



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 Files: 2015-11048
June 17, 2016

To: Chief Constable Frank Elsner (Member)
c/o Victoria Police Department

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

And to: Ms. Carol Baird Ellan (External Discipline Authority)
Retired B.C. Provincial 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 June 18, 2016.

On May 31, 2016, Chief Superintendent Bourrie requested a 60 business-day extension of the investigative limitation period. Chief Superintendent Bourrie advised that the investigative team had reviewed the previous internal investigation materials and completed 125 investigative tasks to date. As a result of the investigative steps undertaken to date, Chief Superintendent Bourrie has identified further investigative steps that are necessary to thoroughly investigate this matter, including several witness interviews, obtaining and reviewing further electronic evidence, the interview of Chief Constable Elsner once all other investigative steps have been completed and the completion of the final investigation report.

Stan T. Lowe
Police Complaint Commissioner

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For the purposes of protecting the integrity of the investigation, we have not provided precise details regarding the remaining investigative steps to be completed 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. This is a complex investigation that involves 14 allegations relating to four separate orders for investigation. 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 **September 16, 2016**.

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.

A handwritten signature in black ink, appearing to read 'Stan T. Lowe', enclosed in a thin black rectangular border.

Stan T. Lowe
Police Complaint Commissioner

cc: Sgt. Shelley Horne, Vancouver Police Department, Professional Standards Section