

Executive Summary:
Investigation into the conduct of Hamilton Police Services Board Member Cameron Kroetsch,
Pursuant to Section 25 of the *Police Services Act*

1. On March 8, 2024, the Ontario Civilian Police Commission (“Commission”) commenced an investigation into whether Hamilton Police Services Board (“Board”) member Cameron Kroetsch’s (“Kroetsch”) conduct violated sections 7, 8, or 13 of O. Reg. 421/97: *Members of Police Services Boards – Code of Conduct* (“Code”).
2. Over the course of the Commission’s investigation, the Board and the witnesses the Commission interviewed provided additional information regarding Kroetsch’s past and ongoing conduct and public statements. As a result of this information, the scope of the Commission’s investigation was expanded. Including the original and the new allegations, the Commission considered whether Kroetsch had violated the *Code* by:
 1. Making repeated critical comments which undermined the Board’s integrity and the Commission’s investigative process,
 2. Bringing a motion before the City of Hamilton’s (“City”) Audit, Finance and Administration Committee (“Audit Committee”) with respect to the Hamilton Police Service’s (“Service”) surpluses and deficits without seeking feedback from the Board,
 3. Engaging with Board members and staff in a disrespectful, hostile and coercive manner, especially by bullying and coercing Board member Ester Pauls (“Pauls”) and engaging with the Board’s former Chair Pat Mandy (“Mandy”) in a misogynist manner,
 4. Engaging with the Service’s Chief Frank Bergen (“Chief”) in a hostile manner;
 5. Threatening to take matters to the public in order to gain leverage in his disputes with Mandy over the Board’s processes;
 6. Attending a vigil for Erixon Kabera, who was shot and killed by a Service member on November 9, 2024; and
 7. Bringing two motions before the City’s General Issues Committee (“GIC”) in relation to the Board’s 2024 and 2025 budgets.

3. As a result of the allegations regarding Kroetsch's conduct towards Mandy and Pauls, the scope of the Commission's investigation was expanded to include whether Kroetsch had violated section 9 of the *Code*.
4. The Commission's investigation into Kroetsch's conduct was continued after the repeal of the *Police Services Act*, pursuant to s. 15 of O. Reg. 125/24: *Transitional Matters*, made under the *Community Safety and Policing Act, 2019* ("CSPA").
5. Over the course of its investigation, the Commission conducted interviews with eight witnesses, including the Board's administrative director, its current and former members, the Chief, and Kroetsch himself, as well as seeking and receiving written responses from additional witnesses. The Commission also reviewed excerpts of the Board's meetings, as well as a large number of documents including the Board's by-laws and policies, correspondence between Kroetsch and various members of the Board, and Kroetsch's public statements on social media and as reported by legacy media.
6. The Commission has concluded its investigation and determined that while Kroetsch's critical public statements would discredit or undermine the integrity of the Board, contrary to section 13 of the *Code*, a misconduct hearing is not warranted or in the public interest.
7. Kroetsch was elected to the City's Council ("Council") in 2022 and joined the Board as a Council appointee. The evidence shows that Kroetsch received a mixed reception by the Board due to his history of activism, as well as his past criticisms of the Service and the oversight provided by the Board. Furthermore, his policy and governance values differed from those of most of his colleagues on the Board. As a result of these divides, Kroetsch had frequent disagreements with other Board members, especially in relation to the Board's process to review and approve its 2024 budget.
8. Kroetsch conceded that he has a blunt and direct communication style, and from time to time, he expressed frustration or spoke with an air of sarcasm during Board debates. However, based on the Commission's review of Kroetsch's conduct during Board meetings, the Commission finds he was not rude or hostile , he did not engage in personal attacks,

and he did not express any misogynistic views. Likewise, the evidence did not support that Kroetsch intimidated, bullied, or coerced Pauls. Finally, while the evidence indicated that Kroetsch has a poor relationship with the Chief, his treatment of the Chief or the Service was not hostile, and his criticism was focused on the Board and its processes. Therefore, the Commission concluded that allegations 3 and 4 did not support misconduct findings.

9. The evidence also showed that Kroetsch is a strong proponent of transparency, and that he repeatedly advised his colleagues, primarily Mandy, that he would raise his concerns during the Board's public meetings, should the Board not act on them. However, the evidence did not support a finding that Kroetsch threatened to go to the media or the public in order to gain leverage in his disagreements with his colleagues. Therefore, the Commission determined that allegation 5 did not support misconduct findings.
10. On November 15, 2024 a vigil was held for Mr. Erixon Kabera, who had been shot and killed by a Service member on November 9, 2024. The attendees at the vigil walked past and then returned in front of the Service's Central Station ("Station"). Some of the attendees carried signs critical of the Service and chanted anti-police slogans. Multiple Board members attended the vigil, including Pauls and Dr. Anjali Menezes ("Menezes"), the Board's citizen appointee. However, unlike his colleagues who appear to have left before the vigil returned to the Station, Kroetsch remained with the crowd when they were in front of the Station and was present when some attendees were chanting anti-police slogans.
11. Kroetsch's attendance at the vigil to was consistent with his role as a councillor. Likewise, generally holding the Service and its officers accountable for their actions, including in relation to citizen deaths is, in and of itself, consistent with the role of a Board member. However, holding the Service and officers accountable is different from protesting the Service, and at a certain point the vigil appeared to become more of a protest, especially when attendees were chanting anti-police slogans in front of the Station. In choosing to remain at the vigil while some attendees were, in effect, protesting the Service, Kroetsch straddled the line between seeking accountability from the Service and assuming an adversarial position against it. That said, there was no evidence to suggest that Kroetsch carried a sign criticizing the Service, that he participated in chanting anti-police slogans, or that he otherwise incited or fostered anti-police sentiments. Therefore, the Commission determined that, while Kroetsch's decision to be present when attendees were chanting anti-police slogans in front of the Station was imprudent and should not be repeated, it did

not rise to the threshold of misconduct. Therefore, the Commission determined that allegation 6 did not support misconduct findings.

12. On September 21, 2023, Kroetsch brought a motion before the City's Audit Committee. His motion sought to give Council control over the management of the Service's surpluses and deficits by giving it the power to approve (or disapprove) the Board's recommendations to transfer funds to and from the Service's reserve funds. Kroetsch did not advise or seek feedback from his colleagues on the Board before bringing his motion before the Audit Committee. The intended outcome of Kroetsch's motion was inconsistent with the *PSA*, which does not give Council the power to manage the Board's or the Service's finances and in fact, subsection 39(1) of the *PSA* specifically precludes the Council from approving or disapproving specific items in a police budget. Furthermore, as a Board member Kroetsch should have consulted his colleagues on the Board before bringing a motion to Council that would affect the Board's and the Service's finances. However, while Kroetsch's initial motion was erroneous, he was ultimately open to receiving feedback from the Board, and he supported amendments to his motion which would bring it in line with the *PSA*'s framework. Further, neither Kroetsch's motion nor his comments during the Audit Committee's discussion of his motion were explicitly critical of the Board. Therefore, the Commission determined that allegation 2 did not support misconduct findings.
13. The Commission also considered Kroetsch's conduct in bringing two motions before the GIC in relation to the Board's 2024 and 2025 budgets. The first motion, which Kroetsch filed on January 30, 2024, and in relation to the Board's 2024 budget process, was successful and resulted in the GIC referring the Board's 2024 budget back to the Board for further review. His second motion, filed on February 7, 2025, and in relation to the Board's 2025 budget, sought to set the Board's 2025 budget at the same amount as its 2024 budget. Kroetsch's second motion was defeated.
14. Kroetsch brought both of these motions within his capacity as a councillor. While the Commission has consistently held that acting in a different official capacity does not immunize Board members from potential violations of the *Code*, it does limit the application of certain sections of the *Code*², which are only engaged in the course of a member's

² Specifically, section 7 of the *Code* only applies to members' conduct in the exercise of their duties. Section 8 of the *Code* has two parts. First, it requires Board members to "uphold the letter and spirit of the Code", and second,

exercise of their duties as a Board member. The Commission also took note that Kroetsch's motions before the GIC were consistent with his duties as a councillor, and while he expressed disagreement with the Board's decisions while he was bringing his motions, as well as during the GIC's discussions on his motions, his comments were not disparaging. Furthermore, at the time Kroetsch brought his second motion before the GIC, he was prohibited from exercising his duties as a member of the Board, pursuant to s. 14(1) of the *Code* and was not able to participate in the Board's 2025 budget process. Therefore, the Commission determined allegation 7 did not support misconduct findings.

15. Kroetsch's relationship with the Board broke down during the Board's 2024 budget process, which took place from September 2023 to February 2024. Kroetsch sought to actively participate in this process and identified a number of deficiencies with the Board's process, which he argued limited the Board's ability to understand and ask substantive questions about the Service's 2024 budget proposal. Although Kroetsch's concerns regarding the Board's 2024 budget process were reasonable, they were met with resistance and inaction from the Board. As a result of the Board's inaction, Kroetsch made highly critical comments regarding the Board and its 2024 budget process during public meetings of the Board, as well as outside of the Board, before the GIC, to legacy media, and on social media.
16. In considering Kroetsch's critical public comments, the Commission distinguished between the comments he made during the Board's public meetings and those he made outside of the Board. The Commission determined that Board members should be afforded greater leniency with respect to critical opinions that they express during Board meetings as long as they remain respectful. Allowing for different opinions and open discussion within the Board promotes accountability and transparency, and it is in keeping with section 8 of the *Code*, which requires Board members to discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board. Furthermore, that their comments during the Board's open meetings may be reported on by the media should not unduly restrict Board members from engaging in open criticism of the Board or its processes.
17. As noted above, Kroetsch spoke bluntly and expressed frustration during the Board meetings; however, he was not rude or disrespectful, nor did he engage in personal attacks.

it requires them to "discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board." Accordingly, only the first part of section 8 is applicable to Board member's conduct outside of the exercise of their duties as members of the Board.

Furthermore, the concerns he sought to raise and the questions he sought to ask were reasonable and in keeping with the role of a Board member. Therefore, the Commission determined that any of Kroetsch's critical comments made at Board meetings that were subsequently reported by the media did not support misconduct findings.

18. In contrast, a Board member making disparaging comments about the Board *outside* of the Board risks casting aspersions on the Board, which would discredit or compromise the integrity of the Board. Furthermore, while section 6 of the *Code* allows Board members to express their disagreement with the Board's decisions, this section must be interpreted in the context of the entire *Code*, including section 13, which prohibits members from "engaging in conduct that would discredit or compromise the integrity of the board or the police force." Therefore, section 6 does not allow any form of public criticism, especially criticism that would contravene section 13.
19. The Commission determined that Kroetsch's critical comments, which he expressed outside of the Board, were disparaging and would discredit or compromise the integrity of the Board, contrary to section 13 of the *Code*. Of note were the comments Kroetsch made before the GIC on January 22, 2024 and during an interview on CHML 900 Radio on January 24, 2024, in which he alleged that the Board had failed to discharge its statutory duties in relation to its review of the Service's 2024 budget proposal.
20. Also of note was a social media post Kroetsch made on February 12, 2024. This social media post shared misleading information about the Board's February 13, 2024 special meeting, specifically that it would be closed to the public. Kroetsch made his post without verifying this information with or seeking an explanation from the Board, and in doing so he positioned himself as an outsider to the Board. The last sentence of Kroetsch's social media post (i.e. "There is nothing to see here.") was disparaging and, on its face, intended to raise suspicions about the Board's good faith.
21. Kroetsch made further critical comments after the commencement of the Commission's investigation, in which he stated that the Board's complaint against him was filed in bad faith and to suppress his views. Kroetsch shared these opinions in two public statements he issued in relation to the Commission's investigation on March 11, 2024 and March 10, 2025, as well as comments he made during a March 11, 2024 appearance on CHCH News and an April 9, 2024 appearance on The 905er Podcast. These public statements alleged,

without concrete evidence, that the Board was undemocratic, that it sought to suppress dissent, and that it was acting in bad faith, and therefore they were not acceptable.

22. The Commission determined that although Kroetsch's critical comments to legacy media and on social media regarding the Board's 2024 budget process were largely consistent with those he made during the Board's open meetings, they did not benefit from the greater leniency that should be afforded to Board members with respect to comments they make within the Board. The Commission determined that these critical comments were disparaging on their face, because they claimed that the Board had not discharged its statutory duties and suggested that the Board was acting in bad faith. As a result, the Commission concluded that these comments went beyond permissible criticism allowed by section 6 of the *Code* and crossed into conduct that would discredit or compromise the integrity of the Board, contrary to s. 13 of the *Code*.
23. The Commission does not accept that Kroetsch's public criticism was protected by section 2(b) of the *Canadian Charter of Rights and Freedoms* for the same reasons found in *Bennett (Re)*, 2014 ONCPC 2504³. The Commission similarly does not accept Kroetsch's argument that the critical comments which Kroetsch made in his capacity as a councillor, such as during the GIC's January 22, 2024 meeting, were protected by qualified privilege, because Kroetsch did not explain how qualified privilege, generally accepted as a defense against defamation, applied with respect to his obligations under the *Code*. Finally, the Commission found that Kroetsch's allegations that the Board's complaint had been filed in bad faith and in order to suppress his opposition to its decisions did not have an evidentiary basis.
24. The Commission determined that Kroetsch's critical public statements claiming that the Board's complaint was filed in bad faith and his February 12, 2024 social media post in which he insinuated the Board was acting in bad faith by excluding members of the public from attending its February 13, 2024 special meeting were especially concerning. Unlike Kroetsch's criticism of the Board's 2024 budget process, which had a factual basis and were the result of his failed attempts to raise similar concerns at the Board, his comments

³ The application of section 2(b) of the *Charter* was considered in *Bennett (Re)*, 2014 ONCPC 2504, in which the Commission's adjudicative branch found that the "minimal infringement" on police services board members' right to free expression imposed by the *Code* was outweighed by the benefit derived from the *Code*, and therefore, the restrictions under the *Code* were justified in a free and democratic society by the limits expressed under s. 1 of the *Charter*.

impugning the Board's motivations for bringing its complaint were speculative and grounded solely in his subjective opinion. Kroetsch's February 12, 2024 social media post was further inappropriate, because he had made it without confirming the accuracy of the information he was sharing, and in doing so, he had positioned himself as an outsider to the Board. The information Kroetsch shared in his social media post on February 12, 2024 was misleading and the tone of his post aggressively criticized and raised suspicion about the Board.

25. Therefore, the Commission determined that Kroetsch's following critical comments would discredit or compromise the integrity of the Board, contrary to section 13 of the *Code*:

- comments before the GIC on January 22, 2024,
- comments to CHML 900 Radio on January 24, 2024,
- comments to CHCH News on March 11, 2024,
- comments to The 905er Podcast on April 9, 2024,
- public statements dated March 11, 2024 and March 10, 2025, and
- the social media post dated February 12, 2024.

26. The Commission then considered whether Kroetsch's conduct warranted a misconduct hearing. In this regard, the Commission found that the intent behind Kroetsch's conduct, specifically in scrutinizing, pushing back, and being critical of the Service, was consistent with the role of a Board member. The Commission also found that Kroetsch's insistence that the Board provide greater oversight with respect to the Service's 2024 budget proposal was consistent with the Board's statutory responsibility under subsection 39(1) of the *PSA* to "submit operating and capital estimates" to Council. The Commission took note that the evidence showed that Kroetsch took his duties as a member of the Board seriously, that he had been an active participant in the Board's processes, and that his efforts at Board meetings had been consistent with promoting transparency, accountability, and better governance. The Commission concluded that Kroetsch's efforts could have inspired public confidence in the abilities and integrity of the Board in keeping with section 8 of the *Code*, had they been carried out properly and in accordance with the *Code*.

27. The Commission also took note that Kroetsch's most inflammatory public comments, specifically those impugning the Board's motivations for filing its complaint against him and his February 12, 2024 social media post, were made after the breakdown of his relationship

with the majority of his colleagues on the Board. The Commission found that Kroetsch was not solely responsible for this breakdown, since the evidence suggested that he faced considerable resistance from the Board, in part, due to his policy values. The Commission determined that all parties had contributed to the breakdown of Kroetsch's relationship with his colleagues, and the Board's complaint to the Commission had entrenched an adversarial stance between them. Therefore, the Commission concluded, that while Kroetsch's comments were not permissible or acceptable, they nonetheless attracted some leniency.

28. Finally, the Commission took into consideration that the only penalties available following a finding of misconduct would be removal from office or suspension. Further, if Kroetsch were to be removed from the Board following a misconduct hearing, he would be barred from being a member of any police services board pursuant to subsection 25(9) of the *PSA*.
29. The Commission determined that removal from office would be a disproportionate penalty, especially since Kroetsch's disputes with his colleagues and his subsequent critical public statements had arisen out of the resistance he faced in his attempt to promote transparency, accountability, and better governance at the Board.
30. In considering whether suspension would be an appropriate penalty, the Commission took note of the length of its investigation, during which Kroetsch was prohibited from exercising his duties as a Board member pursuant to s.14 (1) of the *Code*. The Commission determined that a further suspension would not be proportionate or in the public interest.
31. Therefore, the Commission determined that the most appropriate action would be to caution Kroetsch that his public statements would discredit or compromise the integrity of the Board, contrary to s.13 of the *Code*.
32. In accordance with the transitional regulation made under the *CSPA*, the Commission has provided the Inspector General of Policing ("Inspector General") with records relating to its investigation into Kroetsch's conduct. The Inspector General has a mandate to drive improved performance in policing and police governance and to ensure adequate and effective policing is delivered across Ontario in compliance with the *CSPA* and its regulations. The Inspector General, supported by the Inspectorate of Policing, independently operates to deliver on a legislative mandate as described in Part VII of the *CSPA* that includes compliance inspections of police services, police board member

conduct inspections, monitoring and advisory services, and where necessary, enforcement that is driven by research and data analysis.