

Between January 1st and December 31st, 2009, the OPCC has concluded **960** allegations of police misconduct. The following provides a summary of the results ...

**Between January 1st and December 31st, 2009,
960 individual allegations of police misconduct were reviewed and concluded as follows:**

<i>Total # of Allegations Concluded</i>	<i>Withdrawn</i>	<i>Reviewed & Closed</i>	<i>Informally Resolved</i>	<i>Mediated</i>	<i>Summarily Dismissed</i>	<i>Not Substantiated</i>	<i>Substantiated</i>
960	79	101*	67	8	170	438	97

Withdrawn	<i>A Complainant may withdraw his/her complaint at any time in the process; however the PCC may direct that the investigation continue if the allegations were of a serious nature</i>
Reviewed & Closed	<i>* This figure represents allegations reviewed by the OPCC with respect to Service and Policy complaints (concerns regarding the services provided by a police department). Upon receipt of the final response by the police board the OPCC reviews and closes the file. As well, informal complaints that are received (Non-Lodged files) or information received that may result in a Police Act matter (Monitor files) are reviewed and closed by the OPCC where it is determined there are no formal allegations of police misconduct identified. The PCC may order an investigation only if the allegations are of a serious nature and there is sufficient information upon which to launch an investigation.</i>
Informally Resolved	<i>A complaint may be informally resolved facilitated through the investigator. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 days in which to change their mind.</i>
Mediated	<i>A complaint may be resolved through mediation, facilitated by a professional mediator. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 days in which to change their mind.</i>
Summarily Dismissed	<i>Following a preliminary review, a complaint may be summarily dismissed if: there is no likelihood further investigation would produce evidence of a default; the incident occurred more than 12 months prior to filing the complaint; or the complaint is frivolous or vexatious.</i>
Not Substantiated	<i>Following an investigation that may take up to 6 months, the Discipline Authority determines there is no evidence to support the allegation of misconduct.</i>
Substantiated	<i>Following an investigation that may take up to 6 months, the Discipline Authority determines the allegation is supported by the evidence. The Discipline Authority must then decide on appropriate disciplinary and/or corrective measures to impose. The Discipline Authority may also determine that while the allegation is substantiated, that no disciplinary or corrective measures are required.</i>

The *BC Code of Professional Conduct Regulation* provides a guide for police officers to ensure they perform their duties in a manner that is fair, impartial and effective to the communities and citizens they serve. The *Code* also ensures that public confidence in police is maintained by holding police accountable to the public in a way that is fair to police officers and to members of the public.

The *Code of Professional Conduct Regulation* allows the Discipline Authority to impose one or more of the following corrective or disciplinary measures if an allegation of misconduct is proven:

- ☞ Verbal Reprimand
- ☞ Written Reprimand
- ☞ Direction to undertake professional counseling
- ☞ Direction to undertake special training or retraining
- ☞ Direction to work under close supervision
- ☞ Suspension without pay for up to 5 working days
- ☞ Transfer or re-assignment
- ☞ Reduction in rank
- ☞ Dismissal

Between January 1st and December 31st, 2009, 97 allegations were substantiated. The following is a summary of the allegation(s) and the measures imposed.

NOTE: A complaint received from a citizen *may* contain many allegations and *may* involve more than one police officer. The following table provides a description of the allegation and the corrective and/or disciplinary default imposed by the Discipline Authority and does not reflect the number of respondent officers involved. Therefore there are only 64 summaries for the 97 substantiated allegations.

#	Substantiated Allegation	Corrective/Disciplinary Measures
1	<p>Following a stolen auto pursuit, the officer kicked the suspect in the face while the suspect was on the ground, handcuffed.</p> <p>(Convicted of assault – conditional discharge and 1 year probation)</p> <p>Default: Abuse of Authority</p> <p>Ordered External Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 5-day Suspension without pay ☞ 18-month reduction in rank (demotion to 3rd Class Constable) ☞ Reassignment to position deemed suitable by Chief Constable ☞ Psychological counseling for 18 months
2	<p>The officer had spoken the victim of an alleged sexual assault in an oppressive and inappropriate manner.</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ No Disciplinary or Corrective Measures imposed <p><i>(Officer had been transferred from the section prior to the conclusion of the proceedings)</i></p>
3	<p>While on-duty, it was alleged that the officer sexually assaulted the Complainant.</p> <p>(Criminal charges not approved)</p> <p>Defaults: Neglect of Duty Deceit Improper Off-Duty Conduct (previous harassment of Complainant) Discreditable Conduct Corrupt Practice</p>	<ul style="list-style-type: none"> ☞ Officer resigned prior to the conclusion of the discipline proceedings

#	Substantiated Allegation	Corrective/Disciplinary Measures
4	<p>In three separate court proceedings, it was determined the officer's testimony, conduct and lack of preparation resulted in serious credibility issues and fell below the department's standards.</p> <p>Default: Discreditable Conduct (x2)</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 1-Day & 2-Day Suspensions without pay ☞ Reassignment of duties (including any overtime duties) to a position that precludes the officer having to provide testimony for a period of 2 years to be followed by a review by the Chief Constable.
5	<p>The officer failed to properly handle and document found property (a ring).</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Managerial Direction ☞ Additional training on PRIME (as it relates to processing property) ☞ Order to review existing departmental policy
6	<p>The officer had conducted unauthorized searches on PRIME and CPIC and divulged personal information to outside agencies for a purpose unrelated to his/her duties as a police officer.</p> <p>Default: Corrupt Practice</p>	<ul style="list-style-type: none"> ☞ 1-Day Suspension without pay
7	<p>While off-duty, the officer had entered the department's locker room and without authorization removed a firearm and ammunition of another member.</p> <p>Defaults: Improper Use & Care of Firearm Improper Off-Duty Conduct</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Direction to under counseling (to the satisfaction of the Board that the officer is fit to return to duties) ☞ Once returned, the officer is to work under close supervision.
8	<p>The officer used profanity and unnecessary force on a prisoner (choke hold and 2 knee strikes to the Complainant's rib area), resulting in a fractured rib.</p> <p>Default: Abuse of Authority (x2)</p>	<ul style="list-style-type: none"> ☞ 2-Day Suspension without pay ☞ Direction to review appropriate Use of Force techniques with the department's Use of Force instructor. <p><i>(The officer had already completed a communications training course prior to the conclusion of the proceedings)</i></p>

#	Substantiated Allegation	Corrective/Disciplinary Measures
9	<p>The officer's behaviour towards the Complainant at his/her place of work was inappropriate and unprofessional.</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand
10	<p>The officers were investigating a report of illegal possession of firearms, and while attempting to render one of the firearms safe for transport, there was an accidental discharge of the rifle. The discharge was not reported in the General Occurrence Report.</p> <p>Default: Discreditable Conduct Neglect of Duty Improper Use & Care of Firearm Deceit</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 1-Day Suspension without pay ☞ Direction to review regulations and policy regarding seized property ☞ 1-Day Suspension without pay ☞ Direction to undertake remedial firearms course ☞ 2-Day Suspension without pay (with respect to the failure to report the incident)
11	<p>A brief foot chase occurred during which the Complainant had dropped his backpack. Later while the Complainant was arrested and handcuffed, the Respondent officer struck the Complainant in the stomach area twice with the backpack.</p> <p>Default: Abuse of Authority</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Managerial Direction <p><i>(The officer had also agreed to speak with a professional counselor)</i></p>
12	<p>Improper and inadequate reporting of an incident.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Managerial Direction ☞ Direction to undertake PRIME training with respect to reporting requirements
13	<p>The officer, following a traffic stop and the issuing of a ticket, then without lawful authority had the Complainant's vehicle towed.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Direction to Undertake Additional Training with respect to powers of arrest and towing of vehicles.

#	Substantiated Allegation	Corrective/Disciplinary Measures
14	<p>The officer investigating a report of fraud failed to submit the Report to Crown Counsel within the 6-month time period, resulting in no charges proceeding.</p> <p>Default: Neglect of Duty</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand
15	<p>The officer attempted to cover an infant breastfeeding with a blanket or a newspaper. The Complainant alleged her personal space and rights were violated.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Advice as to future conduct
16	<p>The officers had detained the Complainant without lawful authority.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand
17	<p>While off-duty, the officer used profane language and attempted to gain preferential treatment by showing his police identification during a traffic stop.</p> <p>Default: Improper Off-Duty Conduct</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Written Reprimand ☞ Letter of apology
18	<p>While training at the range, the officer accidentally discharged his/her firearm.</p> <p>Default: Improper Use & Care of Firearm</p> <p>Internal Discipline</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand
19	<p>Within a short period of time, the officer had been involved in three minor motor vehicle accidents while driving a police vehicle.</p> <p>Default: Damage to Police Property</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Written Reprimand
20	<p>The officer had conducted an unauthorized search police databases regarding a family member.</p> <p>Default: Improper Disclosure of Information</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Written Reprimand

#	Substantiated Allegation	Corrective/Disciplinary Measures
21	<p>The officer had handcuffed the Complainant although he posed not threat to the officer, and unlawfully searched the Complainant's vehicle.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Advice as to future conduct ☞ Direction to update legal training with respect to search and detention
22	<p>The officer used a sarcastic tone while dealing with the Complainant.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Managerial Direction
23	<p>The officer conducted an unauthorized search of police databases.</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Managerial Direction
24	<p>During an investigation, the officer located one gram of marihuana and disposed of it by crushing it on the ground at the scene.</p> <p>Default: Neglect of Duty</p>	<ul style="list-style-type: none"> ☞ Managerial Direction
25	<p>The officer made inappropriate taunting comments to the Complainant, who was being transported to the hospital after being apprehended under the <i>Mental Health Act</i>.</p> <p>Default: Discreditable Conduct</p>	<ul style="list-style-type: none"> ☞ Advice as to future conduct
26	<p>The officer had without authority removed an exhibit from a crime scene during the execution of a search warrant.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand ☞ Direction to review departmental policy regarding the proper seizure of property

#	Substantiated Allegation	Corrective/Disciplinary Measures
27	<p>On two separate occasions, the officer attempted to use his/her position as a police officer to gain preferential treatment during a traffic stop.</p> <p>Default: Improper Off-Duty Conduct</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Written Reprimand ☞ Written apology (2) ☞ Direction to Undertake professional counseling and is only permitted back to work until the board is satisfied the officer is fit for duty ☞ When the officer does return to work, to work under close supervision and in a position deemed suitable by the Chief Constable.
28	<p>While off-duty, the officer sprayed a person with bear spray. (Convicted of assault – Conditional discharge & 1 year probation)</p> <p>The Respondent also wrote a letter to the arresting officer that was deemed inappropriate.</p> <p>Default: Improper Off-Duty Conduct (x2)</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ 1 day Suspension without Pay ☞ Written Reprimand
29	<p>The officers failed to provide duty reports when ordered to do by the Professional Standards investigator.</p> <p>Default: Neglect of Duty</p> <p>Ordered External Investigation by OPCC</p>	<ul style="list-style-type: none"> ☞ No disciplinary or corrective measures warranted
30	<p>The officer made comments and sent text messages to a supervisor that was inappropriate.</p> <p>Internal Discipline</p>	<ul style="list-style-type: none"> ☞ Written Reprimand
31	<p>The respondent acted in an intimidating and unprofessional manner towards a fellow officer.</p> <p>Internal Discipline</p>	<ul style="list-style-type: none"> ☞ Written Reprimand

#	Substantiated Allegation	Corrective/Disciplinary Measures
32	<p>While investigating an armed robbery, the officer fired four rounds at a vehicle. It was shown the officer had a legitimate fear for his safety when he considered using deadly force, however by the time he fired the shots, the threat had already passed as the vehicle was departing.</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Additional Training ☞ Advice as to Future Conduct
33	<p>The officer had used unnecessary and excessive force against a prisoner in an interview room causing a cut to his forehead and chipping a tooth.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ 2-day Suspension without Pay
34	<p>An officer had disclosed confidential police information regarding the complainant.</p> <p>Default: Improper Disclosure of Information</p>	<ul style="list-style-type: none"> ☞ Managerial Advice ☞ Letter of apology ☞ Review the CPIC Manual Code of Ethics ☞ Review the CPIC Manual - Section 7 re Confidentiality and Dissemination of Information ☞ Review departmental operations bulletin re CPIC Warning Message
35	<p>The officer failed to record the circumstances of an arrest in his notebook, contravening the department's policy.</p> <p>Default: Discreditable Conduct</p>	<ul style="list-style-type: none"> ☞ Written Reprimand
36	<p>While driving his vehicle off-duty the officer became enraged at the actions of a pedestrian, stopped his vehicle and assaulted the man. (Pled guilty to assault – Conditional discharge & 9 months probation)</p> <p>Default: Improper Off-Duty Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Written Reprimand

#	Substantiated Allegation	Corrective/Disciplinary Measures
37	<p>The officer failed to attend a noise complaint, wrote a false report indicating that he had attended and lied to the investigator when confronted with evidence that he falsified a report.</p> <p>Defaults: Neglect of Duty Deceit (x2)</p>	<ul style="list-style-type: none"> ☞ 3 day Suspension without pay (<i>re Neglect of Duty</i>) ☞ Reduction in Rank from a 1st Class Constable to 2nd Class (<i>re Deceit – falsified report</i>) ☞ Work under Close Supervision for a period of 6 months (<i>re Deceit – false statement to investigator</i>)
38	<p>The officer's conduct was rude towards the Complainant.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Managerial Direction
39	<p>During a search of a residence for weapons, the officers located a small amount of cannabis. The officer failed to seize the cannabis.</p> <p>Default: Neglect of Duty</p>	<ul style="list-style-type: none"> ☞ Managerial Direction
40	<p>The officer drove his police car at speeds of 110-120 km/h and was involved in a motor vehicle accident with another police vehicle causing extensive damage.</p> <p>Default: Damage to Police Property</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 1-day Suspension without pay
41	<p>The officer failed to properly process and document the handling of found property turned into the department.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Managerial Direction ☞ Additional training
42	<p>The officer made inappropriate comments to a fellow employee.</p> <p>Internal Discipline</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand ☞ Additional training

#	Substantiated Allegation	Corrective/Disciplinary Measures
43	<p>The officer struck a prisoner while in his cell. Following the use of pepper spray against the prisoner, the officer failed to provide required medical treatment and failed to adequately report the use of the pepper spray.</p> <p>Defaults: Abuse of Authority Discreditable Conduct Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 3 day Suspension without pay (<i>re Abuse of Authority</i>) ☞ 1 day Suspension without pay (<i>re Failure to provide medical treatment – Discreditable Conduct</i>) ☞ 1 day Suspension without pay (<i>re Neglect of Duty</i>)
44	<p>The officers had failed to use the appropriate restraints when a male was taken into custody; they did not complete the investigation nor conduct sufficient follow up investigation into the male’s court ordered breaches, and they failed to takes steps to ensure that the male did not continue to be a danger to the public if and when he was released from the hospital.</p> <p>It was further found that one of the officers made a false, misleading and inaccurate statement in the Report to Crown Counsel.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Officers 1 & 2 re Neglect of Duty – 2 Day suspension without pay ☞ Officer 1 re Deceit – 1 Day suspension without pay
45	<p>The officer, while on duty, had sent an inappropriate email to a civilian employee.</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 3-day suspension without pay ☞ Direction to undertaken professional counseling ☞ Letter of apology
46	<p>The officer had failed to deal with seized property (a rifle) in a secured and appropriate manner.</p> <p>Default: Discreditable Conduct</p>	<ul style="list-style-type: none"> ☞ No disciplinary or corrective measures warranted
47	<p>While booking the Complainant into cells and while the Complainant was handcuffed, the officer took the Complainant down to the floor where he struck his head on the concrete floor. The Complainant suffered a serious head injury during the takedown.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ 3-day suspension without pay ☞ Direction to undertake retraining on ‘takedowns’ <p><i>For further details, please refer to the Reasons of Adjudicator Hutchison – Parts 1 & 2, found under “Public Hearings”, No. 2008-01</i></p>

#	Substantiated Allegation	Corrective/Disciplinary Measures
48	<p>The officer was simultaneously receiving payments for long term disability and regular pay by the department. Crown Counsel reviewed possible charges and felt that it was not in the public interest to proceed with criminal charges.</p> <p>Default: Deceit</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ 1-day suspension without pay
49	<p>The officer failed to undertake the investigation into a sexual assault in a timely fashion and did not conduct a number of important investigative avenues, possibly leading to a further victimization of the complainant in the sexual assault matter.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Written reprimand ☞ Reassigned duties for a period of 2 years ☞ Work under close supervision
50	<p>The officer failed to follow departmental policy regarding the proper handling of seized property, resulting in the loss of the Complainant's cell phone.</p> <p>Default: Neglect of Duty</p>	<ul style="list-style-type: none"> ☞ Managerial Advice ☞ Complainant reimbursed for cost of new cell phone
51	<p>The officer failed to adhere to departmental policies as they relate to vehicle pursuits.</p> <p>Default: Discreditable Conduct</p>	<ul style="list-style-type: none"> ☞ Written reprimand ☞ Remedial training and direction to review departmental policies
52	<p>The officer had conducted unauthorized searches on police databases (CPIC).</p> <p>Default: Discreditable Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand
53	<p>The officer used excessive force to subdue and detain the Complainant.</p> <p>Default: Abuse of Authority</p>	<ul style="list-style-type: none"> ☞ Verbal Reprimand ☞ Direction to attend training sessions re Force Options, including Tactical Communication, Use of Force & Risk Management

#	Substantiated Allegation	Corrective/Disciplinary Measures
54	<p>The officer failed to follow departmental policy regarding the proper handling of seized property, resulting in the loss of the Complainant's knife.</p> <p>Default: Neglect of Duty</p>	<p>☞ Managerial Advice</p>
55	<p>The officer failed to submit a Report to Crown Counsel in an acceptable period of time. The file was regarding a shoplifting charge.</p> <p>Internal Discipline</p>	<p>☞ Managerial Advice</p>
56	<p>The officer failed to attend for duty relating to a Special Duty Assignment.</p> <p>Default: Neglect of Duty</p> <p>Investigation initiated by Department</p>	<p>☞ Managerial Advice</p>
57	<p>The officer's personal and police identification were left in the officer's vehicle and subsequently stolen. Both were later recovered.</p> <p>Default: Damage to Police Property</p> <p>Investigation initiated by Department</p>	<p>☞ Managerial Advice</p>
58	<p>While off-duty, the officer allegedly committed a sexual assault. Criminal charges approved and the matter is currently before the court.</p> <p>Default: Improper Off-Duty Conduct</p> <p>Ordered Investigation at the request of the Department</p>	<p>☞ The officer resigned prior to the completion of the <i>Police Act</i> investigation.</p>
59	<p>On February 21, 2009 at approximately 0320 hrs, The officer (a BAC Datamaster C supervisor) performed an External Alcohol Standard Change for BAC Datamaster , but did not follow proper procedure for performing this test. This error directly impacted ten criminal court cases, three of which were fatally impacted and resulted in stays of proceedings.</p> <p>Default: Neglect of Duty</p> <p>Investigation initiated by Department</p>	<p>☞ Verbal Reprimand</p>

#	Substantiated Allegation	Corrective/Disciplinary Measures
60	<p>The officer's locker, in which the officer's firearm, magazine and ammunition were stored, was not properly secured.</p> <p>Default: Improper Care & Use of Firearm</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Managerial Advice
61	<p>The officer failed to attend for a Special Duty Assignment.</p> <p>Default: Neglect of Duty</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Managerial Advice
62	<p>The officer failed to comply with departmental policy regarding the handling of seized property.</p> <p>Default: Neglect of Duty</p> <p>Ordered Investigation at the request of the Department</p>	<ul style="list-style-type: none"> ☞ Reassignment/transfer ☞ Direction to undertake re-training ☞ Written Reprimand
63	<p>Two senior officers neglected their duty during the internal investigation of another member.</p> <p>Defaults: Deceit Neglect of Duty Improper Disclosure of Information</p> <p>Ordered External Investigation</p>	<ul style="list-style-type: none"> ☞ Both officers resigned prior to the commencement of a Public Hearing <p><i>For further details, please refer to the PCC's Reasons (February 12, 2009).</i></p>
64	<p>The officer involved failed to attend a scheduled Provincial Court date.</p> <p>Default: Neglect of Duty</p> <p>Investigation initiated by Department</p>	<ul style="list-style-type: none"> ☞ Managerial Advice