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Media Contact:

Rick Robson

Phone: (519) 494-1695

Email: rrobson@lpa.on.ca



Statement on Sentencing of Constable Nicholas Doering

London, ON – *Related to the sentencing of Constable Nick Doering, London Police Association President Dave Gilmore states:*

“Our deepest sympathies go out to the Chrisjohn family. The death of Ms. Debra Chrisjohn is a tragedy that none of us will soon forget. If our sorrow is to become a source for positive change, we must acknowledge the high-level of drug addiction and overdose deaths in our community as a true crisis that we must do everything possible to conquer it together. The LPA has long advocated for enhanced social services within our community and we will continue to support reforms to prevent similar tragedies from occurring in the future.

Police officers are expected to diagnose complex medical situations on the side of the road with inadequate training and equipment. Police officers are not healthcare experts yet they have been forced into performing healthcare functions for far too long. Continuing the current healthcare and policing model whereby police officers are held accountable for systemic inadequacies in healthcare, addiction, and mental health response will only lead to further tragedy. Fairness and justice demand we support those officers such as Nick Doering who find themselves in such situations.

We believe this decision from Justice Pomerance sets an unsustainable precedent and establishes an exacting standard of care on a system that already pushes our law enforcement personnel to their limits. We believe that if this decision stands, it will be both counterproductive and inhibiting in relation to officers who find themselves in similar, difficult situations.

We respect the criminal justice system and the rule of law it upholds. Therefore, we will seek to review the decision the precise way in which our rule of law allows and demands; by assisting Constable Nick Doering to exercise his right to appeal. We continue to support Nick Doering as he begins the appeals process. We look forward to further legal authority reviewing this decision and ultimately declaring what are and what are not the demands on a police officer in such situations.

As this matter is accordingly still before the courts, we will be making no further comment.”

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Mr. Lucas O'Hara, trial counsel for Constable Nick Doering, states:

“Throughout the trial, we attempted to establish that Constable Doering’s actions did not represent a departure from the standard of care expected of a reasonably prudent police officer.

Based on his experience and training as a police officer, it was Constable Doering’s honest and reasonably held belief that Ms. Chrisjohn was experiencing common side effects of methamphetamine intoxication as opposed to being in need of medical intervention. This belief was reinforced by his conversation with an EMS supervisor.

It was our position that Constable Doering responded as any other reasonable police officer in his position would have and therefore, his conduct did not result in a marked departure from the minimum standard of care.

It was Justice Pomerance's duty to consider our position and Her Honour's right to reject it. But I believe existing precedent supported us, and accordingly, I have advised Constable Doering to exercise his right to appeal the convictions in this case.”

Joseph Markson has extensive experience acting for police officers in investigations by the Ontario Special Investigations Unit and facing criminal and Police Services Act investigations and charges. He is counsel to the Ontario Provincial Police Association, police associations in the Greater Toronto Area and across Ontario, the Toronto Police Service Senior Officers’ Organization and Peace Officers in the Legislative Assembly of Ontario. He has acted for the Ontario Association of Chiefs of Police, members of police services boards and police services. He advises on law of policing issues and represented the Police Association of Ontario in its submissions to the Independent Police Oversight Review conducted by Justice Tulloch.

Mr. Joseph Markson states:

“Intoxication by drugs or alcohol creates an infinite number of variables and risks. In my opinion, it will be impossible to find a one-size fits all solution to the problem of engaging police officers in the assessment of the changing medical risks posed by intoxicated persons. Best efforts to replace the discretion exercised by officers with an objective matrix of observations to direct their response will still suffer from a material risk of failure.”

Mr. Alan D. Gold, appellate counsel for Constable Nick Doering, states:

“A Notice of Appeal has already been filed and accordingly appeal proceedings are underway. In accordance with standard practice, given the circumstances of this case, an application for Mr. Doering’s release was scheduled for this afternoon once the Crown position for a sentence of imprisonment was made known to us. Applying the principles of law applicable to bail pending appeal in a case such as this I expect Mr. Doering to be released on bail pending appeal this afternoon. We will proceed with the appeal as expeditiously as possible.”

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About the London Police Association:

The London Police Association is a union equivalent labour organization representing over 800 members of the London Police Service. The LPA was formed in 1947 to represent and protect the sworn Officers and civilian staff of the London Police Service. The LPA ensures the Service remains fiscally competitive, improves working conditions for our members, and promotes the mutual interests of the Active Membership.

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