt. Cst. Condrón typed and texted:

“I’m sorry Bri.....certainly wasn’t meant to be. I hope you know that I certainly would never want to make you feel like that. It was stupid of me....I’m really sorry... I hope you know that. I will talk to you when I see you. But I am sorry.”

The text conversation was followed three texts later with:

“For what it’s worth, I see you more like one of the guys, I guess I sometimes forget you are a woman. Not that it’s an excuse”

Cst. Condrón’s testimony was that his response of *“I’m sorry Bri.....certainly wasn’t meant to be”* was his accepting her word that he had actually touched her buttocks but he felt that a text message was not the proper forum to provide an explanation that his intent was a tap to her back. He stated that he presumed he would have an opportunity to speak to her in person and to explain what he had intended.

As to the *“For what it’s worth...not that it’s an excuse”* exchange at the end of the text messages, Cst. Condrón explains that he appreciates how a work colleague could misinterpret the intent of

a friendly gesture of a tap on the back, especially a female co-worker, and he is acknowledging this to A/Sgt. Babin. A tap on the buttocks is not okay, it certainly was not his intent, but a tap on the back is something he has done without issue in the past to both male and female colleagues.

Once again, I find Cst. Condrón's testimony to be reduced to further explanations for misinterpreted actions, texts, and intentions. This is, from my perspective, problematic to accepting his overall testimony as credible and reliable. There are just too many explanations for too many discrepancies and I am unable to reconcile his testimony to the testimony of other witnesses and the content of the texts as I, or any reasonable person, would interpret them.

It has been established, even by the acceptance of Cst. Condrón, that his hand made contact with A/Sgt. Babin's buttock, and I certainly accept this as fact. The real question before me is to determine whether Cst. Condrón intentionally, recklessly, or accidentally tapped or slapped A/Sgt. Babin's buttock.

It is the position of Prosecution there is no doubt that Cst. Condrón intentionally slapped A/Sgt. Babin's buttock without her consent, whereas the position of Defence was that Cst. Condrón has provided a credible and unshakeable account of his actions that his touching of A/Sgt. Babin's buttock was unintentional and we do not punish for accidental behaviour. Nor, according to Mr. Wallace, is reckless applicable in this case and reckless implies an element of not caring of a likely outcome and Cst. Condrón had too much respect for A/Sgt. Babin for this to occur.

Again, to accept that the act was unintentional I would have to determine that the receiver of the unwanted contact, A/Sgt. Babin, and two of the immediate witnesses, Mr. Babin and Ms. Lorraine Vincent, each misinterpreted what they had closely witnessed and heard, that their immediate reaction was mistaken, and the way the incident made them feel immediately afterwards was unwarranted. If unintentional, or even reckless but innocent in intentions, it follows that one or all, from their different vantage points, would have recognized it as such. If unintentional, then Cst. Condrón, who surely would have been aware of where his hand landed, had the immediate opportunity to address his miscalculated contact on the spot, providing an explanation of his intent, or a fulsome explanation of his poor judgement of swinging his arm at waist level towards the lower back of a female colleague. I can reach no other conclusion, based on the testimony heard, than Cst. Condrón intentionally slapped the buttock of A/Sgt. Babin.

As to the why, there is not a clear answer. Cst. Condrón testified that he was sober the entire day and was the designated driver for his friend, Mr. Rawlek. He testified that he had consumed a sip of a Triple Bogie alcoholic beverage from a sample table at the pre-golf lunch, consumed approximately one third of a can of beer over the first nine holes, and consumed approximately half a Whitewater Seltzer prior to dinner. This claim was verified in the audio and transcript of Mr. Rawlek (Exhibits #9 and #10). There was evidence of excessive alcoholic consumption by the two golfers paired with Cst. Condrón and Mr. Rawlek, but no direct evidence or contradictory evidence that Cst. Condrón was anything but sober.

The Prosecution's position is that the why can be found in the June 22, 2024, text message and it was because Cst. Condrón was treating A/Sgt. Babin as "one of the guys", forgetting that she was a woman, intentionally slapping her butt as customary in an outdated male dominated team culture environment. Afterwards he normalized his action and tried to explain his behaviour in the text messages. The evidence of his interaction in the club house with A/Sgt. Babin and a read of the texts (Exhibit #3) certainly point to the plausibility of such an interpretation, however, Cst. Condrón denies the act was intentional and does not offer any further insight rather than the inference contained within the text messages. My finding that the slap was deliberate does not require a definitive answer as to why he did it or his mindset at the time, only that the evidence supports that his action was deliberate.

I agree that an intentional slap on the buttocks of a female colleague by a male colleague can constitute one of two contraventions of the CPSC's Code of Conduct, Regulation 407/23: Conduct in a manner that undermines or likely to undermine public trust in policing, section 10 of the Code of Conduct; and engaging in workplace violence or workplace harassment, including workplace sexual harassment, as defined in the *Occupational Health and Safety Act (OHSA)*, contrary to section 30 of the Code of Conduct.

Due to the specific circumstances of the deliberate actions of Cst. Condrón and to directly address the component of workplace harassment that A/Sgt. Babin was exposed to, I find it is important to define the misconduct within the parameters of a Respectful Workplace violation. It would be remiss of me to focus on the undermining public trust aspect and to ignore or downplay the sexual harassment component of the unwanted, unwelcomed buttock slap by a male colleague.

The *OHS*A definition of “workplace”, section 1(1) “means any land, premises, location or thing at, upon, in or near which a worker works.” The definition of “sexual harassment” means:

- (a) “engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identify or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.”

The Ministry of Labour’s *Health and Safety Guidelines Workplace Violence and Harassment: Understanding the Law* guideline (Exhibit #13, tab 4), section 1.5, states that the above definition of workplace harassment is broad enough to include all types of harassment prohibited under Ontario’s Human Rights Code, including sexual harassment. Workplace harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker in a workplace and there may be situations where the conduct happens only once.

As addressed earlier, the three allegations contained in the Summary of Allegations (Exhibit #2) are: that Cst. Condrón had consumed alcohol with an unclear level of intoxication while participating in the golf tournament; he slapped A/Sgt. Babin on the buttocks with an open hand; and that he was less than forthcoming in his interview with Professional Standards.

As to the first allegation, I have ruled that there is no direct evidence that Cst. Condrón had engaged in excessive alcohol consumption the day of the golf tournament and no contradictory evidence to his testimony that he remained sober throughout other than A/Sgt. Babin’s testimony that he was acting awkward and that she suspected it was due to alcohol. The evidence heard was that Cst. Condrón had consumed the partial contents of less than half of two cans of an alcoholic beverage and a sip of a sample alcoholic beverage throughout the entire day, certainly not enough to support an assertion of excessive consumption. Further, Cst. Condrón was not on duty that day and there is no misconduct in the consumption of alcohol while off duty and participating in a charity golf tournament.

The third allegation, that of Cst. Condrón being less than forthcoming in his August 13, 2024 compelled interview with D/Sgt. Gauvin, is based on his responses to the questions put to him

and his explanations to perceived contradictions to investigative conclusions drawn by D/Sgt. Gauvin. I find it concerning that his recollection of several details is clearly lacking specifically on exactly when the slapping incident occurred and why he was outside at that time. I also find that his explanations for the apology in the dining room and his text messages to A/Sgt. Babin to be deficient in credibility, certainly in believability.

However, the crux of this specific secondary allegation is whether his assertion that the contact was unintentional and that the contact was made with the back of his hand/fingers was deliberately untrue, constitutes a breach of section 10 of the Code of Conduct in that it undermines or is likely to undermine public trust in policing. I find that based on the applicable standard of clear and convincing evidence, the threshold of deliberately misleading or lying to D/Sgt. Gauvin has not been established to the extent required. Although I have ruled Cst. Condrón's slap was deliberate, thus misconduct, there remains some uncertainty from the witnesses on whether it was a backhand or palm slap. With reservation, I find that I must stop short of a finding of misconduct on Cst. Condrón for deliberately misleading D/Sgt. Gauvin during his compelled interview.

Decision:

I find that Cst. Condrón did commit misconduct contrary to section 30 of the Code of Conduct for Police Officers by engaging in workplace harassment, including workplace sexual harassment, as defined by the terms in the *OHSA*, when he intentionally slapped A/Sgt. Babin's buttocks while she was on duty and engaged in a taped media radio interview at an OPP charity golf tournament on June 21, 2024.

A handwritten signature in black ink, appearing to read 'Chris Renwick', with a stylized, cursive script.

Chris Renwick
Adjudicator

Dated November 28, 2025.

Electronically delivered November 28, 2025.

Appendix A: List of Exhibits.

1. Mr. Chris Renwick's OPAAC Adjudicator appointment.
2. Summary of Allegations.
3. June 22, 2024, text messages between Cst. Condron and A/Sgt. Babin.
4. Diagram, drawn by A/Sgt. Babin.
5. Diagram, drawn by Mr. Devin Babin.
6. August 13, 2024, interview of Cst. Condron.
7. Duty Report of Cst. Brown.
8. Duty Report of Cst. N. van der Woude.
9. Transcript of June 29, 2024, telephone interview of Mr. Rawlek.
10. USB stick, containing audio of Exhibits #6, #9, and myFM interview.
11. Aerial photograph of Renfrew Golf Club buildings.
12. Aerial photograph of Renfrew Golf Club buildings with markings by Cst. Condron.
13. Prosecution's Closing Submissions, Book of Authorities.