

OCCPS INQ # 07-01

DISCIPLINARY HEARING into the conduct of Chief Blair MacIssac of the Pembroke
Police Service

Presiding OCCPS Members:

Murray W. Chitra, Chair
Noelle Caloren, Member

Appearances:

Chris Diana, Prosecutor
Fred Fischer, Counsel, Chief MacIssac

Heard:

January 17, 2007

Date of Decision:

January 31, 2007

CHIEFS - Disciplinary hearing pursuant to *Police Services Act* s. 65(9) - Chief pled guilty to five charges of discreditable conduct - Three separate incidents of inappropriate conduct towards junior officer - Joint submission on penalty accepted.

MISCONDUCT - Chiefs - Chief pled guilty to charges of discreditable conduct consisting of assault, oppressive or tyrannical conduct, and conduct prejudicial to discipline - Three separate incidents involving junior officer - Recognition and remorse demonstrated - Joint submission on penalty accepted.

DISCREDITABLE CONDUCT - Assault - Chief pled guilty to charges of discreditable conduct including two separate assaults on junior officer - Other allegations also admitted - Joint submission on penalty accepted.

DISCREDITABLE CONDUCT - Oppressive or tyrannical conduct - Chief pled guilty to charges of discreditable conduct - Three incidents involving junior officer - Inappropriate comment concerning officer's activity on behalf of association - Joint submission on penalty accepted.

DISCREDITABLE CONDUCT - Prejudicial conduct - Chief pled guilty to five charges of discreditable conduct - Behaviour towards junior officer prejudicial to discipline and proper functioning of chain of command - Failure of both judgment and leadership - Joint submission on penalty accepted.

SENTENCING - Penalties - Chiefs - Guilty plea to five charges of discreditable conduct - Chief of police the senior law enforcement officer in a community - Specific

and general deterrence warranted - Joint submission accepted - Penalty consisting of three-month suspension, apologies and training.

Summary of Reasons for Decision

At the request of the Pembroke Police Services Board, the Commission held a disciplinary hearing pursuant to s. 65(9) of the *Police Services Act* into alleged misconduct by the Chief, Blair MacIssac.

Chief MacIssac was charged with several counts of discreditable conduct. At the disciplinary hearing, Chief MacIssac pled guilty to the charges. The parties presented an agreed statement of facts and a joint submission on penalty.

The misconduct which Chief MacIssac admitted emanated from three separate incidents with a junior officer, Constable Cotnam. At the time of the first incident Cst. Cotnam was a Second Class Constable. Shortly thereafter he was promoted to First Class Constable.

In the first incident, Chief MacIssac assaulted Cst. Cotnam by slapping him on the right side of his head with an open hand. This led to charges of discreditable conduct contrary to s. 2(1)(a)(vii) and s. 2(1)(a)(xi) of the Code of Conduct. In the second incident, Chief MacIssac entered the report room and found Cst. Cotnam, who was off-duty, preparing a financial report for a meeting of the Pembroke Police Association. Chief MacIssac said to Cst. Cotnam, “that’s a career limiting move”; then he remarked to another constable, “too bad, good young lad on the right path then boom, and so early, eh Dillon”. This led to charges of oppressive and tyrannical conduct, contrary to s. 2(1)(a)(iii) of the Code (withdrawn at the hearing) and also disorderly or prejudicial conduct, contrary to s. 2(1)(a)(xi). In the third incident, which occurred three days after the second incident, Chief MacIssac approached Cst. Cotnam, squeezed Cst. Cotnam’s bicep and said, “Career Killer. Association man”. He then patted Cst. Cotnam’s shoulder and walked away, shaking his head. This led to charges of tyrannical or oppressive conduct towards an officer inferior in rank, and prejudicial conduct.

Chief MacIssac stated that he acted without ill intent, but he recognized the impropriety of his conduct.

The parties’ joint submission on penalty consisted of a three-month unpaid suspension, with the option to use banked time for two of the three months; a personal apology to Cst. Cotnam; a written apology to the Association; and completion of leadership training courses.

Held, Joint submission accepted.

The allegations to which Chief MacIssac pled guilty represented serious misconduct. His actions were thoughtless and inappropriate, and indicated a lack of judgment and

leadership. As the senior law enforcement officer in the community, his conduct was also contrary to the public interest, and thus specific and general deterrence were warranted.

On the mitigating side of the balance, Chief MacIssac did plead guilty to the five charges, expressed remorse, and took full responsibility for his actions. He had a positive employment history extending to his initial appointment as Deputy Chief of Pembroke in 1995. His commitment to improving his leadership skills suggested rehabilitative potential.

The proposed penalties were reasonable and took account of the relevant sentencing factors.

Statutes cited

Police Services Act R.S.O. 1990, c.P. 15 as amended, ss. 31(1)(e), 41(1), 65(9), 74(1)
O. Reg. 123/98, s. 2(1)(a)(iii), 2(1)(a)(vii), 2(1)(a)(xi)