



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: 2015-11048-05

November 30, 2016

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 November 30, 2016.

On November 28, 2016, Chief Superintendent Bourrie requested an extension of the investigative limitation period to January 26, 2017. Chief Superintendent Bourrie advised that the investigative team had completed 170 investigative tasks to date, including 66 interviews; execution of Investigative Entry and Search Orders; examination of electronic devices, respondent and witness member email accounts, respondent member call records and Victoria PD servers; and review of the materials from the Internal Investigation.

Chief Superintendent Bourrie advised that as a result of these steps, including recently completed interviews, seven (7) additional witnesses have been identified that require

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Police Complaint Commissioner

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interviewing. Those interviews will need to also be transcribed and summarized, as do a number of other recently completed interviews.

Finally, Chief Superintendent Bourrie stated that a previously interviewed witness has provided new information that requires a follow up interview with Chief Constable Elsner so that he may speak to this new information.

For the purposes of protecting the integrity of the investigation, we have not provided precise details regarding the remaining interviews or new information, but we are satisfied that the length of Chief Superintendent Bourrie's request is reasonable based on the information provided and the complexity of the matter.

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 third 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 impacted 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. The investigative team has worked diligently to date but there remain several outstanding investigative steps that are necessary to complete 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 **January 26, 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