



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

December 18, 2015

OPCC 2015-11048

MEDIA STATEMENT

Commissioner Orders Two Investigations

Victoria - The Office of the Police Complaint Commissioner (OPCC) announced today that Commissioner Stan T. Lowe has determined that it is in the public interest to inform the public that he has ordered two investigations into the alleged conduct of Chief Constable Frank Elsner of the Victoria Police Department. This disclosure is intended to maintain public confidence in the civilian oversight of law enforcement through enhanced transparency and accountability.

First Investigation Order

The OPCC has completed its review of an internal investigation and disciplinary process involving Chief Constable Elsner. Pursuant to the *Police Act* (the “Act”), Mayors Barbara Desjardins and Lisa Helps assumed the roles of Internal Discipline Authorities by virtue of being Co-Chairs of the Victoria Police Board.

In relation to internal discipline matters, the Commissioner is entrusted through legislation with an after-the-fact “gatekeeping” role. The Commissioner’s role is to review an internal investigation and disciplinary process, in order to determine whether there is a basis upon which to exercise his independent power to order an investigation into any conduct which, if proven, would constitute misconduct as defined pursuant to the Act.

The Commissioner has ordered an external investigation into five allegations of disciplinary breaches of public trust. Attached as an addendum to this Statement is the *Order for Investigation*. It provides more information about the matter.

The Commissioner has appointed as Discipline Authority, Carol Baird Ellan, a retired Chief Judge of the Provincial Court of British Columbia.

Second Investigation Order

On December 11, 2015, the OPCC received information from a representative of the Victoria Police Union in relation to allegations made by four employees of the Victoria Police Department of workplace harassment by Chief Constable Elsner. The allegations relate to alleged conduct that has been occurring on an ongoing basis since early 2014. The conduct described includes behaviour that is prohibited by the Victoria Police Department’s *Workplace Harassment and Improper Activity Policy*.

Stan T. Lowe
Police Complaint Commissioner

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The Commissioner states,

“There is an overriding public interest in proceeding with this investigation as a public trust matter. In my view, the current climate of relations that exists within the Victoria Police Department cannot be adequately addressed through internal processes. The climate within the department appears to be in a state of tension and dissonance. The public must have confidence in the effective and efficient operation of a police department; harmony and discipline within the workplace have a direct impact on its operations.”

The Commissioner has ordered an external investigation into three allegations of disciplinary breaches of public trust, which if substantiated, constitute *Discreditable Conduct*.

The Commissioner has appointed as Discipline Authority, Ian H. Pitfield, retired Judge of the the Supreme Court of British Columbia.

Given that this complaint is separate and unrelated to the other investigation involving Chief Constable Elsner, the Commissioner had determined that it is not in the public interest to release further information at this time.

Integrated External Investigation

The Commissioner has determined that it is in the public interest for these matters to be investigated by an external police force. He has designated the Royal Canadian Mounted Police to investigate these matters.

The Commanding Officer of the RCMP in British Columbia, Deputy Commissioner Craig Callens has assigned Chief Superintendent Sean Bourrie as Chief Investigator. Working under his supervision will be a senior team of external investigators with the Vancouver Police Department under the command of Superintendent Laurence Rankin.

In order to protect the integrity of the investigation and the process, the Commissioner respectfully requests that the public not rush to judgment or engage in speculation, and to await the completion of the *Police Act* process.

In order to preserve public confidence in the investigation of police misconduct and the administration of police discipline, the Commissioner will release a summary report to the public at the conclusion of the process.

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