



TORONTO POLICE SERVICE DISCIPLINE HEARING
IN THE MATTER OF ONTARIO REGULATION 268/10
MADE UNDER THE POLICE SERVICES ACT, RSO 1990,
AND AMENDMENTS THERETO:

IN THE MATTER OF THE
THE TORONTO POLICE SERVICE
AND CONSTABLE SASA SLJIVO (65711)

Charge: Discreditable Conduct

AND CONSTABLE MATTHEW SARIS (11000)

Charge: Neglect of Duty

PENALTY DECISION

Hearing Officer: Acting Superintendent Richard Hegedus; Toronto
Police Service

Prosecutor: Inspector Domenic Sinopoli, Toronto Police
Service

Defence Counsel: Mr. Gary Clewley

Counsel for Public Complainant: Ms. Jennifer Macko & Mr. Brendon Pooran
(for Ms. Pamela Munoz)

Case Number: 28/2017 & 29/2017

Hearing Dates: 2017.11.28

Decision Date: 2018.01.18

PENALTY DECISION

CONSTABLE SASA SLJIVO (65711)
AND CONSTABLE MATTHEW SARIS (11000)

DATE: 2018.01.18

REFERENCE: 28/2017 & 29/2017

Acting Superintendent Richard Hegedus: Before commencing with the penalty decision in this matter, I would like to thank Mr. Gary Clewley, defence counsel, and Inspector Domenic Sinopoli, the Service Prosecutor, for their submissions and exhibits tendered. I would also like to thank the public complainant Ms. Pamela Munoz, and counsels Ms. Jennifer Macko and Mr. Brendon Pooran for their participation and assistance, all of which have assisted me in reaching my decision.

On November 28, 2017, Constable Sasa Sljivo (65711), pleaded guilty and was found guilty of Discreditable Conduct based on an amended Notice of Hearing and Constable Matthew Saris (11000), pleaded guilty and was found guilty of Neglect of Duty contrary to the Police Services Act.

Summary

The facts are summarized from the Notices of Hearing and Agreed Statement of Facts (Exhibit 3) as follows.

Police Constable Sasa Sljivo #65711 is a member of the Toronto Police Service and has been since December of 2005. Constable Sljivo was originally hired as a Parking Enforcement Officer (PEO) and then in 2009, was successful in his application to be a Police Officer. Constable Sljivo is currently attached to 22 Division where he carries out his duties in a uniform capacity.

Police Constable Matthew Saris #11000 is a member of the Toronto Police Service and has been since April of 2014. Constable Saris is currently attached to 22 Division where he carries out his duties in a uniform capacity.

On Saturday, November 5, 2016, the officers were working the afternoon shift assigned to scout car 2212. On this date, PC Saris was the driver and PC Sljivo was the passenger. The scout car was equipped with an In Car Camera System (ICCS) and two wireless microphones.

At approximately 8:23 p.m., the complainant was operating a motor vehicle on The Queensway and Royal York Road in the City of Toronto. The officers activated the ICCS and then stopped the complainant for an alleged red light infraction. Both officers approached the vehicle equipped with their wireless microphones.

PC Saris approached the driver of the vehicle, the complainant in this matter, and commenced a Highway Traffic Act investigation. At the time, also in the vehicle with the complainant were her daughters. The eldest was seated in the front passenger seat and the youngest, was seated in the rear. The rear passenger, Francie Munoz had been diagnosed with Down Syndrome.

PC Saris obtained the necessary documentation from the complainant and returned to his vehicle with PC Sljivo. At this time, both officers placed their microphones in the designated cradles and when doing so, the units are considered to be off line and not capable of recording. It would appear that the microphones did not make proper contact with the receiver or cradle and thus, the microphones were still in record mode.

While in the scout car, the officers engaged in a conversation which both officers believed was private. Initially, the conversation centered on the Highway Traffic Act infraction. However, when PC Saris began to explain that there were three women in the car, PC Sljivo responded "two and a half". The conversation continued:

SARIS: "Huh?"

SLJIVO: "Two and a half"

SARIS: "Two and a half, why half? Young girl in the back?"

SLJIVO: "Not young"

SARIS: "Oh, no? I couldn't see her"

SLJIVO: "She's a little, uh, disfigured"

SARIS: "A little what?"

SLJIVO: "Disfigured"

SARIS: "Oh" (giggling, laughing by both officers)

SLJIVO: "Born differently"

SLJIVO: "Artistic (laughing) That's going to be my new code word for, for different, artistic"

Both officers then repeat "Artistic" and laugh.

Summary Continued

At approximately 8:32pm, PC Saris approached the driver side door of the vehicle and served the complainant with an offence notice. The complainant and her daughters left and the officers continued with the remainder of their shift. Unbeknownst to the officers, their entire conversation was recorded on the ICCS.

Sometime later, the ICCS video and audio was disclosed as part of the disclosure process for the Highway Traffic Act offence. The complainant lodged a complaint with the Office of the Independent Police Review Director (OIPRD) and the investigation was referred to the Toronto Police Service.

As part of the investigation, both officers attended a compelled interview with Professional Standards Investigators. On Friday June 9, 2017, PC Sljivo attended his interview and explained to the investigators that he believed he was having a private conversation. Nonetheless, he acknowledged that the comments that he had made; *two and a half*; *disfigured*; and *artistic*, were in reference to the lady in the back seat who had been diagnosed with Down Syndrome. PC Sljivo told investigators that:

"I said something awful and I truly do regret it and I feel terrible about the whole incident. I feel extremely embarrassed because I became a bully that day and I insulted a community that has never done anything to me in my life, that has never affected me, or anyone I know negatively in my life or my experiences, and it was a very, it was a very juvenile comment".

PC. SLJIVO ended the interview by stating;

"I am extremely sorry and I wish I could take it back, I know people with disabilities probably lost a lot of trust in police, especially a uniform police officer saying something like this. I feel awful about that and I don't, I don't like being the guy responsible for something of that magnitude, it's, if I could do anything or change anything, or inform other members of things of this nature, I really would. I'd like to step up and, and I take this, I am totally guilty and I don't have anything to say for myself other than that I am sorry and that I truly do wish to apologize to this lady and this entire community of people."

On Thursday, June 15, 2017, PC Saris attended his compelled interview. PC Saris also acknowledged that the comments made by PC Sljivo were made in reference to the passenger in the rear of the vehicle. PC Saris told investigators that:

"I heard Sasa make an inappropriate comment and I heard myself ask him what he said, I don't remember exactly what I said but I basically I asked him to repeat it because I didn't hear him, I believe he said it again and had a little chuckle".

Further that:

"the whole thing has been very embarrassing, to myself, my family, the service. Um...(long pause) It's not in my nature to make those kind of comments, you know, unfortunately for me, my personality is I'm a pretty happy guy and I tend to laugh at everything, but uh, definitely wouldn't make any comments. I am very aware that the cameras are rolling , obviously not to the extent that I think they are on when we are in

the car because we turn them off, doesn't make the conversation any more appropriate, because it's still inappropriate but, uh, definitely be more mindful of what is being said."

In closing, he stated that he wanted to apologize to the family and to the Toronto Police Service in the following words:

"I am very sorry, I am embarrassed, I'm not uh, I don't have anything against any type of person, whether its race, colour, religion, whatever, everyone's an equal. I didn't see the daughter that night. I wouldn't have made comments even if I did. I'm disappointed I participated in the conversation whether it be verbal or laughing or what happened, I'm just truly sorry."

The investigation was commenced on June 4, 2017 and concluded by June 20, 2017. A copy of the Report of Investigation inclusive of the above-mentioned statements, was provided to the complainant.

On July 14, 2017, the officers sent the complainant and the entire Munoz family, an apology letter.

Prosecution Submissions

The prosecutor indicated that this hearing had been directed by the Office of the Independent Police Review Director (OIPRD). The public complainant Ms. Pamela Munoz was present and was represented by counsel.

The prosecutor indicated that he had spoken to Counsel Ms. Macko and had been advised that the public complainant Ms. Munoz would not be making submissions or a statement in the proceedings. The complainant and counsel had participated in discussions regarding the preparation of the Agreed Statement of Facts, the proposed penalty position, and the amendments to the Notice of Hearing for Constable Slijivo. The prosecutor advised that there would be a joint penalty position presented.

The prosecutor began his submissions by entering a Book of Records (Exhibit 4) and a Book of Authorities (Exhibit 5).

The facts in this matter were straightforward and submitted that the proposed disposition was consistent with other similar decisions

The objectives of discipline were to correct unacceptable behaviour, deter others from engaging in similar behaviour, and to assure the public that the police were under control. The prosecutor indicated that there were 15 considerations that governed an appropriate penalty decision and those could be found in the 2017 Police Services Act (PSA) (Exhibit 4, Tab 1) and the prosecutor had considered the relevant factors.

In Williams and Ontario Provincial Police, 1995, OCCPS (Exhibit 5, Tab A) the Commission noted three important disposition considerations which included the nature and seriousness of the misconduct, the ability to reform or rehabilitate the officer, and the damage to the reputation of the Service.

The public interest is an important consideration. The prosecutor submitted there was a strong correlation between an officer's good character and public trust. In Bright v Konkle and Niagara Regional Police Service, 1997, Board of Enquiry (Exhibit 5, Tab B) the Board noted:

"Good character in a police officer is essential to both the public's trust in the officer and to a police service's ability to utilize that officer. The public has the right to trust that its police officers are honest and truthful, and that absent extenuating circumstances, they will not be officers any longer if they breach this trust."

Former Chief William Blair noted in the Foreword to the Service Standards of Conduct (Exhibit 4, Tab 2):

'I want to impress upon you the necessity of maintaining the public's trust and the grave implications for all of us if it is lost. Actions by members that break the law and violate the public trust diminish the public's perception of the professionalism of the police and tarnish the reputation of the Service.'

Former Chief Blair noted in the Introduction to the Standards of Conduct (Exhibit 4, Tab 3):

'Toronto Police Service members are held to a higher standard of conduct than other citizens. Not only an expectation from the community, this standard is an expectation we place upon ourselves. This higher standard of behaviour is necessary to preserve the integrity of the Service.'

Prosecution Submissions Continued

The prosecutor indicated that the integrity of the Service is always scrutinized particularly when officers have broken the trust that is afforded to them by virtue of the position they hold in the community.

Former Chief Blair addressed the issue of professionalism and integrity in open letters to the membership and Routine Orders (Exhibit 4, Tab 4) indicating that we live by this even when we expect that our conversations take place in privacy. The prosecutor submitted that professionalism was expected of our officers even when no one was watching.

The prosecutor submitted that the message could not have been clearer and the need for public trust has never been greater.

With respect to the seriousness of the misconduct, police officers take an oath to uphold the law. The officers before the tribunal took an oath and swore to discharge their duties faithfully, impartially, and according to law (Exhibit 4, Tab 5). Those duties could be found at s 42(1) of the *PSA* (Exhibit 4, Tab 6). One of those duties is providing assistance and encouragement.

The Hiring Criteria for police officers is found in s 43 *PSA* (Exhibit 4, Tab 7). This reflects the comments of the Board in *Bright v Konkle*. Police officers must be of good moral character and habits and that is always necessary when holding public office.

A portion of the conversation between the officers was included in the Agreed Statement of Facts. It included comments such as *two and a half, disfigured, and artistic*. The seriousness was not just in the words used. The comments contravened the Human Rights Code. They mocked a vulnerable member of our community and demonstrated a level of insensitivity that embarrassed the Service and our members.

The community that was most impacted was a community that loves the police and that we have aligned ourselves with through programs such as Special Olympics. It is an innocent community that often puts its trust blindly into those who wear the uniform.

The prosecutor submitted that anyone who has a loved one affected by a disability was impacted by the actions of Constable Sljivo.

As senior officers we must sometimes assess the seriousness of the misconduct. It is a duty the Chief imposes upon us. In this case there were many factors to assess. The impact to the community could be seen in the fact that community members have made several appearances before the tribunal in this matter.

The prosecutor submitted that this misconduct would not ordinarily be at the most serious end of the spectrum but that was not reflected by the manner in which the comments affected the community. The prosecutor submitted that was an aggravating factor.

In regards to recognition of seriousness of misconduct, we are often judged by how we deal with the aftermath of the misconduct as opposed to the misconduct itself. Recognizing the seriousness of the misconduct is important to be able to regain the trust of the Service, the public, and in particular, the affected community.

The Commission decision in Christian v Grbich and Aylmer Police Service, 2002, OCCPS (Exhibit 5, Tab C) acknowledged the findings in *Williams* and also considered employment history, recognition of the seriousness of the transgression, and handicap or other relevant circumstances. The prosecutor submitted that recognizing the seriousness of the misconduct was vital to the ability to reform or rehabilitate the officer.

We also look at what the officers have done after the misconduct. In this case the officers took responsibility for their actions. At their interviews they acknowledged their misconduct, took responsibility, and apologized. Excerpts from their interviews and their apologies were provided to the complainant.

Prosecution Submissions Continued

The officers made attempts to meet with the family to apologize personally but that did not occur. They wrote a letter of apology to the family (Exhibit 4, Tab 16). In addition, through counsel they immediately advised the prosecution that they would plead guilty.

The apology was read into the record by the prosecutor.

'Dear Carlos, Pamela, and Francie

Please accept our sincere apology for our inexcusable remarks. We take full responsibility for our actions. Our comments were inappropriate, disrespectful and unprofessional. We regret the emotional distress we caused to you, your family, and the broader community. You have our assurance that our lapse in judgement will not be repeated. Once again, we are truly sorry and hope that you will accept our apology.

Sincerely

Constables Slijivo and Saris'

The prosecutor submitted that though the events were recorded on video and audio, it did not detract from the guilty plea being recognition of seriousness of the misconduct. The prosecutor didn't believe the officers could have done any more to demonstrate to the complainant, her family, and the public that they were sorry for their actions.

A guilty plea is regarded as recognition of the seriousness of the misconduct, an acceptance of responsibility. It demonstrates remorse and that the officers are willing to face the consequences of the misconduct.

In regards to employment history, Constable Sljivo has been a member of the Service for 12 years. He began his career as a Parking Enforcement Officer in 2005 and has been a police officer since 2009 at 22 Division.

Constable Sljivo has 16 positive documentations or letters of appreciation in his file (Exhibit 4, Tabs 8, 9). He was commended for his involvement in a robbery which resulted in a hostage-taking and an exchange of gunfire.

He had two detractors in his file. He received a reprimand in the same incident that he received a commendation for, namely, for not activating his microphone during the events during the hostage situation. The other item was for a minor motor vehicle collision (Exhibit 4, Tab 10).

His performance appraisals demonstrated that he provided good service. His supervisors relied on him and he was often referred to as an informal leader on his platoon (Exhibit 4, Tab 11).

The prosecutor submitted that overall, Constable Sljivo's employment history should be considered a mitigating factor.

Constable Saris has been a member of the Service since 2014 and has been assigned to 22 Division. He has seven positive entries in his employment record (Exhibit 4, Tabs 12, 13).

He was described by his supervisors as a young and quick-thinking officer who demonstrated composure at a horrific fire scene and for his involvement with a dangerous offender,

He had one detractor in his file and had received an administrative reprimand for failing to sign out equipment when he went out on the road (Exhibit 4, Tab 14).

In his performance appraisals, his supervisors noted him to be a hard-working officer who exceeded in his performance. He was described as having a positive attitude, humility, and maturity. He was also described as reliable, and eager to learn.

Prosecution Submissions Continued

At the time of this incident, Constable Saris had two years with the Service. His reclassification to First Class Constable was deferred because of this incident. The prosecutor submitted that overall, Constable Saris' employment history should be considered a mitigating factor.

The prosecutor discussed the potential to reform or rehabilitate and drew my attention to *Christian v Grbich* where the Commission noted:

"...every attempt should be made to consider whether or not rehabilitation is possible. A police service and the community in which it is situated makes a significant investment in each police officer. Unless the offence is egregious and unmitigated, the opportunity to reform must be a key consideration."

The officers have dealt with this by way of guilty pleas. The prosecutor submitted that both officers have taken the first positive steps toward rehabilitation.

In Kelly and Toronto Police Service, 2006, Div. Ct. (Exhibit 5, Tab D) rehabilitation was discussed by the court:

'We do not excuse Constable Kelly's actions. They were reprehensible. However, he appears to have done everything in his power to make things right. He pled guilty to both his criminal and disciplinary charges, he has accepted responsibility for his actions, and taken meaningful steps to address his problems. His potential for rehabilitation has been recognized by his employer.'

Prosecutor submitted that the efforts of Constable Sljivo and Constable Saris are analogous in that they acknowledged the misconduct and took responsibility. They apologized privately and publicly. The prosecutor submitted that they had the potential for rehabilitation and the officers have learned from this.

In regards to consistency of disposition the prosecutor indicated that he would be providing cases that dealt with Discreditable Conduct and Neglect. The prosecutor stated that the true symbol of fairness is consistency in similar circumstances.

The Commission spoke of consistency in Schofield and Metropolitan Toronto Police Service, 2008, OPC (Exhibit 5, Tab E) when it noted:

'Consistency in the disciplinary process is often the earmark of fairness. The penalty must be consistent with the facts and consistent with similar cases that have been dealt with on earlier occasions.'

In Carson and Pembroke Police Service, 2001, OCCPS (Exhibit 5, Tab F) the Commission adopted the principles in *Gibson and the Waterloo Regional Police Service* where the Commission stated at page 709:

'Appeals of this nature confront this Commission with the fact that there is no absolute standard by which to measure the appropriate penalty. There are reasons why province-wide uniformity is not always an appropriate objective. The forces of the Province are each entitled to emphasize corrective measures for problems which may be of particular concern to them. Concerns may change from year to year, community demands and standards may be different from one to another. In many respects what may appear just and fair to one hearing officer may not appear likewise to another. Fairness can be a matter of opinion.'

The Commission further noted:

'The penalty must be sufficient to demonstrate that any reoccurrence will not be tolerated. It is of the utmost importance that a proper balance be achieved. Above all, the penalty must be consistent with similar decisions in order to maintain consistency in sentencing. While fact situations may vary, a spectrum of misconduct and resulting penalties can provide a good comparative analysis to assist the Commission in determining an appropriate and fair penalty.'

Prosecution Submissions Continued

The prosecutor indicated that he had reviewed the cases and believed the joint position reflected the Service and the community position on misconduct. He stated it was difficult to find cases which mirrored the facts and the fallout in this matter.

In Dewinne and York Regional Police, 2013 (Exhibit 5, Tab G) the officer posted messages on social media where he used unprofessional language to describe members of the public. The officer had attended a call for a sudden death and posted messages of his operational procedures including the locating of body parts. The messages were insensitive and inappropriate. In a separate incident, the officer also posted information about Mental Health Act arrests and referred to some of the persons he dealt with as dwarves or circus people as well as making other derogatory comments. The posts were taken down immediately before they reached his social media friends. The officer took responsibility for his actions and expressed remorse. In the decision the Hearing officer asked himself how the officer could have ever considered the comments appropriate, whether voiced in private or shared through social media. He faced two counts of Discreditable Conduct and was assessed a penalty of a forfeiture of 18 hours on each count.

In the matter of Pacitto and Toronto Police Service, 2004, OCCPS (Exhibit 5, Tab H), the officer was off-duty at a store and tried to pay for a purchase with a \$100 bill but the store would not accept large bills due to their policy. The officer became verbally abusive and used profane language towards the staff. Store security was called and while attempting to avoid security, the officer inadvertently struck a female and pushed

the security officer back. He also used profanity towards security and store employees. He was assessed a penalty of a forfeiture of five days which was upheld on appeal.

In the matter of Horodnyk and Toronto Police Service, 2007 (Exhibit 5, Tab I) the officer was upset about being reassigned to uniform duties. He used insulting and derogatory language toward the female officer who had replaced him on two separate occasions. The officer had medical issues which were taken into consideration. The hearing officer assessed the officer a two-day penalty. The Hearing officer took into account that the officer pleaded guilty, took responsibility, and had apologised to the complainant through his lawyer.

In the case of D'Sousa and Toronto Police Service, 2007, OCCPS (Exhibit 5, Tab J), the officer was conducting traffic control duties at the Canadian National Exhibition (CNE). The complainant, who was the associate director of the CNE, was wearing his identification. The complainant had children passengers in the vehicle. The complainant was stopped by the officer who directed him away from the area. There was a verbal exchange and the officer gave the complainant an offence notice without cause and called him a moron. The officer was assessed a penalty of a reprimand for the comment, was ordered to forfeit five days for the issuance of the offence notice, and was reprimanded for failing to attend court on the offence notice. On appeal the penalty was varied to a forfeiture of three days.

In the matter of Culleton and Metropolitan Toronto Police, 1993, Board of Enquiry (Exhibit 5, Tab K) the officer was conducting an accident investigation which involved the complainant and his wife. The complainant had young children in the vehicle and he asked the officer if the investigation could begin with his wife so she could take their children home. The officer said the man could go and the complainant said he could not allow his wife to remain behind for social and religious reasons. Their religion did not allow a woman to be alone with a man unless there was a close relative present. The officer made a mocking comment about the complainant's religion and commented that the complainant should pick a more convenient religion. The officer was assessed a penalty of a reprimand for his conduct.

In the case of Karklins and Metropolitan Toronto Police, 1998 (Exhibit 5, Tab L) the officer pulled over a speeding motorist and yelled at the motorist for not pulling over immediately. He yelled obscenities and lectured the motorist for his poor driving skills. He then asked the motorist if he was supposed to shoot him in the head to get him to stop. The officer had previously been disciplined for using improper language with a motorist and he was assessed a penalty of three days.

Prosecution Submissions Continued

In the matter of Deviney and Toronto Police Service, 1999, OCPC (Exhibit 5, Tab M) the officer had told a person to turn himself in. The person went to 42 Division instead of 23 Division where Constable Deviney was working. It upset Constable Deviney who now had to stay on overtime. The complainant, who was a police officer at 42 Division, called Constable Deviney and during the discussion Constable Deviney referred to the wanted male using derogatory language directed at the person's race which was also the race of the 42 Division officer. After a hearing, Constable Deviney was assessed a penalty of a forfeiture of 15 days which was upheld on appeal.

In the appeal decision, the Commission referenced another matter and considered that those officers had never apologized or expressed regret. The Commission also imposed the greater penalty towards the officer who had initiated the misconduct. Neither of those factors are applicable in this matter.

In *Deviney* the Commission also considered the matter of Mohammed and Metropolitan Toronto Police, 1993 (Exhibit 5, Tab N) where the officer had investigated a collision and then became involved in a confrontation with the complainants. The officer used derogatory language directed at the complainants' race. The officer issued an immediate apology after the incident and subsequently expressed remorse. He was assessed a penalty of a forfeiture of five days.

In Drennan and Hamilton Wentworth Police, 1996, OCCPS (Exhibit 5, Tab O) the officer had made a sexist remark to a colleague. After a hearing the officer was assessed a penalty of a forfeiture of 72 hours. The officer appealed and one of the issues was that

the police service did not have a procedure which addressed such conduct. The penalty was varied upon appeal to a forfeiture of 45 hours.

The prosecutor drew my attention to the following cases to support the penalty proposed for Constable Saris.

In the matter of Bender and Leclair and Windsor Police Service, 2000, OCCPS (Exhibit 5, Tab P) the officers were involved in a minor service vehicle collision. They did not believe there was any damage to the vehicles and they did not report the collision in contravention of Windsor police policy that all collisions had to be reported and investigated. A few days later, the civilian observed damage to his own vehicle and was told to file a report. The officers again failed to report the matter to their police service. After a hearing, they were assessed a penalty of eight hours which was upheld on appeal.

In the matter of Gregory and Toronto Police Service, 2016 (Exhibit 5, Tab Q) the officer and his partner arrested two persons on Toronto Transit Commission (TTC) property. The male was escorted on foot to 53 Division but the female needed to be transported in a police vehicle. She was placed in the rear of a scout car but her purse was not removed from her. The female had prescription medication in her purse, some of which she ingested and some which she concealed on her person. The female told the officer she had ingested all of the pills but the officer failed to tell that to the parading sergeant or the officers who searched the female accused. The female was taken to a cell and she collapsed from an overdose. The officer pleaded guilty to Neglect of Duty and was assessed a penalty of three days.

In the matter of Turgeon and Ontario Provincial Police, 2012 OCPC (Exhibit 5, Tab R) the officer was involved in a domestic incident occurrence. During the interview the complainant left and the officer filed a report but failed to complete the necessary paperwork. After a hearing he was found guilty of Neglect of Duty and was assessed a penalty of 40 hours. The officer appealed the finding but the appeal was dismissed.

The prosecutor indicated that he had provided a range of penalties and it was up to the tribunal to strike a balance that did not offend the public and also allowed the officers to correct their behaviour.

The Commission discussed the criteria for a penalty in Andrews and Midland Police Service, 2003, OCCPS (Exhibit 5, Tab S) when it noted

'It must be properly balanced i.e. sufficient to punish and deter, while not causing undue or excessive hardship while demonstrating reoccurrence will not be tolerated.'

Prosecution Submissions Continued

With regards to specific and general deterrence the Service had put all members on notice of the consequences of misconduct and had defined organizational expectations if misconduct was established. The correlation between penalty and deterrence could be found in *Andrews* where the Commission, in reference to the Hearing Officer noted:

"He was also correct that penalties imposed for misconduct must be strong enough to send a clear message to other officers that such conduct or any conduct of this nature will not be tolerated. He is also correct that the penalty must ensure public confidence in the police force.'

The prosecutor submitted that given the nature of the misconduct, there was little need for specific deterrence. The officers would not repeat the misconduct because no penalty would be greater than the shame they have suffered because of this. There was little risk they would repeat the misconduct because of the way they had conducted themselves afterwards. The penalty being proposed would remind the officers for years to come and would also act as a deterrent to them every time they had to complete a McNeil report.

From a general perspective, at the completion of this hearing, a summary of this decision would be published on the Service Intranet for all members to view.

Additionally, there had been wide media coverage of this event which was available to all members and the message would not be lost.

The prosecutor noted this event had an effect on the police officers and their families. The intense pressure and scrutiny also had an effect and impact on their families. It caused close friends to question their character and integrity. This situation is strictly attributable to the comments made by the officers.

In regards to the damage to the reputation of the Service, there is no doubt this situation has placed the reputation of the Service and its members in a bad light, particularly in the eyes of Francie Munoz, her family, and the Down Syndrome Association. The Service reputation suffers when one of our officers breaches their oath of office. The prosecutor submitted we could not be complacent about our reputation and the public trust.

Numerous media outlets reported on this matter. This event touched many people and the Service sustained damage to its reputation (Exhibit 4, Tab 17). It was apparent from the media reports that many members of the community rose to support the complainant, including the Chief, the Mayor of Toronto, the Toronto Police Association, our members, and members from other policing organizations. Many have apologized on behalf of the officers. The prosecutor submitted that the damage to the reputation of the Service was an aggravating factor.

The prosecutor indicated that in his discussions with the complainant's family, they had indicated that their trust in the Service was damaged but not broken. The prosecutor submitted that everything possible had been done to regain their trust.

The conduct of the officers, in particular Constable Slijivo, offended the public trust, the community, and the Service. The prosecutor submitted that while considering the aggravating circumstances, all factors including those that mitigate must be considered. The officers have a good work record and this was an isolated incident. They have an excellent prospect for rehabilitation. The prosecutor submitted that most importantly, the

officers have learned a valuable and shameful lesson. The prosecutor submitted that at some point, everyone has said something they truly regretted.

The prosecutor submitted that this process and the proposed penalty will accomplish the objectives of discipline. The joint penalty proposal took into consideration all of the relevant factors and has taken into account the wishes of the complainant.

Prosecution Submissions Continued

With respect to Constable Slijvo the proposed penalty was a forfeiture of five days. He was the senior member and he made the comments,

With respect to Constable Saris the proposed penalty was a forfeiture of two days. He was the junior officer in this matter and he was neglectful in not reporting the comments of the senior officer.

In addition, both officers had also agreed to volunteer 20 hours minimum with the Special Olympics committee. That will include them working directly with members of our community who have special needs. They would be monitored by Inspector David Rydzik of the Service who is the Chair of that committee.

The officers would also participate in a one-hour segment presented by the Toronto Police College in the new 2018 training regimen. The prosecutor requested I order this training in particular which was in addition to their required annual training. The training encompassed the 2018 In-Service Training Program which included a 60 minute segment on interacting with people who have disabilities. The training included a list of inclusive as well as unacceptable language. The training also included legislation which protected the rights of people with disabilities. The prosecutor indicated that it was important to overcome negative attitudes and shape positive ones.

The prosecutor confirmed that this additional training would be monitored by S/Sgt Stacy Clarke of the Toronto Police College.

The prosecutor submitted that the proposed penalty was all-encompassing. It would assure the public that the police took this seriously and that we had taken into account the wishes of the complainant and her family. The complainant and family wanted three things and those included a personal apology, a public apology in the presence of the media, and that the officers do some community service work and undertake sensitivity training.

The prosecutor indicated that the officers tried to meet with the family privately to apologise but they were met with insistence that the media be present. The prosecutor submitted that the act of contrition need not be a public spectacle of shame. The prosecutor indicated we were all sorry and we supported the complainant Francie Munoz. The proposed penalty included a personal and public apology, what equated to community service, and training directed specifically at sensitivity.

Public Complainant Submissions

The complainant did not wish to make submissions.

Defence Counsel Submissions

Counsel concurred with the prosecutor's submissions and with the case law that was presented. Counsel apologized to the Service on behalf of the officers for the discredit they brought, and he repeated the apology to Francie Munoz and her family. Counsel indicated that the officers wanted to assure the family and their supporters that they deeply regretted what had happened and wanted to let them know that this would not happen again. Counsel noted that the media was present in the tribunal and indicated that this apology would be repeated in the media.

Counsel submitted that Constable Slijvo had done important work during his career. Counsel had been involved in the case where Constable Slijvo received a negative documentation when he had failed to put on his microphone. A bank robber had gone to the home of the bank manager, took her hostage at gunpoint, and took her to the bank to open it. The alarm was tripped. Constable Slijvo and others attended. The hostage

taker took the manager out of the bank with a gun to her head. He shot at the police officers. It was a stressful situation. The hostage taker was shot and the Special Investigations Unit cleared the officers. In that situation Constable Sljivo and the other officers overlooked putting on their microphones. All of the officers received the same penalty.

He had previously received a number of commendations for arresting armed criminals and putting his life at risk. As well, Constable Sljivo received a recent Awards Recommendation on November 14, 2017 (Exhibit 6) after this event took place. He has had a good career. Counsel concurred with the prosecutor that was an aberration that wouldn't be repeated.

Constable Saris has had a short but excellent career as well and has been vigorous in his efforts to protect the community. He has put his safety and life at risk on behalf of the public to arrest people who are armed and who have no regard for the lives of the public or the officers who are sworn to protect them. Counsel submitted the officers would not repeat the misconduct in the future.

Counsel indicated that the case law demonstrated a range of penalty from a forfeiture of two to five days. Constable Sljivo would be penalized at the upper end of the range and Constable Saris at the lower end because of his level of involvement and relative inexperience. The order for community service would do them and those whom they serve some good.

Counsel referred me to the case of *Dewinne* and submitted that if one were to substitute the names of Constable Sljivo and Constable Saris for the officer involved in that case, their actions post-misconduct would be comparable to that of Constable Dewinne. The comments of the Hearing Officer in that case would echo what had taken place in this case. Counsel indicated that the instructions of Constables Sljivo and Constable Saris were to make this as right as possible. They had drafted an apology and they were anxious to accept their penalty.

Counsel submitted that the range of penalty should factor in the ongoing rehabilitation efforts associated with taking the college program and their promise to participate in the 2018 Special Olympics. They will learn a lesson from their involvement.

Counsel indicated that the joint submission was within the range and the officers are genuinely sorry.

Analysis and Decision

It is in the public interest that police officers conduct themselves professionally at all times. Their conduct must be beyond reproach because of the position they hold and their conduct is constantly scrutinized by the public and the Service. Police officers are expected to treat all persons equally which includes treating all persons with dignity and respect, especially vulnerable persons. Those vulnerable persons, as well as all other members of society, rely on police officers. This misconduct has offended the public interest.

As was noted by the Board in *Bright v Konkle*, public trust in police officers is dependent on their good character. That is an expectation that the public and the Service has of its officers. It is reflected in the *PSA s 43 (1)* as a basic requirement of the hiring criteria that police officers are expected to be of good character (Exhibit 4, Tab 7).

Former Chief William Blair discussed the public trust in the Foreword to the Service Standards of Conduct and impressed upon our members the importance of the trust the public place in us (Exhibit 4, Tab 2). We provide policing services with the consent of the public and without their support we would not be able to perform our duties effectively. Despite the many reminders, sometimes our members have failed to live up to expectations and as former Chief Blair noted:

'Ultimately, you are responsible for ensuring that your conduct is above reproach.'

It is accepted and is also noted in the Introduction to the Standards of Conduct that police officers are held to a higher standard than the general public because of their authority and responsibilities (Exhibit 4, Tab 3). With that higher standard comes an increased expectation of the conduct of police officers in the manner in which they deal with the public:

'The community expects Toronto Police Service members to conduct themselves and discharge their duties with diligence, professionalism and integrity; practice fairness and equality in their official dealings with the public'

Open letters to the membership as well as Routine Orders are regularly published and have been made available to the Service membership as a whole on various issues. A number of them have stressed the importance of conducting oneself with professionalism and integrity (Exhibit 4, Tab 4). Though both of the included examples predated Constable Saris' time with the Service, there have been other similar messages since that time and the expectation has not changed.

Constable Sljivo and Constable Saris both swore an oath to discharge their duties faithfully, impartially, and according to law and those duties could be found in the *PSA* in s 42 (Exhibit 4, Tabs 5,6). They both acted in contravention of their oath and sworn duties in this event. When Constable Sljivo made disparaging comments towards a vulnerable member of the community he disappointed not only that specific person but a large segment of the community. When Constable Saris witnessed that misconduct he had a responsibility to report it. He failed to do so.

It is clear from these events that the trust the public has in this Service was shaken by the actions of Constable Sljivo and Constable Saris. The misconduct of both members eroded the positive perception of the police which is diligently earned by the vast majority of our members on a daily basis. The public interest is a significant factor in this matter.

There is no doubt the misconduct was serious. Police officers should be ambassadors for the Service but instead, insensitive and mocking comments were directed at a

vulnerable member of the public. The officers failed to treat a person equally which was contrary to the Ontario Human Rights Code.

Though originally unbeknownst to her, Francie Munoz was not treated with dignity. That does not diminish the impact of this occurrence. The conversation between the officers in their scout car was recorded and provided in disclosure. It is not relevant that the officers thought they were having a private conversation. They are still expected to conduct themselves with professionalism. The conversation later became public and the subject of a public complaint.

Analysis and Decision Continued

Once those comments were made public it caused widespread condemnation of the actions of the officers. This event caused our Chief to go out of his way to meet with the family personally. It led to many other officials commenting on and apologizing for the conduct of the officers.

As the Commission noted in *Christian v Grbich*, one of the relevant factors to consider when imposing a penalty was the recognition of the seriousness of the transgression. The fact that the comments were made about a vulnerable member of the public added to the seriousness of the misconduct and is an aggravating factor.

I note that Constable Slijivo and Constable Saris have recognized the seriousness of the misconduct by accepting responsibility for their actions. They admitted their misconduct frankly in their Professional Standards interviews (Exhibit 3). They entered guilty pleas in the tribunal within a few months of their first appearances. They did not try to shift blame to anyone else. Finally, they issued apologies in writing to the public complainant's family and through their counsel in the tribunal.

Both officers have agreed to take part in further training directed at interacting with persons who have disabilities as well as to serve with Special Olympics events.

All of that speaks to the officers recognizing the seriousness of the misconduct.

There was no provocation and there were no relevant personal circumstances on the part of the officers which may have contributed to this occurrence. This occurrence has brought shame and embarrassment to the officers which will follow them for some time. It will result in lost or deferred professional opportunities. They will have to work and perform service with Special Olympics events for a number of days without compensation. The prosecutor indicated that the officers' families had also experienced much pressure and had their character questioned as a result of the widespread negative media coverage. Both officers will have to work hard to earn back the trust placed in them by the Service and the public. All of those effects are ultimately their responsibility and they must bear that burden.

The nature of the misconduct caused widespread damage to the reputation of the Service when the negative comments made by the officers about a vulnerable member of our society were made public. The immediate damage to the Service reputation was caused when disclosure was provided to the public complainant in response to a request to dispute a traffic ticket. The damage became much more widespread as the incident was made public in the form of multiple media reports which identified the subject officers and disclosed the comments they made. The damage to the reputation of the Service occurred in the public forum on repeated occasions.

There was much publicity in this case. More than a dozen media articles were presented which described the impact to the Munoz family as well as to the community at large (Exhibit 4, Tab 17). Those media reports were available to a large segment of the community through print, the Internet, and television.

Many of the media reports quoted the language of the officers and the disparaging comments that were made. Some contained a transcript of the conversation between the officers. The media reports caused many members of the public to question the integrity and professionalism of the Service as well as its ability to deal with persons who have disabilities.

The damage caused to the reputation of the Service is an aggravating factor.

There has been no systemic failure in the organizational context. The Service has distributed many messages about professional conduct, not limited to Chief's messages and Routine Orders. A number of those have stressed the importance of conducting oneself with professionalism and integrity (Exhibit 4, Tabs 2 - 4). I draw on my personal experience and note that Human Rights training is regularly provided to our members in a variety of forums and a number of topics and is a consideration in every officer's annual performance appraisal (Exhibit 4, Tabs 11 & 15). There has been no systemic failure in this event.

Analysis and Decision Continued

Both officers have been afforded all procedural fairness considerations. They were given timely notice of the allegations. They were provided with the production of materials. They have had the benefit of remands as required to instruct legal counsel and they had representation by legal counsel to make full answer and defence.

I reviewed the employment history of Constable Slijvo.

He has received a number of Awards Recommendations for his involvement in making arrests of armed and dangerous persons as well as the recovery of firearms. He received a Teamwork Commendation for his involvement in the rescue of a hostage from an armed person who discharged a firearm at officers. He was commended for his proactive policing and keen observations which led to some of those arrests, including one which took place off-duty. He has volunteered his time in a Service recruiting initiative and a charitable sports event. Previously, as a Parking Enforcement Officer, he provided a high level of service and assisted the community when called upon.

He has two negative documentations in his personnel file which have not yet expired, one for failing to activate his ICCS microphone at the previously-noted hostage situation and one for a minor vehicle collision. I note that the character of each does not indicate there was any deliberate misconduct associated to them. They were concluded with reprimands.

A review of his performance appraisals from 2012 to 2016 revealed that he is well-regarded by his supervisors and peers. During that period he has worked in the Community Response Unit, the Primary Response Unit, and was assigned to the Bail Compliance Unit. He excels in investigative roles and has provided good service to the community, working to apprehend offenders. His supervisors variously noted he mentored new recruits, was an informal leader, and could be relied upon to deliver beyond expectations.

I reviewed the performance appraisal received by Constable Sljivo on September 17, 2017. I note that Section 3 - Human Rights, did not address this occurrence in relation to his training though this event came to light during the period of the appraisal which was completed by his supervisors in June 2017 (Exhibit 4, Tab 11).

In general, Constable Sljivo's employment record is positive and is a mitigating factor.

I reviewed the employment history of Constable Saris. Though his period of service is more limited, he had received Awards Recommendations for his involvement in the arrest of an armed person wanted for attempt murder, a person in possession of a stolen vehicle, and for his professional conduct at a serious fire scene. He had also received a letter of appreciation from another agency for the assistance he provided to them.

Constable Saris had one negative entry in his file for which he received a reprimand for failing to sign out equipment.

I reviewed the performance appraisals of Constable Saris which spanned his time with the Service commencing in September 2014 to the present. I noted the comments from his various supervisors over those years. His supervisors noted on more than one occasion that he was performing beyond the expectations of such a junior officer. He took initiative and responded positively when supervisors suggested ways to improve his performance. He was one of the hardest workers on his platoon, had a positive

attitude, and worked well as part of the team. This event was noted in his latest performance appraisal and his reclassification was deferred as a result.

Overall, Constable Saris' employment record is positive and is a mitigating factor.

An indication of the potential to reform or rehabilitate an officer can sometimes be seen in how the officer deals with the circumstances post-misconduct. Both officers have entered guilty pleas in the tribunal. They accepted full responsibility for their actions and have apologized in their Professional Standards interviews (Exhibit 3), in writing (Exhibit 4, Tabs 16, 17), and through their counsel in the hearing.

Analysis and Decision Continued

Past performance can also be an indicator of what can be expected in the future. Both officers have a positive employment history which could be seen in their regular performance appraisals, Awards Recommendations, and in letters of appreciation (Exhibit 4, Tabs 9 & 13). Both officers have also agreed to undertake further training in regards to interacting with persons who have disabilities and to volunteer their time with Special Olympics.

I find that based on the actions of the officers after this event took place, in conjunction with their employment histories, that there is good potential to reform and rehabilitate the officers.

I concur with the prosecutor that specific deterrence is not a significant concern in this case. The officers have accepted full responsibility for their misconduct and based on their history, I am satisfied that this event was out of character for them. They have dealt with the effects of this event for some time and those effects will continue to follow them. They will incur a penalty and have findings against them under the *PSA*. That penalty will include a requirement for further training and requirements for their time. Deterrence specific to Constable Sljivo and Constable Saris will be addressed in that way.

General deterrence will be addressed in a number of ways. The events have been brought to the attention of the general public as well as to our members through various media outlets. A summary of this decision will be published on Routine Orders and the Service Intranet. Because this matter involved a public complaint made through the OIPRD, this decision will also be published on the OIPRD website. It is likely that there will be further media reports in relation to these events. General deterrence will be addressed in that way.

I have reviewed all of the cases provided to me by the prosecutor in support of the joint penalty position. All provided some assistance and though none of the fact situations were identical, they gave me context and comparative factors that allowed me to arrive at a penalty. The cases relied upon for consistency of disposition fell into two categories, those being Discreditable Conduct and Neglect of Duty.

In regards to Discreditable Conduct the penalties in the cases ranged from a low of a forfeiture of two days to a high of a forfeiture of 15 days.

I found the case of *Dewinne* to have the most parallels to this matter. In *Dewinne*, the officer posted inappropriate and insensitive comments in regards to a death investigation on a social media page that was accessible by hundreds of people. He followed that in separate events with further unrelated comments in regards to persons with disabilities. The officer made degrading and humiliating social media posts about vulnerable persons. Once the circumstances came to light the officer closed the social media page. The comments did not become widespread public knowledge however they were made available to many people and some were based on prohibited grounds as noted in the Human Rights Code. The officer had a positive employment history and no prior discipline. The officer took full responsibility for his actions, apologized, and pleaded guilty to two counts of Discreditable Conduct. He was assessed a global penalty of a forfeiture of 36 hours.

In *Pacitto* the officer was off duty and became involved in a confrontation with store employees who refused to accept a large denomination bill that he tendered to pay for a purchase. He used profane and derogatory language toward the store employees

based on gender and while a security officer attempted to remove him from the store he inadvertently struck another customer in the head and then pushed the security guard. The occurrence took place in public. After a hearing and an appeal, the officer was assessed a penalty of a forfeiture of five days.

In *Culleton* the officer made an offensive remark to a motorist in regards to the motorist's religion, a prohibited ground under the Human Rights Code. After an appeal the officer was assessed a penalty of a reprimand.

Analysis and Decision Continued

In the case of *Deviney* the officer made racist comments about a member of the public to another Service member over the telephone. After a hearing and appeal he was assessed a penalty of a forfeiture of 15 days. There is also limited reference in that case to another matter of *O'Farrell and Wlodarek* where those officers had been found guilty of making racial insults to another officer. The penalties in those matters were reductions in rank with the greater penalty going to the officer who initiated the remarks.

In the matter of *Mohammed* the officer investigated a collision and made racist comments to members of the public in a public place. He apologized to the members of the public. After a hearing he was assessed a penalty of a forfeiture of five days.

In *Drennan* the officer made a sexually derogatory comment to a co-worker based on gender. That comment caused the co-worker to experience stress, physical illness, and feel discriminated against in the workplace. After an initial hearing, then a guilty plea and then an appeal of the initial penalty, he was assessed a penalty of a forfeiture of 45 hours.

In regards to the cases presented which dealt with Neglect of Duty, they ranged in penalty from a forfeiture of eight hours at the low end to a high of 40 hours. In all of the cases, one or more officers failed to report a matter that it was their duty to report though none of the circumstances involved failing to report the misconduct of another officer.

In *Bender and Leclair*, the officers were involved in a minor service vehicle collision. Contrary to the regulations of their police service, the officers failed to report the collision. The motorist later reported the collision and claimed he had sustained injuries. After a hearing and an appeal, the officers were each assessed a penalty of a forfeiture of eight hours.

In *Gregory*, the officer had arrested a person and placed her in the rear of the police vehicle without properly searching her. He failed to advise the Officer in Charge and others that the person had ingested pills and may have concealed more on her person. The person subsequently had to be transported to hospital due to an overdose. In that case a member of the public's life was put at risk. The officer had a clear employment history. After a guilty plea he was assessed a penalty of a forfeiture of three days.

In *Turgeon*, a member of the public reported a domestic incident. The officer failed to properly investigate the matter and after a hearing and an appeal he was assessed a penalty of a forfeiture of 40 hours.

In this matter, the comments of the officers received widespread media attention and generated much public outcry in contrast to most of the other historical cases. The matter of *Deviney* was in relation to a prohibited ground under the Human Rights Code and also generated much negative media attention. When it is considered as a penalty comparator, the conduct in this matter could also be considered for a similar penalty.

However, there are also mitigating factors in this event that must be compared to and weighed against those other cases. In this matter, the officers accepted responsibility for their actions both during the investigation and by way of guilty pleas. They did not attempt to deflect blame from themselves or provide excuses for this misconduct. They did not seek a contested hearing. They have apologized for their misconduct and tried to make amends. Their written apology was published in one of the media reports (Exhibit 4, Tab 17) and repeated in the tribunal. As well, the officers have agreed to engage in additional training designed to better understand the needs of persons with disabilities. Finally the officers have agreed to donate their time to the Special Olympics

program. This will add needed support to that program and will serve to increase their understanding of the challenges faced by persons with special needs as well as to increase their level of empathy.

Finally, I encourage both officers to share their experiences with their peers and encourage them to learn from this incident to help them and their co-workers to be more sensitive to the needs of the public, especially vulnerable persons.

Analysis and Decision Continued

I have carefully reviewed the mitigating and aggravating factors and considered the submissions of defence counsel and the prosecutor. The public complainant did not make any additional submissions. An examination of the factors involved in this matter demonstrated to me that the joint penalty position of the prosecutor and defence counsel is within the range of penalties available to me and is consistent with previous penalties in other cases. The penalty I impose will address the misconduct of Constable Sjjivo and Constable Saris as well the relevant disposition factors. I accept the joint penalty position and find there is no compelling reason for me to vary it.

Penalty Decision

For Constable Sasa Sjjivo (65711), the penalty in this matter will be as follows:

- 1) under Section 85 (1)(f) of the Police Services Act will be a forfeiture of five (5) days or 40 hours
- 1) under Section 85 (7)(b) of the Police Services Act will be that he participate in a one-hour training session presented by the Toronto Police College in regards to interacting with people who have disabilities. That training is in addition to his required annual In-Service Training. The training is to be monitored by Staff Sergeant Stacy Clarke, the head of the Learning Development and Standards section of the Toronto Police College
- 2) under Section 85 (7)(c) of the Police Services Act will be that he contribute a minimum of 20 hours of his unpaid time to the Special Olympics program which

will include working with the Special Olympics athletes. That will be monitored by Inspector David Rydzik, the head of the Toronto Police Service Special Olympics Committee

For Constable Matthew Saris (11000), the penalty in this matter will be as follows:

- 2) under Section 85 (1)(f) of the Police Services Act will be a forfeiture of two (2) days or 16 hours
- 3) under Section 85 (7)(b) of the Police Services Act will be that he participate in a one-hour training session presented by the Toronto Police College in regards to interacting with people who have disabilities. That training is in addition to his required annual In-Service Training. The training is to be monitored by Staff Sergeant Stacy Clarke, the head of the Learning Development and Standards section of the Toronto Police College
- 4) under Section 85 (7)(c) of the Police Services Act will be that he contribute a minimum of 20 hours of his unpaid time to the Special Olympics program which will include working with the Special Olympics athletes. That will be monitored by Inspector David Rydzik, the head of the Toronto Police Service Special Olympics committee



Richard Hegedus
Acting Superintendent
Hearing Officer

Dated and Released Electronically: January 18, 2018

Appendix 'A'

List of Exhibits 28/2017
Constable Sasa Sljivo (65711)
&
List of Exhibits 29/2017
Constable Matthew Saris (11000)

Letter of Designation Hearing Officer (Exhibit 1)

Letter of Designation Prosecutor (Exhibit 2)

Agreed Statement of Facts (Exhibit 3)

Prosecution Book of Records (Exhibit 4)

2017 PSA Penalty Considerations (Exhibit 4, Tab 1)

Foreword - Service Standards of Conduct (Exhibit 4, Tab 2)

Introduction – Standards of Conduct (Exhibit 4, Tab 3)

From the Chief & Routine Order 2013.04.05-0377 (Exhibit 4, Tab 4)

Oaths of Office Constable Sasa Sljivo (65711) & Constable Matthew Saris
(11000) (Exhibit 4, Tab 5)

Duties of a Police Officer PSA s 42 (Exhibit 4, Tab 6)

Hiring Criteria PSA s 43 PSA (Exhibit 4, Tab 7)

Constable Sljivo (65711) Information from Personnel File (Exhibit 4, Tab 8)

Constable Sljivo (65711) Awards Recommendations (Exhibit 4, Tab 9)

Constable Sljivo (65711) Uniform Disciplinary Reports (Exhibit 4, Tab 10)

Constable Sljivo (65711) Uniform Performance Appraisals (Exhibit 4, Tab 11)

Constable Saris (11000) Information from Personnel File (Exhibit 4, Tab 12)

Constable Saris (11000) Awards Recommendations (Exhibit 4, Tab 13)

Constable Saris Uniform Disciplinary Report (Exhibit 4, Tab 14)

Constable Saris (11000) Uniform Performance Appraisals (Exhibit 4, Tab 15)

Letter of Apology (Exhibit 4, Tab 16)

Media Articles (Exhibit 4, Tab 17)

Prosecution Book of Authorities (Exhibit 5)

Williams and Ontario Provincial Police, 1995 OCCPS (Exhibit 5, Tab A)
Bright v Konkle and Niagara Regional Police Service, 1997, Board of Enquiry (Exhibit 5, Tab B)
Christian v Grbich and Aylmer Police Service, 2002, OCCPS (Exhibit 5, Tab C)
Kelly and Toronto Police Service, 2001, 2006, Div. Ct. (Exhibit 5, Tab D)
Schofield and Metropolitan Toronto Police Service, 2008, OPC (Exhibit 5, Tab E)
Carson and Pembroke Police Service, 2001, OCCPS (Exhibit 5, Tab F)
Dewinne and York Regional Police, 2013 (Exhibit 5, Tab G)
Pacitto and Toronto Police Service, 2004, OCCPS (Exhibit 5, Tab H)
Horodnyk and Toronto Police Service, 2007 (Exhibit 5, Tab I)
D'Sousa and Toronto Police Service, 2007, OCCPS (Exhibit 5, Tab J)
Culleton and Metropolitan Toronto Police, 1993, Board of Enquiry (Exhibit 5, Tab K)
Karklins and Metropolitan Toronto Police, 1998 (Exhibit 5, Tab L)
Deviney and Toronto Police Service, 1999, OCPC (Exhibit 5, Tab M)
Mohammed and Metropolitan Toronto Police, 1993 (Exhibit 5, Tab N)
Drennan and Hamilton Wentworth Police, 1996, OCCPS (Exhibit 5, Tab O)
Bender and Leclair and Windsor Police Service, 2000, OCCPS (Exhibit 5, Tab P)
Gregory and Toronto Police Service, 2016 (Exhibit 5, Tab Q)
Turgeon and Ontario Provincial Police, 2012 OCPC (Exhibit 5, Tab R)
Andrews and Midland Police Service, 2003, OCCPS (Exhibit 5, Tab S)

Constable Saris (11000) Awards Recommendation (Exhibit 6)