



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

September 13, 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: 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 September 16, 2016.

On September 1, 2016, Chief Superintendent Bourrie requested an extension of the investigative limitation period. Chief Superintendent Bourrie advised that the investigative team had completed 160 investigative tasks to date and were in the process of examining a substantial amount of electronic evidence. Chief Superintendent Bourrie advised that the remaining investigative steps include: the completion of the review of the electronic evidence, four additional civilian witness interviews, two additional police witness interviews and an interview of Chief Constable Elsner. The team also requires time to conduct any follow up investigation that arises from those interviews and complete the Final Investigation Report.

Stan T. Lowe
Police Complaint Commissioner

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Chief Superintendent Bourrie indicated that these steps could be completed within 35 business days, or November 7, 2016.

The request also noted that the Discipline Authority with respect to OPCC file 2015-11048-05, Retired BC Supreme Court Justice Ian H. Pitfield, has advised he is unavailable from October 16, 2016, to November 23, 2016. Chief Superintendent Bourrie requested that this file and OPCC file 2015-11048-05 be extended until Retired Justice Pitfield's return because the facts are closely related.

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. I note that, if granted, this would be the second 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.

I am also of the view that it is in the public interest to extend OPCC file 2015-11048-05 to a date on which Retired Justice Pitfield is available to receive the investigative materials. I agree with Chief Superintendent Bourrie that the facts of this case are inextricably interwoven with the facts of that file and that it is, therefore, in the public interest to extend this matter to the same date.

Accordingly, pursuant to section 99(2), an extension of the time required to complete the *Police Act* investigation is extended until **November 30, 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: Sergeant Shelley Horne, Vancouver Police Department, Professional Standards Section