

# 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

OPAAC ADJ #25-027

IN THE MATTER OF

ONTARIO PROVINCIAL POLICE

- and -

CONSTABLE MARK CONDRON, #12800

ENGAGE IN WORKPLACE HARRASSMENT

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Disposition

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<b>Adjudicator:</b>	<b>Superintendent (retired) Chris Renwick</b>
<b>Counsel for the Prosecution:</b>	<b>Mr. Adrien Iafrate Ms. Alice Sandiford</b>
<b>Counsel for the Defence:</b>	<b>Mr. Mark Wallace</b>
<b>Disposition Hearing Date:</b>	<b>March 10, 2026. Ottawa, ON.</b>
<b>Decision Delivered:</b>	<b>April 28, 2026</b>

## Background

Constable (Cst.) Mark Condron of the Renfrew Detachment, Ontario Provincial Police (OPP) was before this Merits Hearing on October 20, 2025 and plead not guilty to 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 (OHSA)*.
- (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.

On November 28, 2025, following a four-day hearing, this Hearing Officer found Cst. Condron guilty of one count 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 buttock while she was on duty

and engaged in a taped media radio interview at an OPP charity golf tournament on June 21, 2024.

## **Representation**

On March 10, 2026, an in-person Disposition Hearing was held to hear submissions on penalty. Mr. Adrien lafrate appeared as prosecutor representing the OPP, assisted by Ms. Alice Sandiford. Cst. Condrón was represented by Mr. Mark Wallace.

## **Position on Penalty**

The Prosecution is seeking Cst. Condrón's dismissal. The position of Defence is that the circumstances do not warrant dismissal. Mr. Wallace submitted that the appropriate penalty is a demotion to third class constable for 18 months, to second class constable for 12 months, followed by reinstatement to first class constable, for a total reduced rank of two years and six months.

## **Decision**

Having considered the evidence before this Hearing and the submissions of both counsel, I order Cst. Condrón to be demoted from the rank of first class constable to the rank of third class constable for a period of eighteen (18) months, immediately followed by graduation to second class constable for a period of eighteen (18) months, and upon completion, reinstated to first class constable.

## **Submissions, Analysis, and Findings:**

### *Prosecution Submissions*

Mr. lafrate submitted that Cst. Condrón has been found guilty of workplace harassment, including sexual misconduct, when he slapped A/Sgt. Babin's buttock, contrary to section 30 of the Code of Conduct. This was his third misconduct finding in the last three to four years and he had pled guilty to misconduct only a month before this June 2024 incident and received a demotion just 15 days before. With the previous misconduct, Mr. lafrate submitted that Cst. Condrón is simply not

fit to continue as an OPP officer, and the Prosecution is seeking his dismissal.

In his Book of Authorities, Mr. Iafrate provided an excerpt from Paul Ceysens and Scott Childs' Ontario Police Services Act, Fully Annotated, 5<sup>th</sup> Edition, pages 296-335, which list the 15 disposition considerations and submitted that the adjudicator is open to weigh the factors, being mitigating or aggravating, as to the circumstances of the case. Mr. Iafrate submitted that the Ontario Civilian Police Commission (OCPC) decision of *Cst. Clough v. Peel Regional Police* (2014 ONCPC 12(CanLII), at paragraph 104, determines that there is no requirement on a hearing officer to give all factors equal weight and that, if the seriousness of the misconduct is so egregious, this factor alone can lead to a penalty in the highest range.

Mr. Iafrate cited Adjudicator Peter Lennox's 2025 CSPA decision of the *London Police Service and Cst. Horan* as confirmation that the Ontario Police Arbitration and Adjudication Commission (OPAAC) has adopted the 15 disposition factors from the *Police Services Act (PSA)* into the CSPA. This remains the framework for deciding the appropriate penalty.

Mr. Iafrate submitted that the review of the relevant case law establishes three tests for dismissal: The fitness test, where the officer is deemed not fit to remain as an employee of the police service; the no further usefulness test, when future usefulness has been annulled or spent; and the fundamental character flaw test, when conduct or judgement goes to a fundamental character flaw that renders rehabilitation impossible.

As to the fitness test, Mr. Iafrate cited the OCPC appeal decision of *Cst. Clough v. Peel Regional Police Service* (2014 ONCPC 12(CanLII)). *Cst. Clough* was facing two cases for dismissal where the second misconduct was insufficient alone for dismissal, but combined with the first, amounted to dismissal. Within this decision the *Trumbley v. Fleming* Ontario Court of Appeal decision is cited, which reads<sup>1</sup>:

“The basic object of dismissing an employee is not to punish him or her in the usual sense of this word (to deter or reform, or possibly, to exact some form of modern retribution) but rather, to rid the employer of the burden of an employee who has shown that he or she is not fit to remain an employee.”

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<sup>1</sup> Exhibit #15, Applicant's Book of Documents, tab 2, page. 23.

Further to the fitness test, Mr. Iafrate submitted that the Divisional Court ruled in the *Cst. Galassi v. Hamilton Police* (2005 CanLII 20789 (ON SCDC)) decision, at paragraph 28, that both the Hearing Officer and the Commission applied the correct test of determining ongoing suitability and concern of fitness of being a police officer being annulled.

On the second test of future usefulness, Mr. Iafrate spoke to the *Cst. Favretto v. Ontario Provincial Police* (2002 ONCPC 3 (CanLII) OCCPS decision and the *Cst. Karklins v. The Chief of Police-Toronto* (2010 ONSC 747 (CanLII) Divisional Court decision. The *Cst. Favretto v. Ontario Provincial Police* appeal, on page 15, reads<sup>2</sup>:

“Again, dismissal is the ultimate penalty and will generally only be justified where it has been established that the officer is not fit to remain an employee. Dismissal should be reserved for the most egregious offences which nullify the usefulness of the officer and cause serious damage to the reputation of the police service.”

Mr. Iafrate submitted that the Hearing Officer needs to assess Cst. Condrón’s career in totality.

Mr. Iafrate submitted that the Divisional Court decision of *Karklins* further reaffirms that dismissal “is reserved for the most egregious cases where the potential for rehabilitation is poor and the usefulness of the officer to the service is effectively spent.”<sup>3</sup>

As to the third test of a fundamental character flaw that makes rehabilitation impossible, Mr. Iafrate referred to the OCCPS appeal decision of *Cst. Williams v. Ontario Provincial Police* (1995) that upheld the dismissal of Cst. Williams for taking no action when witnessing a sexual assault. The Commission concluded that his actions showed a lack of morals and judgement that simply could not be corrected. It is doubtful that rehabilitation would correct what appeared to be a fundamental character flaw.

Mr. Iafrate again cited the *Cst. Karklins v. The Chief of Police-Toronto* (2010 ONSC 747 (CanLII) Divisional Court decision which he submitted illustrates similar discretion for a Hearing Officer to

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<sup>2</sup> Exhibit #15, Applicant’s Book of Documents, tab 4, page 87.

<sup>3</sup> Exhibit #15, Applicant’s Book of Documents, tab 3, page 61.

conclude that a singular act could be serious enough on its own to establish a character flaw. The end of paragraph 16 states: “[s]uch singular acts may raise obvious concerns with respect to character.”<sup>4</sup>

When looking at the three articulations of the tests for dismissal, Mr. Iafrate submitted that, in some cases the single event is severe, in some a character flaw is fundamental, and in others a history of misconduct raised concerns of remaining fit to continuing as a police officer.

Speaking to progressive discipline, Mr. Iafrate referred to the *Cst. Galassi v. Hamilton Police Service* (2025 CanLII 20789 (ON SCDC)) Divisional Court decision in which it is explained, at paragraph 32<sup>5</sup>:

“In a system of progressive discipline, an employer applies increasingly serious sanctions to employee misconduct in an effort to correct the employee’s behaviour. Nevertheless, even in such a system, the particular misconduct of an employee may be so serious that dismissal is warranted, despite the absence of prior warnings or disciplinary action.”

### *Defence Submissions*

Mr. Wallace submitted that the issue to be decided is the penalty for Cst. Condron for slapping A/Sgt. Babin. The Prosecution’s position is dismissal. Stand alone, Mr. Wallace submitted that this does not warrant dismissal when looking at other cases, particularly the recent (June 20, 2025) decision of *Cst. Benoit v. Ottawa Police Service*.<sup>6</sup> Mr. Wallace stated that the Benoit case had more aggravating factors and the penalty imposed by Hearing Officer Supt. Lisa Taylor was an 18-month demotion to second class constable. Mr. Wallace submitted that the issue now becomes whether Cst. Condron’s prior discipline makes dismissal the only option for me.

Mr. Wallace submitted that case law states that a penalty must be proportionate to the nature of the misconduct and the circumstances of the police officer. The only solution here is a demotion to third class constable for 18 months, to second class constable for a year, and then reinstatement to first class constable. Demotion is the second most serious disposition, and the

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<sup>4</sup> Exhibit #15, Applicant’s Book of Documents, tab 3, page 61.

<sup>5</sup> Exhibit #16, Defendant’s Book of Materials, tab 6, page 112.

<sup>6</sup> Exhibit #16, Defendant’s Book of Materials, tab 5.

period of demotion must be longer than the first 18-month demotion imposed on June 6, 2024. Progressive discipline would call for a more serious disposition and that can be achieved by virtue of a longer and more serious demotion.

Mr. Wallace submitted that the potential to reform or rehabilitate is extremely important and all three of the tests (fitness test, no further usefulness test, and fundamental character flaw) that Mr. lafrate addressed, at their core, all amount to the same thing: if no ability to rehabilitate, then the officer is no longer useful. If there is an ability to reform, then the officer remains of use to the service.

Mr. Wallace provided a review of the steps Cst. Condron has taken in seeking therapy to explore his relationship with alcohol as the first two findings of misconduct involved the consumption of alcohol and in this present case, it remains unclear whether alcohol was a factor. The careless driving incident occurred on June 14, 2023 and on July 19<sup>th</sup>, Cst. Condron began counselling therapy with Laura Lancia Counselling and was abstaining from alcohol. At this time, it was determined that he was struggling with trauma related issues and he was encouraged to seek professional help. Cst. Condron, due to an unwillingness to accept and personal beliefs about weakness, resisted, until July 2025 when he underwent a psychological assessment which concluded with a diagnosis of post-traumatic stress disorder (PTSD), accompanied by major depression, general anxiety and alcohol use disorder.<sup>7</sup>

Mr. Wallace submitted that prior to his PTSD diagnosis Cst. Condron attended a seven-week inpatient recovery program from May 1, 2025, at the Gateway Recovery Centre, in Peterborough, Ontario. Cst. Condron continues to participate in an occupational stress injury aftercare support group, through the Edgewood Health Network, since June 2025, and has been in therapy weekly with psychologist Dr. Len Gignac since August 2025.

Mr. Wallace submitted that the slapping of Cst. Babin, while serious, is not the most serious of sexual harassment or sexual violence in the workplace.

Mr. Wallace submitted that, historically, the Hearing Officer uses the list of the 15 disposition factors at set out in Mr. Ceysens and Mr. Childs' Ontario Police Services Act, Fully Annotated.

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<sup>7</sup> Exhibit #16, Defendant's Book of Materials, tab 3 a through d.

He submitted that it is also well established that when dismissal is sought, then the Hearing Officer will employ the usefulness test, as articulated in the *Williams and Ontario Provincial Police* (OCCPS, 4 December 1995 2 O.P.R 1056) decision. The three elements that must be considered in the usefulness test are: The nature and seriousness of the misconduct; the ability to reform or rehabilitate the officer; and the damage to the reputation of the police force that would occur should the officer remain on the force. Mr. Wallace submitted that the question to decide is whether the officer is still of use to the service or is no longer of any use.

Mr. Wallace submitted that Mr. Iafrate referred to the three different tests for dismissal. What they all share in common is when the ability to reform or rehabilitate is spent, then the officer is no longer of any use. Mr. Wallace submitted that here, there remains the ability to rehabilitate Cst. Condrón and he remains of further use as a constable.

Mr. Wallace submitted that Supt. Taylor provides a helpful template, drawn from the jurisprudence, on page 29 of decision on Cst. Benoit.<sup>8</sup> In summary, the adjudicator must look at what of the 15 disposition factors are relevant, then decide if aggravating, mitigating, or neutral, and, having identified them, then weigh and balance the disposition. As stated in Ceysens, it is a balancing act. There is no requirement to give all factors equal weight, no requirement to give one more weight than another, and none is paramount over the others. Mr. Wallace submitted that, in arriving at her decision, Supt. Taylor was drawn to the five foundational principles found in Ceysens.

## **Analysis**

To assist me with my analysis, both Prosecution and Defence provided a detailed and useful summary of principles and considerations that will guide me in reaching a considerate and fair disposition, as well defined in Paul Ceysens' *Legal Aspects of Policing*. It is also important to note the helpful submission by Prosecution that the OPAAC has adopted Mr. Ceysens' 15 disposition factors from the *PSA* over to the new *CPSA*, and it remains the accepted framework for deciding the appropriate penalty.

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<sup>8</sup> Exhibit #16, Defendant's Book of Materials, tab 5, page 29.

First are the five foundational principles that govern the drafting of an appropriate police misconduct disposition, which are:

1. The disposition should fully accord with the purpose of the police discipline process:
  - The employer's interest in maintaining discipline.
  - The rights of the respondent officer.
  - The public interest, ensuring a high standard of conduct and public confidence.
2. A corrective disposition should take precedence over a punitive disposition, where possible.
3. The presumption of the least onerous disposition.
4. The disposition is proportionate to the misconduct, weighing the mitigating and aggravating considerations appropriately.
5. Police officers are held to a higher standard of conduct.<sup>9</sup>

On proportionality, arguably the most complex of the five principles, it is required that three decisions be made by the adjudicator:

1. First, the decision-maker must identify which of the 15 disposition considerations are relevant.
2. The decision-maker must determine whether the relevant disposition considerations are mitigating, aggravating, or neutral.
3. The decision-maker must properly balance the identified relevant considerations in accordance with the factual background of the matter and the competing interests.<sup>10</sup>

### *Public Interest*

Mr. lafrate submitted that it is the OPP's view that public interest is a most aggravating factor. The public must be assured that those in public office are upholding their oath to that office. Behaviour involving violence against women cannot be tolerated if we are to maintain public confidence. The CPSA has a new offence that expressly prohibits this type of behaviour. Cst. Condrón's decision to sexually harass a colleague is inexcusable and undermines public interests. Mr. lafrate submitted that the reactions of those involved in Cst. Condrón's actions is

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<sup>9</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, pages 347-48.

<sup>10</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 348.

reflective of what the public would feel, including embarrassment, discomfort, disrespect and shock.

Mr. Iafrate cited the decision of *Cst. Drennan and the Hamilton-Wentworth Regional Police Service* (1996 CanLII 17298 (ON CPC)) in which the Commission noted that there is a tremendous pressure on women to accept harassment and the long-term consequences of the effects of harassment.<sup>11</sup>

Mr. Wallace submitted that it is in the public interest that members of the OPP act professionally and that unprofessional conduct damages both the officer and the service as a whole. Mr. Wallace conceded that this is an aggravating factor, however there are two steps to consider here; Cst. Condrón's actions as established in the decision and his past history.

In weighing public interest, it is important that I focus on the issue at the heart of Cst. Condrón's misconduct which is the sexual harassment of A/Sgt. Babin, by way of his slap to her buttock in a public setting. (The two previous acts of misconduct will be addressed below.) Addressing sexual harassment in the workplace head on, as I see it, is the intention of having the new, stand-alone offense of engaging in workplace violence or workplace harassment, including workplace sexual harassment, found in section 30 of the Code of Conduct for Police Officers, Ontario Regulation 407/23.

It is in the public's interest to eradicate workplace violence and harassment and there is an expectation that police services recognize the damage to employees who fall victim to sexual harassment. The *CPSA* has provided the new regulations to specifically address misconduct in contravention to Respectful Workplace and to hold accountable those who engage in such actions. Engaging in sexual harassment requires the most serious sanctions under the *CPSA* and public interest is a most aggravating disposition factor.

#### *Seriousness of the misconduct*

Mr. Iafrate referenced the *D/Sgt. Brayshaw and the Ontario Provincial Police* (1992 CanLII 12273

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<sup>11</sup> Exhibit #15. Applicant's Book of Authorities, tab 12, page 266.

(ON CPC)) OCPC decision<sup>12</sup> which stated that sexual harassment in the workplace is particularly serious and this decision was over 30 years ago. Mr. lafrate further referenced the *Brudlo v. Toronto Police Service* (2005 CanLII 84856 (ON CPC) decision<sup>13</sup>, another Commission decision, which included unwanted and inappropriate touching which caused the recipient great distress and discomfort. The Commission describes Cst. Brudlo's actions as serious in nature and having occurred in a workplace.

Mr. lafrate submitted that Cst. Condrón's case is clearly one of unwanted touching and there are two components that underscore the seriousness of his misconduct. The first is the actual slap which in itself is extremely serious. The second component is the impact on A/Sgt. Babin, her feeling embarrassed and questioning herself as to why he thought it was okay to do that to her. What Cst. Condrón put his colleague through is serious and it must not be condoned.

Mr. Wallace submitted that workplace sexual harassment, as was found, is a serious matter, but there is a continuum of seriousness with some forms being more serious than others. The fact that Cst. Condrón slapped her in front of her husband and relatives makes this more serious. On the other hand, this case does not have aggravating features that are found in some of the case law cited by the Prosecution. Firstly, this was a single, isolated act and involved one victim. The slap was not accompanied with any sexually charged language. It was not a series of acts or messages that demonstrated a pattern of behaviour. Cst. Condrón was not in a position of authority over A/Sgt. Babin and without downplaying the seriousness, there are certainly more serious examples in case law.

Both Prosecution and Defence agree that workplace sexual harassment, as detailed in the Merits Decision, is serious misconduct and I agree, both in the act itself and the impact of the act on A/Sgt. Babin's career and family.

A/Sgt. Babin was a relatively junior member of the OPP with seven years of service when she found herself in an acting sergeant role, tasked with the planning and execution of an OPP charity golf tournament in the community of Renfrew. Her superiors, colleagues, family members, and members of the community were all present and it has been found that Cst. Condrón's

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<sup>12</sup> Exhibit #15, Applicant's Book of Authorities, tab 13.

<sup>13</sup> Exhibit #15, Applicant's Book of Authorities, tab 11.

unprovoked act of slapping her buttock in this public setting was demeaning, most embarrassing, and caused her to question what she had previously done or portrayed to make Cst. Condrón think it was okay to demean her in this way. He was much senior to A/Sgt. Babin, the de facto second in command of the platoon, and she had considered him a mentor and a trusted work colleague.

I have much respect and admiration for the professional manner in which A/Sgt. Babin handled the incident, despite the stress and grief that it caused her. She was determined to await the addressing of the work-related incident in the formal setting of the detachment on the following Monday morning and to carry on her prescribed on-duty responsibilities for the evening. She did not have the opportunity to initiate a complaint as her superiors present became aware of the incident that evening and took the appropriate action to internally initiate an investigation and the resulting discipline process. A/Sgt. Babin was clearly the victim of unwanted and unwarranted sexual harassment who was put into the position of being the complainant to serious misconduct that she recognized may lead to the dismissal of a colleague. This alone, as submitted by Mr. Lafrate, underscores the seriousness of the misconduct.

I do concede, to Mr. Wallace's submissions, that the facts here are absent of specific aggravating factors such as a series of acts that formed a pattern of misconduct that afternoon or sexually charged language that often accompanies sexual harassment. I also agree that Cst. Condrón was not in a position of authority over A/Sgt. Babin, even though their previous work relationship had components of mentorship due to his seniority on A/Sgt. Babin's former platoon. A/Sgt. Babin was engaged in supervisory position at the time as an acting sergeant. However, due to the serious nature of the single action of Cst. Condrón and the profound impact it has had on A/Sgt. Babin, I do find that this elevates it to an aggravating factor for consideration.

#### *Recognition of the Seriousness of the Misconduct*

Mr. Lafrate submitted that Cst. Condrón plead not guilty, however, he has the right to defend himself of the charges. There is serious mitigation in taking responsibility and taking corrective actions, however this did not occur. Mr. Lafrate submitted that, in this case, recognition of the seriousness of the misconduct would be a neutral factor.

Mr. Wallace submitted that Cst. Condrón did not enter a guilty plea, therefore does not get the benefit as a mitigating feature. On the other hand, not pleading guilty is not an aggravating feature. Mr. Wallace characterized this as “slightly mitigating” and there are two instances of some form of an apology by Cst. Condrón following the slap. The first was the text sent to A/Sgt. Babin by Cst. Condrón the day following which contained an apology to her and her husband. The second was the remark he made to A/Sgt. Babin in the dining room soon after the incident when he told her he was “just joking”--a remark that the Hearing Officer characterized as an apology for the slap. Mr. Wallace submitted that Cst. Condrón acknowledges that slapping a female colleague on the butt is not acceptable. His text messages demonstrate the recognition of the seriousness of his actions.

Recognition of the seriousness of particular misconduct is often termed “remorse” or “contrition”, or, as in the Alberta Court of Appeal, “insight, acceptance of responsibility and remorse”.<sup>14</sup> I did not interpret Cst. Condrón’s “just joking” conversation following the slap nor his texts the day following the incident as being an apology. Cst. Condrón was adamant during his testimony in the Merits Hearing that he did not intentionally slap her, thus could not apologise for that. His evidence was that he was referring to a poorly received sarcastic comment over the delay with dinner service in the first instance and texted that he was sorry that his inadvertent contact with A/Sgt. Babin was perceived as intentional.

I cannot infer his not guilty plea as a failure to demonstrate remorse as it is his right to plead not guilty and to make a full answer and defence against the accusations. Despite not accepting his protestations of inadvertence and innocence, I will not deem this an aggravating factor, nor “slightly mitigating”, but rather a neutral disposition factor.

The first instance of remorse on the part of Cst. Condrón occurred during his March 10, 2026 address to the Tribunal following the oral submissions during which he accepted the findings, took responsibility for his actions, and expressed sorrow towards A/Sgt. Babin for what she had to endure. Cst. Condrón’s demonstration of remorse at the conclusion of the submissions on penalty are, in my opinion, too little and too late to be factored as mitigating. He is well aware of the Prosecution’s position on dismissal and the jeopardy that he is facing before this Tribunal.

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<sup>14</sup> Paul Ceysens and Scott Childs’ *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 367.

### *Handicap and Other Relevant Personal Circumstances*

Mr. Wallace outlined the medical and therapy treatment that Cst. Condrón has received since July 2023, following his careless driving incident which resulted in an 18-month demotion. Of note, Cst. Condrón was diagnosed with PTSD in July of 2025, accompanied by major depression, general anxiety, and alcohol use disorder. His diagnosis was preceded by a seven-week inpatient recovery program in May 2025, with weekly therapy sessions with a psychologist since.

Mr. Wallace submitted that he cannot make the linkage of any of the three cases to PTSD, but what is clear is that the first two cases involved the excessive use of alcohol. What is relevant is the treatment for PTSD has been the vehicle for which his alcohol misuse is being addressed.

Mr. Iafrate acknowledged the material submitted by Defence pertaining to Cst. Condrón's mental health and that he has had a PTSD diagnosis and a history of excessive alcohol consumption. Mr. Iafrate submitted that the materials do not suggest that either is linked to his actions that evening. Cst. Condrón denied that he was intoxicated at the golfing event and the fact the he was and still is seeking professional help is of limited relevance to this instance of misconduct.

Disability and extenuating personal circumstances may mitigate a disposition when evidence is provided by the Defence that clearly establishes a clear causal relationship between the misconduct and the disability.<sup>15</sup> Although I have received evidence of a PTSD diagnosis, Mr. Wallace is very forthright and clear in the Defence's position that they are not making the linkage of any of the two previous findings of misconduct nor this one to PTSD, as the onus of the case law dictates. I will further address Cst. Condrón's diagnosis and treatment plans below when considering the potential to reform or rehabilitate. As there has been no evidence heard establishing a medical causation or linkage to the misconduct, I am compelled to consider this an aggravating factor.

### *Employment History*

Mr. Iafrate submitted that it is the Prosecution's view that Cst. Condrón's employment history is significantly aggravating and is what pushes this disposition into dismissal territory.

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<sup>15</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 375.

Mr. lafrate submitted that there are two previous instances of misconduct which give troubling insights into Cst. Condrón's character. In the first instance, Cst. Condrón plead guilty to discreditable conduct in January 2022 before Hearing Officer Acting Superintendent (A/Supt.) Shawn Nash for an incident which occurred in Sioux Lookout in November 2021.<sup>16</sup> The allegations were that Cst. Condrón, while off-duty, consumed alcohol and behaved in a manner that was discreditable. He attended a social function by a local family at the Sioux Lookout Inn and became intensively focused on a group of young females, which included children, making them uncomfortable. He opened the washroom door and struck his tongue out towards them. The young females described his actions as creepy and scary. Adults were concerned of his intentions as he watched the young girls, and he was confronted by adult members of the community present. A/Supt. Nash accepted a joint plea for Cst. Condrón upon a guilty plea to forfeit 50 hours pay.

Mr. lafrate submitted that the second finding of misconduct occurred in June 2023 and Cst. Condrón appeared before Hearing Officer Supt. Melissa Barron on May 15, 2024.<sup>17</sup> The allegations were that Cst. Condrón was driving his personal car, taking his two daughters home from soccer practice at 6:00 pm when he lost control and drove into a ditch at 100 kilometers per hour, damaging the car and deploying an air bag. He called his wife to pick them up and privately called a tow company, failing to report the collision to the police. Officers attended his house and observed signs of intoxication; he blew an "alert" and was given a three-day suspension. He was later charged with careless driving to which he pled guilty. Cst. Condrón pled guilty to discreditable conduct and Supt. Barron demoted him to second class constable for 18 months, followed by reinstatement to first class constable. This was on June 6, 2024, just days before the misconduct before this Hearing Officer.

Mr. lafrate submitted that the above two cases, along with this one, all involved alcohol. They all involved a willingness to engage in serious behaviour that teetered on criminality. Driving while intoxicated and sexually touching without consent could have been criminal. A concern about the three cases is the troubling behaviour towards women. Creepy and disturbing actions towards two young girls and, in this case, the sexual assault of a woman who looked up to him as a mentor.

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<sup>16</sup> Exhibit #15, Applicant's Book of Documents, tab 5.

<sup>17</sup> Exhibit #15, Applicant's Book of Documents, tab 6.

Mr. lafrate submitted that the repeated pattern of poor decisions towards women make Cst. Condrón unfit to be a police officer. Three times before a tribunal in four years demonstrate a fundamental character flaw that cannot be rehabilitated.

Mr. lafrate submitted that there is a history of misconduct. Cst. Condrón has already received a forfeiture of 50 hours and then an 18-month demotion. A third time warrants an increase in penalty and dismissal is the only appropriate penalty.

Mr. Wallace spoke to Cst. Condrón's performance reviews from 2019 to 2023.<sup>18</sup> He submitted that in those reviews (there is no review for 2024 due to a suspension), he met or exceeded requirements every single year. His superiors appraised him as an effective and important member of the platoon. Of particular significance is the 2023 review as two things happened: The penalty of 50 hours in February 2023; and the case of careless driving in June 2024. The remarks within the 2023 performance review indicate an awareness of both misconducts and notwithstanding those issues, Sergeant (Sgt.) Gregory Streng wrote that "P/C Condrón is an effective and important member of D Platoon...actively assists other members...uses his knowledge to educate his junior shift partners...vulnerable and honest with his struggles...temporary assignment in Marine Unit."<sup>19</sup>

Staff Sergeant (S/Sgt.) Steven Bosa, the next level manager, wrote "...I concur with Sgt. Streng's comments...noticeable progress...contributed to the development of the detachment...team collaboration...changes and has taken responsibility for the outcomes...."

Mr. Wallace submitted that despite the misconduct, the judgement of his detachment superiors remained the same. Cst. Condrón's worth to the service and effectiveness as an officer did not change following the two disciplinary matters. He remained the platoon second in command (2 i/c) until May 2023 and continued as the Ontario Provincial Police Association (OPPA)'s branch president during that time frame. Mr. Wallace submitted that his evaluations, on the whole, present a profile of a hardworking, dedicated member of the OPP, and a team player who mentors and assists. A/Sgt. Babin gave evidence at the hearing of how she valued his mentorship.

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<sup>18</sup> Exhibit #16, Defendant's Book of Materials on Penalty, tab 1.

<sup>19</sup> Exhibit #16, Defendant's Book of Materials on Penalty, tab E, pages 7-8.

Mr. Wallace submitted that it is important to divorce the two prior discipline matters from the facts before this Tribunal. The impact of the prior discipline is certainly an aggravating factor, but the case before you, stand alone, is not a dismissal case.

Mr. Wallace submitted an OPP Letter of Recognition, a Commander's Letter of Commendation, and a general information form<sup>20</sup>, all formally recognizing instances of commendable police work by Cst. Condrón. Mr. Wallace also presented a character reference letter from Mr. John Sucee, a retired member of the OPP.<sup>21</sup>

In assessing Cst. Condrón's employment history, I have to consider the "totality of conduct", including performance assessments, awards, letters of commendation, and community service.<sup>22</sup> However, I am also obliged to assess the presence of previous misconduct. It is here that I have grave concerns that lead me to consider whether Cst. Condrón is fit to continue employment as a police officer, as submitted by the Prosecution. His two instances of, in my view, serious misconduct, are significant aggravating factors.

#### *Potential to Reform or Rehabilitate the Police Officer*

Mr. Lafrate again referenced the *Williams and Ontario Provincial Police (OCCPS, 4 December 1995, 2 OPR 1046)* decision, at page 236, which speaks to the actions of Cst. Williams that indicate a serious lack of moral and judgemental qualities required by a police officer and that it is very doubtful that rehabilitation would correct what would appear to be a fundamental character flaw.<sup>23</sup> Mr. Lafrate submitted that the Prosecution has the same concerns with Cst. Condrón. His history of misconduct, the two previous and this one, show poor judgement and decision making and serious impediments to function and conduct as a police officer. The misconduct leading to this disposition occurred only a few weeks after his June 6, 2024 demotion and it does not appear that he had made any changes to his behaviour. He has taken some notable steps to address his PTSD and alcohol use but, despite this, he continues to demonstrate poor judgement. He made the decision to assault A/Sgt. Babin when he was not impeded by alcohol, thus alcohol was certainly not the reason that his misconduct keeps happening. Mr. Lafrate asked what is different in this third instance of misconduct from the previous two findings. Cst. Condrón had the

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<sup>20</sup> Exhibit #16, Defendant's Book of Materials on Penalty, tab 2.

<sup>21</sup> Exhibit #17. Reference Letter-Mr. John Sucee.

<sup>22</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 383.

<sup>23</sup> Exhibit #15, Applicant's Book of Documents, tab 10, page 236.

opportunity to make changes after his first misconduct in February 2023, and again after his demotion in June 2024. Both involved the misuse of alcohol. Other than some counselling, there were no changes.

Mr. Wallace submitted that as far as the case before us, it does not represent a pattern of behaviour, and the facts disclose a single, spontaneous act that Cst. Condrón apologized for shortly afterwards. He recognized his actions were not acceptable and there is no reason to think that he has not learnt his lesson.

Mr. Wallace submitted that Cst. Condrón completed a Respectful Workplace course in September 2024, after the events before this Tribunal.<sup>24</sup>

Mr. Wallace submitted that Cst. Condrón is working hard and taking tangible steps to deal with his alcohol problem. It is in both his and the service's interests that he continues on this path, and that he has the potential to successfully rehabilitate his alcohol use. Mr. Wallace submitted that he cannot make the linkage of any of the three cases to PTSD, but what is clear is that the first two cases involved the excessive use of alcohol. What is relevant is the treatment for PTSD has been the vehicle for which his alcohol misuse is being addressed.

Mr. Wallace pointed out that the PTSD diagnosis was only made in 2025, following the seven-week Edgewood Health Network's Gateway Recovery Inpatient Program. Mr. Wallace submitted that an officer's ability to rehabilitate is an important disposition factor. This is really at the core of the Prosecution's argument of the three tests for dismissal—is rehabilitation possible?

*PSA* case law has held, that unless so egregious, the ability to rehabilitate should be the significant concern. This is the language found in *Favretto and Ontario Provincial Police* (OCCPS, 13 February 2002) and *Krug v Ottawa Police Service* (2003 ONCOC 1 CanLII). *Favretto* looks at whether the officer can be rehabilitated to a useful police officer whereas in the *Krug* decision the appeal was upheld as it was determined that there was no likelihood of reform.

The *Karklins* decision speaks to singular acts of misconduct that strike at the heart of the employment relationship and effectively exhaust an individual's potential usefulness to perform

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<sup>24</sup> Exhibit #16, Defendant's Book of Materials on Penalty, tab 3(e).

the key duties of a police officer. The ability to reform or rehabilitate are not considered due to the severity of the singular act.

In *Favretto* the key issue was whether or not the employee can be rehabilitated to the extent that he could be an asset to the employer and the general community as a police officer.

In *Andrews and Midland Police* (2003 CanLII 75388), paragraphs 73 and 74, reads:

“...[T]he commission believes that unless the offence is so egregious and unmitigated the opportunity to reform should be a significant consideration.”

The Commission believes that rehabilitation is a key factor to be taken into consideration when a penalty is imposed, especially when the officer has a prior unblemished employment record. Unless the officer is beyond rehabilitation (in which he would be a candidate for dismissal) the door should be kept open for the officer to be rehabilitated.”

In the OCPC appeal decision of *Purbrick and OPP* (OCPC 25May 2011 ONSC 2276 (Div. Ct.)), the Commission found that the Hearing Officer did not consider Cst. Purbrick’s treatment for a post misconduct diagnosis of PTSD, depression, anxiety, and alcoholism and that he undertook a comprehensive course of treatment with favorable results.

It would be an error for me not to consider Cst. Condrón’s post misconduct commitment to a seven-week inpatient recovery program, his diagnosis of PTSD, major depression, general anxiety, and alcohol use disorder, and his ongoing commitment to outpatient therapy and an Occupational Stress Injury aftercare support group with a psychotherapist. I find this to be a mitigating consideration as there is potential, however the results remain to be seen or realized. I believe there is a strong likelihood of future misconduct if Cst. Condrón does not take concrete steps to correct his deficiencies, which by all accounts, are correctable, but it is up to him and himself alone.

*Effect on Police Officer and Police Officer’s Family*

Mr. Iafrate submitted that dismissal will have a negative impact on the police officer's family, however this sympathy should not distract from the fact that dismissal is warranted. The negative impact on the family should not be a paramount factor.

Mr. Iafrate provided the Hearing Officer level decision *Ontario Provincial Police v. Provincial Constable Carter* (ONCPC 14, December 2015), aff'd *Carter v. Ontario Provincial Police*, (2018 ONCPC 10) which was confirmed by the Commission.<sup>25</sup> Within the decision, the Hearing Officer included an excerpt from the *Cst. Markham* decision, which reads:

“There is no doubt that Constable Markham will be affected by either of the penalties proposed by counsel. Dismissal or demotion will have a significant impact on Cst. Markham. The situation he finds himself in falls squarely on his shoulders.”

Mr. Iafrate submitted that Cst. Condrón was put on notice when he was charged that dismissal was being sought and had had time to prepare for its likelihood. This penalty factor should only be given limited weight.

Mr. Wallace submitted that the 18-month demotion imposed by Hearing Officer Supt. Barron in June of 2024 resulted in a financial loss of \$19,000 for Cst. Condrón. The financial loss of the Defence's proposed two-and-a-half-year demotion (18 months at third class constable followed by 12 months at second class) would be a total loss of \$50,498.

Mr. Wallace further submitted that Cst. Condrón is married and his wife is an esthetician with an annual income of \$40,000 before taxes. Her three children, aged 18, 15, and 13 reside with them and Cst. Condrón has shared custody of two daughters with his ex-wife, aged 18 and 14. The two 18-year-olds are heading to university in the fall. The mortgage payments and property tax amount to \$38,006 annually. Mr. Wallace submitted that the most obvious and devastating consequence of dismissal would be the family no longer being able to afford their house. Defence's proposed demotion would require belt tightening—dismissal would be disastrous and is not proportionate.

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<sup>25</sup> Exhibit #15, Applicant's Book of Documents, tab 8, page 176.

In reply, Mr. lafrate submitted that a demotion would indeed be “belt tightening” for Cst. Condrón’s family, but it is not fair to say that he would be going to zero income if he were to be dismissed. Cst. Condrón had 13 years of service with the military and 17 years with the OPP—a total of 30 years. There would be some pension, and it is not factual that dismissal would result in zero income.

There is no doubt that dismissal or a lengthy demotion will have a profound impact on Cst. Condrón, his wife, two daughters, and three stepchildren. This is an unfortunate reality however there must be serious consequences for serious misconduct, and the entire unfortunate circumstances do fall squarely on the shoulders of Cst. Condrón. I deem this to be a neutral consideration. Serious sanctions must follow as a consequence for serious misconduct, despite the financial implications to the officer’s family.

### *Consistency of Disposition*

On consistency, Mr. lafrate provided five *PSA* decisions for this Tribunal to consider, submitting that none of the cases are completely on point as they do not include the offence history that exists with Cst. Condrón.<sup>26</sup> The *Brudlo* case involved sexual comments and the touching of a civilian by Cst. Brudlo over a three-month period and the penalty was dismissal or resignation within seven days. The Commission noted that this was not a single incident of sexual harassment, there was no acknowledgement or responsibility taken, and Cst. Brudlo created a victim as a police officer who was sworn to uphold the law. The *Drennan* case is at the lower end with a disposition of 45 hours on appeal and involved derogatory comments towards a female colleague. The Commission made some important comments on gender and the greater impact due the unequal place of women in society and the workplace and the need to focus on the impact of the victim when imposing penalty for workplace sexual harassment. In the *Sgt. Brayshaw* decision, the Commission upheld the demotion from sergeant to first class constable for unwelcomed sexual comments, advances, and touching of a civilian employee and a co-op student.

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<sup>26</sup> Exhibit #15, tabs 11-15: *Brudlo v Toronto Police Service* (2005 CanLII 84856 ON CPC); *Cst. Drennan and the Hamilton-Wentworth Regional Police* (1996 CanLII 17298 ON CPC); *D/Sgt. Brayshaw and the Ontario Provincial Police* (1992 CanLII 12273 ON CPC); *Ontario Provincial Police v Cst. Beebe* (OPPDC, 21 March 2007); and *Cst. Kunkel and the Ontario Provincial Police* (1993 CanLII 14136 )N CPC.

Mr. lafrate submitted that the *Bebee* decision resulted in a nine-month demotion for off duty conduct when Cst. Beebe, severely intoxicated, grabbed the buttocks of one work colleague and the breasts of another. The two mitigating factors were a plea of guilty, and remorse and the aggravating factors were that the incident was work related and the reputation of the police service. Mr. lafrate submitted that there are no mitigating factors with Cst. Condrón: No apology, no guilty plea, and no character references from women as was the case of Cst. Beebe.

The final case cited by Mr. lafrate on consistency is the *Kunkel* decision. Mr. lafrate submitted that Cst. Kunkel was demoted to the rank of probationary constable for 12 months for the off duty grabbing of a female colleague's breast. The mitigating factor was a positive work history and the Commission commented, at paragraph nine, that this is not merely an offence to the individual complainant but is also an offence to women at large.

Mr. lafrate submitted that the above five cases had a broad range from demotion to dismissal, but none include the extensive misconduct history of Cst. Condrón. Most were found to be out of character. As to the 2025 *Benoit* decision provided by the Defence, Mr. lafrate submitted that there are important distinctions between Cst. Benoit and Cst. Condrón. The important distinctions were: Cst. Benoit plead guilty and demonstrated remorse; he had an excellent career over two decades; he had an unmarked career prior to the incident; his employment history and community references demonstrated the opportunity to reform; he had the ability to rehabilitate; and there were letters of support. Mr. lafrate submitted that the misconduct of Cst. Benoit supported that dismissal was a reasonable outcome, but when the mitigating factors were added, it allowed for an 18-month demotion. Mr. lafrate submitted that the mitigating factors in *Benoit* are absent with Cst. Condrón.

Mr. Wallace stated that consistency is often the earmark of fairness and the penalty must be consistent with the facts in this case compared to earlier cases. It is a fact specific exercise, and the question is what is the appropriate disposition for this particular offence with this particular officer.

Mr. Wallace submitted that the *Benoit* decision is the closest in factuality that can be found. Cst. Benoit was facing two counts of Discreditable Conduct for making unwelcome comments and for slapping a colleague's buttocks at a police event while off duty. Cst. Benoit was a bicycle training

officer and Cst. AA was seeking certification.

Mr. Wallace submitted that the factual situation of Cst. Condrón is not as serious, as Cst. Benoit sent sexually harassing texts to AA over six months and in six different texts before he slapped her on the buttock in public and in front of AA's partner and daughter. Secondly, Cst. Benoit followed up his action with a further sexually harassing text four days later. Mr. Wallace submitted that, by contrast, Cst. Condrón's action was a single act and no comments or harassing texts preceded or followed. Cst. Benoit received an 18-month demotion. Consistency would suggest Cst. Condrón would receive a disposition of less than dismissal and one of demotion.

I find the five decisions provided by the Prosecution to be of some assistance at arriving at a penalty based on consistency, however there are some obvious limitations. First is the absence of the history of misconduct that is present with Cst. Condrón. None of the case law cited contains the aggravating issue of two incidents of previous misconduct that needs to be factored when reaching a penalty.

Second is the time that has elapsed since the decisions were released, ranging from 20 to 30 years ago, with the *Beebe* being the most recent at 19 years. There has been a shift in public attitudes and commitments to workplace sexual assault and harassment over the past two to three decades, most evident in the introduction of a new stand-alone section in the CPSC's code of conduct, specifically addressing sexual harassment misconduct. The *Drennan* case did provide comments on gender inequality in the workplace and the need to focus on the impact to the victim when assessing penalty and the *Kunkel* decision spoke to an offence toward women at large. However, the dispositions imposed (45 hours in *Drennan* and demotion to probationary constable in *Kunkel*) may not stand the test of time nor reflect the seriousness that is placed on sexual harassment in 2026.

I view *Brudlo*, *Brayshaw*, *Beebe*, and *Kunkel* to be more aggravating as they all share deliberate touching for a sexual purpose whereas A/Sgt. Babin testified that she, in her heart of hearts, did not believe that there was a sexual intent in Cst. Condrón's actions that evening. Certainly, a finding of unwanted and unwarranted sexual harassment, but there was no evidence that it was for a sexual purpose.

I concur with the Defence's submission that the *Benoit* decision is the closest in factuality that can be found. It is also quite recent (July 2025), although it is a disposition for Discreditable Conduct under the former *PSA* and not the current *CPSA*. Supt. Taylor, in my view, provided a well-considered decision in which she acknowledged that a penalty from a significant period of demotion to dismissal was within the range of available dispositions but found that public interest could be satisfied with a demotion.

What the five decisions do offer is that both demotion and dismissal are within the range of proportionate penalties for sexual touching or sexual harassment. I recognize that there are key differences with the *Benoit* decision, mainly the aggravating factor of the six months of inappropriate sexual texts Cst. Benoit sent to AA, and on the other hand, the employment history of Cst. Condrón that is absent with Cst. Benoit. Once factored, Cst. Condrón's previous misconduct certainly supports that I must consider dismissal as an appropriate sanction.

#### *Specific and General Deterrence*

Mr. Lafrate submitted that there needs to be a strong message to all police officers that sexual harassment will not be tolerated. It must be abundantly clear that they are risking their career in policing if they engage in sexual harassment.

Mr. Wallace submitted that there is need for both specific and general deterrence. The demotion proposed by the Defence would sufficiently act as a deterrent to Cst. Condrón and other police officers.

I concur with both counsel that it is necessary to send a strong message to Cst. Condrón and to all police officers that the consequences for engaging in acts of sexual harassment will be severe, given society's determination to eradicate workplace harassment, including workplace sexual harassment. I find that to be an aggravating factor that demands contemplation of the most serious of sanctions, being demotion or dismissal.

#### *Damage to the Reputation of the Police Force*

Mr. Iafrate submitted that Cst. Condrón's misconduct occurred in a public setting, was witnessed by members of the public, and the public was aware. In the *Beebe* decision, the Hearing Officer commented on page 316<sup>27</sup>:

“Attendance at work related social gatherings, often in public venues, is recognized as a welcomed means of increasing ‘esprit de corps’ and strengthening working relationships. However, this cannot allow for the intoxicated and assaultive behaviour demonstrated in this situation in a public venue with members of the community present. The damage to the reputation of the organization is unacceptable.”

Mr. Wallace submitted that the Defence is unaware on any publicity at the time or subsequent to the incident on June 21, 2024. In fact, there was evidence that the OPP took steps to limit public exposure and to protect the reputation of the service. There were no members of the public at the Hearing and no evidence before the Tribunal that there was any publicity or actual reputational damage.

Mr. Wallace submitted that the reputation of the OPP would not suffer in the eyes of a reasonable person, appraised of the facts, if the facts are a successful rehabilitation of Cst. Condrón, including a significant disposition of a lengthy demotion. Cst. Condrón could return as an effective member of the police service. The issues with Cst. Condrón is a not a flawed character, rather a serious alcohol problem.

Reputational harm captures both reputational harm from the act of the misconduct as well as the harm to the reputation of the service that would occur if the respondent officer were to remain a member of the service.<sup>28</sup> It is also well documented in case law that it is not necessary to look at the actual harm, rather the Hearing Officer may infer reputational damage, should the facts become known.<sup>29</sup>

I do not accept Defence's argument that since there was no evidence of publicity or reputational damage, then I am to conclude no reputational damage to the OPP occurred. It is the potential

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<sup>27</sup> Exhibit #15, Applicant's Book of Documents, tab 14, page 309.

<sup>28</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 405, referring to *Williams and Ontario Provincial Police* (1995) 2 OPR 1047 (OCCPS).

<sup>29</sup> Paul Ceysens and Scott Childs' *Ontario Police Services Act, Fully Annotated*, 2023 Edition, page 405.

of the damage, should the facts be published, that I must infer and consider, not actual damage. This is a serious incident of sexual harassment misconduct and significant reputational harm would come to the OPP if there was not a severe penalty to demonstrate that such behaviour will not be tolerated and real action is being taken to eradicate harassment in the workplace. This is an aggravating consideration.

## **Conclusion**

As the Hearing Officer, I am bound to ensure that my disposition is proportionate to the misconduct. In arriving at a penalty, I must determine what disposition considerations are relevant to Cst. Condrón's particular misconduct, whether the disposition factors are mitigating, aggravating, or neutral, and then giving the appropriate weight to the relevant factors to reach a fair disposition that is corrective over punitive, where possible.

I have taken into consideration the key aggravating factors (as identified above) of: Public Interest; Seriousness of the Misconduct; Employment History; Damage to the Reputation of the Police Service; Effects of Publicity; and Specific and General Deterrence. Balancing these factors with the single mitigating factor of Potential to Reform and the remaining neutral factors, it is clearly apparent that this is serious misconduct that demands a serious disposition, including consideration of dismissal.

A particularly aggravating consideration is that Cst. Condrón was found to have engaged in workplace sexual harassment, as defined in the *OHSA*, now specific misconduct under section 30 of the new *CSPA*'s Code of Conduct. It is not lost on me that the specific intent of the new *CSPA* is to provide within the statute, the public's demand in addressing accountability in eliminating workplace violence or workplace harassment, including workplace sexual harassment. A significant sanction is required to maintain the changing public interest in addressing and eradicating sexual harassment within Ontario's police services as well as a general deterrent to all police officers that any form of sexual harassment within our workplace will be met with stern consequences. This case clearly underscores the significant harm, both personal and professional, that results from incidents of sexual harassment. The OPP has an obligation as the employer to change the culture and provide a safe, inclusive workplace for all employees.

The case law provided by both counsel, supported by their submissions, confidently provides me with the option of a significant demotion or termination, due the factors of maintaining public confidence and general deterrence. Based on public interest and the case law, I am inclined to lean towards a significant period of demotion, however, Cst. Condrón's employment history is sufficiently aggravating to compel me to seriously consider dismissal as a potential outcome.

The decision now becomes, due to the two previous findings of misconduct, has Cst. Condrón, as defined in the *Cst. Galassi v. Hamilton Police* (2005 CanLII 20789 (ONSCDS)) decision, annulled his suitability and fitness of being a police officer? Or, in the second test contained in *Cst. Favretto v. Ontario Police* (2002 ONCPC 3 (CanLII) OCCPS), has Cst. Condrón caused serious damage to the reputation of the police service and nullified his usefulness as an officer? Lastly, the third test as found in *Cst. Williams v. Ontario Provincial Police* (1995), does Cst. Condrón possess a fundamental character flaw that rehabilitation could not correct?

Removing the significant aggravating factor of Cst. Condrón's previous two occasions of misconduct and just focusing on the misconduct before this tribunal, I am not convinced that facts present are so egregious as to determine there exists a fundamental character flaw that cannot be corrected and that he, although close, has not yet demonstrated that his usefulness as a police officer is spent. If Cst. Condrón continues with his 18 months of sobriety and continues with his PTSD therapy, then the potential to rehabilitate himself remains. The potential remains for him to return as a contributing member of the OPP, and to regain some of the lost trust of both his employer and his colleagues. If this occurs, then I am satisfied that public confidence in the OPP can be met with a significant demotion rather than termination.

I am also mindful of the concept of progressive discipline as one of the principles of a fair disposition. Cst. Condrón received the forfeit of 50 hours for his first misconduct on February 10, 2023, and an 18-month demotion for his careless driving incident on June 6, 2024.

**Disposition:**

It is the decision of this Hearing Officer that Cst. Mark Condrón, 12800, shall be demoted from the rank of first class constable to the rank of third class constable for a period of eighteen (18) months, immediately followed by graduation to second class constable for a period of eighteen

(18) months, and upon completion, will be reinstated to first class constable, pursuant to section 202(9)3 of the *CSPA, 2019*.

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

Chris Renwick  
Superintendent (Retired)  
Adjudicator

Dated April 28, 2026.

## **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. Condrón 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. Condrón.
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. Condrón.
13. Prosecution's Closing Submissions, Book of Authorities.
14. Merits Hearing Decision with Reasons by adjudicator Chris Renwick, dated November 28, 2025.
15. Prosecution's Book of Documents and Book of Authorities.
16. Defendant's Book of Materials on Penalty.
17. Character Reference Letter by Mr. John Sucee.