

Wrongful dismissal

Maloney's bill was low police quickly pay it

It cost the York Regional Police Commission \$2,500 to have lawyer Arthur Maloney settle a case involving a policeman who was wrongfully fired from the regional force.

The commission also had to pay ex-constable Douglas Brown about \$3,200 as part of the settlement. But because of the legal ramifications, the bill could've been much higher, and the police commission is considering itself lucky.

"In view of the circumstances as we know them now, it could have been worse," Chief Bruce Crawford said in an interview Thursday, the day after the commission approved Mr. Maloney's \$2,500 bill without discussion.

The case was one of several that resulted in a new policy for the firing of probationary police officers in Canada.

Traditionally, police forces had been able to dismiss police officers without a hearing during their 18 months' probation. In the case of former York constable

Douglas Brown, a court ruled that he had been denied the chance for a hearing before the police commission, and therefore was wrongfully dismissed.

The precedent for that ruling was set in a Supreme Court of Canada decision involving the Haldimand-Norfolk Police Commission shortly before Mr. Brown was fired.

Mr. Brown was dismissed late in his probation term. He did not personally request a hearing, but asked the regional police association to appear before the commission on his behalf.

The police association's letter asking for the chance to appear and Chief Crawford's recommendation that Mr. Brown be fired arrived at the same commission meeting. Aware that a further delay could take the matter past the end of the 18-month probation, the commission rejected the association's bid and approved Mr. Brown's dismissal.

When the divisional

court ruled that the York police board was wrong to deny the hearing, the commission hired Mr. Maloney, the former Ontario ombudsman, to investigate the possibility of an appeal.

In view of the Supreme Court ruling, Mr. Maloney advised against an appeal, whereupon the commission directed him to negotiate a settlement with Mr. Brown and his lawyer.

Under that settlement, Mr. Brown formally ended his employment with the York force through resignation. The commission also paid him about \$3,200 to cover his "lost pay" from the time he was dismissed to the time the case was settled.

That figure represents the difference between his policeman's salary and his new salary as a private investigator during that period.

When Mr. Maloney's bill arrived at last week's

meeting, the chairman, Judge Donald Couture, said: "It's not any more than I expected." Added Vice-chairman Gladys Rolling: "It's not bad, for Maloney."

In an interview Thursday, Chief Crawford said the Supreme Court ruling had changed "the law of the land" governing dismissal of police officers. In York, as elsewhere, an officer facing a firing recommendation now is given an opportunity for a hearing, he said.

He noted that former Waterloo Chief Syd Brown also benefited from that precedent after his controversial firing.

Former chief Brown also was judged to have been wrongfully dismissed, but the ruling did not formally restore him to his job. The ruling on Douglas Brown had the same effect, the chief said.

The Core school and how it works

York Region may soon have not one, but two, new schools built unlike anything ever built before.

Both boards of education, the Separate School Board and York County Board of Education, have received approval and funding from the Ministry of Education to build new schools in the Markham area, but have been asked to carefully consider the 'core concept' for the new structures.

A core concept school is a permanent structure housing gymnasium, administration, washrooms, library, some specialized areas and two or three classrooms.

To that section, 'core' modules are added in such a manner that it is difficult to tell where the core ends and the modules begin.

These modules or 'demountable' classrooms are not the normal portables seen at almost

every school in the area. They are better built and more attractive, and still have the advantage of portability if the need should arise.

The two schools that could lead the way for future construction are Risebrough Public School and a Separate School slated for Milliken Mills.

Architects from both boards have been asked by the Ministry to work closely in designing the schools, so that the modules could be used on either core if necessary.

After much discussion by both boards on which type of schools would be built and after meetings with the Ministry of Education, all sides agreed to seriously consider the cores.

What sweetens the pie is the Ministry's offer to increase the grants for the cores to the same percentage as a permanent structure.

So instead of the ex-

pected 65 per cent grant normally given for schools of this nature, the boards would receive 90 per cent and possibly more.

The Separate School Board Management Committee voted last Tuesday to go ahead with the core concept for the new Separate School and will present its views to the Board at next Wednesday's meeting.

If approval is granted, architects will begin immediately to design the new school and construction is expected to begin early in 1980.

York County Board is

considering a core concept for the new Risebrough Public School, but wants some clarification about the size restrictions of the actual core.

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