

OTTAWA POLICE SERVICE DISCIPLINE HEARING

IN THE MATTER OF ONTARIO REGULATION 268/10

MADE UNDER THE *POLICE SERVICES ACT*, RSO 1990, c.P.15 as

THE AMENDMENTS THERETO.

THE OTTAWA POLICE SERVICE

AND

Constable Cory Chuchryk #2166,

DECISION ON DISPOSITION AND SENTENCE

APPEARANCES:

Counsel for the Prosecution: Mr. Shawn Cleroux.

Non-Legal Representation for the Defence: Grayson LaFoley.

BEFORE:

Superintendent Chris Rheaume

Ottawa Police Service

Hearing Officer

December 30, 2024

Part I: Overview.

Background of Respondent Officer.

1. The subject officer, Cst. Cory Chuchryk (cadre #2166) is a sworn member of the Ottawa Police Service (“OPS”). Cst. Chuchryk has been a police officer with the OPS since 2010.
2. On Sunday, March 17, 2024, around 9:00pm, Cst. Chuchryk was off-duty and driving a covert OPS vehicle when he was observed traveling at a high rate of speed southward on Woodroffe Avenue. Cst. Andrew McAnany, who was also off-duty, was in the passenger seat, and both Cst. Chuchryk and Cst. McAnany had consumed alcohol at the Royal Oak Pub earlier that day.
3. Cst. Chuchryk entered the left turning lane towards Grenfall Crescent at a high rate of speed and collided with a stationary Ford F-150 pickup truck (the “pickup”) waiting to make a left turn, causing the pickup to jolt forward.
4. The pickup had fully functional taillights, and road visibility conditions were clear. There was approximately 130 meters of roadway space to slow or stop the vehicle.
5. There were two members of the public in the pickup. Upon collision, both exited the vehicle and approached Cst. Chuchryk’s vehicle.
6. They observed Cst. Chuchryk, as well as his passenger, exhibiting signs of impairment, including glassy eyes, unsteadiness, and a strong smell of alcohol emanating from the vehicle.
7. Cst. Chuchryk reluctantly exited his vehicle and was observed using the vehicle door to steady himself. He was observed slurring his speech, struggling to maintain focus while speaking, and exhibiting body and facial expressions consistent with someone who was impaired.
8. The two occupants of the pickup asked Cst. Chuchryk questions about his whereabouts prior to the collision and what he had been doing. Cst. Chuchryk did not move from the area outside the driver’s side door of the vehicle.
9. Contrary to OPS Policy No. 8.05 – Police Vehicle Collision (the “Policy”), Cst. Chuchryk did not inquire into the wellbeing of the pickup occupants, he did not inspect his vehicle or the

pickup for damage, and he did not call 9-1-1 or arrange for the attendance of any emergency services or personnel. Cst. Chuchryk provided his first name and address.

10. The occupants of the pickup believed Cst. Chuchryk to be under the influence of alcohol. This suspicion along with his unusual behavior in response to the collision prompted the pickup driver to call 9-1-1.

11. While waiting for responding officers, the passenger of the pickup confronted Cst. Chuchryk and Cst. McAnany, and a terse exchange ensued.

12. The passenger of the pickup returned to his vehicle. He then observed Cst. Chuchryk get back into his damaged vehicle and turn left on Grenfall Crescent, leaving the scene of the collision before police or a collision investigator could arrive.

13. The driver of the pickup called 9-1-1 again to advise that Cst. Chuchryk had fled. The pickup driver stayed on the scene until the responding officer arrived. The responding officer gathered details of the collision from the pickup occupants and arranged for statements to be taken.

14. In the meantime, Cst. Chuchryk drove himself and Cst. McAnany back to the Chuchryk residence while impaired. He parked the vehicle in his garage.

15. The responding officer attended Cst. Chuchryk's address to investigate. He looked through a window in the garage and noticed a sedan parked inside.

16. When the responding officer knocked on the front door of the residence, Cst. Chuchryk did not answer the door.

17. The responding officer left to attend to the address of the pickup occupants and gather more information.

18. The responding officer then returned to the Chuchryk residence and looked into the garage again to note the license plate number. He also observed that there was significant damage to the sedan consistent with the particulars of the collision.

19. The responding officer queried the license plate and address and identified a link with Cst. Cory Chuchryk. He notified his supervisor that he suspected an OPS officer was involved in a hit-and-run collision.

20. Cst. Chuchryk did not make any effort that evening to call a supervisor or inform anyone about the incident or the damage to an OPS vehicle as soon as was practicable to do so as required by the Policy. He similarly did not do so the following morning.

21. Following the incident, it was determined that Cst. Chuchryk caused approximately \$10,000 in damage to the OPS vehicle. The vehicle was deemed a total loss.

22. On April 4, 2024, Cst. Chuchryk was arrested and charged with:

- Operation while impaired, s. 320.14 (1)(a) of the *Criminal Code*;
- Dangerous operation of a motor vehicle, s. 320.13 (1) of the *Criminal Code*;
- Failure to stop after accident, s. 320.16 (1) of the *Criminal Code*;
- Failure to report/provide information/MVA, s. 199 (1) of the *Highway and Traffic Act*; and
- Failure to remain at accident, s. 200 (1)(a) of the *Highway and Traffic Act*.

23. On June 11, 2024, Cst. Chuchryk pled guilty to and was found guilty of Operation while Impaired, contrary to s. 320.14(1)(a) of the *Criminal Code*, all other charges were withdrawn.

Cst. Chuchryk was sentenced to:

- 12 months probation;
- report as directed and attend for any counselling or assessments for alcohol or substance abuse as directed;
- a \$5000 fine;
- 12 months driving prohibition;
- payment in the amount of \$230 to the owner of the pickup truck; and,
- payment in the amount of \$5000 to the Ottawa Police Service.

24. Cst. Chuchryk cooperated fully throughout both the criminal matter and the OPS Professional Standards Unit investigation.

Allegations and Particulars of Misconduct.

25. Cst Chuchryk is alleged to have committed one count of Discreditable Conduct in that on June 11, 2024, he was found guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction, namely operation while impaired, contrary to Section 320.14(1)(a) of the *Criminal Code* of Canada in relation to an incident that occurred on or

about March 17, 2024, thereby constituting an offence against discipline as prescribed in section 2(1)(a)(ix) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.

26. Cst Chuchryk is alleged to have committed one count of Discreditable Conduct in that on or about March 17, 2024, he acted in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Ottawa Police Service when he operated his assigned Ottawa Police Service covert vehicle while impaired and off-duty, and further, he was involved in a motor vehicle collision and fled the scene before the attending police officer arrived and did not report the accident, 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, and therefore contrary to section 80(1) of the *Police Services Act*.
27. Cst Chuchryk is alleged to have committed one count of Insubordination in that on or about March 17, 2024, without lawful excuse, he disobeyed, omitted, or neglected to carry out a lawful order by failing to adhere to his roles and responsibilities following a police motor vehicle collision as required by OPS – Police Vehicle Collision, thereby constituting an offence against discipline as prescribed in section 2(1)(b)(ii) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.
28. Cst Chuchryk is alleged to have committed one count of Damage to Clothing or Equipment in that on or about March 17, 2024, he wilfully or carelessly caused loss or damage to any article of clothing or equipment, or to any record or other property of the Ottawa Police Service when he operated an Ottawa Police Service covert vehicle while impaired and was involved in a motor vehicle collision resulting in damages to the Ottawa Police Service vehicle, thereby constituting an offence against discipline as prescribed in section 2(1)(h)(i)(A) of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.

Plea.

29. A hearing was held on November 13th, 2024, at 11:00 hrs, in which Cst. Chuchryk pled guilty to two counts of Discreditable Conduct, one count of Insubordination and one count of Damage to Clothing or Equipment. I accepted the guilty plea on clear and convincing evidence.

30. As a result of this plea, a joint submission on penalty was submitted in which both parties agreed that the appropriate disposition for the finding of two counts of Discreditable Conduct, one count of Insubordination and of one count of Damage to Clothing or Equipment would be as follows: *Cst. Cory Chuchryk will be demoted from the rank of First Class Constable to the rank of Second Class Constable for a period of twenty-two (22) months in accordance with section 85(1)(c) of the Police Services Act, following which the officer will be returned to the rank of First Class Constable, on the basis of satisfactory work performance to be determined by the Service.*

Part II: Summary of Misconduct.

Agreed statement of facts.

31. An agreed statement of facts (Exhibit #6) was read on record by the prosecutor, Mr. Shawn Cleroux, on the 13th of November 2024 proceeding as follows:

The subject officer, Cst. Cory Chuchryk (cadre #2166) is a sworn member of the Ottawa Police Service (“OPS”). Cst. Chuchryk has been a police officer with the OPS since 2010.

On Sunday, March 17, 2024, around 9:00pm, Cst. Chuchryk was off-duty and driving a covert OPS vehicle when he was observed traveling at a high rate of speed southward on Woodroffe Avenue. Cst. Andrew McAnany, who was also off-duty, was in the passenger

seat, and both Cst. Chuchryk and Cst. McAnany had consumed alcohol at the Royal Oak Pub earlier that day.

Cst. Chuchryk entered the left turning lane towards Grenfall Crescent at a high rate of speed and collided with a stationary Ford F-150 pickup truck (the “pickup”) waiting to make a left turn, causing the pickup to jolt forward.

The pickup had fully functional taillights, and road visibility conditions were clear. There was approximately 130 meters of roadway space to slow or stop the vehicle.

There were two members of the public in the pickup. Upon collision, both exited the vehicle and approached Cst. Chuchryk’s vehicle.

They observed Cst. Chuchryk, as well as his passenger, exhibiting signs of impairment, including glassy eyes, unsteadiness, and a strong smell of alcohol emanating from the vehicle.

Cst. Chuchryk reluctantly exited his vehicle and was observed using the vehicle door to steady himself. He was observed slurring his speech, struggling to maintain focus while speaking, and exhibiting body and facial expressions consistent with someone who was impaired.

The two occupants of the pickup asked Cst. Chuchryk questions about his whereabouts prior to the collision and what he had been doing. Cst. Chuchryk did not move from the area outside the driver’s side door of the vehicle.

Contrary to OPS Policy No. 8.05 – Police Vehicle Collision (the “Policy”), Cst. Chuchryk did not inquire into the wellbeing of the pickup occupants, he did not inspect his vehicle or the pickup for damage, and he did not call 9-1-1 or arrange for the attendance of any emergency services or personnel. Cst. Chuchryk provided his first name and address.

The occupants of the pickup believed Cst. Chuchryk to be under the influence of alcohol. This suspicion along with his unusual behavior in response to the collision prompted the pickup driver to call 9-1-1.

While waiting for responding officers, the passenger of the pickup confronted Cst. Chuchryk and Cst. McAnany, and a terse exchange ensued.

The passenger of the pickup returned to his vehicle. He then observed Cst. Chuchryk get back into his damaged vehicle and turn left on Grenfall Crescent, leaving the scene of the collision before police or a collision investigator could arrive.

The driver of the pickup called 9-1-1 again to advise that Cst. Chuchryk had fled. The pickup driver stayed on the scene until the responding officer arrived. The responding officer gathered details of the collision from the pickup occupants and arranged for statements to be taken.

In the meantime, Cst. Chuchryk drove himself and Cst. McAnany back to the Chuchryk residence while impaired. He parked the vehicle in his garage.

The responding officer attended Cst. Chuchryk's address to investigate. He looked through a window in the garage and noticed a sedan parked inside.

When the responding officer knocked on the front door of the residence, Cst. Chuchryk did not answer the door.

The responding officer left to attend the address of the pickup occupants and gather more information.

The responding officer then returned to the Chuchryk residence and looked into the garage again to note the license plate number. He also observed that there was significant damage to the sedan consistent with the particulars of the collision.

The responding officer queried the license plate and address and identified a link with Cst. Cory Chuchryk. He notified his supervisor that he suspected an OPS officer was involved in a hit-and-run collision.

Cst. Chuchryk did not make any effort that evening to call a supervisor or inform anyone about the incident or the damage to an OPS vehicle as soon as was practicable to do so as required by the Policy. He similarly did not do so the following morning.

Following the incident, it was determined that Cst. Chuchryk caused approximately \$10,000 in damages to the OPS vehicle. The vehicle was deemed a total loss.

Summary of Evidence and Exhibits.

32. As part of this hearing, the Prosecution presented the following exhibits and no witnesses:

- Ottawa Police Service Hearing Officer Designation – Superintendent Chris Rheume (Exhibit #1)
- Ottawa Police Service Prosecutor Designation – Mr. Shawn Cleroux (Exhibit #2)
- Ottawa Police Service Prosecutor Designation – Ms. Christiane Huneault (Exhibit #3)
- Notice of Disciplinary Hearing (Exhibit #4)
- Notice of Hearing Service on Officer (Exhibit #5)
- Agreed Statement of Facts (Exhibit #6)
- Joint Submission on Penalty (Exhibit #7)
- Book of Authorities (Exhibit # 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8)

Part III: Analysis.

33. I will start my decision on penalty by first outlining the objectives of police discipline, which are to:

- i) Correct unacceptable behaviour;
- ii) Deter others from similar behaviour; and
- iii) Assure the public that the police are under control.

34. To assist me in achieving these objectives, I am guided by the foundational principles that govern the determination of an appropriate disposition in police disciplinary proceedings. Those principles are described in the Annotated Police Services Act (Ceyskens & Childs) as follows:

The first principle is that the disposition should fully accord with the purposes of police discipline processes, which are as follows: the employer's interest in maintaining discipline in the workplace; the rights of a respondent officer suspected of misconduct being treated fairly; the public interest: ensuring a high standard of conduct in the constabulary, and public confidence in the constabulary; and where members of the public are involved the process should ensure that the interests of those individuals is protected.

The second principle, which flows from the move towards a more remedial philosophy, as noted above, dictates that a corrective disposition should take precedence over a punitive disposition, where possible.

The third principle is the presumption of the lowest disposition – that a respondent police officer is entitled to the most favourable disposition in the circumstances of the case, where possible.

The fourth principle is proportionality, requiring that the tribunal consider all applicable mitigating and aggravating considerations, and then weigh those applicable factors appropriately.

The fifth principle is that the law holds police conduct to a higher standard. Court and tribunal decisions have consistently embraced the concept that police officers should be held to a higher standard of behaviour compared to other employees or members of the public.

35. In *Legal Aspects of Policing*, Paul Ceyskens outlines the steps that a decision-maker should follow to properly adhere to the proportionality principle:

It is a “fundamental proposition” that a disposition must be proportionate to the misconduct, “given due regards to those special considerations applicable to service in the police force. Proportionality is arguably the most complex of the five principles that govern the process of crafting an appropriate disposition, and requires three decisions:

- First, a decision-maker must identify which disposition considerations are *relevant* to the matter in question.

- Second, a decision-maker must determine whether the relevant disposition considerations are *mitigating, aggravating or neutral*.

- Third, the decision-maker must *properly balance* (or appropriately “weigh”) the identified relevant considerations in accordance with the factual background of the matter, and the competing interests. Thus “a decision-maker must give proper weight to the relevant factors in a particular case,” and a “proper balance” is of “utmost importance.” In Ontario, although the Commission frequently cites various disposition considerations as “key factors”, it has stated that “there is no requirement that any one factor be given more weight than another,” while at the same time stating that a hearing officer need not give all the factors equal weight and one factor can support the highest penalties, if appropriate.

36. Mr. Ceyskens lists 15 factors which now routinely guide the proportionality analysis of police discipline adjudicators in Ontario. I will speak to seven of the established 15 disposition considerations: public interest; seriousness of the misconduct; recognition of the seriousness of the misconduct; employment history; deterrence; damage to the reputation of the police

service; and consistency of disposition. I am satisfied that these factors sufficiently capture all the relevant issues and considerations in the present matter.

Public Interest.

37. The prosecution submitted the decision of Cst. Cowley vs the Ottawa Police Service where the Hearing Officer states that, “[t]he criminality of impaired driving raises grave concern as the public expects police officers to be the ones to diligently enforce impaired driving laws in the name of public safety, not to be the perpetrators of such offending actions.” Police officers must not drive while impaired and must not elude other police officers during or after a crime that they have committed. Police officers are expected to uphold the law and conduct themselves accordingly, with professionalism and integrity. Police officers must always conduct themselves professionally, whether on duty or off duty.

38. From the evidence presented in the criminal trial and disciplinary hearing, Cst. Chuchryk did drive his vehicle while under the influence of alcohol. Cst. Chuchryk was arrested and charged with Operation while impaired, dangerous operation of a motor vehicle, failure to stop after an accident, failure to report an accident, and failure to remain at an accident. At his sentence he was found guilty of Operation while impaired and all other charges were withdrawn. Cst. Chuchryk was sentenced to: 12 months’ probation, \$5000 dollars fine, 12 months driving probation, payment to Ottawa Police for \$5000 dollars, report to attend counselling for alcohol abuse, and pay the owner of the pickup truck with whom he got into an accident \$230 dollars.

39. In determining an appropriate disposition in this matter, I consider the public interest in Cst. Chuchryk’ s actions to be an aggravating factor.

Seriousness of the Misconduct.

40. I concur with Mr. Cleroux’ s assertion that the offences that Cst. Chuchryk was charged with and found guilty of rightfully fall within the classification of serious misconduct. These charges are of a serious nature and should be dealt with appropriately.

41. There is no doubt that the misconduct of Cst. Chuchryk is serious. He consumed alcohol and made a choice to drive his service vehicle while impaired. He got into an accident with a member of the public and subsequently fled the scene. He then evaded the responding officer by not answering his door and not speaking to the responding officer about his actions. Given the circumstances described in the agreed statement of facts, Cst. Chuchryk is extremely lucky to have not hurt either himself or a member of the public.

42. Cst. Chuchryk was arrested and charged with numerous offences, and I consider the seriousness of Cst. Chuchryk's misconduct to be an aggravating factor.

Recognition of the Seriousness of the Misconduct.

43. To the credit of Cst. Chuchryk, he cooperated fully during his Criminal trial and during his Professional Standards interview. During these processes, Cst. Chuchryk consistently maintained that he wanted to make amends for his actions and take full responsibility.

44. I view this as a mitigating consideration on sentencing and in determining a proportionate disposition.

Employment History.

45. Cst. Chuchryk has over fourteen (14) years of dedicated, professional police service at the Ottawa Police Service. While Cst. Chuchryk's experience suggests that he should have known better than to drive a motor vehicle while under the influence of alcohol and get into an accident, I consider Cst. Chuchryk's employment history a mitigating factor for the purposes of determining an appropriate disposition given his positive employment record and commendations.

Deterrence.

46. In this specific case, I believe that deterrence has been met. Cst. Chuchryk indicated that he accepts responsibility for his actions and has accepted the appropriate penalty. The Joint Submission on Penalty will result in a significant impact on Cst. Chuchryk.
47. Regarding general deterrence, this penalty is within the range of length for demotion at the Ottawa Police Service for impaired driving offences. This penalty also falls within the guidelines provided by decisions rendered throughout the province and is on par with penalties issued for subject officers of other police services. Drinking and driving cases continue to occur within the Ottawa Police Service and a lengthy demotion sends a clear message that this type of behavior is not tolerated. I regard the need for effective general and specific deterrence to be an aggravating factor in the present matter.

Damage to the Reputation of the Police Service.

48. Through the evidence presented, I am left with no doubt that the actions of Cst. Chuchryk have strained the reputation of the Ottawa Police Service, particularly by the fact that Cst. Chuchryk committed discreditable conduct by being found guilty of the criminal offence of Operation while Impaired under section 320.14(1)(a) of the *Criminal Code*. As a result of the criminal conviction of Operation while Impaired, Cst. Chuchryk breached public trust, , thereby damaging the reputation of the Ottawa Police Service as well as other police services. This is an aggravating consideration for the disposition.

Consistency of Disposition.

49. Consistency of disposition is particularly relevant to the determination of an appropriate penalty in the present circumstances. Mr. Cleroux spent considerable time outlining case law to support his position that the joint submission on penalty constitutes a fair and reasonable sanction for Cst. Chuchryk.

Mr. Cleroux referred me to a similar of fact case that addresses misconduct involving an officer that had been driving while impaired. In *Cst. Lontoc vs Peel Regional Police* (November 22, 2022), Cst. Lontoc was demoted from first-class constable to second-class constable for 18 months. At the conclusion of the term and subject to a satisfactory work performance evaluation, Cst. Lontoc would then be reinstated at first-class constable.

Summary of Findings.

50. I have taken into consideration several mitigating factors in reaching a disposition. Cst. Chuchryk acknowledges and accepts his actions and the harm that they have caused to himself and the Service. His guilty plea is viewed as further acceptance. Cst. Chuchryk possesses a positive employment history spanning the course of his career.
51. In determining an appropriate disposition in this matter, I have also assigned weight to various aggravating factors. The seriousness of the misconduct itself commands a disposition that will send a clear message of deterrence to all Ottawa Police Service officers that there must and will be severe consequences for officers that are found guilty in criminal court of drinking and driving while under the influence of alcohol. The public interest and the loss of trust resulting from a police officer being found guilty in a criminal court of these offences has caused considerable damage to the reputation of the Ottawa Police Service, which has had an aggravating effect on my determination of a proportionate disposition.
52. Finally, I am also mindful of the significant body of jurisprudence, within and beyond the realm of police discipline, which supports the notion that joint submissions should be accorded a high level of deference and are not to be disregarded unless there are good and cogent reasons for doing so.

Part IV: Disposition on Penalty

Disposition.

53. I have taken into thoughtful consideration the agreed statement of facts, the submissions of the parties, relevant case law, and the applicable principles of disposition to come to a fair and fitting decision. Two counts of Discreditable Conduct, one count of Insubordination, and one count of Damage to Clothing or Equipment have been proven on clear and convincing evidence. The joint submission on penalty has been of assistance in reaching a decision and I see no argument or sound reason to vary from the penalty agreed to by the parties.

54. I order that Cst. Chuchryk be demoted from 1st Class Constable to 2nd Class Constable for a period of **twenty-two (22) months** in accordance with section 85(1)(c) of the *Police Services Act*.

Dated at Ottawa, this 30th day of December 2024.



Superintendent Chris Rheame

Hearing Officer.

Appendix A: Book of Authorities.

AUTHORITIES	TAB
<i>Schofield and Metropolitan Toronto Police</i> (OPC, Sept 11, 1984)	1
<i>Cowley and Ottawa Police Service</i> (Supt. Renwick, 2019)	2
<i>Lontoc and Peel Regional Police</i> (Supt. Gormley, 2022)	3
<i>Rumley-Leo and Peel Regional Police</i> (Supt. Ramore, 2022)	4
<i>Knegje and York Regional Police</i> (Supt. Corsi, 2023)	5
<i>Lancia and Peel Regional Police</i> (Supt. Saliba, 2024)	6
<i>Lord and Ottawa Police</i> (OCPC, 2011)	7
<i>Rault v. Law Society of Saskatchewan</i> (2009 SKCA 81 (CanLII))	8