



Conclusion of Proceedings

(Pursuant to s.120(16) of the *Police Act*, RSBC 1996, c.367)

Date: 25 February 2015
OPCC File No. 2014-9436-03

TO: [REDACTED] (Member)
Vancouver Police Department

AND TO: The Honourable Mr. Wally Oppal Q.C. (Discipline Authority)
Retired Judge, BC Court of Appeal

AND TO: Deputy Chief Constable Jim Almas (Prehearing Conference Authority)
c/o West Vancouver Police Department
Professional Standards Section

AND TO: Chief Constable Jim Chu
c/o Vancouver Police Department
Professional Standards Section

On February 18, 2014, the Office of the Police Complaint Commissioner received information from the [REDACTED] pursuant to section 89 of the *Police Act* regarding an incident which occurred on [REDACTED], involving [REDACTED] and [REDACTED].

The information received advised that on [REDACTED], a collision occurred between a Vancouver Police patrol vehicle driven by [REDACTED] and a [REDACTED] the intersection of [REDACTED] and [REDACTED]. The collision resulted in significant damage to both vehicles, totalling both.

The circumstances were reviewed and pursuant to s. 93 an investigation was ordered into this matter, specifically Neglect of Duty, pursuant to s. 77(m)(ii) of the *Police Act* in relation to the allegations that [REDACTED] failed to stop at the red light and caused a collision.

On October 15 and November 13, 2014, [REDACTED], as the Discipline Authority, issued his decision pursuant to section 112. In his Decision, [REDACTED] determined that [REDACTED] did not commit Neglect of Duty pursuant to s. 77(3)(m)(ii).

On December 5, 2014, the Police Complaint Commissioner appointed a retired judge to review this matter pursuant to s. 117(1) of the *Police Act*. Having reviewed the allegation and the alleged conduct in its entirety, the Police Complaint Commissioner believed that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect.

Therefore, pursuant to s. 117(4) of the *Police Act* and based on a recommendation from the Associate Chief Justice of the Supreme Court of British Columbia, the Police Complaint Commissioner appointed Mr. Wally Oppal Q.C., retired judge, to review this matter and arrive at his own decision based on the evidence.

On January 26, 2015, upon review of the report and the evidence and records referenced in it, Mr. Wally Oppal Q.C. determined that the conduct of [REDACTED] appeared to constitute misconduct. Subsequently, pursuant to s. 117(9) Mr. Oppal Q.C. became the Discipline Authority in respect of this matter. The Discipline Authority then offered a prehearing conference to [REDACTED], and the proposed disciplinary or corrective measures included a Verbal or Written Reprimand.

On January 26, 2015, the Police Complaint Commissioner designated Deputy Chief Constable Jim Almas to perform the duties of the Prehearing Conference Authority.

A Prehearing Conference was held before Deputy Chief Constable Almas on February 20, 2015. An agreement was reached for [REDACTED] to accept a Verbal Reprimand as his formal discipline for Neglect of Duty. A report following the Prehearing Conference was also received at our office on February 20, 2015.

In reviewing all the relevant factors in this case, it is my view that the Discipline Authority's decision in relation to the disciplinary measures imposed at the prehearing conference are considered to be correct and adequate.

Therefore, the agreement reached at the prehearing conference is approved and the resolution is final and binding. Our file with respect to this matter will be concluded upon receipt of confirmation that in accordance with section 180(6) of the *Police Act*, any disciplinary or corrective measure imposed in relation to, or agreed to by, a member or former member has been completed, and that their service record of discipline has been updated.



Cam Loveless
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Office of the Police Complaint Commissioner