

OPAAC      ADJ # 26-018

CONSTABLE STEVEN RAMPERSAD  
Appellant

And

TORONTO POLICE SERVICE  
Respondent

Adjudicators:

Jeanie Theoharis, Barry Fisher, Emily Cole

Appearances:

M. Anevich, for the appellant

J. Orabovic, for the respondent

Heard:

January 24, 2026

Date of decision:

May 1, 2026

Length of decision:

19 pp.

Statutory citations:

*Police Services Act*, R.S.O. 1990, c. P. 15 (repealed), ss. 80 (1)(a), 85(1)(b), 87(8)(a)

O. Reg. 268/10 (repealed), s. 2(1)(a)(xi)

*Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1, s. 216(4)

*Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, ss. 10, 15, 23, 25

**DISCREDITABLE CONDUCT - Disorderly or prejudicial conduct** - Appeal from misconduct and penalty decisions - Appellant charged with discreditable conduct in relation to assault on former girlfriend - Hearing officer found appellant guilty of violating s. 2(1)(a)(xi) of Code of Conduct under O. Reg. 268/10 - No reviewable errors in decision of hearing officer - Appeal from misconduct decision dismissed.

**DISCIPLINARY HEARING - Conduct of hearing - Fairness** - Appeal from misconduct and penalty decisions - Duty of procedural fairness applied to disciplinary hearings under *Police Services Act* - Hearing complied with requirements of *Statutory Powers Procedure Act* - Appellant afforded procedural fairness.

**DISCIPLINARY PENALTIES - Dismissal** - Appeal from misconduct and penalty decisions - Hearing officer imposed penalty of dismissal failing resignation within 7 days - Hearing officer identified and applied relevant dispositional principles, considered aggravating and

mitigating factors, addressed parity, and imposed a penalty within the range of reasonable outcomes, based on the facts - Appeal from penalty decision dismissed.

**DISCIPLINARY PENALTIES - Deterrence** - Appeal from misconduct and penalty decisions - Appellant found guilty of discreditable conduct following assault on former girlfriend - Seriousness of intimate partner violence a significant consideration - Hearing officer reasonably considered impact to police service of continuing to employ an officer who committed intimate partner violence - Recognition of need for general deterrence and treatment of deterrence as an aggravating factor not unreasonable in this case - Appeal from penalty decision dismissed.

**HEARING OFFICERS - Decision of hearing officer - Standard of review** - Appeal from misconduct and penalty decisions - Deference owed to hearing officer's findings of fact, assessments of credibility, and weighing of dispositional factors - Standard of reasonableness applied.

### Summary of Reasons for Decision

The appellant, Cst. Rampersad, had served with the Toronto Police Service since 2001. The appellant had been in a relationship with SRM, who was also an officer, since 2016. He had a prior relationship with BZ, another officer; and the appellant and BZ had two young children. In March 2017 the appellant, his two children, and SRM went on a Disney Cruise in the Caribbean. On March 17<sup>th</sup> the appellant and SRM got into an argument, which ended with the appellant assaulting SRM. His young children witnessed the assault. SRM suffered visible injuries, including a fractured nasal bone, and a swollen, bruised left eye.

BZ's 4-year-old son told his mother what happened, and BZ called the Children's Aid Society. The appellant was charged with the disciplinary offence of discreditable conduct, contrary to s. 2(1)(a)(xi) of the Code of Conduct, O. Reg. 268/10 – now repealed, as was the *Police Services Act* under which the disciplinary proceeding commenced in March 2019. The parties agreed to adjourn the *PSA* hearing until the appellant's criminal case was heard.

When the disciplinary matter resumed, the hearing officer ruled on two successive motions filed by the appellant: a motion to exclude the hearsay evidence of BZ, and a request for production of documents. With respect to the first motion, the hearing officer ruled that BZ could testify about what her son told her after witnessing the assault on SRM. The hearing officer denied the second motion.

The proceeding continued in September 2021 and was completed July 10, 2023. In a decision dated January 24, 2024, the hearing officer found the appellant guilty of discreditable conduct. In his penalty decision dated November 14, 2024, the hearing officer imposed the penalty of dismissal (resign in 7 days or face dismissal). Constable Rampersad appealed both the misconduct decision and the penalty decision. Pursuant to s. 216(4) of the *Community Safety and Policing Act*, the panel of adjudicators was appointed by the Ontario Police Arbitration and Adjudication Commission to exercise the duties of the Ontario Civilian Police Commission and hear both appeals.

*Held*, appeals dismissed.

With respect to the misconduct decision, the issues on appeal were whether the hearing officer erred in finding the appellant guilty of discreditable conduct, and whether the hearing officer denied the appellant procedural fairness. With respect to the penalty decision, the issue on appeal was whether the hearing officer erred in imposing the penalty of dismissal.

In reviewing a hearing officer's decision, the standard of reasonableness applied to questions of fact and also to questions of mixed fact and law, absent an extricable question of law. Questions of law were reviewed on the standard of correctness.

In misconduct appeals, findings of fact and credibility assessments were owed deference, as were the hearing officer's weighing of dispositional factors in penalty appeals. In reviewing decisions for reasonableness, the role of the panel was to assess whether the hearing officer's decision was justified, transparent and reasonable, considering the factual and legal constraints. On an appeal from penalty, the role of the panel was not to second guess the decision of the hearing officer. Absent a clear error in principle or a failure to consider relevant material factors, the panel would not interfere with the penalty imposed by the hearing officer.

#### *Misconduct appeal*

The hearing officer found that the appellant assaulted SRM and that this amounted to discreditable conduct. On appeal, the question was whether the hearing officer's conclusion was reasonable considering the facts, evidence, and applicable law. The hearing officer's conclusion rested on his acceptance of the testimony of SRM and BZ. He found both to be credible witnesses, and he provided detailed reasons for accepting their testimony. He found that SRM's account was corroborated by medical evidence confirming her injuries, photographs taken before and after the incident, documentary evidence in the form of an official local police report, and surrounding circumstances, such as the fact that SRM sought assistance by contacting security. This evidence supported the hearing officer's conclusion that the appellant committed misconduct.

As to the procedural fairness question, *Police Services Act* proceedings were governed by the *Statutory Powers Procedure Act*, and the principle of procedural fairness applied. Disciplinary proceedings were to be conducted in accordance with the requirements of natural justice; however, they were not subject to the strict rules of evidence applicable to criminal proceedings. The appellant claimed the hearing officer denied him procedural fairness by i) failing to exclude BZ's hearsay evidence; ii) failing to order the production of an investigative brief written by the Office of the Independent Police Review Director; and iii) limiting the cross-examination of a witness. Regarding the first claim, under the *SPPA*, the hearing officer had the discretion to admit hearsay evidence, and he did not err in allowing BZ to describe what her son told her about the assault incident. Regarding the second claim, the hearing officer reasonably denied the request for production of an entire OIPRD file on the grounds of relevance, confidentiality, and breadth of the request. Regarding the third claim, the hearing officer allowed BZ to be cross-

examined on a July 2017 statement, but not on a May 2017 statement. The earlier statement – a document from another prosecution – was subject to the deemed undertaking rule and the *PSA*. The hearing officer did not act unreasonably in limiting cross-examination to the July statement.

There were no reviewable errors in the misconduct decision, and the appellant was afforded procedural fairness.

### *Penalty appeal*

In his penalty decision, the hearing officer identified the foundational principles that governed the process of determining an appropriate disposition, namely:

1. Compliance with the purposes of the police complaint and discipline process
2. Presumption in favour of a corrective approach, where appropriate
3. Presumption in favour of the lowest disposition
4. Proportionality
5. Higher standard of conduct applicable to police officers

Recognizing that dismissal is the ultimate, most severe penalty, the hearing officer also cited public expectations and confidence in policing, the progressive disciplinary approach, and the principle of proportionality. He considered 11 dispositional factors to be relevant in this case:

1. Public interest
2. Employment history
3. Potential to reform or rehabilitate
4. Seriousness of the misconduct
5. Damage to the reputation of the police service
6. Specific and general deterrence
7. Effect on police officer and police officer's family
8. Procedural fairness
9. Disability and other personal circumstances
10. Recognition of the seriousness of the misconduct
11. Consistency of disposition.

The appellant submitted that the hearing officer made three errors in deciding that dismissal was the appropriate penalty. He claimed that the hearing officer:

1. Imposed a penalty that was harsh and excessive
2. Erred in finding that deterrence was an aggravating factor
3. Applied the wrong standard of proof to a mitigating factor.

With respect to the first alleged error, the fact that a lesser penalty was imposed in other cases did not necessarily mean that dismissal in this case was harsh and excessive. The hearing officer reviewed dispositions in other cases of assault and distinguished those in which demotion was imposed. In this case, he concluded that dismissal was warranted, given the seriousness of

intimate partner violence (IPV), the harm caused to the victim and to the children who witnessed the assault, and the impact to the police service of continuing to employ an officer who had committed IPV. He acknowledged the appellant's efforts to reform through participation in AA and accessing mental health resources but noted that this was the appellant's second incident of IPV, involving a different partner. In the hearing officer's view, the aggravating factors outweighed the mitigating factors; and this, together with public awareness and condemnation of IPV, would jeopardize public confidence in the TPS if he imposed a penalty other than dismissal. He concluded that the appellant's usefulness as an officer had been annulled. Considering all the relevant factors, the penalty of dismissal was not harsh or excessive.

With respect to the second alleged error, the hearing officer agreed that specific deterrence was unnecessary; the impact of the entire disciplinary process had likely accomplished that goal. In his view, however, general deterrence was required, and in this case, it amounted to an aggravating factor, at the higher end of the spectrum. The hearing officer concluded that general deterrence was required, because other officers needed to know that IPV would not be tolerated. This conclusion, and the decision to treat general deterrence as a compelling aggravating factor, was reasonable.

With respect to the third alleged error, the hearing officer treated the appellant's disability and other personal circumstances as a neutral rather than a mitigating factor. This approach was reasonable. The hearing officer noted that even if one accepted the appellant suffered from alcohol abuse and/or PTSD at the time of the incident, there was no expert evidence of a connection between the disability/personal circumstances and the misconduct. In the absence of a clear nexus, he was not prepared to treat this factor as mitigating.

The hearing officer weighed the dispositional factors in a reasonable manner, and his decision reflected a rational and proportionate approach to parity. The penalty fell within the range of reasonable outcomes available to the hearing officer. There were no grounds for interfering with the penalty.

#### Authorities cited

*Ottawa Police Service v. Diafwila*, 2016 ONCA 627  
*Cst. Ioan Floria and Toronto Police Service*, 2020 ONCPC 6 (CanLII)  
*Dunsmuir v. New Brunswick*, 2008 SCC 9  
*Toronto Police Service v. Blowes-Aybar*, 2004 CanLII 34451 (Ont. Div. Ct.)  
*Karklins v. Toronto Police Service*, 2010 ONSC 747  
*Kobayashi and Waterloo Regional Police Service*, 2015 ONCPC 12  
*Gould v. Toronto Police*, 2018 ONSC 4074 (CanLII) (Ont. Div. Ct.)  
*Husseini v. York Regional Police Service*, 2018 ONSC 283 (Ont. Div. Ct.)  
*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65  
*Imperial Oil Ltd. v. Haseeb*, 2023 ONCA 364 (CanLII)  
*Faryna v. Chorney*, [152] 2 D.L.R. 354  
*Law Society of Upper Canada v. Savone*, 2016 ONSC 3378 (Ont. Div. Ct.)  
*Howe v. Institute of Chartered Accountants of Ontario*, 1994 CanLII 3360 (ONCA)

*Mulligan (No. 2) v. Ontario Provincial Police*, 2018 ONCPC 5  
*Krug and Ottawa Police Service*, 2003 CanLII 75460 (ONCPC)  
*Guilick v. Ottawa (City) Police Service*, 2012 ONSC 5536