

**OTTAWA 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
OTTAWA POLICE SERVICE**

AND

DETECTIVE HELEN GRUS, #1631

CHARGE:

1. DISCREDITABLE CONDUCT

DECISION WITH REASONS

Before: Superintendent (Retired) Chris Renwick

Counsel for the Prosecution: Ms. Angela Stewart
Ms. Vanessa Stewart
Ms. Bonnie Cho
Ms. Lynda Bordeleau
Ms. Jessica Barrow

Counsel for the Defence: Ms. Pam Twining
Ms. Bath-Shéba van den Berg
Mr. Brendan Miller
Mr. Blair Ector

Disposition Hearing Dates: August 8, 2022
September 15, 2022
October 11, 2022
December 6, 2022
April 28, 2023
July 28, 2023
August 14-18, 2023
October 30-31 and November 1-3, 2023
January 8-11, 2024
March 25, 2024
May 27-31, 2024
January 6 and January 8-9, 2025
January 14, 2025

Det. Helen Grus is before this Tribunal accused of the following *Police Service Act (PSA)* charge:

Count One: Discreditable Conduct

Cst. Grus is alleged to have committed Discreditable Conduct in that between June 2020 and January 2022, she did, without lawful excuse, act in a disorderly manner prejudicial to discipline or likely to bring discredit upon the reputation of the Ottawa Police Service, in that she self-initiated an unauthorized project, wherein she accessed nine child and/or infant death cases in which she had no investigative role/responsibility, and failed to then record her involvement or finding in the files. Further, on or about January 30, 2022, she interfered in an investigation of an infant death, without the lead detective's knowledge or authorization, by contacting the father of the deceased baby to inquire about the COVID vaccination status of the mother. The foregoing conduct constitutes an offence against discipline as prescribed in section 2(1)(a)(xi) of Schedule 1 of the Code of Conduct, Ontario Regulation 268/10, as amended, and therefore contrary to section 80(1) of the *Police Services Act*.

Representation

The first appearance videoconference occurred on August 8, 2022, with Ms. Angela Stewart representing the Ottawa Police Service (OPS) and Ms. Pam Twining representing Det. Grus as an Ottawa Police Association (OPA) non-legal representative. The Tribunal was advised at the second videoconference hearing date on September 15, 2022, that Ms. Twining was off the record and Ms. Bath-Shéba van den Berg appeared as counsel for the Defence. Mr. Brendan Miller was subsequently added to the record as co-defence for Det. Grus on October 11, 2022, followed by Mr. Blair Ector at the July 28, 2023 in-person sitting.

For the Prosecution, Ms. Vanessa Stewart and Ms. Bonnie Cho were designated prosecutors representing the OPS on November 22, 2022, replacing Ms. Angela Stewart. Further, Ms. Lynda Bordeleau and Ms. Jessica Barrow were designated as prosecutors on March 18, 2024.

Overview

Publication Ban

In the early stages of the hearing, all parties agreed that a publication ban was required to protect the identities of the nine deceased infants and their families and, at the request of Prosecution, a second publication ban was brought forward to protect the identity of a police witness due to some concerns unrelated to this hearing. There was no opposition to the motion by Defence.

The Tribunal put into effect a publication ban prohibiting the dissemination of any information identifying the nine deceased infants or any family members, and directed that all submitted documents be redacted to remove all identifying features. Further, the Tribunal ruled that an identified police witness would be referred to as Det. KC and that all documentary evidence would be redacted to replace the detective's name with the initials KC.

Appearances

The proceeding commenced on August 8, 2022 with a first appearance teleconference and did not conclude until the closing submissions on January 14, 2025, a full 29 months in duration. There were five videoconference sessions and one full day of in-person submissions to hear various applications and motions.

In total, there were 13 motions and applications that required written and oral submissions and 14 witnesses ultimately gave evidence. (Two witnesses for the Prosecution, seven witnesses not called by the Prosecution for examination-in-chief but were subjected to cross-examination by the Defence, two witnesses called by the Tribunal after a ruling, and three witnesses were summoned by the Defence.)

Motions

Of the 13 motions and applications, six were written decisions, five were oral (refer to transcripts), one was withdrawn by the Defence, and the Tribunal refused to hear one (Defence's Motion to Stay).

1. Ruling on Motion for Disclosure. (Written decision, January 21, 2023, Exhibit 11.)
2. Ruling on Consolidated Motion. (Written decision, April 28, 2023, Exhibit 17.)
Three-part motion consisting of:

- a. Motion for third party records.
 - b. Motion for the Discreditable Conduct charge to the amended, sufficiently particularized, or dropped.
 - c. Motion for an identified Defence witness to be subpoenaed.
3. Decision (Revised) on Notice of Filing Evidence and Applicant by Cross-Application. (Written decision, August 9, 2023, Exhibit 20.)
4. Motion for Additional Disclosure. (Oral decision, October 30, 2023.)
5. Abuse of Process Motion II. Motion to Stay. (Hearing Officer refused to hear motion, October 30, 2023.) (Exhibit 48.)
6. Decision on Witnesses S/Sgt. Rossetti and Sgt. Berube. (Oral decision, November 1, 2023.)
7. Ruling on Proposed Expert Witnesses for Defence. (Written ruling, November 26, 2023, Exhibit 63.)
8. Ruling on Motion for Third Party Records. (Written ruling, January 8, 2024.)
9. Adopted Rules on Motions. (Written ruling, January 11, 2024, Exhibit 82.)
10. Direction on Adopted Rules on Motions. (Written ruling, January 26, 2024, Exhibit 83.)
11. Motion to Remove Prosecutor Ms. Vanessa Stewart. (Written direction, January 26, 2024, Exhibit 83.) Note: Defence's Motion to Remove Prosecutor Ms. Vanessa Stewart was withdrawn before being entered into evidence and there were no submissions on this motion.
12. Decision to allow Defence to withdraw their Motion to Remove Prosecutor Ms. Vanessa Stewart without prejudice and not entering it into evidence. (Oral decision, March 25, 2024.)
13. Ruling on Application for Non-suit. (Oral decision, January 6, 2025.)

Hearing Decorum

The in-person hearing proper commenced on August 14, 2023, at the OPS Community Board Room, 211 Huntmar Dr., Ottawa, and the Tribunal heard 23 and a half days of submissions and witness testimony.

Throughout, the setting and tone of the hearing was divisive and emotionally charged and, from the perspective of the Hearing Officer, was extremely difficult to manage and navigate to its conclusion. From the outset, there were disagreements on disclosure and witness lists that ultimately came to the Hearing Officer for rulings as they could not be resolved between the parties, some remaining unresolved well into the hearing proper. In total, there were 13 written motions which led to the necessity of the Tribunal adopting a set of rules on filing motions. (Exhibit 82.)

The decorum by counsel during sessions deteriorated to the extent that name calling and accusations were exchanged. I found it necessary to stop the proceedings on several occasions to lower the temperature, and to provide rulings to enable the hearing to proceed. There was little to no cooperation between the counsel as parties to the hearing. The frequency and level of objections while witnesses were testifying was, in my

experience, unprecedented, and added several unnecessary days to the 23 and a half days of hearings. The Tribunal was put on notice by counsel on several occasions for breaches of natural justice, *Canadian Charter of Rights and Freedoms (Charter)* violations, appealable rulings, and judicial reviews. Procedural rulings were frequently revisited and challenged. At one heated point, two counsel stood in protest of a ruling and refused to continue until after a recess to regain composure.

Another challenge that had to be managed were disruptions by members of the public present and the hearing had to be stopped on two occasions to remove disruptive persons. On several occasions, I had to stop the proceeding to address the conduct of members of the public present. The OPS were compelled to initiate a security protocol which significantly added to the tension within the hearing room.

This is a *PSA* hearing into an allegation of one count of Discreditable Conduct against the Responding Officer, Det. Helen Grus. It is my task as the Hearing Officer is to assess the evidence, both documentary and oral, assess credibility, to find fact, and then apply the relevant legal principles contained in statute and case law for analysis and a decision. It is also my task to determine what facts and submissions by counsel fall outside of the narrow parameters of the misconduct allegation contained in the Notice of Hearing.

I find that a large portion of the documentary evidence and oral testimony presented fell outside of the scope of the facts in issue required to arrive at a decision on the allegation of Discreditable Conduct. There were several days spent hearing irrelevant evidence and submissions on points that were clearly outside the scope of this misconduct hearing. The challenge was to try and determine relevancy when it remained unclear of the direction of the case being laid out by counsel for Defence. With an abundance of caution, I was lenient in my repeated directions to provide relevancy and the several oral rulings on relevancy.

As the trier of fact, it is incumbent upon me to remain impartial and to refrain from analysing what is irrelevant to the assessment of the nature of the conduct in question. It would be an error on my part to attempt to list and address all the submissions and evidence that I find to be outside the scope of this hearing and, instead, will confine my analysis to what is contained in the Notice of Hearing. This may sound somewhat avoiding or simplistic, but I find myself compelled not to cloud my analysis and decision with overarching themes that have been woven into this hearing, and are, frankly, not relevant to the essence of the alleged misconduct.

Plea

On August 15, 2023, Det. Grus was arraigned on one count of Discreditable Conduct and the Notice of Hearing was read into the record. Det. Grus entered a plea of not guilty.

Finding

To the allegations of misconduct before me, I make the following finding, based on the standard of clear and convincing evidence:

Count One: Guilty of Discreditable Conduct.

The Hearing

Witnesses

Summoned by Prosecution

Sgt. Jason Arbuthnot
Sgt. Marc-Andre Guy

Cross-Examined by Defence (no examination-in-chief)

Det. Renee Stewart
Det. Christopher Botchar
Det. KC
Sgt. Julie Dobler
Det. Erin McMullen
Det. Tara Anderson
Det. Tara McDougall

Summoned by Tribunal at the request of Defence

Sgt. Serge Bérubé
S/Sgt. Shelley Rossetti

Summoned by Defence

Mr. Timothy Ruggles
S/Sgt. Peter Danyluk
Det. Helen Grus

Submissions and Analysis

The facts presented in this hearing, both documentary and oral evidence, are rather straightforward and non-contradictory, once the non-relevant and out of scope material has been separated. The submissions on the correct application of statute and case law are much more complex and will require some detailed, careful analysis to ensure that I apply them in their intended context.

Direct evidence from Det. Grus was received by the Tribunal from three sources: Her May 12, 2022 Compelled Interview (Exhibit 25, tab A-5); her January 9, 2024 Affidavit (Exhibit 84); and the four and a half days of in-person sworn testimony in May 2024 and January 2025. Although repetitive, it was certainly wholesome, exculpatory, and for the

most part, candid on what actions she took and why she did so. I find that there are no major inconsistencies on what exactly occurred, what was said, and what transpired.

i) Regulatory Offence vs. Labour Relations Hearing

The main thrust of the legal arguments and submissions put forward by the Defence is that a Discreditable Conduct charge under the *PSA* is in fact a regulatory proceeding as set out in the Supreme Court of Canada's decision of *R. vs. Sault Ste. Marie*, 1978 CanLII (SCC), thus is a strict liability offence. This is important for two reasons: It requires the Prosecution to establish exactly what the standard of care or practice that has been breached and, as a strict liability offence, it allows for the respondent officer to put forward a due diligence defence.

Submissions

Ms. van den Berg submitted that regulatory cases are strict liability, as set out in the Supreme Court of Canada case decision of *R. v. Sault Ste. Marie*, 1978 CanLII (SCC). The burden of proof requires proving that Det. Grus did the acts and there is a requirement to identify what the prohibited acts are. Ms. van den Berg submitted that other than note taking, the prohibited acts are not defined in policy and there is no reference to "willingly" or "knowingly" under Discreditable Conduct in the Code of Conduct. The Code of Conduct does not include the term "without lawful excuse" under Discreditable Conduct as it does in Insubordination, Neglect of Duty, and Deceit. For this, Ms. van den Berg submitted that the Hearing Officer must strike "without lawful excuse" from the charge.

Ms. van den Berg submitted that the defence of reasonable care is also found in the *R. v. Sault Ste. Marie* decision. This does not imply moral blameworthiness and a conviction on a Discreditable Charge is nothing less than a failure to meet a prescribed standard of care. The Defence's position is that this is regulatory, thus strict liability, and requires the standard of care be identified to understand whether Det. Grus is in breach of the standard. Ms. van den Berg submitted that the prosecutor has not offered any evidence of the standard of care that has fallen short. The concept of fault is based on the reasonable care standard. A finding of guilt can only be found on the grounds of falling short. Ms. van den Berg cited *Rizzo & Rizzo Shoes Ltd.(Re)*, 1998 CanLII 837 (SCC) which ruled that words in a statute are to be read in their grammatical format. Ms. van den Berg submitted that the Prosecution has called no evidence or expert witnesses to lay out the standard of care. It remains unknown thus it cannot be used to measure Det. Grus's actions.

Ms. van den Berg submitted that following on the *R. v. Sault Ste. Marie* decision, it is open for the Respondent Officer to put forward a defence of due diligence or mistaken belief of facts. There is a requirement to take all reasonable care to control the harm of the act and it was submitted that Det. Grus did in fact take all reasonable steps in her duties. Ms. van den Berg submitted that Det. Grus was stopped by the Hearing Officer from giving evidence on reasonable steps taken. If she believed she had the consent of

her chain of command, even if mistaken, then she is innocent as it is a mistaken belief of facts.

To reinforce Defence's position that Discreditable Conduct is a strict liability regulatory offence, Ms. van den Berg refers the Tribunal to the *Girard v. Delany*, 2 PLR. 337 (Ont. Bd. Inq.) decision in the Prosecution's Book of Authorities (Exhibit 94) and the five principles used to measure the conduct by the reasonable expectations of the community. Ms. van den Berg argued that the very wording of the test actually reinforces Defence's position that this is a regulatory offence and it is in the public's interest. If it was simply an internal labour relations matter, then the test would not include the reasonable person test.

Ms. van den Berg cited the authorities of *Carson and Pembroke Police Service*, 2006 ONCP 2 (CanLII) aff'd 2007 CarswellOnt 3518(Div.Ct.), *Godfrey v. Ontario (Police Commission)*, 1991 CanLII 7115 (ON SC), and *Burnham v. Metropolitan Toronto Police Chief*, 1987 CanLII 42 (SCC). Ms. van den Berg submitted that the *Carson and Pembroke Police Service* decision did not say the hearing was not regulatory, only that it was not criminal. Further, nowhere in the *Godfrey v. Ontario (Police Commission)* decision does it state police proceedings are not regulatory proceedings. In fact, none of the decisions explicitly state or suggest that police proceedings are not regulatory proceedings.

Ms. van den Berg submitted that police hearings are in fact regulatory proceedings, they do not have a *mens rea* component and Det. Grus can use a reasonable fact defence, hence is entitled to a due diligence defence. Ms. van den Berg submitted that, in accordance with *R. vs. Sault Ste. Marie*, it is open to Det. Grus to prove, on a balance of probabilities, that she exercised all reasonable care to prevent the offences.

Ms. van den Berg cited *R. v. Heap*, 2023 ABCJ 177 which reinforces the *R. v. Mooney*, 2023 ABCA 144 ruling that "all regulatory offences are strict liability offences unless clearly indicated otherwise." *R. v. Heap* also builds on *R. v. Sault Ste. Marie* in stating there is no necessity for the prosecution to prove the existence of *mens rea*, but leaves the door open for the accused to avoid liability by proving that he/she took all reasonable care. When establishing due diligence or reasonable care, the accused's conduct is assessed using the reasonable person standard. Further, the standard of proof of reasonable care or due diligence is that of a balance of probabilities.

As to legal principles, Ms. Barrow submitted that it is necessary to clarify that case law is abundantly clear that this *PSA* proceeding is an internal administrative process-- a labour relations matter between an employer and an employee. Ms. Barrow cited five applicable case laws: *Burnham v. Metropolitan Toronto Police Chief*, 1987 CanLII 42 (SCC); *Godfrey v. Ontario (Police Commission)*, 1991 CanLII 7115 (ON SC); *Armstrong v. Peel (Regional Municipality Police Services)*, 2003 CanLII 37924 (ON SCDC); *Carson and Pembroke Police Service*, 2006 ONCPC 2 (CanLII) aff'd 2007 CarswellOnt 3518 (Div. Ct.); and *Williams and Ontario Provincial Police*, December 4, 1995 (OCCPS). Ms. Barrow submitted the five decisions all speak to *PSA* hearings as clear administrative law proceedings of a labour relations nature and the takeaway, all the way up to the Supreme

Court, is that this is not a quasi-criminal proceeding but rather about effective police oversight on disciplinary steps by an employer on their employees. Just because the hearing is public it does not change the notion of an employer/employee relationship.

Ms. Barrow further submitted that Det. Grus has raised a due diligence defence that it is not applicable as it is wrong to introduce strict liability to a police disciplinary hearing. Ms. Barrow cited Ms. N.J. Strantz's article Beyond R. v. Sault Ste. Marie: The Creation and expansion of strict Liability and the "Due Diligence Defence", 1992, 30 Alta L Rev 1233 and submitted that strict liability only exists in professional regulatory offences which is different from a police disciplinary dispute. To participate in a profession, members are bound to professional regulations and subjected to discipline by a regulatory body. Police discipline hearings are more akin to employer-employee relations with the Service as the employer.

Ms. Barrow cited *Stuart v. British Columbia College of Teachers*, 2005 BCSC 645 decision in which affirms that labour arbitration law is of limited assistance to labour relations as it is regulatory and is about licencing. Police hearings are just a more formal labour dispute and strict liability is simply not applicable. Ms. Barrow submitted that the task of this Tribunal is whether the facts occurred, and if so, then misconduct occurred.

Ms. Barrow submitted that the Defence's position on police hearings as strict liability offences, the due diligence defence, and to ignore *mens rea* is asking the Tribunal to adopt a new regime for hearings and to ignore the established tests. It is incumbent for Defence to provide case law and they have not, as there is no case law. If accepted, this would move an employer/employee matter into a regulatory regime and the two cannot co-exist as there are two different purposes. Ms. Barrow submitted that this would mean that the employee would have regulatory powers which they do not. If this was intended by the statute then there would be case law and we do not have any. The Hearing Officer is being asked to ignore decades of Ontario Civilian Police Commission (OCPC) law which is extremely clear and has a well-established test for Discreditable Conduct.

Ms. Barrow submitted that the test for Discreditable Conduct does not require an expert witness as it is an objective test of a community member and there is no basis to require an expert to set the standard of conduct. It would be impossible for all conceivable situations to be written in policy. Ms. Barrow submitted that the Hearing Officer is being asked by Defence to ignore his own experience should he be required to rely on an expert witness to tell him how an investigation is undertaken.

Analysis

I have spent a considerable amount of time reviewing the case law cited by both Defence and Prosecution to be absolutely certain that I have a full grasp of the concept of strict liability, the accompanying avenue of a due diligence defence, and whether or not it is applicable to this specific case before this Tribunal. Foremost, I must determine where the relevant case law falls on the question of PSA Discreditable Conduct hearings being

classified as regulatory hearings versus an internal administrative hearing, essentially a labour relations matter between an employer and an employee.

A review of the five cited cases (*Carson and Pembroke Police Service*, *Godfrey v. Ontario (Police Commission)*, *Burnham v. Metropolitan Toronto Police Chief*, *Armstrong v. Peel Regional Municipality Police Services*, and *Williams and Ontario Provincial Police*) demonstrate a consistency of describing PSA hearings as labour relations matters between an employer and employee and administrative in nature. To follow the Defence's argument, I would have to accept the inference that since none of the often-cited cases explicitly state that PSA hearings are not regulatory proceedings, then it is open for me to conclude that they are indeed regulatory in nature.

With the abundance of relevant, strong case law, I cannot come to this conclusion. As submitted by the Prosecution, it would be asking this Tribunal to essentially ignore decades of OCPC case law and to embark on a new regime for PSA hearings. I also agree that if it was the intent of statute that PSA hearings were to be classified as regulatory proceedings, then there would be strong case law over the years to that effect. During the hearing I invited Defence to assist the Tribunal in providing case law to support their position. None was provided, leaving me no other conclusion than there is no compelling case law to guide me in that direction. For these reasons, I find that strict liability is non-applicable to this PSA Discreditable Conduct hearing, thus removes the ability of Det. Grus to pursue a defence of due diligence and a mistaken belief in facts.

The non-applicability of strict liability carries over to the Defence's submissions on the failure of the Prosecution to define what exactly the prohibited acts were, or at the very least, to have required an expert witness called to lay out the standard of care that Det. Grus is accused of breaching. I accept that the applicable test for Discreditable Conduct, as established in *Girard v. Delaney*, 2 PLR.337 (CanLII), is the objective test which measures the conduct of the officer by the reasonable expectations of the community, taking into consideration any appropriate rules and regulations in force at the time, along with the immediate facts surrounding the case. The application of this established test for Discreditable Conduct will be spoken to below in section vi) Test for Discreditable Conduct.

ii) Validity of the Discreditable Conduct Charge/Notice of Hearing

Submissions

Ms. van den Berg submitted that Det. Grus is not guilty of Discreditable Conduct and did not do any prohibited acts as they are not prohibited acts. She took reasonable steps and had a firm belief. Det. Grus noticed a doubling or tripling of infant deaths and saw it as her duty to investigate criminal negligence on the part of the government. Ms. van den Berg submitted that Det. Grus was shut down by a lie concocted by members of the OPS Sexual Assault and Child Abuse (SACA) Unit that led to a never seen before Discreditable Charge which was influenced by political control of the police.

Ms. van den Berg submitted that the Discreditable Conduct charge is unlawful, vague, and included multiple actions. She submitted that Sgt. Arbuthnot, in his Professional Standards Unit (PSU) investigation, had found the insubordination allegations of the OPS Records Management System (RMS) searches to be unsubstantiated and should not have been mentioned again in this Discreditable Conduct charge.

Ms. van den Berg broke the Notice of Hearing into three categories or prohibited acts to proffer a defence: An unauthorized investigation, not taking notes, and interference. Ms. van den Berg submitted that there is no such thing as an unauthorized investigation and no such thing as unlawful interference by making a phone call for policing purposes. The entire case centres on policing discretion in performing policing duties.

Ms. van den Berg submitted the use of the wording “foregoing conduct” in the Notice of Hearing means that all elements must be proven and if one is not proven, the whole charge fails. The wording does not state “any of all the forgoing conduct”. (This is contrary to the Prosecution’s position that if just one element is proven the Hearing Officer can find misconduct.) Ms. van den Berg and Mr. Ector submitted that this conjunctive connects the acts into one single act or conduct. If one of the three actions fails, the whole prosecution fails.

Ms. van den Berg submitted that knowing the particulars of the charge is required for natural justice and procedural fairness and to prevent a breach of Section 7 of the *Charter*. Ms. van den Berg later raised concerns of Section 7 breaches on the issue of missing and denied disclosure, the denial of a full defence of expert witnesses, a full defence of mistaken belief, and of Det. Grus being “gagged” by the Tribunal.

Ms. Barrow submitted that the allegations in the Notice of Hearing are clear, the facts are very clear, and for the most part are admitted by Det. Grus. Det. Grus commenced an investigation not authorized by her chain of command, had no proper investigative role or involvement in the investigations, interfered in a case by calling the father of a deceased infant, and that she did not take notes of her actions. Ms. Barrow submitted that while Det. Grus disputes it was a project, she agrees that it was an investigation and that she did not communicate her undertaking of an investigation with her immediate chain of command. She further admits that she did not advise that she had been using RMS to make the connection between deaths and vaccines and admits that she contacted the father in an investigation that she was not responsible for.

Ms. Barrow submitted that the purpose of the Notice of Hearing is to set out the details of the charge as an outline of the alleged misconduct so as to permit the Respondent Officer to understand the case to be met. A perfect wording is not legally required and the intent of the Notice of Hearing is not to set out every single relevant fact. Ms. Barrow cited *Canada (Attorney General) v. Gill*, 2007 FCA 305 (CanLII), *Jutasi v. Kingston Police Force*, January 1992 (OCCPS), and *Crozier v. Waterloo Regional Police Service*, June 29, 1993 (OCCPS), as the authorities for her submissions.

Ms. Barrow submitted that the *Canada (Attorney General) v. Gill* decision establishes that the goal of the Notice of Hearing is to set the boundaries of the allegation and it is the role of the Hearing Officer to decide if the words used set the boundaries, particularly the word 'project'. The *Jutasi v. Kingston Police Force* decision speaks to the ability during a hearing to amend any deficiencies in a Notice of Hearing and does not necessarily nullify the charges, as long as the constable was not being misled. In the *Crozier v. Waterloo Regional Police* decision the Commission ruled that the officer must only know the case that he/she needs to meet. Ms. Barrow submitted that the principles are all the same and it is really about setting the boundaries for the charge. As long as Det. Grus knew what she was being charged with there can be no error.

Ms. Barrow submitted that it is not necessary to establish each fact within the Notice of Hearing to reach a finding of guilt. If one or more aspects are found to have occurred, the Hearing Officer can find misconduct occurred. Ms. Barrow provided the Ontario Civilian Commission on Police Services (OCCPS) decisions of *Millar and Ontario Provincial Police*, December 15, 1995 (OCCPS) and *Sterling and Hamilton-Wentworth Regional Police Service*, August 10, 1999 (OCCPS) as authorities of this clear legal principle that finding even one breach occurred in a list of allegations is sufficient to determine misconduct.

Analysis

As stated above, it is my intent to focus on the evidence, testimony, and submissions that speak directly to the matter before me—the actions and alleged misconduct of Det. Grus, as defined within the Notice of Hearing. It is outside my scope to address the accusations by the Defence on their perceived political motivation of the PSA charge, nor the Defence's allegations of police misconduct and/or criminal accusations against various members of the OPS, including SACA colleagues, supervisors, PSU investigators, senior officers, and prosecutors. In doing so, I would be far exceeding my authority as a Hearing Officer into this specific instance of one count of Discreditable Conduct. This extends to the Defence raised issue of alleged internal OPS media leaks and whether they were adequately investigated or addressed.

Nor is it the role of this Tribunal to assess or speak to any aspects of the actions of Canadian public health leadership on the approvals and implementation of vaccinations, nor weigh into any analysis or position on the science pertaining to vaccinations. They are out of the scope of relevance to the PSA charge before me.

On no account does this prevent me from weighing the credibility of witnesses that gave oral evidence or documentary evidence received. It simply means that I am not going to permit nonrelevant evidence--and there was a significant amount presented-- or submissions to distract from adjudicating the specific charge against Det. Grus.

I have reviewed the case law submitted by Ms. Barrow (*Canada (Attorney General) v. Gill*, 2007 FCA 305 (CanLII), *Jutasi v. Kingston Police Force*, January 1992 (OCCPS), *Crozier v. Waterloo Regional Police Service*, June 29, 1993 (OCCPS), along with the

Notice of Hearing (Exhibit 5). I find that the Notice of Hearing is sufficient in its composition and wording in setting out the details of the charge so as to permit Det. Grus to clearly understand the case to be met and to enable her to mount a defence.

One slight amendment was made to the Notice of Hearing by the Hearing Officer, on the consent of both parties, when it was noticed that there was an error in the section number for Discreditable Conduct under the Code of Conduct, reading section 2(1)(a)(ix) instead of (xi). This appeared to be a typing error.

I do not accept Ms. van den Berg's position that the wording is vague. Yes, it contains multiple actions in the single count, however each is sufficiently particularized as to describe a series of actions that alleges misconduct. It is clear to me that my task as the Hearing Officer is to determine if a self-initiated unauthorized project was undertaken by Det. Grus and whether interference into an investigation occurred. I also see no issue with the inclusion of the action of accessing nine child and/or infant deaths cases, despite the conclusion of Sgt. Arbutnot's PSU insubordination investigation as being unsubstantiated. The allegation of the RMS searches remain relevant to this charge, as does the inclusion of wording of "failed to record your involvement of findings in the files". The Notice of Hearing sufficiently lays out the particulars that constitute the Discreditable Conduct charge. It is fair to Det. Grus in her ability to fully understand the allegation and to prepare a fulsome defence.

I must also reject the submission by Mr. Ector and Ms. van den Berg that the use of the wording "foregoing conduct" in the Notice of Hearing should be interpreted as meaning that all the elements in the Notice of Hearing must be proven as the conjunctive connects each act into a single act or conduct. In other words, if one fails then the whole charge fails. Well established case law, provided by the Prosecution, clearly states that misconduct can be found if one of more elements is proven. (*Millar and Ontario Provincial Police*, December 15, 1995 (OCCPS) and *Sterling and Hamilton-Wentworth Regional Police Service*, August 10, 1999 (OCCPS)). There was no compelling case law submitted by Defence to cause me to consider any alternative interpretation. Should one element contained in the Notice of Hearing be found to be misconduct, I find it illogical to arrive at the conclusion that there is no misconduct overall, as one or more of the other elements were not proven. To do so would be asking the Hearing Officer to overlook or negate a specific instance of proven misconduct.

The Evidence

Prosecution Submissions

Ms. Barrow submitted that in policing, law and policy exist with checks and balances and for good reason as police officers are invested with highly intrusive investigative powers. If these powers are misused, even for a noble cause, then misconduct occurs. Det. Grus disagreed with vaccine mandates, and motivated by these concerns, she initiated her own research and began reviewing infant death investigations, and put a case forward on why vaccines were unsafe. Ms. Barrow submitted that Det. Grus abused her powers as

a police officer to access RMS reports in which she had no investigative involvement and did so without the knowledge or approval of her chain of command.

In her submissions on the evidence, Ms. Barrow submitted that three things were occurring in the timeframe of June 2020 to January 2022: Det. Grus's research into vaccines; Det. Grus's RMS searches; and OPS vaccination mandates, and that she was applying all three things to her self-initiated, unauthorized project.

Ms. Barrow submitted that the Tribunal is being asked by Defence to find that there are no parameters on individual police officers initiating criminal investigations at their own discretion, as long as it is legitimate and not for personal reasons. Ms. Barrow submitted that there is a chain of command for a reason: oversight; to ensure right skills for the right investigation; and to ensure confidentiality. Police discretion does not mean no authorization is required and no chain of command is required. Det. Grus, as an experienced criminal investigator, understands how the chain of command and service oversight works.

Ms. Barrow submitted that Det. Grus conducted 22 RMS queries during this unauthorized project to support her arguments to her employer, to support her conclusion that the government was wrong, and that the vaccine mandate was unfair and unethical. Ms. Barrow submitted that the modification dates on the research data contained on Det. Grus's USB drive (Exhibit 84, tab C) show that the research was ramping up to coincide with the timelines of the RMS searches.

As to the absence of notes, Ms. Barrow submitted that Det. Grus cannot state that she was engaged in a criminal investigation but justified in not taking notes. The only notes taken were to support her arguments to her employer on vaccine mandates in preparation for the December 16, 2021 and January 13, 2022 town hall meetings with the Executive, and notes on the vaccine issues in the SACA office. Ms. Barrow submitted that there are no notes of the searches she conducted into what she describes as a criminal investigation. Ms. Barrow submitted that detailed notes are crucial to a criminal investigation and cited five authorities that speak to the principles of note taking. (*Lloyd and London Police Service*, 1999 CanLII 31609 (ON CPC), *Grieve v. Ontario Provincial Police*, 2013 ONCPC 7 (CanLII), *Bender and Windsor Police Service*, 2000 Can LII 45057 (ON CPC), *Andrews v. Midland Police Service*, 2003 CanLII 87663 (ON CPC), and *Fright v. Hamilton Police Service*, 2002 CanLII 76734 (ON CPC).

Ms. Barrow submitted that the evidence is clear that Det. Grus admits that she did not advise anyone (neither her chain of command nor her fellow investigators) of her investigation as she knew that she would not receive authorization. She acted discreetly and it was wrong to justify that overarching public safety warranted a criminal investigation. Ms. Barrow asked the Hearing Officer to conclude that Det. Grus did not generally believe she was conducting a criminal investigation as this was all about the looming leave without pay vaccine mandate. To support this submission, Ms. Barrow submitted to confusing and inconsistent statements contained in Det. Grus's affidavit (Exhibit 84) on speculation, hunches, suspicion, and reasonable and probable grounds.

Ms. Barrow submitted that an experienced investigator is very aware of grounds and their definitions and it cannot logically follow that Det. Grus had formed reasonable and probable grounds on the date of her affidavit. She knew she was not conducting a criminal investigation nor ever believed that she was.

Ms. Barrow submitted that the Hearing Officer needs to apply a credibility assessment to Det. Grus's testimony and her affidavit and to conclude that the evidence is inconsistent, diminished her colleagues, and that it undermines her provided view of her actions and events. As case law, Ms. Barrow provide the decision of *I.A.B.S.O.I, Local 834 v. Harris Rebar*, 2007 CarswellOnt 8859 (Ontario) and *Edmonton (City) v. A.T.U. Local 569*, 2006 CarswellAlta 1870 (Alberta).

Ms. Barrow submitted that Det. Grus never believed she was conducting a criminal investigation as, if she was, she would have used her notebooks. Nor was Det. Grus assisting colleagues. There are no notes because she was not doing either.

Ms. Barrow submitted that Det. Grus's evidence was that she did not require approval to call the father as she was being diligent in seeking missing information as the investigation was negligent and "someone had to do it". Ms. Barrow submitted that the public would not appreciate that her actions were driven by personal beliefs and Det. Grus knew that her actions would never have been approved.

Ms. Barrow submitted that the tasks of the Hearing Officer is to pull the facts together to reach a conclusion of Discreditable Conduct. Det. Grus decided to take on a project supported by her personal beliefs, to use police databases, without the authority and knowledge of her chain of command, in which she had no investigative role or authorization. Ms. Barrow submitted that Det. Grus interfered with an investigator's file by accessing RMS and contacting a family member of a deceased infant. Ms. Barrow conceded that Det. Grus firmly believed there was an issue with the vaccine and she believed there was a link to the infant deaths, but the public would not appreciate the disregard of the chain of command and the invasion of privacy of the families, just as Det. Grus was concerned with her own privacy on vaccination status. Ms. Barrow submitted that this is not just a question of Det. Grus "stepping on toes". It is about the seriousness in contacting a grieving parent and that would concern the public.

Defence Submissions

Ms. van den Berg submitted that the allegation of not taking notes does not fit into the Discreditable Charge and that there is no obligation to take notes when accessing RMS reports. In fact, Sgt. Arbuthnot testified that he was satisfied that Det. Grus took notes but it was later found that Sgt. Arbuthnot had not reviewed all the duty books and discovered further entries on February 1, 2024, after his testimony. Ms. van den Berg submitted that there have been errors detrimental to the defence of Det. Grus as all the duty book entries should have been reviewed during the investigation into misconduct, the notes were not properly disclosed, and the Hearing Officer ruled against Defence

reviewing an unredacted copy of the January 30, 2022 duty book which led to a request for a Judicial Review.

Ms. van den Berg submitted that this is a case of police discretion and not one of police powers. Det. Grus has not been charged with wrongful execution of her police powers. She was using her police discretion to prepare a package for her chain of command. Discretion is necessary to do the job, as outlined in the OPS ethics book. (Exhibit 68.) The OPS mission statement contained within reads..."Protect safety and security of our communities. Role is to protect life, property, and peace." Det. Grus's oath (Exhibit 72) also reflexes her duty to "...preserve the peace, prevent offences, and discharge my duties...".

The position of Defence is that there was a need to look into the infant deaths and to prepare an information package to the SACA chain of command. Ms. van den Berg submitted that Det. Grus believed that she could not approach her immediate chain of command (Sgt. Guy and S/Sgt. Rossetti) due to a directive not to discuss vaccines within the SACA offices. Det. Grus considered her "ad-hoc" chain of command to be the Executive (Chief Sloly, Deputy Chief (D/Chief) Ferguson, and Service Sergeant Major, S/Sgt. Danyluk). Ms. van den Berg submitted that Det. Grus had in her mind to notify her chain of command, took reasonable steps, and honestly believed that she was preparing a package for her chain of command. Overall, Det. Grus carried out her work in accordance with OPS policies, the *PSA*, and its regulations. She took regular care and honestly believed she was doing the right things.

Ms. van den Berg submitted that the evidence shows that Det. Grus took all reasonable steps to inform her chain of command and understood that she had to go through her chain of command at the conclusion of her probe stage. However, there was no time as she was put on leave without pay and subsequently suspended two weeks after her January 13, 2022 probing. She had hoped for another meeting with the Executive, but her suspension and the Chief's departure prevented this from occurring. Ms. van den Berg submitted that the testimony of S/Sgt. Danyluk established that there is no clear definition of chain of command in policing and described it as hierarchical, overlapping, and spoke to the "next opportunity" or "ad-hoc" chain of command.

Ms. van den Berg objected to a chart submitted to the Tribunal during Ms. Barrow's closing submissions (Exhibit 99), stating that the chart should not be entered as evidence as it contains items that were not put to a witness and contained information that the Prosecution did not disclose, although it was contained in the affidavit of Det. Grus. (Exhibit 84, tab C). Ms. van den Berg cited *Browne v. Dunn*, 1894 Decision of the House of Lords Privy Council, which states it is improper to put conclusions in closing submissions when counsel has not put it to a witness during cross-examination. Ms. van den Berg also submitted the chart was not helpful due to the level of errors and conclusions not based on the evidence. Ms. van den Berg later submitted a revised, Defence updated copy of the chart to the Tribunal with a "Defence Response" column added, in the event the Tribunal accepted the chart into evidence. (Exhibit 100.)

Ms. van den Berg submitted that the RMS databank is an investigative tool and highlighted testimony from witnesses Sgt. Arbuthnot, S/Sgt. Danyluk, Det. Botchar, Det. K.C., and Det. Grus, all agreeing that it is common practice for police officers, particularly criminal investigators, to access and review RMS records for a variety of police related reasons. Ms. van den Berg submitted that should the Hearing Officer find this not to be a prohibited act, then it would follow that Det. Grus has a reasonable defence.

Ms. van den Berg questioned what the standard of practice is for an unauthorized project as there is no statutory definition within the *PSA* or *OPS* policy. Ms. van den Berg submitted that Det. Grus's evidence in her compelled statement, her testimony, and in her affidavit is consistent--she had heard there was a doubling or tripling of infant deaths and she wanted to know why. She saw it as her duty, as an obligation, and went to the RMS system to get information for the only chain of command that would listen to her, that of the Executive. The totality of Det. Grus's evidence is that she was acting within her police powers to "help save babies lives".

In her submission on Det. Grus's call to the father, Ms. van den Berg describes it as a short, amicable phone call which was well received, not upsetting, and was indicative that the police cared. Det. Grus testified that she believed that she had the authority to make the call and she did not consult or advise the lead investigator (Det. Botchar) as it was a Sunday, the day prior to the commencement of her leave without pay. Ms. van den Berg submitted that the real damage to the reputation of the police service was the cold calls to the nine parents by PSU investigators. The calls were unnecessary as there was in fact no privacy breach on the part of Det. Grus and she was acting within her functions of police work.

Summary of Relevant Evidence by Det. Grus

Witness testimony leaves no doubt that Det. Grus was a capable, diligent, and well-respected criminal investigator. She had the respect of her peers and the confidence of her immediate chain of command as demonstrated by her 2018-20 annual performance reviews and more current 2023 annual performance review.

Evidence from Det. Grus was introduced into this Tribunal in three forms: Her compelled interview with Sgt. Arbuthnot on May 12, 2022 (Exhibit 22, tab A-6); her January 9, 2024 affidavit (Exhibit 84); and her six days of witness testimony (May 27-31 2024 and January 6, 2025). Overall, I found her evidence to be detailed, candid, and exculpatory in nature.

Det. Grus's evidence is that she first suspected a potential link between Covid-19 vaccinations and a perceived increase in the deaths of infants on December 14, 2021, when she accessed the RMS records of an investigation into an infant death for a second time. Her evidence was that she first queried the RMS report on December 8, 2021, the day following the death, when it was being discussed in the SACA office. Her rationale for the RMS search was to compare the circumstances of the death to a document titled Sick Kids Interim Guidance (Exhibit 46).

In her affidavit (Exhibit 84, paragraph 88) Det Grus stated “I had never witnessed such a horrific event leading to an innocent baby’s death. I believed further investigation was necessary to rule out any adverse events of the COVID-19 vaccines on the mother’s [sic] and their newborns. I did not make any conclusions that the COVID-19 vaccines were the cause of death in these cases.” This entry is undated, however immediately follows paragraph 87, dated January 25, 2022.

Paragraph 91 follows with “Based on available information at the time, I suspected potential criminal negligence as pregnant and breastfeeding mothers were being assured of the safety and efficacy of the COVID-19 vaccines by Government of Canada, federal, provincial and municipal health officials, when in fact there was no data available to assert such claims.”

Det. Grus’s evidence is that on January 11, 2022, she first learned of an internal OPS statistic suggesting a doubling, if not tripling of infant deaths investigated by the SACA Unit. On December 16, 2021, she participated in the first videoconference town hall meeting with Chief Sloy and D/Chief Ferguson to address concerns on the internal OPS mandatory vaccine policy and the approaching leave without pay deadline for unvaccinated OPS personnel. Det. Grus’s evidence is that there was no discussion of infant deaths during the first town hall. Det. Grus testified that at the time of this meeting, she felt the OPS had mismanaged the COVID-19 situation and she was subjected to name calling and ostracization due to her opposition to the vaccination mandate.

Det. Grus testified that there was a second town hall videoconference meeting with Chief Sloy, D/Chief Ferguson, OPS Legal, and the Health Safety and Lifestyles (HSL) manager on January 13, 2022. In preparation that same day, Det. Grus’s evidence is that she telephoned and spoke to Dr. Byram Bridle, a Viral Immunologist who authorized an expert report identifying several risks concerning COVID-19 vaccinations. The purpose of her call was to obtain consent to share his report with the OPS Executive.

She testified that also on January 13, 2022, in preparation for the second town hall meeting later that day, she queried seven infant death RMS investigations, viewed documents contained within five investigations, and was denied access to two investigations due to privatized settings.

Det. Grus’s address at the January 12, 2022 second town hall meeting was recorded and there exists transcripts (Exhibit 25, tab 4). Det. Grus asks the Executive how her collective group can assist the OPS ahead of the looming leave without pay deadline, inquired about the continuation of the OPS rapid test policy, introduced Dr. Byram Bridle’s affidavit, spoke to Dr. Peter Juni’s and Dr. Moore’s podcasts, and expressed her concern for police and community members that have had adverse effects from vaccinations. Towards the end of her presentation, Det. Grus states to the Executive that there were six baby deaths in 2021 when in previous years there were two or three, she is not a doctor and cannot link it directly to the vaccine, however it is concerning. She stated she is advising people to research and become informed to stay safe, and to report adverse effects. Det. Grus

moves on to address literature on the effectiveness of vaccinations and returns to the personal impact of the pending leave without pay.

Det. Grus's evidence is that she conducted further RMS queries into one of the infant death investigations from January 17-20, 2022, and on January 21, 2022, she called Forensic Identification Unit Sgt. Julie Dobler to inquire whether the preliminary autopsy report was completed as it was not attached to the RMS file. Det. Grus again accessed the infant death file on January 25, 2021. Two additional RMS queries were made on January 28, and January 30, 2022.

Det. Grus's evidence is that the World Health Organization (WHO) characterized the COVID-19 as a pandemic on March 11, 2020. Det. Grus began to seek information from peer-reviewed medical studies, Public Health Agency of Canada (PHAC), Public Health Ontario, municipal public health agencies, WHO, medical professionals, and international news agencies, among other sources. The collection of approximately 80 documents and clinical studies on her USB stick (Exhibit 84, tab C) have a "date modified" column, with the earliest document being dated July 8, 2020.

Analysis

By Det. Grus's own evidence, in December 2021 she formed the opinion that the OPS had mismanaged the COVID-19 situation, was unfairly treating their employees with mandatory COVID-19 vaccination policies, and that the workplace had become broken. She was the subject of name calling and was ostracized by work colleagues and experienced a breakdown in the relationship with her SACA peers and her immediate chain of command, Sgt. Guy and S/Sgt. Rossetti.

The evidence reveals that there were significant concurrent, intertwined events unfolding with and around Det. Grus in the spring of 2020 until the commencement of leave without pay imposed by the OPS mandatory vaccine policy on February 1, 2022. As early as July 2020, Det. Grus began to actively research COVID-19 material, having amassed a library of approximately 80 documents, clinical studies, affidavits, and reports. She became an active, vocal supporter of colleagues who had experienced adverse vaccination reactions and colleagues who opposed mandatory vaccinations. She sent unsolicited COVID-19 emails and research material to HSL, the Pandemic Team, the Professional Development Centre (PDC), the OPA, the Executive, and ultimately posted to all OPS members.

Also in December 2021, Det. Grus first suspected a potential link of an infant death to COVID-19 vaccination and in January 2022, she learnt of a potential increase in the number of sudden, unexplained baby deaths investigated by the OPS. Det. Grus took the opportunity to apply her amassed collection of COVID-19 research to the investigation without the knowledge or consent of Det. Botchar, the assigned lead investigator.

Sometime between July 2020 and January 2022, Det. Grus took an informed stance in opposition to OPS imposed COVID-19 test policy and the pending mandatory vaccination policy. She took on a self-initiated leadership role in challenging the policies, sent several

unsolicited messages containing self-researched medical data and studies to OPS personnel leading and managing pandemic responses and protocols. In doing so, Det. Grus eroded the support of her SACA colleagues and professional relationships became fractured to such an extent that her sergeant and staff sergeant gave her specific direction not to debate COVID-19 policy within the SACA offices.

Events were ramping up in December of 2021 and the first town hall meeting with the Executive where it was becoming clear to Det. Grus that there was a real risk that she would be put on leave without pay at the end of January 2022. Coincidentally, this is the same time frame that discussions were being had about the potential increase of infant deaths in 2021 and when Det. Grus began to suspect a potential link to COVID-19 vaccinations.

iii) Personal Interest

Det. Grus's opposition to COVID-19 testing and mandatory vaccination policies were personal views that were developed and fortified by her extensive personal research, collected on her USB stick (Exhibit 84, tab c). They were not a requirement for her SACA duties or caseload.

The beliefs and conclusions that Det. Grus formulated were based on self-researched, personal convictions that are unrelated to her investigative responsibilities as a SACA investigator. She was not assigned as the lead investigator on any of the investigations and was not tasked with any responsibility to review any of the investigations for any such linkages.

What I find is of relevance to Det. Grus's mindset during this time is an October 28, 2021 email she sent to Chief Sloly, D/Chief Ferguson, and the OPA titled Thank you. (Exhibit 84, tab O.) In the email Det. Grus raises concerns about pending changes to the COVID-19 vaccination policy and the city manager's position that city employees who do not comply with the policy may not be permitted into the workplace, and may face leave without pay or discipline, up to and including dismissal. Det. Grus writes "as police officers well versed on the Criminal Code we are very aware that such a statement by Mr. Kanellakos could be argued in the courts as meeting the definition of assault under s.265 of the Criminal Code."

The relevance of this email is that it demonstrates that Det. Grus is suggesting a criminal element to the actions of the City Manager as her concern mounts that she is likely facing leave without pay if such a policy is adopted. Six weeks later, when the leave without pay is more certain and in fact looming, Det. Grus is once again formulating a criminal linkage to the actions of government officials, this time towards public health officials and the federal government.

On the eve of her February 1, 2022 leave without pay, Det. Grus is actively accessing and reviewing infant death reports, had made an inquiry for a preliminary autopsy report through the Forensic Unit, and had, in her words, "I suspected potential criminal

negligence...by Government of Canada, federal, provincial and municipal health officials”. (Exhibit 84, paragraph 93.)

iv) Police Discretion

In his testimony, S/Sgt. Danyluk stated that there is no limit to police discretion. If a police officer determines that something is within their discretion and it is in relation to community safety, then it is “pretty powerful”, however leadership and the chain of command should be aware of what their people are doing and their limitations.

I agree that there needs to be a substantial amount of investigative autonomy and discretionary powers provided to criminal investigators, but not without checks and balances and certainly not without limits. In *R. v. Beaudry*, 2007 SCC5 (CanLII), the Supreme Court reaffirms that discretion is an essential feature of the criminal justice system, however, follows with the statement that discretion is not absolute. Police officers must justify their use of discretion subjectively and exercise it honestly and transparently. A sincere belief of properly exercised discretion is not sufficient to justify a decision.

As the employer, the Chief of Police has a duty ensure that members of the service carry out their duties in accordance with the *PSA* and its regulations, in a manner that reflects the needs of the community, and that discipline is maintained. (*PSA*, section 41(1)(b)).

The evidence of Det. Grus was that she self-initiated a criminal negligence investigation into the actions of public health officials without the knowledge of her SACA colleagues (the lead investigators of the six active investigations) and without the knowledge and consent of her immediate chain of command, her supervising sergeant and unit staff sergeant. Rather, her evidence was that she justified her actions by believing she had the implied consent of the Executive command, based on her statements and comments during the January 13, 2022 second town hall meeting.

I find that this exceeds the rather large parameters of exercising police discretion, particularly when motivated by strong personal convictions on the negative consequences of public vaccine policies. Det. Grus intentionally kept her active criminal inquiries to herself and as she knew that her chain of command would put a stop to her activities, circumventing a rather rigid system of investigative assignments, case management, and sergeant oversight, particularly with complex, specialized investigations such as infant death investigations.

v) Chain of Command

Det. Grus’s evidence is that she made a conscious decision not to immediately go to Sgt. Guy or her SACA chain of command as she felt she was not supported and interpreted the direction by S/Sgt. Rossetti not to discuss mandates in the office to include her self-initiated investigation linking vaccinations to infant deaths. So, in her evidence, her next best option was to go to the Chief and Deputy Chief as she felt she had their ear and a

degree of support in her self-described role as an informal leader against mandatory testing and police vaccine mandates.

The January 13, 2022 town hall videoconference meeting with employees adversely affected by mandated vaccines was not the time nor the venue to provide a briefing to the Executive command on a perceived increase in infant deaths and suspected criminal negligence and investigative actions towards public officials. If the scope and consequences of the criminal negligence investigation was properly relayed and truly understood, the reaction of the Executive would have been one of alarm, further probing, and demand for clarification on what was Det. Grus was undertaking.

The transcripts of the town hall meeting do not record the Executive giving any such approvals and it is willfully blind for Det. Grus, the experienced investigator that she is, to conclude from her presentation that she had implied consent from the Executive.

I cannot accept the evidence of S/Sgt. Danyluk that the Executive can be considered as an “ad hoc” or “next opportunity” chain of command to Det. Grus. The only exigent circumstance here was Det. Grus’s looming unpaid leave set for February 1, 2022. I can only conclude that Det. Grus chose not to notify her SACA chain of command as she knew she was going to be ordered to cease her line of inquiries and was willfully vague with the Executive to justify to herself that she had fulfilled a form of required approval and was able to proceed.

vi) RMS Searches

There was much discussion and submissions on the number of times and instances that Det. Grus queried the RMS system to review the investigative reports of infant deaths and what exact documents within the reports were accessed. Det. Grus, in her affidavit (Exhibit 84) accurately lists the reports she accessed and provided rational for each search. As tallied by Ms. Barrow, there were 22 RMS queries of reports during the duration of the unauthorized project. Some of the RMS queries were conducted following informal case review discussions in the SACA office, and several were in preparation for the two town hall meetings with the Executive in an effort to support arguments of adverse effects of vaccinations, and to illustrate a potential link between vaccinations and recent infant deaths.

The evidence of Sgt. Guy and several of her fellow SACA investigators was that it was common investigative practice for investigators to routinely access RMS files to conduct informal peer case reviews, provide investigative experiences, and to mentor less experienced investigators. It is encouraged by the sergeants, and, for the most part, welcomed by the assigned investigators.

I also heard and read evidence that PSU investigator Sgt. Arbuthnot investigated an allegation that Det. Grus was insubordinate in querying nine infant death investigations for personal reasons, concluding that the allegation was unfounded.

A charge of Insubordination is not before this Tribunal and it outside of my authority to form any conclusions on any misconduct investigations that have not resulted in charges. The Notice of Hearing, as a descriptive to the allegation, reads “self-initiated and unauthorized project, wherein you accessed nine child and/or infant death cases in which you had no investigative role/responsibility...”. I find it a fair assessment of the evidence, particularly that of Det. Grus, that she did access 22 RMS investigations in which she had no investigative role or responsibility.

vii) Failure to Record Involvement or Findings

There was much focus on the quantity and detail of the notebook entries made or not made by Det. Grus. I agree with Defence that failure to take notes could have been a straightforward insubordination charge and that it is not noteworthy for an investigator to write every RMS query in their duty book.

I find that the focus on the arguments by both Prosecution and Defence have somewhat skirted around the true essence of the issue. The point here is not the names or case numbers written in Det. Grus’s duty books but rather the total absence of submitted investigative actions reports, written investigative plans, basic chronology of events, or any supporting documents. Even criminal probes are subjected to disclosure and it is fundamental investigative practice to start documenting relevant processes and events from the outset as a requirement and function of criminal investigators. At the very least, there is a requirement for a written investigative narrative or log. This would certainly form the basis to write to an Information to Obtain a search warrant, should it become relevant as an investigation progresses.

The Prosecution asked the Tribunal to conclude that Det. Grus did not take the required notes as she never believed that she was conducting a criminal investigation at the time and her motivation was really about her opposition to the OPS mandatory vaccination mandate and the looming leave without pay. Although I have found that Det. Grus had previously leveraged the notion of criminal conduct on public officials whose position on vaccination she opposed, I do not see compelling evidence that would lead me to clearly conclude that Det. Grus had never believed she was engaged in a criminal investigation.

What is clear is that Det. Grus’s notebook entries are inadequate for the investigative actions that she undertook. Further, the complete absence of any submitted reports or documentary evidence, especially to document her call to a parent and to record the response to her specific question, is compelling evidence of her failure to record involvement or findings.

viii) Self-initiated Unauthorized Project

The evidence of Sgt. Guy was that Det. Grus was his direct report and that files are assigned by the SACA Unit case manager. In some circumstances, especially afterhours or weekends, investigators on duty may self-assign developing investigations, especially when immediate investigative action is required. Sgt. Guy testified that he did not

authorize Det. Grus to conduct any investigation into the adverse impacts of vaccines, nor any form of quality review, and that he was in fact unaware of any investigative actions undertaken into infant deaths related to vaccines by Det. Grus. S/Sgt. Rossetti, the staff sergeant of the SACA Unit, testified that she was unaware of a criminal negligence investigation by Det. Grus.

Defence had raised an issue with the wording “unauthorized project” in the Notice of Hearing, submitting that there is no such thing, referring to the actions of Det. Grus as a “probe stage”. Whether it is called a quality control project, project, probe, or an investigation, it is still a form of a police inquiry of a criminal nature. In this case, it was an unauthorized, self-initiated police inquiry into the actions of government and public health officials who were engaged in the approvals and implementation of a vaccine mandate during a pandemic.

This Tribunal has heard evidence on the protocol of how an infant death is investigated in Ottawa, with a tripartite of three partners: A coroner; a pathologist; and police investigator from both SACA and the Homicide Unit. Each has a specific role and investigative responsibility. Evidence was also heard that Det. Grus did not consult the Regional Coroner’s Office nor the Forensic Pathology Unit before suspecting potential criminal negligence and proceeding on her own course of investigation.

I find it grossly naive on the part of Det. Grus to not comprehend the severity of her independent actions. There is no evidence that she considered the implications of harm to the Service’s reputation and perceived impartiality on delivering unbiased policing. It can certainly be viewed as an attempted weaponization/politicalization of police powers to exert pressure on municipal, provincial, and federal health officials. What Det. Grus describes demonstrates, at best, a poorly thought-out criminal negligence investigation, kept from her chain of command, and with national implications far beyond her individual capabilities and resources.

I find that self-initiated an unauthorized project is a fair assessment of the actions of Det. Grus. She was not assigned any of the infant death investigations and had absolutely no investigative role in any of them other than receiving a call from Mr. Ruggles on two occasions, due to his previous professional relationship with Det. Grus on a Loss-Prevention Committee.

ix) Interfering in an Investigation

Det. Grus testified that on January 30, 2022, she called and spoke with the father of a deceased infant and asked one follow-up question—“I asked if his wife had received a COVID-19 vaccine because medical professionals were looking into possible adverse events.” Det. Grus commenced leave without pay on February 1, 2022.

At paragraph 98 of her affidavit, Det. Grus rationalizes the phone call by stating Det. Botcher was dismissive of her concerns and that he had not followed up with the family, so “in good faith, I did so myself. This action does not breach OPS policy, at most I

stepped on Det. Botchar's toes. I did not interfere with the case, and I did not update my conversation with the father in RMS."

Sgt. Arbuthnot's conclusion of his Investigative Report (Exhibit 22, tab A-1) reads:

"However, a police detective rather than a doctor posing the question to a grieving parent opened the possibility of subjecting the family to even greater harm. Implicit in the question was the suggestion that prevailing medical advice which had been provided to the public to this point had changed. Absent any contextual information and/or rapport a lead investigator or the coroner would have built with the family, a "cold call" from a detective with no role in the case and asking a potentially guilt-induced question of a parent about a medical choice they made possibly contributing to the death of their infant was inappropriate."

Det. Anderson's Compelled Response (Exhibit 22, D-2) reads:

(The mother) "had already begun to lose faith in the integrity and ability of the professionals conducting the investigation into the death of their baby through their negative interactions at the outset...". "If this relationship is severed, the parents may become uncooperative."

On January 30, 2022, when Det. Grus made the call to the father, she did much more than "stepped on the toes" of the lead investigator, Det. Botchar. She deliberately, without consulting Det. Botchar, inserted herself into the investigation. The evidence of both Sgt. Arbuthnot and Det. Anderson speaks to the inherent repercussions of the unnecessary interjection and the damage that could result. As an experienced SACA investigator, Det. Grus was well aware of the fragile relationships with parents, the risks, and, once again, allowed her personal convictions to cloud her better judgement as a seasoned investigator.

The failure of Det. Grus to document her call to the father in the investigation serves only to compound the potential damage to the lead investigator's relationship and trust with the family. She did not enter a RMS investigative action nor notify Det. Botchar in any way of the call and the provided response on the vaccine status of the mother. It also brings to question assertions by Det. Grus that there remain avenues of criminal investigation that should be undertaken by the OPS yet she herself failed to record or document what she considered to be relevant, important information.

x) Standard of Proof

Ms. Barrow submitted that the applicable standard of proof is that of clear and convincing evidence, as established in *Jacobs v. Ottawa Police Service*, 2016 ONCA 345 (CanLII) and more recently reinforced by *Johnson v. Durham Regional Police Service*, 2020 ONCPC3 (CanLII), at paragraph 31.

Ms. van den Berg submitted that Det. Grus was unfairly and unlawfully charged for upholding her oath. The standard of proof is found in *Jacobs v. Ottawa Police Service*, 2016 ONCA 345 (CanLII) which is one of clear and convincing evidence. This standard is higher than the balance of probabilities and lower than beyond a reasonable doubt.

Both Prosecution and Defence have submitted that the proper and applicable standard of proof is the *Jacobs v. Ottawa Police Service* decision which establishes that it is on clear and convincing evidence. This is indeed the correct standard of proof that will be applied by this Tribunal.

xi) Test of Discreditable Conduct

Ms. Barrow submitted that the charge is from the Code of Conduct, section 2(1)(a)(xi) which reads "...Discreditable Conduct, in that he or she, acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member". Ms. Barrow submitted that there is extensive and consistent applicable case law on the objective test for Discreditable Conduct, starting with the early and key case of *Girard v. Delany*, 2 PLR. 337 (Ont. Bd. Inq.) and the five principles at paragraph 51: The test is primarily objective; measure the conduct to reasonable expectations of the community; may use own judgement and must place themselves in the position of a reasonable person in the community, dispassionate and fully apprised of the circumstances; considerate of the appropriate rules and regulations in force; and the appropriate consideration of the subjective element of good faith when the officer is required to exercise discretion.

Ms. Barrow cited subsequent case law that builds on *Girard v. Delany*, starting with *Mancini and Courage (Niagara Regional Police Service)*, 2004 CanLII 76810 (ONCPC), paragraphs 92 and 93, where the "conduct in question must be measured against the reasonable expectation of the community" and "the potential damage" rather than establishing actual discredit as found in *Silverman and Ontario Provincial Police*, 1997 3 O.P.R. 1181 (OCCPS). The correct approach, as stated in paragraph 108, is whether or not a reasonable person would find the conduct of the officer, if it were to be made public, would likely discredit the reputation of the service.

Ms. Barrow further cited *Stevenson v. Bryson, Green and Durham Regional Police Service*, 2020 ONCPC 8 (CanLII), paragraph 30, *Toy v. Edmonton (City) Police Service*, 2014 ABCA 353, *Mulligan v. Ontario Provincial Police*, 2017 ONCPC 19, and *Campoli v. Toronto Police Service*, 2020, ONCPC 11 (CanLII).

Ms. Barrow submitted that, although there are several definitions in case law, the test is clear. On the issue of good faith and discretion, Ms. Barrow submitted that it is only relevant when required to show split second judgement calls, without delay, and will not vindicate an officer, but can be a factor. In instances where there is no immediacy, the issue of good faith and discretion does not apply.

Analysis

The applicable test for Discreditable Conduct is well established in case law for *PSA* hearings, as submitted by Ms. Barrow, starting with the *Girard v. Delaney*'s five principles constituting Discreditable Conduct and the subsequent decisions fortifying the key concepts. (*Mancini and Courage (Niagara Regional Police Service)*, 2004 CanLII 76810 (ONCPC), *Silverman and Ontario Provincial Police*, 1997 3 O.P.R. 1181 (OCCPS), *Stevenson v. Bryson, Green and Durham Regional Police Service*, 2020 ONCPC 8 (CanLII), paragraph 30, *Toy v. Edmonton (City) Police Service*, 2014 ABCA 353, *Mulligan v. Ontario Provincial Police*, 2017 ONCPC 19, and *Campoli v. Toronto Police Service*, 2020, ONCPC 11 (CanLII).

The 2017 OCPC decision *Mulligan v. Ontario Provincial Police*, paragraph 35, reads:

“We agree that the test for discreditable conduct is an objective one. The objective test would require that the Hearing Officer place a dispassionate reasonable person fully apprised of the same facts and circumstances, aware of the applicable rules and regulations, in the same situation to assess whether the conduct in question was discreditable.”

The 2004 *Mancini and Courage (Niagara Regional Police Service)* decision is clear that the applicable measure to be applied to determine whether or not conduct is discreditable is the extent of the potential damage to the reputation of the service should the action become public knowledge, and not the actual damage. This is again reestablished more recently (2020) in the OCPC decision of *Campoli v. Toronto Police Service* on whether the misconduct would likely bring discredit on the police force.

The Notice of Hearing, as pointed out by the Defence, contains more than one alleged actions: Self-initiated an unauthorized project (accessed nine child and/or infant death cases with no investigative role/responsibility and failed to record your involvement or findings); and interfered in an investigation of an infant death (without the lead detective's knowledge or authorization, contacted the father of a deceased baby to inquire about the COVID vaccination status of the mother), thus constituting Discreditable Conduct.

The applicable, objective test to be applied, as set out by clear case law, is for this Tribunal to place all relevant facts and circumstances and applicable rules and regulations before a dispassionate, reasonable person to assess whether the actions of Det. Grus had the potential, if it became public, to damage the reputation of the OPS, thus constituting Discreditable Conduct.

The evidence established that Det. Grus was not assigned any of the nine infant death investigations by her sergeant or case manager, nor were they formally self-assigned by herself which sometimes occurs on weekends or afterhours. Det. Grus was not formally assigned the investigative task of conducting a criminal negligence

investigation into the actions of public health officials in their managing and application of vaccine policy.

The evidence further established that her immediate chain of command (SACA sergeant and staff sergeant) was uninformed and unaware of her investigative inquires, as well as her SACA colleagues who were assigned as leads to the nine death investigations. There was evidence that Det. Grus did raise the issue of the possible linkage of infant deaths to vaccines to the Chief and Deputy Chief on January 13, 2022, the second videoconference town hall to hear concerns on the pending vaccination policy for OPS employees and that Det. Grus considered this as implied consent from her “next opportunity” or “ad hoc” chain of command.

The evidence also established that Det. Grus, other than a few handwritten notations of case numbers, and preparatory notes on infant deaths for the town hall meetings on mandatory vaccine policies and adverse effects, failed to record her involvement or findings. No investigative action reports, investigative chronologies, or supporting documents were submitted, nor was a case number generated on her investigative inquiries into criminal negligence. The conclusion drawn by this evidence is that Det. Grus made a deliberate effort to conceal her activities as she was aware that approval would be required, and it would be denied.

I accept that an underlying motivation was a perceived increase of infant deaths since COVID-19 and the implementation of vaccinations, but I find that the evidence supports that she applied her own personal views on the risks and dangers of vaccination policy, formed by her self-initiated research and her strong opposition to her employer’s decision to implement a mandatory vaccination policy. Det. Grus allowed her personal beliefs and opinions to seep into her professional responsibilities and cloud her judgment and, ultimately, her professional conduct.

As to interfering with an investigation, the evidence is clear that Det. Grus had no clear authorization or the consent of the lead investigator to contact the father of a deceased infant to inquire about the COVID-19 vaccination status of the mother. It was the conclusion of this Tribunal that there were very real consequences of such a call being made. Det. Grus ought to have known the risks and addressed her concerns in another format. The call was made on her last shift prior to being placed on unpaid leave and there was no documentation of the call nor the information received from the father.

It is fair to conclude that a dispassionate, reasonable person would have concerns to learn that a SACA detective discreetly, without authorization, undertook investigative inquiries of criminal negligence into the actions of public health officials, clouded by her personal belief of a potential linkage between infant deaths and COVID-19 vaccinations.

If in fact ultimately deemed warranted, investigative inquiries of such magnitude, even preliminary, would have to be carefully considered by the Service, in consultation with legal, medical, and prosecution experts, due to the political and societal ramifications

entailed. The police chain of command, up to and including the Executive, would have to have full knowledge of the intended criminal investigation and give clear and specific authorization before any such inquiries were undertaken.

A reasonable person would conclude that Det. Grus misused the authority of her position and work related access to the personal medical information stored within a police RMS databank system to advance a position on a topic that was known to be divisive and controversial, despite a strongly held personal conviction that it was in the public's interests as public COVID policy was putting infants at risk.

I also find that a dispassionate, reasonable person would conclude that Det. Grus's telephone call to the parent had the real potential of bringing discredit to the reputation of the OPS, if it became known, as it undermined the confidence of the family in the ability of the health and medical community to protect their child and to determine a cause of death. Sensitivity and privacy factors also come into play, as well as the potential of the introduction of guilt by parents for their vaccination decisions.

In their totality, the actions of Det. Grus set out in the Notice of Hearing, would be concerning to the community as it introduced an element of a personally held bias into serious investigations involving the death of infants. There were no checks and balances, no consultation with the coroner or medical community, and the criminal inquiries were undertaken without the knowledge or authorization of the Service.

A reasonable person would understand the community's collective response of concern should they have learnt that such unauthorized criminal negligence inquiries on public officials were being undertaken by a criminal investigator within SACA. The public would expect their police service to exercise proper and effective oversight and authority over their employees to ensure a bias free approach when conducting criminal investigations.

Decision

Det. Grus is before this Tribunal on one count of Discreditable Conduct. In considering the exhibits entered, the testimony and documentary of all witnesses, and the review of case law provided in the Book of Authorities, I make the following finding on the standard of clear and convincing evidence:

Count One: Guilty of Discreditable Conduct.

(Original signed)

Chris Renwick
Superintendent (Retired).

Dated March 25, 2025.

Electronically delivered: March 25, 2025.

Appendix A

Exhibits

- Exhibit 1: Hearing Officer Designation, Supt. (retired) Chris Renwick.
- Exhibit 2: Prosecutor Designation, Ms. Angela Stewart.
- Exhibit 3: Prosecutor Designation, Ms. Christiane Huneault.
- Exhibit 4: Prosecutor Designation, Mr. Shawn Cleroux.
- Exhibit 5: Notice of Disciplinary Hearing.
- Exhibit 6: Notice of Increased Penalty.
- Exhibit 7: Non-legal Representative Waiver, Ms. Pam Twining.
- Exhibit 8: Motion Regarding Disclosure (December 29, 2022).
- Exhibit 9: Respondents Factum—Response to Applicant’s Motion for Disclosure.
- Exhibit 10: Respondent’s Book of Authorities-- Response to Applicant’s Motion for Disclosure.
- Exhibit 11: Ruling on Motion for Disclosure. (January 21, 2023).
- Exhibit 12: Prosecution’s Book of Authorities.
- Exhibit 13: Consolidated Motion.
- Exhibit 14: Response (Prosecution) to Applicant’s Consolidated Motion.
- Exhibit 15: Prosecutor Designation, Ms. Vanessa Stewart.
- Exhibit 16: Prosecutor Designation, Ms. Bonnie Cho.
- Exhibit 17: Ruling on Consolidated Motion.
- Exhibit 18: Notice of Filing Evidence (Prosecution).
- Exhibit 19: Respondent’s Response to Notice of Filing Evidence.
- Exhibit 20: Decision (Revised) on Notice of Filing Evidence and Applicant by Cross-Application.
- Exhibit 21: Affidavit of Ms. Sarah Hanks (Defence). August 11, 2023.
- Exhibit 22: Exhibit Book (Prosecution.)
- Exhibit 23: External USB Drive. Compelled interview of Det. Grus. May 12, 2022.
- Exhibit 24: Defence Letter on Prosecution Witnesses Summaries. August 4, 2023.
- Exhibit 25: Notice of Filing Evidence (Prosecution). August 3, 2024.
- Exhibit 26(a): Defence Book of Authorities, Volume I.
- Exhibit 26(b): Defence Book of Authorities, Volume II.
- Exhibit 27: Ottawa Citizen article. ‘PSW ‘monster’ jailed for another child-sex crime.’ June 6, 2019.
- Exhibit 28: Det. Grus’s 2018 Annual Performance Review.
- Exhibit 29: Det. Grus’s 2019 Annual Performance Review.
- Exhibit 30: Det. Grus’s 2020 Annual Performance Review.
- Exhibit 31: Excerpt for the Ontario Code of Conduct.
- Exhibit 32: Ontario Court of Appeal Decision: R. v. H. (J). 2013.
- Exhibit 33: Ontario Court of Appeal Decision: R v. Saunderson. 2017.
- Exhibit 34: Decision. Ottawa Police Service and Cst. Kevin Benloss. 2022.
- Exhibit 35: OCPC Decision. Bennett v. Ottawa Police Service. 2012.

- Exhibit 36: OCPC Decision. *Bargh v. Ottawa Police Service*. 2011.
- Exhibit 37: Decision. *R. v Samaneigo*, SCC. 2022.
- Exhibit. 38: Ontario Reg. 645-21, Appendix A: Requirement for Patrons in Indoor Sport and Recreation Fitness Facilities.
- Exhibit 39: CBC article. 'Detective tried to uncover vaccine status of dead children's parents, sources say.' March 28, 2022.
- Exhibit 40: OPS letter. Discipline Hearing involving Cst. Grus. September 26, 2022.
- Exhibit 41: CBC article. 'Grieving mother not told nature of misconduct in probe of baby's death: lawyer.' March 31, 2022.
- Exhibit 42: Redacted copy of January 30, 2022 notes of Det. Grus.
- Exhibit 43: Excerpt of section 40, *Police Services Act*, Regulation 268/10.
- Exhibit 44: *Police Services Act*, Regulation 368/10, Code of Conduct.
- Exhibit 45: Emails between Sgt. Arbuthnot and Coroner Dr. Cowan, titled Re: Ottawa Police Service internal investigation "***Confidential**". April, 2022.
- Exhibit 46: Covid-19 Vaccine Clinical Studies. (12 bound documents.)
- Exhibit 47: Applicant Motion for Additional Disclosure (Defence).
- Exhibit 48: Applicant Abuse of Process Motion II—Motion to Stay (Defence).
- Exhibit 49: International Guidelines for Certification and Classification (Coding) of Covid-19 Cause of Death.
- Exhibit 50: Covid-19 Vaccines: Safety Surveillance Manual.
- Exhibit 51: *Ramsay v. Brantford*, Ontario Human Right Tribunal decision. 2021.
- Exhibit 52: *Richard Sahadeo and Pafco Insurance Company*. Ontario Licence Appeal Tribunal decision. 2022.
- Exhibit 53: Sgt. Berube's notes of compelled interview of Det. Grus. February 4 and 12 May, 2022.
- Exhibit 54: Sgt. Berube's notes of compelled statement of Det. R. Stewart. April 6, 2022.
- Exhibit 55: Email titled 'RE: With all due respect, Helen Grus #1631. September 9, 2021'.
- Exhibit 56a: Notice of Internal Complaint.
- Exhibit 56b: Application for Third Party Records (Defence).
- Exhibit 57: *R.J.S. v. R.* SCC decision. 1995.
- Exhibit 58: *R. v. Rybak*. Ontario Court of Appeal decision. 2008.
- Exhibit 59: *R. v. Jolivet*. SCC decision. 2000.
- Exhibit 60: Defence Book of Authorities for Expert Witness Submission.
- Exhibit 61: Defence Expert Witness Documents. (Dr. McCullough, Dr. Payne, Dr. Thorp, Dr. Chan, and S/Sgt. (retired) Danyluk.
- Exhibit 62: USB stick. Expert witness documents. (Dr. Payne, Dr. Chan, Mr. Buckley.)
- Exhibit 63: Ruling on Proposed Expert Witnesses for Defence.
- Exhibit 64: Application Motion of Non-Suit.
- Exhibit 65: Hearing Transcripts. Binder 1 of 2.
- Exhibit 65b: Hearing Transcripts. Binder 2 of 2.

- Exhibit 66: Authorization for Release of Medical Information form.
- Exhibit 67: S/Sgt. (retired) Danyluk resume.
- Exhibit 68: OPS Honour, Courage, Service ethics booklet.
- Exhibit 69: OPS Service Sergeant Major job description. **Sealed exhibit**.
- Exhibit 70: OPS Sergeant Major School PowerPoint. **Sealed exhibit**.
- Exhibit 71: *Police Service Act*, Ontario Regulation 268/10.
- Exhibit 72: Excerpt of *Police Service Act*, Police Officers (sec. 42-45).
- Exhibit 73: R. v. Lyttle, 2004 SCC.
- Exhibit 74: Blank v. Canada (Minister of Justice), 2006 SCC.
- Exhibit 75: BORN Ontario document titled Data Privacy and Security.
- Exhibit 76: IC/ES document titled Working With ICES Data.
- Exhibit 77: ICMJE disclosure Form template.
- Exhibit 78: *Coroners Act* Ontario Regulation 523/18.
- Exhibit 79: Ontario Civilian Police Commission's Rules of Practice.
- Exhibit 80: Prosecutor Designation, Ms. Lynda Bordeleau.
- Exhibit 81: Prosecutor Designation, Ms. Jessica Barrow.
- Exhibit 82: Adopted Rules on Motions.
- Exhibit 83: Ruling on Adopted Rules on Motions and Motion to Remove Prosecutor Ms. Vanessa Stewart.
- Exhibit 84: Affidavit of Helen Grus.
- Exhibit 85: Transcripts. January 8-11, 2024.
- Exhibit 86: Det. Grus's 2023 Annual Performance Review.
- Exhibit 87: Peel's Nine Policing Principles.
- Exhibit 88: Det. Grus's notes (redacted). January 5 to April 15, 2021.
- Exhibit 89: Email titled 'Re: Additional duty notes of Det. Grus', February 27, 2023, and Det. Grus's notes (redacted) from September 15 to 18 January, 2022.
- Exhibit 90: Nanobots excerpt from Smithsonian Science booklet.
- Exhibit 91(a): Article titled 'How nanotechnology helps mRNA Covid-19 vaccines work.'
- Exhibit 91(b): *Majecenic v. Natale*, 1967 Ontario Court of Appeal.
- Exhibit 92: R. v. Van Wissen, 2018 Court of Appeal of Manitoba.
- Exhibit 93: Det. Grus's notes from 30 January, 2022.
- Exhibit 94: Prosecution's Book of Authorities. (Two volumes.)
- Exhibit 95: *Abbott v. Chief of Police*, 2005 ABKB 2 decision.
- Exhibit 96: R. v. Khelawon, 2006 SCC 57 decision.
- Exhibit 97: *Browne v. Dunn*, 1894 House of Lords privy Council, Probate, Divorce, and Admiralty Division decision.
- Exhibit 98: R. v. M. (J.), 2021, ONCA 150 decision.
- Exhibit 99: Prosecution's June 8, 2020 to January 30, 2022 RMS query timeline chart, used for closing submissions.
- Exhibit 100: Defence's revision (addition of a 'Defense Response' column) of the Prosecution's June 8, 2020 to January 30, 2022 RMS query timeline chart, used for closing submissions.

Exhibit 101: Notebook of Det. Helen Grus, dated January 30, 2022. (Single day entry consisting of two pages of notes.)