

In the matter of a Police Act Review on the Record

Into

The complaint against Constable #1438 Jay Johns

of the Vancouver Police Department

Decision of the Adjudicator

I, Retired Judge, Leo Nimsick, the Adjudicator have read all of the material supplied to me by the Office of the Police Complaint Commissioner comprising of two large loose leaf volumes with many pages of evidence, statements, submissions, and decisions. I have also received a further submission from Kevin Woodall, Counsel for Constable Johns and one from John S. Heaney, Counsel for the Police Complaint Commissioner. I have considered all of these materials in coming to my decision on this matter.

Constable Johns is a seasoned police officer with extensive experience. We must have faith in our Police Departments to do the right thing. That is why we hold them to a higher standard than we do regular citizens. Constable Johns knew he was breaking the law by contacting Christie Folks all of which is part of the material I have reviewed. There was a procedure he could have followed but chose to ignore it. That procedure was to apply to the Court through the Prosecutor to have the restriction removed or amended.

It is clear to me that the Discipline Authority got it right when he found that Constable Johns was guilty of discreditable conduct and that a three-day suspension was appropriate. It is suggested by Mr. Woodall that Constable Johns has paid a high price for his conduct. First the fact that he had a motorcycle accident is irrelevant as it has nothing to do with the matter at hand. Second, his not being able to accept overtime because he could not possess a firearm. Again, he had a remedy but chose not take it.

I should say something about the Learned Provincial Court Judges decision to grant Constable Johns an Absolute Discharge on the charge of breach of his release conditions. It often happens on a plea agreement that sentence is also agreed. I have my suspicions that this is what happened when he plead guilty to one count of breach. It is interesting to note that this breach was observed by a bystander who gave a statement. The other point to be made is that the Learned Judge did not want Constable Johns to have a Criminal Record. This could have affected his career.

**All OF WHICH IS RESPECTFULLY SUBMITTED THIS 11TH DAY OF June,
2012**

Retired Judge Leo Nimsick, Adjudicator