

OPAAC ADJ # 26-019

CONSTABLE GORAN BERIC
Appellant

And

OTTAWA POLICE SERVICE
Respondent

Adjudicators:

L. Taylor, L. Hodgson, J. Theoharis

Appearances:

P. Machado, for the appellant

J. Barrow, for the respondent

Heard:

January 15, 2026

Date of decision:

May 8, 2026

Length of decision:

18 pp.

Statutory citations:

Police Services Act, R.S.O. 1990, c. P. 15 (repealed), s. 87

O. Reg. 268/10 (repealed), ss. 2(1)(a)(xi), 2(1)(b)

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

DISCIPLINARY PENALTIES - Dismissal - Appeal from penalty decision of hearing officer - Appellant pled guilty to five counts of misconduct - Disciplinary hearing followed conviction on criminal charges of assault and assault with a weapon - Incident leading to charges involved assault on vulnerable person - Penalty of dismissal within range of outcomes available - Decision of hearing officer reasonable.

DISCIPLINARY PENALTIES - Rehabilitation - Incident leading to conviction on criminal charges involved assault on vulnerable person - Hearing officer reasonably concluded that appellant's credibility was a relevant factor in assessing rehabilitative potential - Hearing officer noted positive employment record but found that misconduct demonstrated a fundamental character flaw - Appellant's acceptance of responsibility and level of insight were limited - Reasonable for hearing officer to conclude that appellant could not be rehabilitated.

DISCIPLINARY PENALTIES - Progressive discipline - An employer may be justified in bypassing progressive discipline if misconduct sufficiently serious - Appellant had 15 years of

employment, no prior discipline, and positive work record - Misconduct in this case involved use of force against a vulnerable person, abuse of police power, and resulting criminal convictions - Respondent not obligated to continue interim measure of alternate assignment - Hearing officer reasonably concluding that dismissal appropriate.

DISCIPLINARY PENALTIES - Consistency - Hearing officer fairly considered prior cases and assessed them in light of factual differences and evolving disciplinary outcomes - Existence of cases involving lesser penalties not determinative - Reasonable for hearing officer to conclude that dismissal appropriate in this case.

DISCIPLINARY PENALTIES - Reasonableness - Hearing officer properly considered relevant dispositional factors - Hearing officer properly relied on specific findings of criminal trial judge regarding appellant's mistreatment of vulnerable person and subsequent submission of a false or misleading report about the incident - Emphasis on seriousness of the misconduct, impact to public interest, and damage to reputation of the service was not misplaced - Reasonable for hearing officer to conclude that aggravating factors outweighed mitigating factors - Dismissal reasonable.

HEARING OFFICERS - Decision of hearing officer - Standard of review - Decision of hearing officer on penalty - Standard of reasonableness applied - Absent error in principle or failure to consider relevant factors, commission will not interfere with penalty decision.

HEARING OFFICERS - Reviewable errors - Key considerations when imposing penalty include seriousness of the misconduct, rehabilitative potential, and impact to reputation of the service - Hearing officer properly considered these and all relevant dispositional factors - Reasons for decision met standard of reasonableness and penalty fell within range of possible acceptable outcomes - No reviewable errors and no basis for intervention.

Summary of Reasons for Decision

On August 4, 2021 the appellant, Cst. Beric, had an interaction with a member of the public, AA. Criminal charges resulted from this interaction, and on October 11, 2023 the appellant was convicted of assault and assault with a weapon. He pled guilty to five misconduct charges. In a decision dated May 28, 2025, the hearing officer ordered the appellant be dismissed, unless he resigned within 7 days. Constable Beric appealed the penalty decision. The appeal was commenced under s. 87 of the now-repealed *Police Services Act*. Pursuant to s. 216(4) of the *Community Safety and Policing Act*, a panel of adjudicators was appointed to exercise the powers and duties of the Ontario Civilian Police Commission in relation to the appeal.

The incident underlying the criminal and disciplinary charges arose when Cst. Beric was dispatched, along with four other Ottawa Police Service members, to a call for service. AA was reportedly causing a disturbance, yelling and screaming in the hallway of an apartment building operated by Ottawa Community Housing. AA, a homeless man, was at the time suffering from a mental health crisis, or was intoxicated by drugs or alcohol. During the incident, Cst. Beric used force against AA. After AA was pushed to the ground by another officer, Cst. Beric used his

baton to strike AA in the head area three times. He then placed his foot on AA's neck for 2 minutes and 5 seconds to hold him down.

The next day, two OPS officers brought forward their concerns about the level of force used by Cst. Beric. The OPS investigated, then turned to the Waterloo Regional Police Service to conduct a criminal investigation. WRPS charged Cst. Beric with one count of assault and one count of assault with a weapon.

Constable Beric pled not guilty in the criminal proceedings but was convicted on both counts. The trial judge concluded that the use of force was neither necessary nor proportionate and was therefore unlawful. On January 16, 2024 he received a suspended sentence with 30 months probation. The sentencing judge ruled that his actions showed a "callous disregard" for AA.

After the criminal proceedings, on February 7, 2024 the appellant participated in a compelled interview. During that interview, he expressed the view that the criminal judgment was wrong and he maintained that he acted appropriately towards AA.

Due to the criminal convictions, Cst. Beric was charged with two counts of discreditable conduct in breach of s. 2(1)(a)(xi) of the Code of Conduct, O. Reg. 268/10 (now repealed). He was charged with a third count of discreditable conduct relating to an incident report he prepared. The sentencing judge found that this report was false and misleading, in that Cst. Beric exaggerated AA's aggressiveness and omitted any mention of his assaults on AA. Constable Beric was also charged with two counts of insubordination, contrary to s. 2(1)(b) of the Code of Conduct: the first, in that his notes of the incident were minimal, with no reference to the physical interactions with AA, and the second count, in that he failed, as required by OPS policy, to submit a use of force report.

At the penalty hearing, the appellant pled guilty to all five misconduct charges. The respondent OPS sought his dismissal. The appellant argued that a demotion to third class constable, together with updated use of force training, was appropriate. The hearing officer found that dismissal was appropriate. Throughout his reasons, he emphasized the seriousness of the misconduct and the reputational damage to the OPS if the appellant continued to be employed by the service.

Constable Beric challenged the penalty on several grounds, alleging that the hearing officer failed to:

1. properly consider his rehabilitative potential
2. assign proper weight to mitigating and aggravating factors
3. consider the principle of progressive discipline
4. consider the relevant precedents.

Held, penalty confirmed; appeal dismissed.

The standard of review on a penalty appeal was reasonableness. The role of the Commission was not to reassess the evidence or reweigh dispositional factors. The Commission would not interfere with a penalty decision unless there was an error in principle or relevant factors were

ignored. The role of the Commission was to determine whether the decision of the hearing officer was reasonable, in terms of both reasoning process and outcome.

With respect to the first ground, the hearing officer fairly considered the appellant's rehabilitative potential. Contrary to the appellant's assertion, the hearing officer did not ignore a rehabilitation plan – the appellant's submission at the penalty hearing did not amount to a structured plan. The hearing officer properly identified rehabilitation as being one of the three key considerations in imposing penalty, the other two being seriousness of the misconduct and impact on the reputation of the service. The appellant's credibility was at issue, as demonstrated by his submission of a false, misleading, and incomplete report; and it was reasonable for the hearing officer to conclude that diminished credibility had a negative impact on meaningful rehabilitation and reintegration. The hearing officer acknowledged the appellant's 15-year, positive employment record. Ultimately, he concluded that the misconduct exposed a fundamental character flaw that could not be corrected by rehabilitation. In addition, there was little evidence of remorse. In fact, Cst. Beric in his compelled interview maintained the view that he acted appropriately. It was reasonable for the hearing officer to conclude that, notwithstanding his guilty pleas to misconduct charges, the appellant's acceptance of responsibility and his insight were limited. The assessment of rehabilitative potential was reasonable.

Regarding the second ground, the appellant argued that the hearing officer assigned too much weight to seriousness of the misconduct and public interest concerns, and insufficient weight to mitigating factors such as his employment history, remorse, and willingness to re-train. The Commission was not permitted to re-weigh relevant dispositional factors or substitute their own view as to penalty. The hearing officer properly considered all relevant factors and determined that the seriousness of the misconduct and the public interest concerns outweighed other factors. He was entitled to characterize the misconduct as serious: the conduct involved assault of a vulnerable person, breach of public confidence, an abuse of police authority, and it resulted in criminal convictions. The hearing officer described the conduct as fundamentally inconsistent with the core values of policing, including professionalism, integrity, and restraint. Further, the hearing officer appropriately considered the impact to public interest, noting negative media coverage of the incident, which included a video of the assault. The hearing officer reasonably concluded that the appellant's actions were damaging to the reputation of the service; and he did not overstate the public reaction or public interest. Contrary to the appellant's claim, the decision did not reveal a skewed or unfair emphasis on aggravating factors at the expense of mitigating factors; and in any event, the Commission was not at liberty to engage in re-weighing of the factors to achieve a different balance.

With respect to the third ground, progressive discipline was not a requirement in every case. Depending on the seriousness of the misconduct, an employer could be justified in bypassing progressive discipline and moving straight to dismissal. Here, the misconduct was unquestionably serious; and the hearing officer found that it overwhelmed the mitigating factors, including the appellant's clear record and positive employment history. The hearing officer was aware of the fact that the OPS did not immediately suspend the appellant and he continued to work in a restricted role until his criminal convictions. However, this was an interim, administrative measure which the hearing officer recognized as appropriate at the time – a view

that was not inconsistent with his ultimate, reasonable conclusion that the appellant did not remain suitable for continued employment as a police officer.

As to the fourth ground, the hearing officer did not err in considering comparator cases; there was no violation of the doctrine of parity and fairness in discipline. He reasonably distinguished cases involving lesser penalties, including the closest factual comparator. He observed that many of the cases were dated and that disciplinary outcomes may evolve over time. The fact that lesser penalties were imposed in other cases did not mean that dismissal was unreasonable in this case.

While the reasons of the hearing officer were not perfect, perfection was not the standard. The decision met the test for reasonableness: it was coherent, transparent, and intelligible, and it disclosed a rational chain of analysis. The outcome fell within the range of possible acceptable outcomes, considering factual and legal constraints. There were no errors in principle, and no grounds for interference.

Authorities cited

Kobayashi v. Waterloo Regional Police Service, 2015 ONCPC 12
Karklins v. Toronto (City) Police Service, 2010 ONSC 747
Dunsmuir v. New Brunswick, 2008 SCC 9
Gould v. Toronto Police, 2018 ONSC 4074 (Ont. Div. Ct.)
Williams and Ontario Provincial Police (1995), 2 O.P.R. 1047 (OCCPS)
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Groot and Peel Regional Police (2002), CanLII 63879 (OCPC)
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