



**HAMILTON POLICE**  
**POLICE SERVICES ACT R.S.O. 1990, c. P.15, as amended (“Act”)**  
In the matter of a hearing under section 76(9) of the Act

## **NOTICE OF HEARING**

**TO: Constable Alfonso ESQUIVEL #1281**

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

### **COUNT ONE – DISCREDITABLE CONDUCT**

You are alleged to have committed Discreditable Conduct in that between June 6<sup>th</sup>, 2018 and March 1st, 2021 you acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Hamilton Police Service by your acquisition, possession, personal use of illegal drugs and/or your supply of or facilitated purchase of these drugs to other individuals constituting an offence against discipline as prescribed in section 2(1)(a)(xi) of the Code of Conduct, Ont. Regulation 268/10, as amended.

### **COUNT TWO – DISCREDITABLE CONDUCT**

You are alleged to have committed Discreditable Conduct in that between December 2015 and April 2016 you acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Hamilton Police Service by failing to disclose your illegal drug use in your recruitment process for the position of police constable with the Hamilton Police Service constituting an offence against discipline as prescribed in section 2(1)(a)(xi) of the Code of Conduct, Ont. Regulation 268/10, as amended.

### **COUNT THREE – DECEIT**

You are alleged to have committed Deceit in that on October 17<sup>th</sup> 2017 you knowingly made or signed a false statement in a record, namely Incident Report 17-748307, constituting an offence against discipline as prescribed in section 2(1)(d)(i) of the Code of Conduct, Ont. Regulation 268/10, as amended.

### **COUNT FOUR – DECEIT**


You are alleged to have committed Deceit in that on June 1<sup>st</sup>, 2021 and July 16<sup>th</sup>, 2021 you wilfully or negligently make a false, misleading or inaccurate statement pertaining to official duties, namely in your compelled interviews with Professional Standards investigators regarding your knowledge of and association to various drug dealers constituting an offence against discipline as prescribed in section 2(1)(d)(ii) of the Code of Conduct, Ont. Regulation 268/10, as amended.

**COUNT FIVE – INSUBORDINATION**

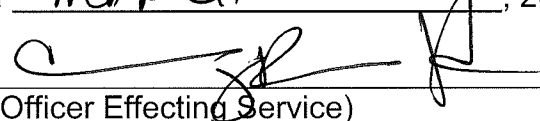
You alleged to have committed Insubordination in that on October 5<sup>th</sup>, 2017, April 27<sup>th</sup> 2018 and January 17<sup>th</sup>, 2020 you without lawful excuse, disobeys, omits or neglects to carry out any lawful order, namely Hamilton Police Service Policy 1.12 regarding the completion of accurate and complete notes constituting an offence against discipline as prescribed in section 2(1)(b)(ii) of the Code of Conduct, Ont. Regulation 268/10, as amended.

**THIS IS THEREFORE TO COMMAND YOU** to appear before Hearing Officer Superintendent (retired) Greg Walton on the 5<sup>th</sup> day of April, 2022, at 10:00 a.m. by way of an electronic hearing to answer to said allegations. A copy of the instructions for the electronic hearing is attached to this Notice of Hearing and marked as Schedule 'A'.

Dated this 9<sup>th</sup> day of March, 2022.

  
 \_\_\_\_\_  
 CHIEF OF POLICE or delegate

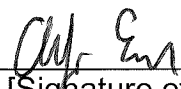
Copy served on officer, this 14<sup>th</sup> day of March, 2022.

  
 \_\_\_\_\_  
 (Officer Effecting Service)

**NOTE:**

This hearing is held pursuant to the *Police Services Act* and the *Statutory Powers Procedure Act*, which latter Act provides that if any party notified does not attend at the hearing, the tribunal may proceed in the absence of the party and the party will not be entitled to any further notice of the proceedings.

Copy received at time of service by:

  
 \_\_\_\_\_  
 [Signature of Officer]

**NOTICE OF INCREASED PENALTY**

**TAKE NOTICE** that pursuant to section 85(4) of the *Police Services Act*, the penalty of demotion or dismissal may be imposed if the misconduct with which you are charged is proven on clear and convincing evidence.

**NOTICE OF RIGHT TO DISCLOSURE**

**TAKE NOTICE** that pursuant to section 83(5) of the *Police Services Act*, you are entitled to an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence at the hearing. You may obtain such disclosure by personally contacting the Prosecutor or through your Counsel or Agent.

**NOTICE OF PUBLICATION**

**TAKE NOTICE** that this hearing shall be open to the public unless closed on the order of the Hearing Officer pursuant to section 9 of the *Statutory Powers Procedure Act*. Decisions of the Hearing Officer shall be made available to the public on request.

**ADJOURNMENTS**

**IN THE MATTER** of a hearing held in accordance with section 66(3) of the *Police Services Act* regarding allegations of misconduct against **Constable Alfonso ESQUIVEL** of the Hamilton Police Service.

Hearing adjourned to \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Time)  
\_\_\_\_\_  
(Signature) Presiding Officer

Hearing adjourned to \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Time)  
\_\_\_\_\_  
(Signature) Presiding Officer

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(Date) (Time)  
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(Signature) Presiding Officer

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(Date) (Time)  
\_\_\_\_\_  
(Signature) Presiding Officer

Hearing adjourned to \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Time)  
\_\_\_\_\_  
(Signature) Presiding Officer

**SCHEDULE "A"  
TO THE  
NOTICE OF HEARING**

**ZOOM DETAILS**

The instructions to participate in the virtual first appearance are as follows:

**Meeting Id: 894 0243 4520**

**Password: 609442**

**LINK: <https://us02web.zoom.us/j/89402434520>**