



Office of the
Police Complaint Commissioner

British Columbia, Canada

NOTICE OF EXTENSION OF INVESTIGATION

Pursuant to s.99 (2) of the *Police Act*, RSBC 1996, c. 367, as am.

OPCC File: 2015-11048-03

January 25, 2017

To: Chief Constable Frank Elsner (Member)
c/o Janet Winteringham, Q. C.

And to: Chief Superintendent Sean Bourrie (External Investigating Agency)
Royal Canadian Mounted Police

And to: Mr. Ian H. Pitfield (External Discipline Authority)
Retired B.C. Supreme Court Judge

And to: Her Worship Mayor Barbara Desjardins
Her Worship Mayor Lisa Helps
Co-Chairs, Victoria and Esquimalt Police Board

The British Columbia *Police Act* requires that investigations into allegations of misconduct against municipal officers must be completed within six months of the initiation of the investigation. The allegations in question must be investigated promptly and a decision delivered in a timely manner in order to ensure administrative fairness for all parties involved. The investigative limitation period for this complaint is scheduled to expire on January 26, 2017.

On January 24, 2017, Chief Superintendent Bourrie requested an extension of the investigative limitation period to February 24, 2017. Chief Superintendent Bourrie advised that the investigative team had completed 200 investigative tasks to date, including 82 interviews (comprising 74 hours of audio); 23 Investigative Entry and Search Orders; examination of electronic devices and Victoria Police Department Servers, respondent and witness member email accounts; and review of the materials from the Internal Investigation.

Chief Superintendent Bourrie advised that nearly all investigative steps are complete; however, two tasks remain, including obtaining clarification from the original investigator and further information relevant to the review of email communications. Chief Superintendent Bourrie

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Police Complaint Commissioner

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further advised that the Final Investigation Reports for all of the investigations are being written, but the volume of evidentiary material and length of each report (approximately 300 pages) have necessitated a further request for extension to provide time to complete the reports and prepare the attachments. Chief Superintendent Bourrie also advised that he is currently on a reduced work week for medical reasons.

Pursuant to section 99(2) of the *Police Act*, the Police Complaint Commissioner may grant an extension if he is satisfied that new investigative leads are discovered that could not have been revealed with reasonable care, the case or investigation is unusually complex, or an extension is in the public interest.

Following a review of the investigation completed to date, I am of the opinion that it is in the public interest that this matter continues to be investigated as thoroughly as possible. I note that if granted, this would be the fourth extension in this matter. However, this is a complex investigation that involves several allegations and a significant body of evidence. I appreciate that the ongoing investigation has impact upon the operations of the Victoria Police Department and that there is a public interest in resolving these matters in a timely way. At the same time, there is an overarching public interest in ensuring that the issues are addressed as fully and responsibly as possible.

I am satisfied that the investigative team has worked diligently to date to complete the investigation and that Chief Superintendent Bourrie's request is reasonable in light of the number of investigative tasks undertaken, the volume of evidence obtained and the amount of work involved in preparing the Final Investigation Reports. It is in the public interest to grant the extension request to ensure a thorough investigation into this matter.

Accordingly, pursuant to section 99(2), an extension of the time required to complete the *Police Act* investigation is extended until **February 24, 2017**.

Please be advised that the reporting provisions as set out in section 98 of the *Police Act*, specifically progress reports, are still in effect and will be required until completion of this investigation.



Stan T. Lowe
Police Complaint Commissioner

cc: Sergeant Shelley Horne, Vancouver Police Department, Professional Standards Section