

In the Matter of

**Police Discipline Adjudication pursuant to section 202(1) of the Community  
Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1.**

B E T W E E N:

Ontario Provincial Police

Applicant

- and -

Respondent

Constable R. Visconti

**DECISION AND REASONS**

**MISCONDUCT AND DISCIPLINARY HEARING**

**(In Writing)**

1. This proceeding arises under s. 202(1) of the Community Safety and Policing Act (CSPA). The Prosecution (Ontario Provincial Police), submits that Provincial Constable Roberto Visconti, engaged in conduct that constitutes misconduct to wit: being “found guilty of an offence under the *Criminal Code* (Canada)”, contrary to section 4 of the *Code of Conduct for Police Officers*, Ontario Regulation 407/23 (*Police Code*) to the *Community Safety and Policing Act*, 2019, S.O. 2019, c. 1, Sched. 1 (*CSPA*).
2. Pursuant to an Interlocutory Decision and Order rendered March 10, 2026, this Panel permitted the Prosecution to advance this proceeding in absentia of Constable Visconti. It was also agreed that the Misconduct and Disciplinary Hearings would be heard together, on the same date.
3. Given this hearing is being held in absentia in accordance with the interlocutory decision on this matter, the panel has determined that this hearing be held in writing pursuant to the authority granted in Ontario Regulation Reg. 404/23 (*CSPA*).
4. The decision to advance this hearing in absentia was based on Constable Visconti’s repeated failure to engage in the proceedings at both the pre-hearing conference stage and the Merits Hearing. As noted in the Interlocutory Decision, Constable Visconti failed to take reasonable steps afforded to him to retain counsel or provide means to serve him with notices of hearings. Registered letters providing notice of proceedings were sent to the address provided by Constable Visconti as his home address, however, they were either refused or no efforts were made to respond to the notices left by Canada Post. Moreover, the Prosecution has tendered evidence that establishes that Constable Visconti was provided notice of these proceedings by the Prosecution. Notwithstanding these considerable efforts, Constable Visconti has not sought to engage in these proceeding.
5. I further take note that notwithstanding the ruling permitting the hearing to proceed in the Defendant’s absence the Prosecution has tendered evidence establishing that on April 30, 2026 Constable Visconti was served with correspondence advising of the deadline for filing written submissions (May 6, 2026), together with a list of documents upon which the Prosecution intends to rely, and copies of those documents.

6. Throughout these proceedings Constable Visconti has failed to engage. He has not responded to notice of these proceedings or to the receipt of the Prosecution's materials. Furthermore, he has not expressed any desire to engage in these proceedings. As noted in the Interlocutory decision on the application to hold this hearing in absentia, I find that there is no evidence that Constable Visconti is unable to engage in these proceedings, rather, only that he is unwilling.
7. The Prosecution submits that Provincial Constable Roberto Visconti engaged in misconduct by being found guilty of breach of trust under the *Criminal Code of Canada*.
8. The Prosecution seeks a guilty finding. The Prosecution further seeks a penalty of dismissal under section 202(9)(1) of the *CSPA* should the Defendant be found by this panel to have engaged in conduct that constitutes misconduct.
9. In support of submissions, the Prosecution has tendered a Book of Documents, divided into lettered tabs as outlined below, which includes the following documents:

[1] An exemplified and certified copy of the Defendant's criminal court Information # 998 22 31108529 (Criminal Information)

[2] A certified transcript of the recording of the Defendant's criminal plea and sentencing hearing held June 12, 2024 (Transcript)

[3] An exemplified and certified copy of the Agreed Statement of Facts filed as "Exhibit 1" in the Defendant's criminal plea and sentencing hearing of June 12, 2024 (ASF)

[4] Affidavit of Sergeant Major Stephen Cole, sworn on May 5, 2026

[5] Notice of Suspension dated January 15, 2021 (Suspension Notice)

[6] The Defendant's Career Profile and last three Performance, Learning and Development Plans (Career Profile)

[7] Eleven media articles relating to the occurrence that led to the Defendant's criminal conviction (Media Articles)

[8] Notice letter from Crown Counsel Özlem Eskicioğlu of the Ministry of the Solicitor  
i. General dated April 29, 2026

[9] Affidavit of Service of Sergeant Major Stephen Cole, sworn on May 5, 2026

10. The documents under Tabs A of the Prosecution's Book of Documents are marked as **Exhibits 1 to 9**, respectively.

## **Analysis of the Evidence Tendered**

### Exhibit 1 – The Criminal Information

11. The Prosecution submits that the Criminal Information ought to be deemed authentic as it is tendered under sections 22.1 (proof of conviction), 29 (certified official or public documents), and 36(1) (judicial notice of judicial document with judge's signature) of the *Evidence Act*, as well as under the common law rule of exemplified documents.
12. Moreover, the Prosecution submits that the Criminal Information tendered is prima facie evidence that Constable Visconti was convicted on June 12, 2024, of one count of Committing a Breach of Trust in connection with his duties as a police officer between January 1, 2018 and December 31, 2020, contrary to section 122 of the *Criminal Code*.
13. I find that the Prosecution has established that the Criminal Information is a genuine document that was accurately and truthfully recorded by the Court and that it can be relied upon for the truth of its contents.
14. I note that the Criminal Information specifically records that Constable Visconti plead guilty to the offence of Breach of Trust in relation to his duties as police officer and, that he received a suspended sentence and 12 months of probation.
15. In pleading guilty, I find that Constable Visconti has admitted his conduct met the essential elements of the offence of Breach of Trust. I further note that there is no evidence before me that the conviction has been appealed or contested in any way. Accordingly, I find that the Prosecution has no requirement to establish the underlying facts as outlined in the agreed statement of fact accompanying the conviction.

### Exhibits 2 and 3 – Transcript and ASF

16. There is no evidence before me that calls in question the reliability of the Transcript and the Agreed Statement of Facts. I find that they are certified by the Court Reporter as true and accurate. Accordingly, I find that they are sufficiently reliable to overcome exception

requirements and can be relied upon for the truth of their content. Moreover, I find that Constable Visconti's admissions of both the agreed statement of fact and the Crown's recitation of the facts may be admitted for the truth of their contents as admissions against interest, a recognized exception to the hearsay rule.

17. Accordingly, the panel accepts the following points from the Transcript:
  - a. Page 2: A plea inquiry was conducted with the Defendant, during which he confirmed that his guilty plea was being entered voluntarily; that his plea amounted to an admission of the essential elements of the offence of breach of trust, that he understood the nature and consequences of the plea, and that His Honour was not bound by the joint sentencing submission anticipated by the parties. The Panel is not required to assess the Defendant's veracity in providing these acknowledgements. Rather, the Panel is entitled to rely on the Court's determination arising from that inquiry, where the Defendant's responses left the Court "satisfied the plea was informed and voluntary".
  - b. Pages 2 to 4: The Defendant entered a guilty plea to the charge of breach of trust, which is confirmed in the Criminal Information, thereby rendering the guilty plea recorded in the Transcript "sufficiently reliable" to be accepted for its truth.
  - c. Pages 4 to 8: An Agreed Statement of Facts ("ASF") was filed as Exhibit 1 and summarized by the Crown on the record, to which the Defendant admitted.
18. The facts admitted by Constable Visconti are summarized as follows:
  - a) Between January 1, 2018, and January 15, 2021, the Defendant's primary responsibilities were investigating and enforcing both *Criminal Code* and *Highway Traffic Act* offences occurring on the GTA's 400 series highways.
  - b) The Defendant committed breach of trust by giving preferential treatment to 2 tow truck operators, contrary to sections 6(1) and (2) of Ontario Regulation 381/07 to the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A.

- c) The Defendant took steps to ensure that these 2 tow truck companies received almost all towing referrals resulting from his traffic stops. Of the 703 traffic tickets the Defendant issued over a three-year period, 700 of the tow referrals went to the said two companies, while there were 80 different towing companies operating in the area.
  - d) Specifically, the Defendant would inform the two companies of when he was working and where he would set up his radar detection. The two companies would park their trucks at the detection location, and the Defendant would not instruct them to leave. This resulted in those two companies receiving the majority of the tow referrals.
  - e) The financial benefit received from the Defendant's preferential treatment was about \$520,000 to the one company and \$405,000 to the other \$925,000 in total.
  - f) In knowingly providing a significant financial benefit to the recipients of his preferential treatment, the Defendant's conduct represented a serious and marked departure from the standards expected of a police officer for a purpose other than the public good.
19. The Prosecution submits that the evidence presented is clear and convincing, including a criminal court record, a certified transcript of the plea and sentencing hearing, and an Agreed Statement of Facts. In pleading guilty in the context of that Agreed Statement of Fact, Constable Visconti admitted to giving preferential treatment to two tow truck companies, resulting in a financial benefit of approximately \$925,000, over a three-year period while on duty.
20. The Prosecution argues that this conduct represented a serious and marked departure from the standards expected of a police officer, undermining public trust and damaging the reputation of the Ontario Provincial Police.
21. The prosecution submits that dismissal is the only appropriate penalty, given the seriousness, prolonged nature, and public impact of the misconduct, as well as the lack of meaningful engagement or evidence of rehabilitation from the defendant.

## **Has the Prosecution Established that Constable Visconti engaged in Misconduct?**

22. Section 202(9) of the *CSPA* permits an adjudicator to determine that a police officer engaged in conduct that constitutes misconduct following a hearing that has proven same on clear and convincing evidence.
23. “Clear and convincing evidence” mandates a standard of proof that is more onerous than a “balance of probabilities”, but less onerous than “proof beyond a reasonable doubt.” (*Penner v. Niagara Regional Police Services Board*, 2013 SCC 19 at para. 60; *Jacobs v. Ottawa Police Service*, 2016 ONCA 345)
24. The onus is on the Prosecution and the evidence presented needs to be cogent, weighty, and reliable. (*Johnson v. Sault Ste. Marie Police Service*, 2024 ONCPC 34 at para. 83)
25. Pursuant to section 195(a) of the *CSPA*, a police officer will have engaged in “conduct that constitutes misconduct” where they “contravene their applicable prescribed code of conduct.”
26. Section 4 of the *Police Code* states that a “police officer contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada)”.
27. Section 4’s predecessor is section 2(1)(a)(ix) of the *Code of Conduct* Schedule under Ontario Regulation 268/10 to the now repealed *Police Services Act*, R.S.O. 1990, c. P.15. That provision states that a “police officer commits misconduct if he or she engages in discreditable conduct, in that he or she is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction.”
28. While it is true that the Provincial government enacted a subtle change in language between the noted sections, impacting what triggers the section’s operation, I find that the modified language does not impact the legal principle that a criminal conviction is sufficient to render a disciplinary conviction of being guilty of a criminal offence.
29. Moreover, section 22.1 of the Ontario *Evidence Act*, R.S.O. 1990, c. E.23 (*Evidence Act*) states: “Proof that a person has been convicted or discharged anywhere in Canada of a

crime **is proof**, in the absence of evidence to the contrary, that the crime was committed by the person” as long as the conviction or discharge has not been appealed. Section 22.1 means a criminal conviction is admissible in subsequent proceedings as *prima facie* proof that the convicted person committed the alleged act, and speaks to its conclusive effect if unchallenged (or “in the absence of evidence to the contrary”). (*Toronto (City) v. C.U.P.E. Local 79*, 2003 SCC 63 at paras. 18-20)

### **Findings on Allegations of Misconduct**

30. In light of the foregoing and in the context of the unrefuted evidence before me, and on the basis on the foregoing analysis, I find on clear and convincing evidence that Constable Visconti engaged in conduct that constitutes misconduct contrary to section 4 of the *Police Code* under the *CSPA*, because he was “found guilty of an offence under the *Criminal Code*.”

### **Disciplinary Analysis and Findings**

31. Pursuant to section 202(9) of the *CSPA*, should an adjudicator determine that it has been proven on clear and convincing evidence that the police officer has engaged in conduct that constitutes misconduct, then the adjudicator may make an order to impose one of the following disciplinary measures:
- Terminate the police officer’s employment;
  - Direct that the police officer’s employment be terminated in seven days unless he or she resigns before that time; or
  - Demote the police officer, specifying the manner and period of the demotion.
32. If an adjudicator determines that the above orders are not an appropriate response, the adjudicator may make an order to impose a disciplinary measure or any combination of disciplinary measures that a chief of police could impose under subsection 200(1) of the *CSPA*.

33. The Prosecution is seeking an order to terminate Constable Visconti's employment.
34. The guiding principle in determining an appropriate penalty is to ensure that the penalty is proportionate to the misconduct and reflective of the circumstances of the police officer. When determining the appropriate penalty, previous decisions have adopted the factors described by Paul Ceysens in the legal texts of the *Ontario Police Services Act, Fully Annotated* and *Legal Aspects of Policing*, published by Earls court Legal Press. These factors are:

1. Public Interest
2. Seriousness of the Misconduct
3. Recognition of the Seriousness of the Misconduct
4. Employment History
5. Specific and General Deterrence
6. Ability to Reform or Rehabilitate the Police Officer
7. Damage to the Reputation of the Police Service
8. Disability or Other Relevant Circumstances
9. Effect on Police Officer and Police Officer's Family
10. Management's Approach to the Misconduct
11. Consistency of Disposition
12. Loss Resulting from Unpaid Suspension
13. Effect of Publicity

(*Krug v. Ottawa Police Service*, 2003 CanLII 85816 (ONCPC) at para. 69)

36. There is no requirement that any one factor be given more weight than the other. Aggravating factors can serve to diminish the weight of any mitigating factors. (*Krug v. Ottawa Police Service*, 2003 CanLII 85816 (ONCPC) at para. 70)
37. The seriousness of the offence, or the inability to be rehabilitated ("obviously, if there were no potential for the rehabilitation of an officer, dismissal would be the only logical penalty."), may, on its own, justify dismissal. (*Krug v. Ottawa Police Service*, 2003 CanLII 85816 (ONCPC) at para. 70; *Cudney v. St. Thomas Police Service*, 2021

ONCPC 15 at para. 60, affirmed by *Cudney, #254 v. St. Thomas Police Service, 2023 ONSC 3443 (Div. Ct.)*)

38. In cases where the Prosecution seeks a police officer's dismissal, three of the factors listed above are pertinent for the Panel to consider:

1. Nature and Seriousness of the Misconduct;
2. Ability to Reform or Rehabilitate the Police Officer; and
3. Damage to the Reputation of the Police Service.

(*Cudney v. St. Thomas Police Service, 2021 ONCPC 15 at para. 59, affirmed by Cudney, #254 v. St. Thomas Police Service, 2023 ONSC 3443 (Div. Ct.)*)

39. Assessment of these three factors has been referred to as the "usefulness test". Given that dismissal of an officer is the most serious consequence imposed in disciplinary proceedings, it is reserved for cases in which the conduct is so disreputable that the police officer is no longer of any "use" to the service, or where their continued service would cause irreparable damage. (*Guenette and Ottawa-Carleton Regional Police Service, 1998 CanLII 27136 (ON CPC) at paras. 45-47, 53*)

### ***Application of Factors***

#### **Public Interest**

40. The Prosecution submits that:

- a) Police officers must be held to a higher standard than the average citizen. They must be held accountable to the public, and that is an important consideration in assessing an appropriate sanction. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga, #11162, October 17, 2019 at pg. 13; Guenette and Ottawa-Carleton Regional Police Service, 1998 CanLII 27136 (ON CPC) at para. 53*)
- b) Police officers are expected to uphold the law and conduct themselves with professionalism and integrity. An appropriate sanction will demonstrate confidence in the police and the discipline process, as well as work towards restoring public trust. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga, #11162, October 17, 2019 at pg.*

13; *Guenette and Ottawa-Carleton Regional Police Service*, 1998 CanLII 27136 (ON CPC) at para. 53)

- c) It is clear that unprofessional conduct damages public trust and confidence in the police service and its individual officers. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga*, #11162, October 17, 2019 at pg. 13)
  - d) The public interest is compromised when a police officer is found guilty of criminal offences.
  - e) Not only was Visconti found guilty of a criminal offence, but specifically of breaching the standard of responsibility and conduct required of him as a police officer. His actions strike at the core of his public service role and undermine the confidence and trust placed in him by both the public and his Police Service.
  - f) By definition of his conviction, Constable Visconti's conduct represented a serious and marked departure from the standards expected of someone in his position of public trust. Furthermore, he acted in his capacity as a police officer for a purpose other than the public good, directly conflicting with his mandate to serve the public.
  - g) Constable Visconti's conduct fell markedly below the standards and expectations expected of a police officer and has eroded public trust in both the Defendant and the Police Service he represents.
  - h) The Prosecution submits that the public interest component is a strong aggravating factor in favour of the dismissal penalty.
41. The panel finds that the Prosecution has established a convincing agreement that public interest in this matter is of significant concern as public confidence and trust are fundamental requirements for effective policing. The expectation of any police officer is to act in the good of the public. The public reasonably expect that police officers abide by the law and professional standards which govern their duties and authorities. Having been found guilty of a criminal offence in the performance of those duties and authorities, I find that Constable Visconti has greatly undermined public trust, in him and in policing in general.

**Seriousness of the Misconduct**

42. The prosecution submits that Seriousness of the Misconduct is a fundamental consideration and that the seriousness of the offence alone may justify dismissal. (*Krug v. Ottawa Police Service*, 2003 CanLII 85816 (ONCPC) at para. 70)
43. The crime of breach of trust is an “extremely serious one”; particularly for a police officer given their position of public trust. Trust is at the heart of the authority police officers are granted by the public. The general public’s sense of justice and security is underpinned by the faith they have in the police that are sworn to serve them. I agree with the Prosecution’s submission that the offence represents a serious abuse of power and is contrary to the oath of office and duties taken by police officers. (*Shorey v. Belleville Police Service*, 2017 CanLII 53072 (ONCPC) at para. 50)
44. The panel notes that the allegations surrounding the offence underpinning the criminal conviction involved a pattern of repeated behaviours over the course of three years. The seriousness of an offence is heightened where it involves an extended pattern of repetitive conduct as opposed to a single aberrant act of human frailty. The penalty of dismissal is clearly within the range of dispositions available to an adjudicator in these circumstances, as the recurring behaviour “goes to the essential question of [an officer’s] potential for rehabilitation and possible future usefulness to the Service.” “Past behaviour is said to be the best indicator of future conduct.” (*Nelles v. Cobourg Police Service*, 2007 ONCPC 4 at pgs. 14-15; *Shorey v. Belleville Police Service*, 2017 CanLII 53072 (ONCPC) at para. 45)
45. I agree with the Prosecution’s submission that it is reasonable for an adjudicator to give considerable weight to the nature and seriousness of a breach of trust offence in determining the appropriate penalty. (*Shorey v. Belleville Police Service*, 2017 CanLII 53072 (ONCPC) at para. 52)
46. For these reasons I find Constable Visconti’s misconduct to be serious:
- a. It led to a criminal conviction, and the Defendant now has a criminal record;

- b. The offence involved coordination and hundreds of deliberate actions by the Defendant, committed over three years. This was not a single aberrant act or isolated incident;
  - c. The towing companies received about \$925,000 worth of preferential treatment, to the detriment of 80 other companies;
  - d. The Defendant engaged in this conduct while he was on duty, enforcing *Highway Traffic Act* offences.
47. I find that Constable Visconti's misconduct is a serious and marked departure from the standards expected of him in his position and that this is an aggravating factor in the misconduct.
48. I note that although Constable Visconti has been given repeated opportunities to engage in the proceedings and offer evidence to mitigate the seriousness of his conduct or to make any submissions on penalty, he has not done so and has not provided any explanation why he did not engage. I note that Constable Visconti chose not to make any personal submissions to the sentencing Justice in the criminal hearing. While he was under no obligation to do so and should not be penalized for that choice, the Panel is left without further insight into his own recognition of the seriousness of his misconduct.

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

49. The prosecution has appropriately noted that recognition of the seriousness of the misconduct may be taken as evidence of acceptance of responsibility and remorse, both of which are relevant considerations in determining the appropriate penalty. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga, #11162, October 17, 2019 at pg. 19*)
50. Constable Visconti pleaded guilty to the criminal charge of breach of trust and admitted to the underlying facts of the offence, which the Prosecution relies on in these submissions.

As a result, the Crown was not required to prove the offence beyond a reasonable doubt, thereby conserving scarce police, prosecutorial, and court resources that would otherwise have been expended in a lengthy trial. Thus, the Defendant has taken some responsibility for his criminal actions, and a guilty plea in criminal proceedings is, standing alone, recognized as evidence of remorse.

51. Notwithstanding the foregoing, the panel once again notes that despite all the efforts made, Constable Visconti has elected not to participate at all. As such, in these proceedings, there is no admission of misconduct before this Panel. I find that the mitigating effect of his guilty plea in the criminal matter is diminished by his failure to engage in these proceedings.
52. I note that outside of his guilty plea in the criminal matter, there is no evidence before me that Constable Visconti has expressed remorse or has an understanding of the impact his actions have had on his colleagues and superiors within the Police Service, on the Service as an institution, and on the public.

### **Employment History**

53. Employment history is an important factor. Whether positive or negative, it assists in assessing an officer's ability to overcome incidents and rehabilitate. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga*, #11162, October 17, 2019 at pg. 21)
54. Constable Visconti's Career Profile, including his last three Performance, Learning and Development Plans (Career Profile) in exhibit 6 reflect that he has no prior police disciplinary record. I find that his Career Profile is mitigating to an extent. Most importantly it establishes that he was a police officer in good standing for eight years prior to the commencement of the misconduct at issue and that he had favourable performance assessments.
55. While a significant period of employment unblemished by prior discipline constitutes a strong mitigating factor, I find that this is undermined by the lengthy duration of repeated behaviors and the significant monetary value involved in this misconduct. I note

that the performance evaluations were authorized during the period of time that he was engaged in the misconduct in question. It is reasonable to expect that his evaluations would not have been favourable if his conduct that been known at the time. Accordingly, I find this undermines the weight that can be given to these evaluations.

### **Specific and General Deterrence**

56. Deterrence of the defendant officer (specific deterrence) and of other police officers (general deterrence) is a recognized objective of police discipline. The public needs to know that a police officer will be held accountable for breaching the high professional and ethical standards expected of them. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga*, #11162, October 17, 2019 at pg. 26)
57. The Prosecution has submitted that Constable Visconti's misconduct breaching the public trust in the course of his duties as a police officer and being criminally convicted of the same is extremely serious and calls for a sanction that emphasizes strong deterrence.
58. The Prosecution seeks a penalty of dismissal and as such, if granted specific deterrence in relation to Constable Visconti's future conduct as a police officer is of little importance. More importantly, general deterrence is critical. I agree with the Prosecutions' submission that a clear and unequivocal message must be sent to all police officers that misconduct of this nature will not be tolerated, both to uphold professional standards and to restore public confidence in the Police Service.
59. As previously noted, the seriousness of this case, which is marked by repeated misconduct over a three-year period and a tangible financial impact of approximately \$925,000 demands a significant penalty that effects a strong deterrence.

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

60. The potential to reform or rehabilitate speaks to the likelihood that the impugned behaviour will recur and to the officer's prospective usefulness to the Police Service. Remorse and

employment history are closely connected to this factor. (*Ontario Provincial Police v. Provincial Constable R.T. (Rene) Tamminga*, #11162, October 17, 2019 at pg. 25)

61. The opportunity for reform is a significant consideration, but it is not paramount over the other 12 Ceysens factors; all must be taken into account. These factors are intended to be applied flexibly and contextually, and they may evolve over time. (*Husseini v. York Regional Police Service*, 2017 CanLII 4791 at para. 54)
62. The usefulness test is particularly relevant while assessing this factor. The question to answer is whether the officer's conduct was so disreputable such that the officer can no longer be of "use" to the service or that it would cause irreparable damage should the officer remain on the force. (*Guenette and Ottawa-Carleton Regional Police Service*, 1998 CanLII 27136 (ON CPC) at paras. 45-47, 53)
63. Where there is no potential for rehabilitation, dismissal is the "only logical penalty". (*Cudney v. St. Thomas Police Service*, 2021 ONCPC 15 at para. 60, affirmed by *Cudney, #254 v. St. Thomas Police Service*, 2023 ONSC 3443 (Div. Ct.))
64. It is open to an adjudicator to give less weight to evidence supporting rehabilitative potential of an officer against the facts of an offence and concerns about the nature and seriousness of an offence. Some actions by a police officer can be so serious that they justify little weight being given to the officer's prospects for rehabilitation when determining penalty. (*Shorey v. Belleville Police Service*, 2017 CanLII 53072 (ONCPC) at para. 57). However, in this case there is little evidence supporting rehabilitative potential.
65. While it is true that Constable Visconti appears to have had an unblemished record prior to the three years of behaviours that inform the misconduct, the seriousness the offence and extended pattern of repetitive mendacious conduct indicate serious doubt in his reliability, trustworthiness and honesty.
66. The penalty of dismissal is clearly within the range of dispositions available to an adjudicator in these circumstances. "Past behaviour is said to be the best indicator of future conduct." (*Nelles*

*v. Cobourg Police Service*, 2007 ONCPC 4 at pgs. 14-15; *Shorey v. Belleville Police Service*, 2017 CanLII 53072 (ONCPC) at para. 45)

67. There is limited evidence before the Panel concerning Constable Visconti's potential for reform or rehabilitation. That evidence includes the Defendant's guilty plea to the related criminal charge, which reflects an acceptance of responsibility for his actions and a measure of remorse. There is no evidence before the Panel of any meaningful steps already taken by the Defendant to reform or rehabilitate himself since the misconduct came to light. To the contrary, I find that Constable Visconti's repeated refusal to participate in these proceedings including, overt acts to obstruct service of documents related to these proceedings undermine his willingness to engage in meaningful reform or rehabilitation. I note that he provided no explanation for his absence from these proceedings, nor did assert any medical limitations, disability, scheduling issue, or other conflict that would have prevented his participation. In March 2026, when the Panel concluded that this proceeding will go ahead in the Defendant's absence, it had found that the Defendant was aware of the proceedings but had "deliberately obstructed and delayed" them through "obfuscation, a lack of cooperation in providing a means of communication," a failure to engage available legal counsel, and a "refusal to acknowledge or accept notice". The Panel further found no evidence that the Defendant was unable to participate, only that he was unwilling to do so. (*Interlocutory Decision and Order*, March 10, 2026 at para. 10)
68. Finally, it is the Prosecution's submission that the misconduct was severe and prolonged, and so disreputable, that permitting the Defendant to continue serving as a police officer would significantly undermine public confidence and trust in the Police Service and cause irreparable damage to its reputation.

### **Disciplinary Decision**

69. Pursuant to section 202(9) of the *CSPA*, on the basis of the foregoing analysis and having found on clear and convincing evidence that Constable Visconti has engaged in conduct that constitutes Misconduct, I find that the only reasonable penalty proportionate to the misconduct and reflective of the circumstances of Constable Visconti is to terminate his employment.

**Order**

70. Accordingly, I order that Constable Roberto Visconti's employment with the Ontario Provincial Police be terminated.

Dated at the City of Oakville, this 31<sup>s</sup> day of May, 2026



---

Leonard Favreau  
Adjudicator OPAAC