

Durham Regional Police Service Discipline Hearing

In the Matter of Ontario Regulation 268/10

Made Under the Police Services Act, R.S.O. 1990,

And Amendments thereto:

And

In The Matter Of

The Durham Regional Police Service

And

Constable James Wright #3065

Charge: Neglect of Duty

Before:

**Superintendent (Retired) M.P.B. Elbers
Ontario Provincial Police Adjudicator**

Appearances:

**Counsel for the Prosecution: Mr. Alex Sinclair
Durham Regional Police Service**

**Counsel for the Defense: Mr. Lawrence Gridin
Durham Regional Police Association**

Penalty Decision with Reasons:

The Hearing:

Constable James Wright #3065 pled guilty on August 25, 2025 at a Police Act Virtual Hearing and was found guilty of One (1) count of Neglect of Duty pursuant to Section 2 (1) (c) (i) contained in the Schedule to Ontario Regulation 268/10 as amended and contrary to Section 80 (1) (a) of the Police Services Act.

The charge pertains to Constable Wright's attendance at a call for service on March 04, 2024 regarding a theft at a nearby construction site. Two suspects allegedly involved in the theft were believed to be located at a residential address. Constable Wright pled guilty on the facts on the Notice of Hearing on August 25, 2025 when he appeared virtually for his First Appearance and the Hearing was then adjourned to Tuesday September 09, 2025 for disposition.

An Agreed Statement of Fact was tendered jointly by Counsel and marked as Exhibit #3

AGREED STATEMENT OF FACTS

Background

1. Constable James Wright (Cst. Wright) has been a sworn member of the Durham Regional Police Service (the "DRPS") since April 23, 2001. He has no prior discipline.
2. In and around April 2025, Cst. Wright was charged with one count of misconduct under the Police Services Act ("PSA").
3. A request pursuant to section 83(17) of the PSA was submitted to the Board on June 18, 2025, on consent, prior to serving of the Notice of Hearing.
4. A decision with respect to the above-noted request was rendered, and a Notice of Hearing was served on August 6, 2025, and is attached hereto as Exhibit "A".
5. For the purposes of a plea of guilty to one count of neglect of duty and a joint submission on penalty, the prosecution and Cst. Wright agree to the following facts:

The Call for Service

6. On March 3, 2024, Cst. Wright attended a call for service regarding a theft at a construction site in WHITBY. The two suspects allegedly involved in the theft were believed to be at a residential address in the city of WHITBY. The caller reported that both suspects appeared to be "under the influence."

7. At approximately 12:58 hours, Cst. Wright, along with his escort Cst. RH attended the residential address.

8. The two suspects were located, one of whom will herein be referred to as CW1. An investigation was initiated at the rear of the address in the back patio area of what turned out to be CW1's home. A quantity of suspected stolen construction material and equipment was also located in that area.

9. At 13:02 hours, Cst. Wright spoke with CW1. Meanwhile, his escort Cst. RH spoke to the other suspect.

10. CW1 was slurring his speech and unsteady on his feet, consistent with him being under the influence of an intoxicating substance; however, he was coherent. CW1 was cooperative, and the conversation was cordial.

11. CW1 requested to use the toilet. Cst. Wright permitted CW1 to go into his home and use the washroom. At 13:03 hours, CW1 went into his home while Cst. Wright continued his investigation outside and waited for CW1 to return.

12. At 13:24 hours, CW1 came out of his home and onto his back patio. He continued his conversation with Cst. Wright. He was still slurring his speech, but he was coherent and responsive to questions. He was cautioned regarding self-incrimination and stated that he understood.

13. At 13:28 hours, Cst. Wright invited CW1 to have a seat on a patio chair as Cst. Wright wanted to step away to speak to Cst. RH privately to discuss the next steps in the investigation and their grounds for making arrests.

14. At 13:31 hours, Cst. Wright returned to his police cruiser to access his mobile workstation. He directed Cst. RH to stay with CW1 and continue questioning him. Cst. Wright was no longer in view of CW1.

15. Over the next several minutes, during which Cst. Wright was not present, CW1's condition began to change, and he became less coherent.

16. At 13:38 hours, CW1 began to slouch in his patio chair.

17. At around 13:41 CW1's condition was visibly worse. Cst. RH asked whether CW1 required medical attention. There was much discussion between the second suspect, CW1's wife and Cst. RH about whether an ambulance should be called. However, CW1's wife noted that CW1 was fine as long as he continued to breathe normally. She noted that he was stressed and "up all night," which likely contributed to his condition. Cst. RH told CW1's wife to inform him of any changes to CW1's condition. At this point, CW1 remained slouched in his chair, asleep but rousable, with his breathing being normal.

18. Cst. RH continued to monitor CW1, who was a few feet away, while continuing his conversation with the other theft suspect.

19. At 13:44 hours, CW1's adult son came out onto the back patio briefly. CW1's wife checked on him and reaffirmed that CW1 was breathing and that "he's alright." She gently slapped CW1 on his face to rouse him. he woke up, said "what?" and then closed his eyes again.

20. At 13:45 hours, CW1's wife again roused him. CW1 groaned, began slapping his face, and then went back to sleep again. Cst. RH asked CW1's wife again if an ambulance should be called, and she replied: "No, because he's breathing. They'll just... all they'll do is [administer NARCAN] to get all the stuff out of his system, and then he'll go into like, seizures, so best to let him just sleep this off."

21. At 13:48 hours, Cst. Wright got out of his police cruiser and went over to Cst. RH to have a conversation. To be clear, Cst. Wright was at his cruiser from 13:31 to 13:48 hours, where he could neither see nor hear what had transpired on the back patio during that time.

22. Cst. Wright and Cst. RH discussed whether to investigate further or lay charges. It was decided that the suspects would be arrested and released from the scene on an undertaking with conditions.

23. After discussing the plan of action, at 13:49 hours, Cst. RH advised Cst. Wright, for the first time, stated that according to CW1's wife, CW1 had ingested fentanyl. In the context of discussing the service of the release paperwork, Cst. RH told Cst. Wright that CW1 was "not very coherent at the moment, but if you wake him up, I'm sure he'll be ok." Cst. Wright asked Cst. RH to go back to the cruisers and prepare the release paperwork.

24. At 13:50 hours, Cst. Wright walked over to CW1 and his wife, making direct observations of CW1's condition. CW1 was slouching in his chair, as if asleep. CW1's wife told Cst. Wright said that CW1 was "not coherent right now." She roused CW1, and he woke up, opening his eyes, but groaned when asked to sit up.

25. Cst. Wright asked CW1 to open his eyes, but he would not. CW1 retrieved the glass of water from earlier and poured some out on CW1's face, which caused him to wake up and groan. He said, "Help me up, help me up," and he got to his feet. CW1's wife apologized to him for waking him up. Cst. Wright invited him to sit back down, telling him that because he was unsteady on his feet, he didn't want CW1 to fall. CW1 was carefully guided back into his seat by Cst. Wright.

26. CW1 struggled to stay alert. CW1's wife joked that CW1 "doesn't want to hear what you've got to say."

27. At 13:52 hours, Cst. Wright advised CW1 that he was being arrested for theft and possession of stolen property under \$5,000, and he was asked if he understood. CW1 mumbled incoherently. Cst. Wright explained that CW1 was going to be released from the scene on an undertaking with conditions. CW1's wife stated that CW1 would want to consult a lawyer. CW1 remained rousable, but was not coherent, and it was unclear if he understood what was being said to him.

28. At 13:54 hours, CW1's wife said, "I might just give him NARCAN. He needs to wake up."

29. At 13:55 hours, CW1's wife retrieved NARCAN from inside the home and attempted to administer it, but CW1 repeatedly moved his face away, and the NARCAN could not be administered directly into CW1's nostril. CW1's wife stated, "Now he'll wake up." CW1 roused, moved around in his chair, slapped his face repeatedly, and then slouched again.

30. At 13:56 hours, Cst. Wright had a further conversation with CW1's wife about his drug use. He explained that he intended to release CW1 immediately, but he was waiting for some additional information about CW1 possibly being wanted by the OPP.

31. At 14:00 hours, Cst. Wright and CW1's wife roused him again. CW1's wife explained that "just a little bit" of the NARCAN had been administered because he had moved just as she was administering it. CW1 mumbled incoherently. Cst. Wright explained to CW1's wife that he wanted to release him, but couldn't do so because CW1 was not responding. CW1's wife proposed that they administer another dose of NARCAN to wake up CW1. She noted that doing so could elicit a response where CW1 would be "screaming" in pain as the substance would be leaving his system. She then discussed with Cst. Wright about CW1, his family background, and his drug use.

32. At 14:07 hours, CW1's son came to the back patio. CW1's condition remained unchanged. He was slouched in his chair, with his eyes closed, breathing normally. CW1's wife explained that she was embarrassed about CW1. Cst. Wright asked, "Does he normally sleep like this for a little while?" and CW1's wife replied, "Yeah, unless you

NARCAN him again, cause I missed him – I just got a little bit in him. If you want just NARCAN him.” She described CW1 as “ridiculous.”

33. At 14:09 hours, CW1’s wife asked Cst. Wright: “Can I borrow the NARCAN from you? (Chuckles). It’d be a lot easier if he’s awake for you, right?” Cst. Wright said that this would require him to go back to his cruiser. However, he did not retrieve the NARCAN.

34. At 14:10 hours, CW1’s son came to the back patio door. CW1’s son told Cst. Wright that he was a second-year nursing student, and had recently completed the course on opiates. They had a conversation lasting several minutes, centering on nursing studies. The conversation was calm and casual. During the conversation, CW1’s son was observing CW1, who was directly in front of him in the patio chair.

35. At 14:12 hours, CW1’s wife asked Cst. Wright to have a NARCAN brought over once Cst. RH had finished preparing the release paperwork for the other suspect. She confirmed that CW1 was still breathing. Cst. Wright did not respond to the question about NARCAN but confirmed that CW1 was breathing, and stated “while he’s sleepin’ what I might do is just start movin’ some of this property out of here” (referring to the suspected stolen property in the yard). CW1’s wife and son then discussed the property and attempted to determine whether it had been stolen or belonged to CW1.

36. At approximately this same time, Cst. RH was processing the arrest and release of the other suspect. This was taking place by the police cruisers parked on the street, away from the patio area. A concerned neighbour walked up to Cst. RH and told him that he was inside his home when he overheard CW1’s wife and son discussing the attempted administration of NARCAN to CW1 earlier, and that he had called 911 when he heard that. Cst. RH thanked the neighbour for his concern about CW1’s well-being, but stated that CW1 “seems like he’s, he’s in better shape... I do appreciate you calling and your concerns, though.” Cst. RH then returned to the driver’s seat of his cruiser, checked his MWS, and located the call for an ambulance.

37. Cst. Wright was unaware of the discussion with the neighbour, which occurred out of his presence, and was unaware that an ambulance had been called to the scene.

38. At 14:16 hours, Cst. RH issued the following radio call: “8202 control. We’re gonna be off with that assist ambulance. It’s gonna be the same parties that we’re dealing with here. Uh, no medical is required.” The dispatcher asked, “Okay, so, we can cancel it?” and Cst. RH replied “10-4. Everything’s fine here.”

39. Hearing Cst. RH’s radio transmission, Cst. Wright asked CW1’s wife and son whether they had called an ambulance. They advised they had not. CW1’s wife explained, “he just needs a NARCAN. I didn’t call an ambulance. Someone must have.” CW1’s son expressed surprise that an ambulance was coming.

40. At 14:17 hours, Cst. Wright then left the patio to speak to Cst. RH at the cruiser and ask him who called the ambulance (which could now be heard approaching the scene with sirens activated). Cst. RH explained that a neighbour had called after hearing about the administration of NARCAN. Cst. Wright replied, "Yeah, do you have yours with you? Cause they just want to do a quick NARCAN with him to wake him up. We don't need them [ambulance] though, but... (and he trailed off as he walked back to the patio)."

41. Cst. RH approached the driver of the first of two ambulances which were arriving on scene, and explained to him that CW1 was "on fentanyl, he's not quite responsive. He's breathing normally. He's had his normal amount, or similar to what his wife said. In saying that, if you wanna give him a NARCAN..." At which point, the paramedic cut him off and stated that they wouldn't administer NARCAN in these circumstances. The paramedic asked, "So you don't need us?" to which Cst. RH replied, "No, we're good, thank you." Paramedics departed the scene without exiting their ambulances.

42. At 14:18 hours, Cst. Wright returned to the patio, where CW1 remained in the same condition as before.

43. At 14:19 hours, Cst. RH returned to the back patio area carrying a package of NARCAN that he had retrieved from his cruiser. Cst. Wright took the NARCAN and handed it to CW1's wife, who then administered it. She stated that it would take some time to take effect.

44. At 14:21 hours, CW1's condition remained unchanged.

45. At 14:22 hours, CW1's son asked, "Do you need to take him somewhere [i.e. to jail]?" and Cst. Wright replied, "No, I just wanna make sure he understands what, what is happening."

46. At 14:22 hours, CW1's son shook CW1 to wake him up. CW1 sat up, groaned incoherently, reached for his nose, and then said "ah, fuck" before he slouched back in the chair:

47. At 14:25 hours, CW1's son expressed frustration about his father. He asked what Cst. Wright could do, and stated that he wanted his father to be arrested. Cst. Wright explained that CW1 was already technically in custody, but that he intended to effect the release here. CW1's wife asked Cst. Wright to "let him sleep it off here." Cst. Wright said that he was waiting on the release papers and that "as soon as the release papers come, I'll explain it to somebody so we at least know what's going on. I was hopin' he'd understand everything."

48. At 14:26 hours, Cst. Wright and CW1's son attempted to rouse CW1. He groaned, touched his nose, opened his eyes and looked at Cst. Wright and his wife. Cst. Wright told him to "stay sitting" because he was concerned about his steadiness on his feet,

and that he just needed him to be alert. CW1 sat up in his chair, rubbed his hands and face, stated "ah, fuck", but would not respond coherently to questions.

49. At 14:28 hours, CW1's son brought CW1 a blanket. The temperature was approximately 7 degrees Celsius. CW1's wife stated that "maybe warmth will help him, or maybe cold will help him."

50. At 14:29 hours, Cst. Wright stated, "he's slowly coming."

51. At 14:31 hours, CW1's wife, referring to Cst. Wright told her husband, "They're being so sweet, now come on, wake up." He slouched back in his chair and closed his eyes, with the blanket covering him. CW1's wife periodically roused him, but he would quickly pass out again.

52. At 14:33 hours, Cst. Wright left to check on Cst. RH's progress in preparing the release paperwork on the mobile workstation terminal.

53. At 14:38 hours, Cst. Wright returned to the back patio area to collect the suspected stolen property to load up into his cruiser. While he worked, he observed CW1 to be in the presence of CW1's wife and son, still sleeping on the patio chair covered with a blanket.

54. At 14:58 hours, CW1's condition remained the same. Cst. Wright engaged in conversation with CW1's wife. Cst. Wright explained that he was still waiting on the release paperwork for CW1, and that there had been some confusion about whether he was wanted or on probation.

55. At 15:03 hours, Cst. RH returned to the patio area from his cruiser and handed the completed release paperwork to Cst. Wright. Cst. Wright proceeded to review the paperwork with CW1's wife, explaining the charges, conditions, court date, and fingerprinting requirements to her while CW1 remained motionless, breathing, with his eyes closed next to them. Cst. Wright asked CW1's wife: "So, you're gonna act for [CW1] here, okay? You're okay with that?" and she replied that she was. She explained that she would make sure he attended the courthouse.

56. At 15:09 hours, Cst. Wright asked CW1's wife if they should make another attempt to wake him to see if he would understand the paperwork. CW1's wife said, "I think we need one more NARCAN, to be honest. It's the only way to wake him up." CW1's wife tried to shake him awake, and he briefly sat up, groaned, and opened his eyes. CW1's wife told him to look at Cst. Wright, and he replied "yeah yeah yeah" but then slouched back in his chair and closed his eyes. CW1's wife expressed concern that he was cold and retrieved a second blanket for him.

57. At 15:11 hours, CW1's wife stated to CW1: "wake up. You're outside, for God's sake. The neighbours are looking. Oh my God. Oh, give him another Narc, give it to him." She asked Cst. Wright if he had one (he did not), but he replied: "I don't think it's gonna work at this point. So, he's just trying to sleep it off. Okay, so, what we'll do..." CW1's wife interjected "There's no way me and [my son] can even carry this man [inside], right?" Cst. Wright did not offer to assist with carrying CW1 inside.

58. At 15:12 hours, Cst. Wright asked CW1 to open his eyes, which he did. CW1's wife said, "Come on, wake up, he just wants to explain something, you're not going to jail right now, ok?" Cst. Wright asked CW1 if he could read the undertaking conditions to CW1's wife, but CW1 just mumbled incoherently. Ultimately, Cst. Wright read the conditions to CW1's wife and answered her questions. CW1's wife signed the undertaking.

59. At 15:18 hours, CW1's wife expressed embarrassment and concern that she would be evicted as a result of this situation. Cst. Wright reassured her that she would not be evicted and that he had not shared any information about this event with the landlord. CW1's wife smiled and thanked Cst. Wright as he left.

60. At 15:19 hours, Cst. Wright returned to his cruiser to depart the scene.

61. Cst. Wright left CW1 in a state of altered consciousness on his chair on his back patio, covered with two blankets, in the company of his wife and his son.

Subsequent Events

62. At 21:02 hours, police received an "assist ambulance" call to attend to CW1's residence.

63. CW1's wife had called for medical assistance for CW1 because they were concerned that, despite the passage of several hours, he had not "slept off" the drugs he had ingested and remained in a state of altered consciousness.

64. At 21:05 hours, police arrived at the residence to assist paramedics on scene.

65. CW1 was observed lying on the floor of his house with his head on a pillow. He appeared asleep. He was non-verbal, not moving much, but was responsive to sternum rubs.

66. When rolled over, CW1 was found to have a crack pipe under his body.

67. Paramedics determined that CW1's vital signs were normal.

68. CW1 was transported to Lakeridge Health Oshawa hospital for assessment.

69. He remained in the emergency room, but was not admitted, while his condition gradually improved.

70. CW1 left the hospital on March 4, 2024, at approximately 18:00 hours.

Medical Evidence

71. Medical records from Lakeridge Hospital indicate that CW1 was treated for an "altered level of consciousness."

72. A toxicology screen revealed that CW1 presumptively had the following drugs in his system: fentanyl, cocaine, methamphetamines, amphetamine, benzodiazepines, and methadone.

73. Cst. Wright's counsel sought and obtained an expert medical opinion from Dr. Blair Bigham. It is attached as Exhibit "B" hereto.

74. Evidence from the paramedics who attended at 14:17 hours was that the decision to leave the scene was a collective decision based on what was known about the patient's condition. This was described by the paramedics as a common practice in their experience working with police at medical calls, and that it was not out of the ordinary.

Witness Evidence

75. No member of the public made any complaint about Cst. Wright's conduct.

76. In an interview with Professional Standards, CW1's wife stated that the officers were "very nice." She expressed no concern with the level of assistance provided by Cst. Wright that day, calling him "very good".

77. CW1's wife explained that she did not have any concerns about the delay in providing NARCAN. She was asked if she had "any concerns for hypothermia, for the cold?" She replied "yes, that's why I gave him a blanket – blankets – two blankets." She explained that her son brought CW1 inside after police left the scene.

78. CW1's wife explained that she did not blame the officers for turning the ambulance away, because she told them it wasn't needed. However, she did believe that CW1 required medical attention.

79. In an interview with Professional Standards, CW1's son noted that his father's condition was quite bad, considering his history with drug use. However, CW1's son did state that his overall concern for his father was low.

80. When asked whether his father should have been seen by paramedics, CW1's son stated that he did not think the decision to send paramedics away was wrong because "it didn't look like an overdose... my father was not overdosing from what I could tell."

He noted that his father was breathing normally. He said if he was in the officer's shoes, he would not have had his father seen by ambulance. He further stated he was eager to have paramedics leave because it would have drawn too much attention to the matter.

81. When asked about the second round of NARCAN CW1's son stated that "I just wanted him to have the NARCAN to stop wasting the officer's time, it wasn't needed for his medical condition though." He also stated in his interview that there were no first aid efforts made by Cst. Wright and that he was not pleased with the fact that his father was left on the porch.

Misconduct

82. Cst. Wright bore full responsibility for CW1's well-being once CW1 was arrested. Cst. Wright should have erred on the side of caution in having CW1 medically assessed, rather than taking his cues from CW1's family members that medical attention was not required.

83. In failing to have CW1 assessed by a medical professional before leaving the scene, Cst. Wright neglected his duty.

84. Additionally, it was improper to release CW1 on an undertaking signed by his wife and without any acknowledgement by CW1 himself. In releasing CW1 in this manner, Cst. Wright neglected his duty.

85. Cst. Wright disregarded several sections of multiple directives during the above-noted interaction.

Joint Submissions on Penalty

86. The parties acknowledge the presence of aggravating and mitigating penalty disposition factors:

Aggravating Factors:

87. In particular, the parties recognize the presence of certain aggravating factors:

Seriousness of the Misconduct

a. Cst. Wright's misconduct is a serious matter. While there was no medical consequence, it involved the breach of a number of DRPS Directives.

b. DRPS members are expected to conduct themselves professionally and in accordance with Service policy and the laws they are sworn to uphold at all times.

Public Interest

a. The public holds police officers in a position of high trust and accountability. It is extremely important that DRPS demonstrates that its members are held to the high standard of integrity expected of them.

Need for Deterrence

a. It is crucial that Cst. Wright's penalty serves as a deterrent for all DRPS members.

Damage to the Reputation of the Durham Regional Police Service

a. Cst. Wright's misconduct damaged the reputation of DRPS in the eyes of the public.

Mitigating Factors:

88. The parties submit that the matter contains mitigating circumstances, which support the imposition of a reduced penalty:

Meaningful Cooperation in the Discipline Process:

a. Cst. Wright's guilty plea and joint submission on penalty demonstrate that he has accepted responsibility for his misconduct.

b. Cst. Wright's guilty plea and joint submission on penalty have eliminated the need for a lengthy hearing and potential appellate proceedings.

Rehabilitation Potential

a. Cst. Wright's guilty plea demonstrates his recognition of the impropriety of his behaviour.

Effect on the Officer:

a. The proposed penalty will have financial consequences for Cst. Wright.

Employment History

a. Cst. Wright has no prior record of discipline and is a well-liked officer.

89. In light of the above, the parties jointly submit that Cst. Wright shall be subject to the forfeiture of 20 days (160 hours) off pursuant to section 85(1)(f) of the Police Services Act.

90. The parties acknowledge and agree that this penalty is based on the unique circumstances of this case, not all of which are referenced herein, and this is not to be relied upon as a precedent in other matters.

Findings:

A one (1) day Disposition Hearing was conducted virtually on September 09, 2025.

As noted in the Agreed Statement of Fact under the heading of Joint submission, Counsel for the parties affected have asked for a forfeiture of twenty (20) days (160 hours) off pursuant to Section 85 (1) (f) of the Police Services Act. Counsel has presented the Tribunal with two (2) cases to offer assistance to the Tribunal in making an appropriate disposition. This Book of Authorities was marked as Exhibit #4. These cases were the Cooke and Bennett cases which Mr. Sinclair in his submissions articulated the relevant points and positions relevant to the Wright manner. Mr. Gridin agreed with the submissions by the Prosecutor and I concur with his assessment and position.

The cases are offered as guidance principles for the Tribunal to consider in the disposition process and accepting the joint submission by Counsel.

In Williams and the Ontario Provincial Police, the Commission identified three key elements a Hearing Officer must take into account when imposing a penalty. These include: the nature of the seriousness of the misconduct, the ability to reform or rehabilitate the officer and the damage to the reputation of the Police Force that will occur if the officer remained on the Force.

Accountability, ethical behaviour and conduct are at a standard much higher than the public we serve. It is generally known and an accepted fact that the law requires a higher standard of conduct with Police Officers in their private lives than the ordinary citizen.

Credibility, honesty, integrity are characteristics that are earned. As one elevates him / herself through the ranks of this organization those characteristics are more revered and treasured. It helps to create the professional image and excellence that the Durham Regional Police officers strive to maintain.

The public observes and evaluates the police 24-7. We, as individuals and as a professional organization must be mindful of this fact. Durham Regional Police members, while on or off duty, must conduct themselves in a professional manner at all times.

In Legal Aspects of Policing at pages 6-93) the author (Paul Ceyssens) states the following in relation to guidance in Neglect of Duty counts:

In Ontario, a peace officer commits Neglect of Duty when he or she “without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force.”

The leading judicial decision concerning failure to promptly and diligently discharge duty is *P.G. v. Police Complaints Commissioner* (1996) 90 O.A.C. 103 (Div. Court). This case considered the provisions of the Ontario scheme as stated above.

In *P.G.*, the Divisional Court ruled that either of two situations is required in order to establish neglect of duty:

1. “there was some element of willfulness” in the police officer’s neglect; or
2. “there was a degree of neglect which would make the matter cross the line from a mere performance consideration to a matter of misconduct”.

The Ontario Civilian Commission on Police Services as it was known at that time has ruled that the employer must establish that the police officer was required to perform a duty, and that he or she failed to perform this duty because of neglect, or did not perform the duty in a prompt and diligent manner. If these two burdens are established, the police officer bears the burden of establishing lawful excuse.

Aggravating Factors

- a. ***Public Interest-*** It is common knowledge that the public holds police officers in a position of high trust and accountability. Constable Wright is a police officer and as such the public expects him to obey the laws of the country and the policies of the Durham Regional Police Service. It is the communities’ expectations that a police officer more so than the general public would know and understand that a police officer would conduct himself properly while engaged in an active criminal investigation. He would also understand the repercussions of improper conduct and behavior as a sworn police officer. This type of behavior is not tolerable.
- b. ***Seriousness of the Misconduct-*** Abhorrent behavior displayed by a police officer in any Service is extremely serious. This situation is compounded when the member is expected to be trusted by the community and his fellow officers. Constable Wright betrayed the trust of his fellow officers, the community and the Durham Regional Police Service.

- c. **Need for Deterrence-** The Durham Regional Police Service must send the message to all members that conduct displayed and portrayed by Constable Wright cannot be tolerated. Further, there must also be specific deterrence for Constable Wright to send the message that this type of behavior is unacceptable.
- d. **Damage to the Reputation of the Police Service-** The credibility of the Durham Regional Police Service as police agency is of paramount importance. The credibility of officers that ignore the laws of the land, ignore the policies of the Service, behave in a manner which is not professional without thinking of the repercussions can damage the Service. This is particularly damaging to the remaining members of this Service who are out doing their jobs in a proper manner and meeting the public and acting in accordance with the policies and procedures of the Durham Regional Police Service.
- e. **Management Approach to Misconduct-** The Durham Regional Police Service is a professional and disciplined organization. The Durham Regional Police Service considers the actions of Constable Wright to be serious.

Mitigating Factors

- f. **Recognition of Seriousness of Misconduct-** Constable Wright has recognized and accepted responsibility for his behavior. He has apologized to the Tribunal through his Counsel Mr. Gridin and he has assured the Tribunal that these actions will not be duplicated in the future.
- g. **Ability to Reform or Rehabilitate the Officer-** It is expected that Constable Wright will be able to rehabilitate himself and will continue to be a useful member of the Durham Regional Police Service.

- h. Effect on the Police Officer and his Family-** There is no doubt that Constable Wright and his family will suffer from the penalty position to be imposed. He has accepted the penalty and wishes to move forward with his career.
- i. Employment History-** To date, Constable Wright has no previous disciplinary record prior to this occurrence. Constable Wright has been a hardworking, diligent and well liked officer for the Durham Regional Police Service.

In considering a proper disposition the Tribunal must consider a number of issues. The Disposition should agree with the purpose of affecting a proper discipline process where it meets the standard for the Service in employing discipline in the workplace and the responsibility to treat the respondent officer fairly and also the actions incurred if a complainant is involved to assist in their reconciliation of the matter.

The overall purpose of the discipline process is to apply corrective measures to correct improper behaviour according to the standards of the discipline process and that of the affected Police Service in accordance with their policies and procedures that all officers are to adhere to in their policing duties.

Through disciplinary jurisprudence, a number of mitigating and aggravating considerations have emerged that affect disposition.

These include:

- Public interest.
- Seriousness of misconduct.
- Recognition of the seriousness of the misconduct.
- Handicap or other relevant personal circumstances.
- Provocation.
- Procedural fairness considerations.
- Employment history.
- Potential to reform or rehabilitate the police officer.
- Effect on police officer and police officer's family.
- Consistency of disposition.
- Specific and general deterrence.
- Employer approach to misconduct in question.
- Damage to the reputation of the police force.

Not all of these factors are relevant to the present case before the Tribunal.

Many of these factors stem from the decision of Williams and Ontario Provincial Police (1995), 2 O.P.R. 1047 (OCCPS)

I must be guided by the OCCPS decision of Schofield and Metropolitan Police Service.

"Consistency in the disciplinary process is often the benchmark of principles. The penalty must be consistent with the facts, and consistent with similar cases that have been dealt with on earlier occasions."

The public must be confident that the police will strive to set the example for those in the community. Anything short of this will be seen as a contradiction and serve no other purpose but to undermine the efforts of all serving officers and the explicit goals of the Durham Regional Police Service.

Constable Wright is a twenty four (24) year member of the Durham Regional Police Service. To conduct one-self as he did is not conducive to team building, professionalism or harmony of a Police Service. The Durham Regional Police Service takes great pride in the professionalism exhibited by its members

As Counsel have presented in their submissions the penalty disposition recommended to the Tribunal is appropriate for the actions displayed by this officer in the investigation he conducted. Defense Counsel, Mr. Gridin contends that Constable Wright did an investigation that was appropriate however he could have conducted himself more professionally when dealing with the release of the accused and taking more consideration into the well- being of the accused. He certainly knew that releasing the accused while he was under arrest and having the accused wife sign the paperwork acknowledging a court appearance was improper. As was mentioned in the agreed statement of fact Constable Wright should have erred on the side of caution in having him medically assessed as a precaution and in addition the undertaking signed by his wife without any acknowledgement by the accused himself was improper.

I will note that Mr. Gridin through a medical professional submitted documentation that the accused was not in any danger due to not having him brought to the hospital when Constable Wright was in attendance. The Neglect was completed when Constable Wright failed to properly adhere to the directives of the Service.

In determining disposition, I must give due consideration for the public interest. It is common knowledge that the public holds Police Officers in a position of high trust. It is therefore extremely important that the Durham Regional Police Service demonstrate that members will be held to that standard. There is no doubt that the charge of Neglect of Duty has been proven by the guilty plea entered by this officer and the supporting joint submission of the Agreed Statement of Fact.

Members of the Durham Regional Police Service are expected to investigate criminal activity in a professional and thorough manner. Reports are expected to be filed forthwith as policy dictates with this Service and investigations are to be thorough and complete, conducted in a professional manner. The public must be confident that the police will strive to set the example for those in the community. Anything short of this will be seen as a contradiction and serve no other purpose but to undermine the efforts of all serving officers and the explicit goals of the Durham Regional Police Service.

I feel relatively confident that this experience, pleading guilty at the earliest opportunity that Constable Wright has learned from his indiscretion and that he is fully prepared to take responsibility for his actions. I believe this also sends a strong message to all police officers that you must consider when investigating any criminal complaint that you do so in an honourable, thorough, understanding, ethical, compassionate and professional manner.

It is commendable that Constable Wright through his lawyer's comments and submissions recognizes and accepts that his actions were irresponsible and unacceptable as a police officer. My only hope now is that Constable Wright follows through on his promise made by his Counsel to the Tribunal to uphold the core values of a police officer and conduct himself accordingly.

He has pled Guilty to the charge of Neglect of Duty before this Tribunal and I believe he has learned from the process he has endured throughout this investigation by the Professional Standards Unit of the Durham Regional Police Service.

You are accountable for your actions and any deviance from those actions, the Durham Regional Police Service will hold you accountable. This is what the public expects of the management of this Police Service. The Police Services Act and the policies and procedures of the respective Police Service are meant to hold officers accountable for their actions and correct the undesired behaviour where possible.

There is no doubt that Constable Wright will suffer from the proposed penalty disposition. Dismissal, demotion, forfeiture of hours, will have a significant impact on Constable Carleton. I have given this situation serious consideration in determining an appropriate disposition.

I commend you for attending your Hearing on September 09, 2025 via electronic means with your Counsel, Mr. Gridin and pleading Guilty to the misconduct charge as quickly as you have done. It was obvious to me that you wished to put this situation behind you. I will take into consideration your forthright manner in assessing the appropriate disposition.

I may have been more inclined to administer a more stringent penalty if it were not for the positive comments and observations relayed to me by Counsel.

I have considered the submissions by Counsel, the agreed statement of facts and the joint penalty submission agreed to by Counsel and Constable Wright.

The proposed joint penalty submission submitted by Counsel in this matter suggests to me that the officer can be rehabilitated and once again be useful to this organization.

Disposition:

In light of the seriousness of these allegations and bearing in mind all the evidence placed before me, Constable James Wright #3065 will forfeit twenty (20) days which is one hundred and sixty (160) hours off.

The forfeiture of hours is pursuant to Section 85 (1) (f) of the Police Service Act.

Constable Wright, you have been privy to the negotiations of this Guilty Plea and subsequent Disposition and I hope this has given you some intelligent insight into the workings of the Police Services Act. Do not disappoint the people that have worked so hard to get you to this Disposition.

M.P.B. Elbers, Superintendent

September 13, 2025