



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

**APPOINTMENT OF EXTERNAL INVESTIGATOR**  
Pursuant to s. 93(1)(b)(ii) of the *Police Act*, RSBC 1996, c. 367

OPCC File: 2015-11048  
April 11, 2017

To: Chief Constable Frank Elsner  
c/o Janet Winteringham

And to: Deputy Commissioner Butterworth-Carr (External Investigative Agency)  
Royal Canadian Mounted Police E-Division

And to: Ms. Carol Baird Ellan (Discipline Authority)  
Retired BC Provincial Court Judge

On December 18, 2015, I ordered an external investigation into the conduct of Chief Constable Elsner (“the Order”). Briefly, the Order arose out of information received from counsel for the Co-Chairs of the Victoria/Esquimalt Police Board in late August 2015. That information suggested the Co-Chairs were in possession of electronic communications between Chief Constable Elsner and a member of another police department who was the spouse of a member serving under the command of Chief Constable Elsner.

The matter initially proceeded as an Internal Investigation pursuant to Part 11, Division 6 of the *Police Act*, with the Co-Chairs of the Victoria/Esquimalt Police acting as the Internal Discipline Authorities. The Internal Discipline Authorities appointed Patricia Gallivan, Q.C. as the investigator.

The Order became necessary to correct deficiencies in the original investigation and due to concerns with respect to the Chairs’ handling of the investigation and the Chairs’ final determination regarding the conduct investigated. Based on my review of the information received at the conclusion of the investigation, I ordered an investigation into five (5) allegations of misconduct.

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Stan T. Lowe  
Police Complaint Commissioner

5<sup>th</sup> Floor, 947 Fort Street  
PO Box 9895 Stn Prov Govt  
Victoria, British Columbia V8W 9T8  
Tel: (250) 356-7458 / Fax: (250) 356-6503

I also determined that it was necessary in the public interest that the allegations be investigated by an external police force, the Royal Canadian Mounted Police. The Commanding Officer of the RCMP 'E' Division at the time, Deputy Commissioner Craig Callens, agreed that Chief Superintendent Sean Bourrie would be the assigned Chief Investigator. Working under his supervision was a senior team of external investigators with the Vancouver Police Department under the command of Deputy Chief Constable Laurence Rankin.

I also considered it necessary in the public interest that a person other than the Co-Chairs of the Victoria Police Board be the Discipline Authority for all purposes pursuant to the Act. Therefore, pursuant to section 135(2) of the *Police Act*, I appointed retired judge Carol Baird Ellan, to exercise the powers and perform the duties of a Discipline Authority in relation to this matter.

The Final Investigation Report was submitted to the Discipline Authority on February 24, 2017. On March 10, 2017, Discipline Authority, Carol Baird Ellan issued her decision pursuant to section 112 of the *Police Act*, recommending that 4 of the 5 allegations against Chief Constable Elsner proceed to a Discipline Proceeding.

On March 30, 2017, Chief Constable Elsner requested further investigation pursuant to section 114 of the *Police Act*. The Discipline Authority granted that request on April 7, 2017, directing the investigating officer to conduct further investigation.

Pursuant to section 115(2)(a) of the *Police Act*, the investigating officer must complete the Supplementary investigation within 15 business-days after the direction was issued. Pursuant to section 115(2)(c), the investigating officer must submit a Supplementary Investigation Report with 20 business-days after the request.

We have been advised by the Commanding Officer of the RCMP 'E' Division, Deputy Commissioner Brenda Butterworth-Carr that Chief Superintendent Bourrie is no longer on active duty due to retirement. Therefore, I am of the opinion that it is necessary in the public interest that a new lead investigator be appointed to carry out the further investigation directed by the Discipline Authority. Deputy Commissioner Butterworth-Carr has agreed that Chief Superintendent Trent Rolfe will be assigned as the lead investigator for the purposes of to meeting the statutory obligations contained in section 115 of the *Police Act*.

Pursuant to section 115(2)(c), the Supplementary Investigation Report must submitted by **May 9, 2017**.



Stan T. Lowe  
Police Complaint Commissioner