

**HAMILTON 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**

**HAMILTON POLICE SERVICE**

**AND**

**CONSTABLE RYAN COLE #1251**

**DISCREDITABLE CONDUCT**

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**DISPOSITION**

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Before: Superintendent (Ret.) Greg Walton  
Ontario Provincial Police

Counsel for the Prosecution: Mr. Marco Visentini

Counsel for the Defence: Ms. K.C. Wysynski

Hearing Date: April 28, 2023

## **Allegation of Misconduct (amended)**

It is alleged that Constable Ryan Cole #1251 committed the following act of misconduct contrary to section 80(1)(a) of the *Police Services Act* R.S.O. 1990 c. P. 15, as amended:

### Count #1: Discreditable Conduct

Constable Cole is alleged to have committed discreditable conduct in that on July 22, 2022, being a sworn member of the Hamilton Police Service, he was found guilty of an indictable criminal offence or a criminal offence punishable upon summary conviction, namely that on or about November 6, 2020, he did commit an assault upon C.H.<sup>1</sup> contrary to the provisions of Section 266 of the *Criminal Code* of Canada, thereby constituting an offence against discipline as prescribed in Section 2(1)(a)(xi) of the Code of Conduct, Ontario Regulation 268/10, as amended.

The edited particulars of allegations state:

On April 13, 2021, Constable Cole was charged on Court Information 21-1201, amended at trial with one count as follows:

That on or about November 6, 2020, he did commit an assault on C.H. contrary to the provisions of Section 266 of the *Criminal Code* of Canada.

On July 22, 2022, Constable Cole appeared in the Ontario Court of Justice before the Honourable Justice Anthony Leitch. On that date, Constable Cole was found guilty on Count 1 on Court Information 21-1201. (Investigation Report, Certified Copy of Court Information and Reasons for Judgement of the Honourable Anthony Leitch).

The finding of guilt constitutes discreditable conduct.

## **Plea / Joint Penalty Position**

Mr. Marco Visentini represented the Hamilton Police Service as prosecutor. Constable Cole was represented by Ms. K.C. Wysynski. Constable Cole entered a guilty plea in relation to the allegation of discreditable conduct.

Counsel submitted a joint penalty position of a loss of 120 hours.

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<sup>1</sup> Initials used to anonymize this involved person.

## **Agreed Statement of Facts (amended)**

Constable Cole is a police constable employed by the Hamilton Police Service since January 2, 2015. On November 6, 2020, he was working a day shift on general patrol as part of the Hamilton Police Service Mobile Crisis Rapid Response Team.

Constable Cole completed the Crisis Intervention Team training offered to officers in partnership between the Hamilton Police Service and St. Joseph's Healthcare Hamilton. He completed that training over four days in February 2017.

Constable Cole's Mobile Crisis Rapid Response Team partner on November 6, 2020, was Ms. Cynthia Bosett who is an occupational therapist having additional mental health crisis intervention training. Ms. Bosett has worked with the Crisis Outreach and Support Team (C.O.A.S.T.) of St. Joseph's Healthcare Hamilton for over eight years.

Since October 2019, Ms. Bosett has been a member of the Mobile Crisis Rapid Response Team. Her role as part of that team is, in partnership with an assigned police officer, to respond to persons in crisis calls, emotionally disturbed persons calls, and calls in respect of *Mental Health Act* apprehensions for which a Form 1 Application by a physician for psychiatric assessment has been issued. Ms. Bosett's role in *Mental Health Act* apprehensions is to support the person being apprehended until they are brought to hospital for assessment.

On November 6, 2020, at approximately 1 p.m., the Hamilton Police Service received a call from Dr. Mazengia, requesting assistance with a psychotic male patient, C.H., for whom the doctor had issued a Form 1 pursuant to the *Mental Health Act* due to C.H.'s behavior.

Hamilton Police Service officers guided by Constable Cole, responded to the physician's office and apprehended C.H. with the intention of transporting him to hospital for an assessment. C.H. was aggravated by being apprehended, which required four other officers to respond to assist Constable Cole and another officer, who were already on scene in securing C.H. in the back of a police cruiser.

In the dynamic interaction that occurred with C.H., which involved Constable Cole and five other police officers, C.H. received some injuries which consisted of cuts to his face and bruises to his body. It is acknowledged that C.H.'s actions in resisting the apprehension, kicking the windows of a police cruiser, and ripping off some of the weather stripping once secured, created legitimate safety concerns

for C.H. such that police officers dealing with C.H. were entitled to use reasonable force in restraining and securing him.

Eventually, C.H. was secured in a police cruiser and transported to hospital. At the hospital, three police officers, again guided by Constable Cole, prepared to remove C.H. from the police cruiser. Despite multiple de-escalation attempts by the officers, C.H. was not cooperative with the requests and grabbed onto the interior of the police cruiser to prevent removal by Constable Cole and two other police officers. The removal was complicated by the fact that the cruiser had a partition, which divided the rear seat into two sections.

During C.H.'s extraction from the vehicle, Constable Cole grabbed C.H.'s inner thigh on multiple occasions, and his genitals on one occasion with an intention to cause C.H. sufficient discomfort such that he would release his grip from the interior of the police cruiser and enable police to extract him from the vehicle. These actions had the intended effect. C.H. yelled and immediately let go of the interior of the vehicle. C.H. was observed by Ms. Bosett to have placed his hands over his groin while exclaiming that someone grabbed his genitals and stated, "this is sexual assault."

Ms. Bosett then heard one of the police officers say in response, "well work harder, not smarter." Police officers, including Constable Cole, then carried C.H. into the emergency department where he was restrained on a bed and ultimately sedated.

After departing the hospital, on the way back to the station, Constable Cole advised Ms. Bosett that he had grabbed C.H. by the testicles in order to get him out of the car. When she inquired about the comment that she had heard one of the police officers say, Constable Cole acknowledged that it was him who had made the comment. Constable Cole corrected her by saying that the comment was "work smarter, not harder." Ms. Bosett was shocked and surprised by the interaction and did not know if this was acceptable behaviour or what she should do about it.

C.H. was evaluated by medical professionals and discharged from the hospital around 7 p.m. the same day. Another police officer charged C.H. with mischief under \$5,000 for the damage caused to the police vehicle during his transport. As the effects of sedation were still in the process of wearing off, C.H. was unwilling to sign the undertaking that the police were willing to release him on from the hospital. As such, C.H. had to be brought into the police station to be held for a show cause hearing the next morning.

While at the police station, C.H. complained to the Custody Sergeant about his treatment and disclosed the intentional grabbing of his genitals, which caused him pain. This allegation resulted in the Hamilton Police Service notifying the Special Investigations Unit (S.I.U.), which immediately invoked its mandate and took carriage of the investigation into C.H.'s allegations.

On the morning of Saturday, November 7, 2020, Ms. Bosett contacted Constable Cole by text message and inquired into the S.I.U. investigation in respect of the incident at the hospital the day prior. At noon, Constable Cole, operating a marked police cruiser, picked up Ms. Bosett at her office in Hamilton for their shift.

Ms. Bosett initiated and led further conversations regarding the incident in question. During that conversation, Constable Cole claimed, for the first time, that his contact with C.H.'s genitals was accidental and had occurred while he was trying to grab hold of C.H.'s inner thigh. When at the hospital later in the shift, Ms. Bosett pointed out that the hospital security cameras would have captured the interaction with C.H. Constable Cole then indicated that he had intentionally grabbed C.H. by the testicles as he found that to be an effective use of force technique that would cause minimal damage.

Later in the weekend, Constable Cole told Ms. Bosett that he had grabbed C.H.'s testicles as "it was the only place left to grab." Yet later, Constable Cole expressed that this cannot be a sexual assault as the person had to "get off on doing whatever the assault is."

Ultimately, when interviewed by the S.I.U., Constable Cole denied any suggestion that he ever made contact with C.H.'s genitals or that he had ever heard C.H. complain about this at the time.

C.H. was examined at Joseph Brant Hospital on November 7, 2020. Although he complained about pain to his groin area, the physician did not conduct an examination and no general injuries were documented during the visit.

On April 13, 2021, Constable Cole was charged by the S.I.U., on Court Information 21-1201, amended at trial, with one count as follows:

That on or about November 6, 2020, he did commit an assault on C.H., contrary to the provisions of Section 266 of the *Criminal Code* of Canada.

On July 22, 2022, Constable Cole appeared in the Ontario Court of Justice before the Honourable Justice Anthony Leitch. On that date, Constable Cole pleaded guilty to the amended Count 1 on Court Information 21-1201.

Following the plea, Justice Leitch found Constable Cole guilty. Justice Leitch imposed a conditional discharge, with probation of eighteen months. One of the conditions of the Probation Order was that Constable Cole perform 80 hours of community service work. In addition to the sentence, Justice Leitch ordered that Constable Cole provide a D.N.A. sample for the D.N.A. data bank.

## **Decision**

Constable Cole entered a guilty plea to one count of discreditable conduct. The Agreed Statement of Facts, verified by Constable Cole, provided clear and convincing evidence of misconduct; consequently, I found Constable Cole guilty of discreditable conduct. Not only is there no judicious reason to deviate from the joint penalty position proposed, I find it to be a fitting sanction. Accordingly, Constable Cole will be ordered to forfeit 120 hours.

## **Reasons**

Constable Cole's conduct is no longer in question, what must be determined is whether the proposed sanction is appropriate: does the joint penalty position strike a balance between community expectations, fairness to Constable Cole and the needs of the Hamilton Police Service?

I am not bound by the joint penalty submission, however, to reject it, I would have to find that it is outside the reasonable range of available penalties for similar misconduct, and that it conflicts with commonly held proportionality considerations.

In the matter of *Krug and Ottawa Police Service*, OCCPS, January 21, 2003, the Commission identified a myriad of factors to be considered when determining an appropriate penalty in *Police Services Act* disciplinary matters. The Commission noted that relevant aggravating and mitigating factors are to be weighed and balanced, but there is no requirement that one factor be given more weight than another.

To follow, I will review those penalty factors which were relied upon by Counsel in this matter.

### Public Interest

Mr. Visentini cited the text, Legal Aspects of Policing in noting that public interest must be carefully considered in each case given that one of the objectives of the police complaint and discipline process is protection of the public. For a sanction to be fitting, it must impress upon the public that it is commensurate with the conduct in question. Such a penalty will serve to increase confidence in the police service.

Jurisprudence has established that police officers are held to a standard higher than the general public. The community has an interest in knowing that its police officers, who are sworn to uphold the law, will do so in a professional manner and will not commit a criminal offence during the execution of that duty.

Police services in Ontario work hard to develop a positive image and to develop strong, trusting relationships with the public. Public trust is fragile; anytime a police officer is found guilty of a criminal offence, and subsequent police misconduct, it adversely affects the reputation of the police service in the eyes of the public. The public has a clear interest in ensuring police officers maintain a high standard of conduct and that behaviour resulting in misconduct attracts an appropriate sanction from the employer.

Constable Cole's misconduct involved a vulnerable member of the public. Constable Cole physically assaulted an individual he was sworn to protect; it is behaviour which increases the public's interest in his misconduct. Furthermore Constable Cole's behaviour put a civilian member of the Mobile Crisis Rapid Response Team in a stressful, difficult, unnecessary, and uncomfortable position by subjecting her to this incident.

A victim impact statement from the mother of C.H. was tendered as evidence at the criminal proceeding. In part, she noted:

Officers should be held accountable for their actions just like the civil sector is and should be expected to uphold the law to a much higher standard, not break it.

Police officers and police services hold high positions of public trust and accountability. It is extremely important that the Hamilton Police Service demonstrate that its members are held to this high standard by imposing a sanction that corresponds to the nature and the seriousness of Constable Cole's misconduct.

Public interest is an aggravating factor for consideration.

### *Nature and Seriousness of the misconduct*

I accept the position taken by Mr. Visentini and Ms. Wysynski that the seriousness of misconduct is an aggravating factor; it was deliberate behaviour directed at a vulnerable member of the community which resulted in a finding of guilty in criminal court. At the time of this incident, C.H. was experiencing a mental health crisis. As a member of the Mobile Crisis Rapid Response Team, Constable Cole was an experienced police officer, expected to be proficient in dealing with issues such as this having received Crisis Intervention Team training on how to best approach calls for service involving this type of circumstance. He failed to rely on his training and failed to demonstrate any level of expertise, instead, he deployed an offensive and intolerable use of force technique.

Although C.H. complained of physical discomfort, there was no medical evidence suggesting that he suffered a long lasting or serious injury. A more significant injury would have called for a penalty beyond that of a forfeiture of hours.

The circumstances that existed at the time of the misconduct must also be considered. I note that Constable Cole indicated to Ms. Bosett that in employing this use of force technique, his intent was to have C.H. comply by “causing minimal damage.” While that was an admirable goal, his method was beyond unacceptable. Had he employed this use of force technique during an act of anger, or unjustified aggression while C.H. was compliant for example, it would have increased the seriousness of misconduct. Nonetheless, I find the nature and seriousness of misconduct to be a significant aggravating factor, one which necessitates a significant, corresponding penalty.

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

By entering guilty pleas in criminal court and before this tribunal, Constable Cole acknowledged the seriousness of his behaviour and demonstrated remorse. Moreover, he accepted the Agreed Statement of Facts in both proceedings, thereby ensuring that C.H. was not further distressed by having to testify. Constable Cole also agreed to forfeit 120 hours, a significant sanction.

Before Justice Leitch, Constable Cole addressed the Court by stating:

Your Honour on Friday November 6, 2020, C. H. was in crisis. My duty was to deliver him to safety. I've had a lot of time to reflect. These past twenty months have provided their own personal and professional hardships and a significant dose of humility. This has revealed that I am not perfect and not immune to mistakes or failures. With a split-second decision, I failed C. H., my police colleagues, the citizens of Hamilton, my family, and myself. That is not who I am.



I sincerely apologize for any hardships I've caused. I will respect your Honour's comments and disposition in this case and will strive to serve the public with excellence in the professional I love. Thank you for the opportunity to speak here today.

Constable Cole offered a similar apology before this tribunal:

Last July in open court I provided an emotional, heartfelt apology. I acknowledged during the afternoon of this incident, I failed C.H., my police colleagues, and the people of Hamilton. Then, and again today, I sincerely offer an apology to C.H. for any hardship or distress my action may have caused him. This entire experience has been humbling. I am fully aware the responsibility for restoring both the public's and this Services' confidence in my ability to serve with distinction rests with me. I look forward to being that officer again.

In his apologies, Constable Cole acknowledged that his behaviour caused hardship to C.H. and he failed the public and his employer. I agree with Justice Leitch, I find that the apologies were courteous, deliberate, and sincere. Justice Leitch noted:

I accept that not only does his guilty plea legally show that he is remorseful, I accept both by his words and allocution today in his decision to plead guilty that he is in fact remorseful for his conduct that day.

By all accounts, Constable Cole has taken responsibility for his actions. Consequently, I find recognition of the seriousness of the misconduct to be a mitigating factor.

### Employment History

Exhibit #8 is a document titled "Employment Record Document Brief," tabbed 1 through 35. It includes 23 letters of internal recognition, commendations, and public letters of appreciation. In part, they identify the tremendous efforts of Constable Cole while a member of the Mobile Crisis Rapid Response Team and also his dedication to proactive, responsible policing. The document found at tab 15 shows that he was the recipient of the Chief Kenneth D. Robertson Award for outstanding academic achievement at the Ontario Police College where he was named valedictorian for the 2015 intake class.

Constable Cole commenced his policing career with the Hamilton Police Service in 2015. Included in Exhibit #8 are the annual Performance Appraisal and Development Plans that had been completed and are available for consideration. Each of the evaluations were positive. The 2016 Performance Appraisal and Development Plan noted that he was dependable, collaborated well with his squad mates, and treated members of the public

with respect. In 2018, the evaluation indicated that considering his limited experience, “he shows maturity, professionalism, and remains cognizant of risk management issues.”

The 2019 Performance Appraisal and Development Plan noted that he was “hardworking and demonstrated good habits.” In 2020, Constable Cole was a member of the Mobile Crisis Rapid Response Team. The 2020 Performance Appraisal and Development Plan included the following comments:

Ryan is able to communicate effectively with members of the Mobile Crisis Rapid Response Team unit and is a respected member of that team... Ryan is also one of the more productive officers within the Mobile Crisis Rapid Response Team and often is assisting with other calls for service during his shift to assist frontline patrol... Ryan has a true passion for helping persons who need police intervention and has shown an active ability to engage and show compassion to members of the Hamilton community... Ryan is very understanding of people who suffer from mental health issues, and is an asset to the Mobile Crisis Rapid Response Team. Ryan has received positive notes from his coworkers (and clients) in the Mobile Crisis Rapid Response Team in regard to his sensitivity when dealing with mental health issues, and his ability to collaborate with the team and make appropriate decisions... Ryan is very dependable and meets all of the requirements and expectations of the Mobile Crisis Rapid Response Team.

The character letters which are itemized under the heading of Ability to Rehabilitate further illustrate that Constable Cole has been a hardworking, well-respected member of the Hamilton Police Service. His employment history suggests that this behaviour is an out of character, isolated incident; one which is unlikely to reoccur in the future.

I find Employment History to be a significant mitigating factor for consideration.

### Deterrence

General deterrence is a well-recognized principle of sentencing law meant to discourage others from participating in similar conduct. To satisfy general deterrence, a sanction proportionate to the seriousness of misconduct is necessary to send a message to other members of the Hamilton Police Service that behaviour of this nature will not be tolerated.

Specific deterrence is meant to deal solely with the offending officer; in this instance, it is meant to ensure a clear message is sent to Constable Cole that his misconduct was unacceptable and if repeated, will result in an increased sanction consistent with the principle of progressive steps of discipline. Since I am not concerned about repetitive behaviour, specific deterrence is a less significant feature.

General deterrence is an aggravating factor but I am satisfied that the penalty proposed adequately addresses the issue.

### *Damage to the Reputation of the Hamilton Police Service*

Damage to the reputation of a police service resulting from misconduct by one of their members is a standard disposition consideration in police disciplinary tribunals. As noted earlier, police services work hard to develop a strong and positive public image. In this incident, it was well documented in the media that Constable Cole's conduct resulted in an S.I.U. investigation, a criminal charge, a guilty finding in criminal court, and the media was present and reporting on this disposition hearing. Such attention casts negative, embarrassing attention on the Hamilton Police Service resulting in the tarnished reputation of the Hamilton Police Service. There are features of Constable Cole's misconduct which aggravate this issue, such as being on duty, in a specialized unit trained to assist vulnerable members of the public, and instead, victimizing a member of that community by needlessly assaulting him and subsequently being found guilty of a criminal act.

Unquestionably, Constable Cole's behaviour damaged the reputation of his employer. If he does not receive a penalty that corresponds with the seriousness of the misconduct and the associated aggravating factors in this matter, it will further tarnish that reputation. To re-instill public confidence and to endeavour to restore the damage to the reputation of the Hamilton Police Service, the public must have confidence that they have taken this matter seriously and have held Constable Cole appropriately accountable.

The damage to the reputation of the Hamilton Police Service is an aggravating feature, but I am satisfied that the proposed sanction adequately addresses this issue.

### *Potential to Rehabilitate*

Counsel submitted that Constable Cole is a likely candidate for rehabilitation. His early guilty pleas, recognition of his misconduct, and his employment history are indicative of his rehabilitative potential.

The Employment Record Document Brief includes the character letters which had been submitted to Justice Leitch during the criminal proceedings. Constable Mantel who had known Constable Cole for four years, commented about his strong work ethic, dedication, and passion for helping people. Furthermore, he stated:

...he has always been a "by the book" kind of guy. Ryan follows policy and procedures provided by the Service and is passionate about doing everything the

right way. I've never known Ryan to cut corners or take the easy way out.... Ryan is incredibly respectful towards the public. His professionalism and passion to better his community is obvious...

Constable Van Wychen was facilitating Basic Constable Training at the Ontario Police College when she first met Constable Cole. She noted that he was the recipient of the Hamilton Police Service academic achievement award for his intake class. Having later worked together on the same platoon, Constable Van Wychen described him as a respectful officer, adding:

He is honest, compassionate, and trustworthy. He displays a high level of integrity and strong moral character and embodies what it means to be a police officer and a friend.

Detective Constable Buck described Constable Cole as a competent, compassionate, and sincere officer. Constable McClure provided insight into Constable Cole's notable character. Staff Sergeant Hahn was Constable Cole's direct supervisor for some time. He noted:

Ryan is an officer that often stood out and above some of the other officers on the squad... Ryan is a conscientious officer who continuously strives to provide the very best of customer service possible. Ryan is an affable individual with an infectious laugh who always reported to work with a positive attitude and a genuine willingness to help the citizens in the community.... I do not recall a single incident where I had to speak with Ryan about his behaviour or to counsel him about his performance.... It was more than apparent to me that Ryan genuinely cared about the people that he was serving in the community, and that he wanted to provide the very best product possible.

Sergeant Hartless provided an overview of their working relationship and then noted:

Ryan was an immediate positive impact within the squad; he displayed professionalism, integrity, and capability within his role as a patrol officer. Ryan is a respectful, intelligent, and committed individual. From everything that I know about him and have seen from him, I believe his character and commitment to the tenants of professional policing to be beyond reproach.... Ryan is a team oriented and highly dedicated police officer; he is academically and emotionally intelligent and someone I consider to be an exceptional representative of the policing profession. I am extremely confident that his ability and professional integrity has been and will continue to be an asset to the Hamilton Police Service in the community it serves.

In his Reasons for Sentence, Justice Leitch noted:

His character appears to be sterling to me. Other than this decision that he made that day, his life in policing has been exemplary. He has assisted the community. He has volunteered. I have no doubt from reading the materials and hearing the submissions, that other than for this day, he has been a proactive, contributing member to the police service and to the community. So, that kind of character and those kinds of factors pull towards considering a conditional discharge.

Constable Cole's potential to rehabilitate is a mitigating factor. Based on all the material provided to this tribunal, I am satisfied that he is of strong character, possesses the necessary attributes to move forward from this incident, and can remain an asset to the Hamilton Police Service.

#### *Effect on the Constable Cole and his Family*

The forfeiture of 120 hours has the potential to have a profound impact on Constable Cole and his family. Providing Constable Cole the opportunity to work extra hours unpaid, or to have hours taken from his time off banks can reduce that impact. Regardless, the loss of 120 hours is significant and will have an adverse effect on Constable Cole and his family but it is a necessary consequence considering the seriousness of his behaviour.

#### *Consistency of Penalty*

Consistency of penalty is an important factor; it is necessary to ensure that the sanction imposed is not only fitting but is within the range of other sanctions involving similar misconduct. It has been consistently held in police disciplinary tribunals that consistency in penalty is the hallmark of fairness. Counsel submitted that after reviewing a multitude of cases, they determined that the range of penalties for on-duty assaultive misconduct extends from a loss of hours to demotion in rank depending on the specific circumstances. Accordingly, the penalty proposed is within the range of penalties available to this tribunal. Counsel only submitted one case, one which most closely resembles the facts in this matter.

In *Hamilton Police Service and Park*, February 27, 2018, the officer was on-duty and involved in the arrest of a male subject who sustained a fractured cheekbone during the physical altercation. After a four-day criminal trial, the officer was found not guilty of assault causing bodily harm but was found guilty of assault. One particular disparity is that in *Park*, the arrested subject had been waving a knife and was combative with the officer, not just resistive. However, the assaultive behaviour occurred once the subject was under police control.

After pleading guilty before the *Police Services Act* tribunal, the hearing officer accepted the joint penalty position and ordered the officer to forfeit 120 hours. Of note, not only was the nature of the misconduct similar, many of the penalty factors in that matter received comparable mitigating and aggravating consideration.

I accept that the penalty proposed is in accordance with the *Park* matter and other cases involving similar misconduct.

## **Conclusion**

Constable Cole entered a guilty plea, agreed to the facts in issue, and agreed to forfeit 120 hours; significant mitigating factors for consideration. The misconduct is serious and requires a significant penalty. Constable Cole has a positive employment history and is a strong candidate for rehabilitation. I can see no reason to deviate from the sanction proposed; it is balanced, fair, and satisfies the principles governing the appropriate determination of a disposition.

## **Disposition**

Constable Cole pleaded guilty and was found guilty of discreditable conduct based on clear and convincing evidence. After weighing the aggravating and mitigating factors, I find the proposed sanction meets the goals of the discipline process; the forfeiture of 120 hours strikes a balance between community expectations, fairness to Constable Cole, and the needs of the Hamilton Police Service.

I order Constable Cole to forfeit 120 hours. At Constable Cole's discretion, the hours are to be worked in addition to regular scheduled commitments in accordance with the collective agreement and as directed by his Divisional Commander, or alternatively, or in conjunction with applying the penalty to vacation, overtime, or other entitlements.

This order is made pursuant to section 85(1)(f) of the *Police Services Act*, R.S.O. 1990. This decision was delivered orally, in person, on April 28, 2023, with these written reasons to follow.



Greg Walton  
Superintendent (Ret.)  
Ontario Provincial Police

Date electronically delivered: May 4, 2023