

OPAAC ADJ #26-014

ONTARIO PROVINCIAL POLICE  
Applicant

And

CONSTABLE MARK CONDRON  
Respondent

Adjudicator:  
Chris Renwick

Appearances:  
A. Iafrate and A. Sandiford, for the Prosecution  
M. Wallace, for the Defense

Heard:  
March 10, 2026

Date of decision:  
April 28, 2026

Length of decision:  
29 pp.

Statutory citations:  
*Community Safety and Policing Act, 2019*, S.O. 2019, c.1, Sched. 1, ss. 202(1), 202(9)3  
O. Reg. 407/23, s. 30  
*Occupational Health and Safety Act*, R.S.O. 1990, c. O.1  
*Police Services Act*, R.S.O. 1990, c. P. 15 (repealed)

**DISCIPLINARY PENALTIES - Dismissal** - Respondent officer engaged in sexual harassment, contrary to s. 30 of Code of Conduct - Framework for assessing penalty under former *Police Services Act* remains relevant framework under *Community Safety and Policing Act* - Dispositional factors reviewed - While dismissal within range of appropriate penalties, misconduct in question not revealing a fundamental character flaw - Not demonstrated that respondent's usefulness as a police officer was spent - Demotion appropriate.

**DISCIPLINARY PENALTIES - Rehabilitation** - Allegation of sexual harassment - Merits hearing concluded with finding of guilt and violation of s. 30 of Code of Conduct - Despite seriousness of misconduct and prior disciplinary record, potential for rehabilitation remained - While dismissal available, penalty of a significant demotion sufficient to address public interest and other concerns.

## Summary of Reasons for Decision

The respondent, Cst. Mark Condrón, was charged with two counts of misconduct, contrary to the *Community Safety and Policing Act, 2019* and O. Reg. 407/23. In particular, he was alleged to have violated s. 10 of the Code, Undermine Public Trust as well as s. 30, Workplace Harassment. At the merits hearing, the respondent pled not guilty to both counts. In a decision dated November 28, 2025 [OPAAC ADJ #25-027] the hearing officer found Cst. Condrón guilty of the s. 30 allegation. The hearing officer concluded that the respondent engaged in sexual harassment, as defined under the *Occupational Health and Safety Act*, when he intentionally slapped the buttock of a female colleague, while she was on duty and engaged in a media interview at an OPP charity event on June 21, 2024.

This decision dealt with the appropriate disposition for the finding of misconduct. The applicant sought Cst. Condrón's dismissal. Counsel for the respondent submitted that an appropriate penalty was a two-staged demotion, from first class constable to third class constable for 18 months, followed by demotion from third to second class constable for 12 months, for a total reduction in rank of 2.5 years.

In support of his argument that dismissal was appropriate, counsel for the applicant submitted that under the case law, three tests for dismissal emerged: the "fitness" test, where the officer is deemed no longer fit or suitable to remain an employee of the police service; the "no further usefulness" test, where future usefulness is considered spent; and the "fundamental character flaw" test, where poor judgment or conduct reveals a fundamental character flaw that renders rehabilitation impossible. The applicant cited cases which were said to exemplify these three tests.

In support of his argument that a reduction in rank was an appropriate penalty, counsel for the respondent emphasized the foundational principle of proportionality. Counsel submitted that the tests for dismissal were all grounded in an assessment of rehabilitative potential. He argued that the "usefulness" test, routinely applied by the Commission in past cases where dismissal was sought – for example, in the seminal case of *Williams and Ontario Provincial Police (infra)* – in turn revolved around three considerations: 1) nature and seriousness of the misconduct; 2) ability to reform or rehabilitate; and 3) damage to the reputation of the police force that would occur if the officer remained employed. He submitted that Cst. Condrón had undertaken several forms of therapy and he continued on this course, which was testament to his rehabilitative potential. Counsel argued that Cst. Condrón had the ability to reform and the potential to remain useful as a police officer.

*Held*, respondent reduced in rank from first to second class constable for 18 months, followed by further demotion from third to second class for 18 months.

The dispositional factors with respect to assessing disciplinary penalties for police officer misconduct were articulated and applied in case law under the former *Police Services Act*. Under the *CSPA* that framework, which consisted of 15 factors, remained apposite. The 15 factors could be aggravating, mitigating, or neutral, depending on the circumstances of each case. Also relevant were five foundational principles: 1) purpose of the police discipline process, which

takes into account the employer's interest in maintaining discipline, the rights of the officer, and the public interest (ensuring public confidence in policing); 2) preference for a corrective versus a punitive approach; 3) presumption in favour of the least onerous disposition; 4) proportionality (balancing of mitigating and aggravating factors); and 5) the higher standard of conduct to which police officers are held.

Turning to the dispositional factors, in this case the factor of *public interest* was aggravating. Constable Condrón committed misconduct when he slapped a female colleague's buttock in a public setting. It was in the public interest to eradicate workplace violence and harassment, including sexual harassment. In the current Code of Conduct, the legislature had chosen to make this type of misconduct a new, standalone offence – reflecting the intent and the expectation that police services would address and hold accountable those who engaged in such actions.

The *seriousness of the misconduct* was not in dispute: both parties agreed that sexual harassment was serious misconduct. Here, the act itself, while a single incident, was serious, and it had a significant impact on the victim and her family.

*Recognition of the seriousness of the misconduct* was not a mitigating factor. Not until the penalty hearing did Cst. Condrón acknowledge responsibility for his actions and express regret.

*Disability and other personal circumstances* may mitigate a disposition. However, in this case, the necessary causal link was neither argued nor established. Starting in July 2023 Cst. Condrón began receiving treatment after a careless driving incident, which resulted in an 18-month demotion. In 2025 he was diagnosed with PTSD, accompanied by major depression, general anxiety, and alcohol use disorder. He participated in recovery programs and continued in therapy. Nevertheless, there was no medical evidence of a causal link between the misconduct and these disabilities.

Constable Condrón's *employment history* amounted to a significant aggravating factor. He had two prior penalties for two previous disciplinary infractions. In January 2022 he pled guilty to a charge of discreditable conduct, involving off-duty consumption of alcohol and his behaviour towards a group of young females. On that occasion the hearing officer accepted a joint plea that Cst. Condrón forfeit 50 hours pay. The second instance of misconduct occurred in June 2023; Cst. Condrón pled guilty to discreditable conduct after pleading guilty to a charge of careless driving – an incident also involving alcohol. In a decision dated June 6, 2024 – just days before the misconduct in the instant hearing – the hearing officer demoted him to second class constable for 18 months. Notwithstanding positive indicators from his employment history – performance assessments, awards, letters of commendation, and community service – the two instances of prior misconduct were significantly aggravating.

In terms of *potential to reform or rehabilitate* the police officer, Cst. Condrón's post-misconduct commitments to therapy and treatment signalled rehabilitative potential.

*Effect on police officer and officer's family* was a neutral factor. Either proposed penalty, demotion or dismissal, would create financial constraints; however, the evidence did not suggest

any special economic hardship; and in any event, serious financial consequences flowed from serious misconduct.

In assessing *consistency of disposition*, prior cases suggested that both dismissal and demotion were within the range of appropriate penalties for sexual harassment. Although Cst. Condrón had no prior history of sexual harassment, the existence of a prior disciplinary record of recent misconduct tilted towards the sanction of dismissal.

*Specific and general deterrence* were an aggravating factor: it was necessary to send a strong message to Cst. Condrón and to all police officers that the consequences for engaging in acts of sexual harassment would be severe.

*Damage to the reputation of the police force* was also aggravating. Reputational harm could be inferred; it was not necessary to show actual harm, only the potential for harm. The OPP could suffer significant reputational harm if it became known that a serious incident of sexual harassment had not been sanctioned with a severe penalty.

Thus, the majority of dispositional factors were aggravating: public interest, seriousness of the misconduct, employment history, damage to the reputation of the service, specific and general deterrence. On the mitigating side of the ledger was the single factor of potential to reform. The remaining factors were neutral. Taken together, dismissal was clearly within the range of appropriate responses.

Of particular significance was the fact that the respondent violated s. 30 of the new Code of Conduct. The legislative intent behind identifying, as a separate offence, workplace violence and harassment, including sexual harassment, was clear: to align police services with increasing public demands for accountability in eliminating these forms of behaviour – behaviour statutorily prohibited under the *OHSA* – the statute expressly invoked in s. 30. This case underscored the professional and reputational harm that resulted from workplace sexual harassment. The OPP, as employer, had an obligation to change the culture and provide a safe, inclusive workplace for all employees.

Nevertheless, considering the “tests” of suitability/fitness, future usefulness, and fundamental character flaw, dismissal did not appear to be the appropriate penalty. Despite having two prior disciplinary sanctions on his record, the evidence did not suggest that the respondent had a fundamental character flaw; nor did the evidence demonstrate that Cst. Condrón’s usefulness as a police officer was spent. If his 18 months of sobriety continued and if he continued with therapy, he had the potential to be a contributing member of the OPP and regain lost trust. The concept of progressive discipline – one of the principles of a fair disposition – suggested that public interest and confidence in the OPP could be met with a significant demotion.

Accordingly, the respondent was to be demoted from first class constable to third class constable for 18 months, followed by demotion to second class constable for 18 months, with return to the rank of first class constable at the end of the 36-month demotion period.

## Authorities cited

Ceysens, Paul and Scott Childs. Ontario Police Services Act, Fully Annotated (5<sup>th</sup> ed. 2023)  
Ceysens, Paul. Legal Aspects of Policing  
*Cst. Clough and Peel Regional Police* (2014 ONCPC 12)  
*London Police Service and Cst. Horan* (OPAAC ADJ #25-004)  
*Trumbley v. Fleming* 1986 CanLII 146 (OCA)  
*Cst. Galassi v. Hamilton Police* 2005 CanLII 20789 (Ont. Div. Ct.)  
*Cst. Favretto v. Ontario Provincial Police* (2002 ONCPC 3)  
*Cst. Karklins v. Chief of Police – Toronto* 2010 ONSC 747 (Ont. Div. Ct.)  
*Williams and Ontario Provincial Police* (1995) 2 O.P.R. 1047 (OCCPS)  
*Cst. Benoit and Ottawa Police Service* (June 20, 2025)  
*Cst. Drennan and Hamilton-Wentworth Regional Police Service* 1996 CanLII 17298 (ON CPC)  
*D/Sgt. Brayshaw and Ontario Provincial Police* 1992 CanLII 12273 (ON CPC)  
*Brudlo and Toronto Police Service* 2005 CanLII 84856 (ON CPC)  
*Krug and Ottawa Police Service* 2003 OCCPS 1  
*Andrews and Midland Police* 2003 CanLII 75388 (OCCPS)  
*Purbrick and OPP* May 25, 2011 (OCPC); aff'd 2013 ONSC 2276 (Ont. Div. Ct.)  
*Carter and Ontario Provincial Police* 2018 ONCPC 10  
*Brudlo and Toronto Police Service* 2005 CanLII 84856 (ON CPC)  
*Ontario Provincial Police and Cst. Beebe* (OPPDC, 21 March 2007)  
*Cst. Kunkel and Ontario Provincial Police* 1993 CanLII 14136 ON CPC)