

## Misconduct charges dropped

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A complicated and often controversial police disciplinary hearing that has spanned two years, cost taxpayers nearly half a million dollars and essentially put OPP Commissioner Julian Fantino's credibility on trial came to an abrupt end Wednesday morning.

After more than a year-long hiatus in his testimony, Fantino was scheduled to retake the witness stand at 10 a.m.

Instead, the police prosecutor announced the misconduct charges against Insp. Alison Jevons and Supt. Ken MacDonald had been dropped.

"This matter has been resolved to the satisfaction of the prosecution and the subject officers outside the discipline process," said prosecutor Brian Gover.

The timing of the announcement raises several questions, said Edward Sapiano, a criminal defence lawyer who has been following the case.

"I find it rather interesting that Fantino has no hesitation spending a half-million dollars and then dropping the charges just before he resumes his cross-examination," said Sapiano. "My question is this: Did we just pay half a million so that Julian Fantino would not have to be cross-examined by (defence lawyer) Julian Falconer?"

As of mid-August, the Ministry of Community Safety and Correctional Services had spent \$448,552.44 prosecuting the case and arguing the various twists and turns the hearing has taken, according to information obtained by the *Star* through a freedom of information request. That number has climbed to upwards of \$500,000 since, sources say.

"It is absolutely outrageous," said Sapiano.

The hearing against Jevons and MacDonald began in early 2008. The two high-ranking officers were accused of bungling an investigation from their time in internal affairs, but Falconer has maintained the pair were victims of a "political prosecution" orchestrated by Fantino.

Falconer, who would go on to accuse the commissioner of witness tampering, filed an abuse of process motion and asked that the charges be withdrawn.

In October of that year, Fantino was called as a witness. He called Falconer's accusations "hysterical nonsense." The two sparred for more than three hours and at one point, a visibly irritated Fantino was cautioned by Justice Leonard Montgomery to refrain from making "side comments."

At one point, when it appeared Fantino had reversed his testimony, Montgomery questioned the commissioner's "professional conduct."

Fantino believed the judge was biased against him and asked that Montgomery be removed. For the past year, Fantino's legal team has been arguing the recusal motion. A divisional court rejected the bid earlier this year. And last month, the Ontario court of appeal agreed. Fantino was ordered to return and finish his cross-examination.

Falconer and Gover reached a deal either late Tuesday night or early Wednesday morning.

Outside the hearing room at OPP headquarters in Orillia, neither Gover nor Falconer would comment on what led to the charges being withdrawn. Falconer said his clients were pleased and looked forward to moving on with their policing careers.