

IN THE MATTER OF FORMAL DISCIPLINE PROCEEDINGS

BETWEEN:

PRINCE ALBERT POLICE SERVICE

and

SPECIAL CONSTABLE COREY HEFFERNAN

Hearing Officer Penalty Decision

Introduction:

1. By decision dated November 23, 2018, I found Special Constable Corey Heffernan guilty of a charge of Discreditable Conduct contrary to s. 36(a)(ii) of *The Municipal Police Discipline Regulations*, being a charge that Special Constable Heffernan committed a major disciplinable offence, in the course of his duties as a bylaw enforcement officer of the Prince Albert Police Service by:

Willfully make a false, misleading and/or inaccurate oral and/or written entry in an official document or record when he cleared a call that was the subject of a dispatch at or about 14:27 hours on June 2, 2016, stating that paperwork was completed when no such paperwork was filled out, completed and/or does not exist.

2. As requested by the parties, I reserved jurisdiction to determine the appropriate penalty after hearing submissions from counsel. The penalty hearing was convened by conference call on Thursday, December 20, 2018. In addition to oral submissions from counsel, I received, and reviewed, Written Submissions Submitted on Behalf of Special Constable Corey Heffernan and a series of prior Discipline Decisions provided by counsel for the Prince Albert Police Service on October 4, 2018.

3. At the outset of the Penalty Hearing I was advised that a joint submission on penalty was being made. That joint submission is that a reprimand is the appropriate penalty.

Decision:

4. I have a duty to consider the joint submission put before me. I am not bound by that joint submission and if I determine it is inappropriate, unfit or unreasonable; is disparate with penalties imposed in other matters; and/or is contrary to the public interest, I must give my reasons for such a finding and am then entitled to impose a penalty as I see fit.

5. I have had the benefit of hearing evidence October 1 through 4, 2018 and having heard and reviewed submissions by counsel. Keeping all of that in mind, I have also reviewed the factors set out in *Chief of Police v. Sgt. Richard William Watson* (March, 2003):

- (a) specific and general deterrence;
- (b) punishment of the offender;
- (c) denunciation by society of the conduct;
- (d) the need to maintain the public's confidence in the integrity of the police service;
- (e) ensuring that the penalty is not disparate with penalties imposed in other cases before other hearing officers.

6. I do not believe any significant penalty is required to meet the purpose of specific deterrence. It was clear to me that Special Constable Heffernan has a clear desire to do his job, and to do it properly and well. I believe the very fact discipline proceedings were commenced is sufficient general deterrence by way of a clear reminder that official records must be accurate.

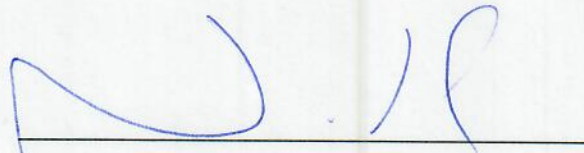
7. I believe a reprimand is sufficient to denounce the conduct which gave rise to the finding of guilt and to ensure continued public confidence.

8. There are no prior discipline decisions that include identical, or even substantially similar, circumstances. I believe the conduct in other cases, including that of Constable Kauk was more deliberate and constituted planned misconduct and I believe the misconduct at issue before me is, although a major disciplinary offence, on the lower end of the spectrum. Special Constable Heffernan has no disciplinary record to be considered in this penalty hearing.

9. I accept the joint submission for a reprimand as appropriate in the circumstances and order as follows:

(a) That Special Constable Heffernan shall be reprimanded for his conduct in relation to the Discreditable Conduct contrary to s. 36(a)(ii) of *The Municipal Police Discipline Regulations*.

December 21, 2018



Ronni A. Nordal, Q.C.
Hearing Officer