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## Criminal Law

# Officer receiving salary after conviction highlights need for reform



An Ontario constable who continues drawing his salary after being convicted of an on-the-job sexual assault is a prime example of why the police compensation system needs reform, says Toronto criminal defence lawyer [Jordana Goldlist](#).

"I think it's outrageous," says Goldlist, principal of [JHG Criminal Law](#). "Obviously everyone is innocent until proven guilty. If a police officer is convicted of a serious violent offence, he should no longer be on the force. If he successfully appeals the conviction, then there could be a process for application for reinstatement."

Const. Young Min von Seefried, 34, of York Regional Police, was convicted in the Ontario Court of Justice on Nov. 17 by Justice Marquis Felix of sexually assaulting a 21-year-old female student in the back of his cruiser — a crime that could carry an 18-month jail sentence, according to the [Toronto Star](#).

After pulling over the male driver of a Mercedes Benz in January 2015, the married father of two claimed to escort the female passenger into his cruiser to ensure she was in the man's car of her own free will, the article says.

But the passenger, a Chinese foreign student, said he began kissing and fondling her and placed her hand on his erect penis, according to the [Star](#).

The judge rejected the officer's evidence almost entirely, calling it "nonsensical," according to the article.

Von Seefried was suspended with pay when the charge was laid and will continue to be suspended until all court proceedings, including the sentencing hearing and the 30-day appeal period, are complete, York Regional Police Chief Eric Jolliffe said in a [statement](#).

A parallel *Police Services Act* investigation by the police force's Professional Standards Bureau is ongoing, the chief added.



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In January, Ontario Premier Kathleen Wynne said her government is considering a request from the province's police chiefs for more power to suspend officers without pay, a change the chiefs have been seeking for years, according to the [CBC](#).

The current provincial law states that a suspended officer must remain on the payroll and can only be suspended without pay after being sentenced to a term of imprisonment.

Goldlist takes issue with this rule. "Regardless of what your sentence is, you've still been convicted of an offence," she tells [AdvocateDaily.com](#).

Sometimes first offenders convicted of sex assault are spared jail terms, so it's conceivable that a police officer convicted of such a serious crime could be drawing a salary even after sentencing, Goldlist adds.

This is particularly troubling when sex assault is committed on the job, as it was in this case, she adds.

"Whether or not you get a penitentiary sentence doesn't change the fact that you sexually assaulted a woman that you are presumably supposed to be protecting," Goldlist says.

Under provincial rules, officers who are fired remain on salary while they appeal their dismissal to the Ontario Civilian Police Commission and, possibly, later in Divisional Court, according to the [Canadian Press](#).

"I can't think of any other area within the public sector that provides for situations similar to these," Goldlist says. "The amount of money this has to be costing the public is just unbelievable."

If an officer wants to challenge his dismissal despite being convicted of committing a sexual assault while on duty, that's up to him, she says. "But we should not be paying him while he makes that argument."

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