



REPORT TO THE POLICE SERVICE BOARD

Author: Inspector Doris Carriere #3033

Date of Report: 9/17/2024

Type of Report: Public

Title: Hearing Decision Notification Pursuant to the Section 85(8) of the Police Services Act

RECOMMENDATION:

That the Board receives for information, this summary of the Part V *Police Services Act* Hearing Decision for Constable Amanda Whan #3897.

BACKGROUND/PURPOSE:

Section 85(8) of the *Police Services Act*, R.S.O. 1990, as amended, states in part, that the Chief of Police shall promptly give written notice of any penalty imposed or action taken under subsection (1), (2), (3) or (7), with reasons, to the police officer who is the subject of the complaint and to the Board.

To comply with s. 85(8) of the *Police Services Act*, the following is submitted for the information of the Board.

DISCUSSION:

Constable Amanda Whan joined the Durham Regional Police Service (DRPS) in August 2019 and is currently assigned to Central East Division, front line patrol. At the time of this incident, Constable Whan had 4 years of service completed and was on a leave of absence.

On March 7, 2024, at 07:52 p.m., a citizen called 911 to report a possible impaired driver, driving eastbound on Highway 401. The citizen reported the vehicle drifting onto the right shoulder of the highway. At one point, near the Harmony Road exit ramp in Oshawa, the citizen observed the vehicle collide with the guardrail and continue driving, causing damage to the front side of the vehicle.

The vehicle was stopped by Durham Regional Police officers on Stevens Road at Bowmanville Avenue in Clarington. The driver was identified as Constable Whan. The officers on scene observed damage to the front passenger side of her vehicle.

Officers formed grounds to arrest Constable Whan for impaired operation of a conveyance. Constable Whan was transported to DRPS East Division to provide breath samples to a qualified technician. Constable Whan complied with the breath demand, providing two samples of breath. Constable Whan's breath samples resulted in truncated readings of 130 mg of alcohol in 100 ml of blood and 120 mg of alcohol in 100 ml of blood, respectively.

On June 5, 2024, at the Ontario Court of Justice in Oshawa, Constable Whan entered a plea of guilty to the offence of Dangerous Operation of a Conveyance contrary to section 320.13 of the Criminal Code.

Constable Whan received a conditional discharge, six (6) months of probation and a twelve (12) month provincial driver's licence suspension.

On August 12, 2024, Hearing Officer Superintendent (Ret.) Morris Elbers, accepted the guilty plea by Constable Whan for one count of Discreditable Conduct. Superintendent (Ret.) Elbers ordered Constable Whan demoted from her position of First Class Constable to Second Class Constable for a period of nine (9) months, pursuant to Section 85 (1) (c) of the Police Service Act.

Previous Police Services Act Convictions:

Professional Standards files have been reviewed to determine if Constable Whan had any previous *Police Services Act* convictions in the past five years. The review determined the officer had no formal Part V *Police Services Act* convictions on file.

Report Approval Details

Document Title:	Hearing Decision Notification Pursuant to Section 85(8) of the Police Services Act - WHAN.docx
Attachments:	
Final Approval Date:	Sep 10, 2024

This report and all of its attachments were approved and signed as outlined below:

Chris Kirkpatrick



Peter MOREIRA