

Appendix # 1

In the matter of the Review on the Record into the conduct of

Constable Felipe Gomes



5. A summary of the evidence with the additional allegations is hereafter described and appears chronologically. S/Sgt. Gain also more closely examined existing Global Positioning Satellite (GPS) data and requested a report from Cst. Merryman.

Allegation #1 – That after October 22, 2011 and prior to November 19, 2012 it is alleged that Constable Gomes acted in a matter to wit:

“Created notes for PRIME File #2011-10616 which he misrepresented as having been made at the time or shortly after the incident. The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically deceit pursuant to Section 77(3) (f)(i)(B) of the Police Act.”

The evidence for this allegation is as follows:

Cst. Gomes Presented His Photocopied Notes as Original Notes

S/Sgt. Kyle asked Cst. Gomes in an e-mail on October 3, 2012 to provide her a copy of his original notes from October 22, 2011 for the Pabla *Police Act* matter (OPCC File 2012-7669-02 refers) with respect to the allegations of abuse of authority, discourtesy, corrupt practice and neglect of duty:

- Cst. Gomes did not respond to the initial request from S/Sgt. Kyle or provide his notes;
- On October 11, 2012 S/Sgt. Kyle contacted Cst. Gomes's Agent, Sgt. Hall to request Cst. Gomes's notes by October 15, 2012 in her office;
- On October 12, 2012 Sgt. Hall indicated that Cst. Gomes was unavailable because of being on a course but Cst. Gomes would have the notes to S/Sgt. Kyle upon his return to work, believed by Sgt. Hall to be on October 15;
- Time card information revealed that Cst. Gomes returned to work for a nightshift on October 17, 2012 and worked upwards of ten days prior to November 19. Despite his availability, Cst. Gomes's photocopied notes were not received in PSO by S/Sgt. Kyle until November 19, 2012 in an apparent delay;
- On November 19, 2012 S/Sgt. Kyle received in PSO Cst. Gomes's notes for the Pabla incident, dated October 22, 2011 and which entailed pages 23 to 28. There were six pages of notes followed by a void line through page 29;
- Cst. Gomes worked a nightshift, 1800 hours to 0600 hours November 18 – November 19, 2012 and did not meet with S/Sgt. Kyle on November 19, 2012.



Interview #1 with Cst. Gomes – S/Sgt. Kyle

On November 21, 2012 S/Sgt. Kyle interviewed Cst. Gomes related to the Pabla *Police Act* investigation. Cst. Gomes brought the relevant notebook (Referred to as Notebook #8):

- He was the driver for the IGTF shift and was partnered with VPD Cst. Clark;
- Cst. Gomes was the driver in the Pabla traffic stop in Vancouver (File #2011-10614);
- Cst. Gomes and other IGTF members handed their prisoners, including Mr. Pabla over to VPD Liquor Detail members. Cst. Gomes was present when the prisoner wagon arrived at the Roxy Nightclub to take Pabla et al. to jail;
- S/Sgt. Kyle requested Notebook #8 from Cst. Gomes to clarify illegible details on page 24 of the photocopy;
- S/Sgt. Kyle did not notice anything unusual in Cst. Gomes's notebook;
- S/Sgt. Kyle asked Cst. Gomes if he; "made these notes at the time?" Cst. Gomes answered; "Ah, yes. Well, as we were driving back to the office".

Examination of Photocopied P abla Notes – S/Sgt. Kyle

On January 8, 2013 S/Sgt. Kyle examined Cst. Gomes's October 22, 2011 photocopied police notes from Notebook #8. S/Sgt. Kyle discovered that Cst. Gomes twice wrote PRIME File #2012-10614 in these police notes when the cor rect file number was 2011-10614. She found this to be an; "unexpected ... type of date error":

- The investigator concluded that the 2012-10614 file references reportedly written in October 2011 suggested that Cst. Gomes's notes were made in 2012 and not on October 22, 2011 as stated by Cst. Gomes.

Request to Cst. Gomes for Notebook #8 – Sgt. Hallett

On January 11, 2013 Sgt. Hallett spoke with Cst. Gomes by telephone and asked him to bring Notebook #8 to the Professional Standards Office (PSO). Cst. Gomes initially agreed, but in a second telephone conversation declined to cooperate, reportedly because of his concerns over the confidentiality of some information in Notebook #8:

- Cst. Gomes said to Sgt. Hallett; "there's some sensitive files in there and I don't trust Connie to be going through my notebook ... like CFSEU files ... that are of top secret nature".

Interview #2 of Cst. Gomes – S/Sgt. Kyle and Sgt. Hallett

On January 22, 2013 Cst. Gomes was interviewed by S/Sgt. Kyle and Sgt. Hallett and answered questions specifically related to his photocopied notes and Notebook #8:

- Cst. Gomes Notebook #8 was held by six small bulldog-style clips affixed to the



lower half. The top portion of the notebook was stapled shut and a 'Post It' note covered the upper inside page;

- Cst. Gomes was calm and composed until S/Sgt. Kyle asked him questions related to Notebook #8. At that point, Cst. Gomes became highly agitated, his hands shook uncontrollably and he appeared stressed;
- S/Sgt. Kyle asked Cst. Gomes to give her Notebook #8 to fully examine;
- Cst. Gomes refused to allow S/Sgt. Kyle to take his notebook. Cst. Gomes explained that; "there's surveillance ... there's ongoing IHIT investigations and it would be a breach of the RCMP Act for me to disclose that to anyone, right";
- Cst. Gomes eventually removed the bulldog-style clips but held his notebook in his hands while allowing S/Sgt. Kyle to partially examine the notebook;
- S/Sgt. Kyle saw full blank pages in the notebook (prior to October 21, 2011) and asked Cst. Gomes if it was "normal" for him to leave; "blank pages". He answered; "Yeah ... sometimes pages get stuck." She also asked Cst. Gomes if he left whole blank pages "on purpose". Cst. Gomes answered; "Nope, I don't";
- S/Sgt. Kyle asked Cst. Gomes why he wrote 2012-10614 instead of 2011-10614. He answered; "I don't know, I honestly don't recall that. I don't know";
- S/Sgt. Kyle asked Cst. Gomes if he made the notes for October 22, 2011; "at the time". Cst. Gomes replied; "Yes, I did". He indicated he wrote the notes while he was the passenger in the police cruiser the night of October 22, 2011;
- At the conclusion of the interview Cst. Gomes took the notebook with him.

S/Sgt. Kyle Direction to Cst. Gomes for Notebook #8

On January 28, 2013 S/Sgt. Kyle directed Cst. Gomes to turn over Notebook #8 and other notebooks that preceded and followed Notebook #8. Cst. Gomes did so without qualifying or protesting that Notebook #8 contained sensitive RCMP information as he had done on January 11, 2013 and January 22, 2013. S/Sgt. Kyle noted:

- Notebook #8 was no longer held together by clips and staples;
- S/Sgt. Kyle estimated that 100 of 200 pages in Notebook #8 were blank;
- At times, there were four to eight consecutive blank pages;
- There were multiple entries where tombstone data only was written down with no file details, followed by one to several blank pages;
- S/Sgt. Kyle did not find notes related to an IHIT investigation or any other file details that may have raised an issue of confidentiality.

PRIME Off-line Query of Cst. Gomes – S/Sgt. Kyle

S/Sgt. Kyle conducted a PRIME off line query to determine, if and when Cst. Gomes accessed the relevant Pabla PRIME Files 2011-10614 and 2011-10616, as follows:

- August 13, 2012, the day Cst. Gomes received notice of the Pabla complaint;
- November 18 – November 19, 2012 between 2359 hours and 0025;



- November 21, 2012 at 1446 hours which coincided with his first interview;
- S/Sgt. Kyle noted that there was no justification for Cst. Gomes to check the Pabla PRIME files on November 18 – 19, 2012 in order to submit a copy of his notes.

Analysis of Notebook #8 – S/Sgt. Gain

S/Sgt. Gain thoroughly examined Cst. Gomes's Notebook #8 and made a number of observations of the contents, structure, as well as quantity of blank and voided pages:

- It contained 69 blank pages as well as 69 partially blank and voided pages, essentially leaving 138 of 200 pages unused or partially used ($69 + 69 = 138$);
- On 15 occasions, Cst. Gomes recorded either a file number, or incident, or name(s), or combination thereof for police incidents, followed by between two and eleven blank pages where pertinent file information and evidence would be expected to be found (See pages: 48, 59, 81, 90, 106, 118, 122, 129, 135, 140, 154, 158, 164, 175 and 180);
- Frequently following Cst. Gomes's brief notebook entries he left numerous lines of blank spaces, ranging from four lines to thirteen lines. Cst. Gomes's extensively used void lines on pages 58 times with 30 instances where he voided entire pages and elsewhere voided between 2 lines and 11 lines;
- This pattern of blank pages, blank spaces and voided lines / pages following his brief notations was highly suggestive that Cst. Gomes constructed his notebook to make of notes after the fact;
- There was one reference on blank Page #17 of; "stuck pages" which was the only reference in all of his notebooks to "stuck pages";
- S/Sgt. Gain found that the Notebook #8 contained 'some sensitive RCMP information'. The information included file numbers and the words: 'IHIT, surveillance detail' and 'shadow detail';
- S/Sgt. Gain cross-checked the file numbers and found that she could not access or see IHIT files and could view one file related to Cst. Gomes's arrest of a subject on a warrant and transport to Surrey. It was apparent in the notebook that, at times Cst. Gomes and other IGTF members were tasked with the identification of subjects of interest, arrest of some subjects and surveillance;
- Except for subject names and their personal details, as well as police file numbers, no explicit and apparently confidential information was noted. The IHIT information was general in nature and lacked investigative details.

Interview #3 of Cst. Gomes – S/Sgt. Gain and Sgt. Jones

S/Sgt. Gain and Sgt. Jones conducted an interview of Cst. Gomes in the presence of his counsel on October 8, 2013 to question him related to the deceit allegations:

- Cst. Gomes stated that he secured his notebook when he was interviewed by



S/Sgt. Kyle because; “there's other IGTF files in there” and the notes “were not disclosable to a person without top secret clearance”;

- Cst. Gomes said that there was confidential RCMP information on pages 6, 7 and 19 of Notebook #8. Notebook # 8 was no longer clipped and stapled;
- Cst. Gomes said that some of the blank pages in Notebook #8 were attributable to his notebook getting wet;
- Cst. Gomes stated that the major reason for blank pages in Notebook #8 (and all of his notebooks) was because of a ‘learning challenge’ (ADHD – Attention-Deficit Hyperactivity Disorder) which caused “inattentiveness, focus and forgetfulness”;
- Cst. Gomes denied that he wanted to conceal the numerous blank pages in Notebook #8 from the investigators;
- Cst. Gomes stated that he was nervous during the January 22, 2013 interview with S/Sgt. Kyle because he did not wish to disclose a personally embarrassing ‘learning challenge’ to S/Sgt. Kyle whom he did not trust;
- Cst. Gomes claimed that he became aware of a possible learning problem five or six years ago and sought help for it eight to nine months ago;
- The member explained that he switched File #2011-10614 to File #2012-10614 in Notebook #8 because of his learning challenge;
- Cst. Gomes explained that it was his practice to check PRIME files to refresh his memory when dealing with PSS because he may be asked questions;
- Cst. Gomes denied that he accessed PRIME to create his police notes;
- Cst. Gomes denied that he went back after the fact to create police notes;
- Cst. Gomes denied that he misled the investigators when he stated that the Pabla notes were made at the time.

Examination of Other Reports and Documentation

S/Sgt. Gain examined several PRIME reports by Cst. Gomes and found them to be well-written. There was no record made by field trainers or supervisors in Cst. Gomes's Block II recruit records, or in his performance appraisals of reporting or note taking issues.

S/Sgt. Gain examined the medical reports from Cst. Gomes. Reportedly, Cst. Gomes self-referred to a psychologist on July 11, 2013 and was diagnosed with ADHD on July 18, 2013. The investigator noted that Cst. Gomes was not diagnosed with ADHD until July 11, 2013 which followed his two interviews with S/Sgt. Kyle and Sgt. Hallett.

Analysis of the Evidence – S/Sgt. Gain

S/Sgt. Gain noted inconsistencies and apparent mistruths in Cst. Gomes explanations:

- On January 22, 2013 Cst. Gomes stated that he did not know why he substituted 2012 for 2011 file entries. On October 8, 2013 Cst. Gomes attributed the incorrect year entries to a; “learning challenge” (ADHD);



- Cst. Gomes told S/Sgt. Kyle that blank pages were in his notebook because pages get stuck. The words 'stuck pages' only appeared in Notebook #8 and applied to two blank pages. He later attributed the blank pages to AD HD;
- Cst. Gomes explained that it was his practice to check PRIME files to refresh his memory; "to be on the ball" when dealing with PSS. Yet, his photocopied notes for October 22, 2011 were sent to S/Sgt. Kyle after a considerable delay and were not given in person when questions may have been asked. Cst. Gomes worked an 1800 hours to 0600 hour shift on November 18 – November 19, 2012 during which he accessed the two Pabla PRIME files for 26 minutes. Later on November 19, 2012 S/Sgt. Kyle received six pages of photocopied notes from Cst. Gomes. Cst. Gomes's actions were highly suggestive that he read the Pabla reports and wrote notes for the Pabla incident on November 18 – 19, 2012;
- In his November 21, 2012 interview with S/Sgt. Kyle, he stated that he was the driver and Cst. Clark was the passenger. Cst. Gomes also claimed that he made his notes while he was the passenger in the police car after the Pabla incident. Conversely, in his duty statement and interview VPD Cst. Clark stated that he was the passenger in the police vehicle and Cst. Gomes was the driver;
- Cst. Clark wrote PRIME File #2011-10614 and PRIME File 2011-10616, indicating that he was the primary report writer while partnered with Cst. Gomes the night of October 21 – October 22, 2011. Notably, Cst. Clark did not make notes for these incidents, yet was responsible for writing the reports. It was therefore suggestive that Cst. Gomes had no reporting responsibilities which brought into question why would he write notes on one incident if he was not responsible for producing the PRIME reports for either incident?
- S/Sgt. Gain pointed out to Cst. Gomes that Cst. Clark said that he was the driver on October 21 – 22, 2011. Cst. Gomes then altered his story and claimed that Cst. Clark drove "halfway through the night". Cst. Gomes explained that he did not like to drive in Vancouver and yet was the driver for the Pabla traffic stop;
- The Pabla arrest took place at approximately 01:40 hours on October 22, 2011. The GTF members transferred custody of their prisoners to the VPD Liquor Detail members and then left the Granville Entertainment District;
- GPS data revealed that Cst. Clark and Cst. Gomes (CU1G22) left the Roxy Nightclub at 02:41:34 hours and drove southbound on Cambie Street. At 02:45:14 hours the officers were GPS plotted at Cambie Street at West King Edward Boulevard, and at 02:46:17 hours they were at Cambie Street and West 33rd Avenue. At 02:51:42 hours they drove onto the Knight Street Bridge and were clocked a second time on the bridge at 02:52:13 hours. The members arrived in the area of the CF SEU Offices in Surrey at 03:07 hours. GPS data indicated that Cst. Gomes and Clark drove without stopping;
- Significantly, the PRIME system showed that Cst. Clark wrote the first Pabla File #2011-10614 at 02:45 hours which was while the officers were mobile on Cambie Street, leading one to believe that Cst. Clark was not only the report writer but he was the passenger in the vehicle;
- PRIME information indicated that Cst. Clark and Cst. Gomes ended their shift on



October 22, 2011 at 0329 hours. Their tour of duty had been 1630 hours to 0430 hours. At 03:59 hours Cst. Clark wrote the second Pabla File #2011-10616;

- With these factors in view, it is highly likely that Cst. Gomes misled the investigators by claiming that his police notes were created while he was a passenger in the police car after the Pabla arrest on October 22, 2011.

Allegation #2 – That on November 21, 2012, January 22, 2013 and October 8, 2013 it is alleged that Constable Gomes acted in a matter to wit:

“Made false and misleading statements to Professional Standards investigators, in that he claimed to have created police notes for PRIME File 2011-10616 at the time or shortly thereafter when he did not. The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically deceit pursuant to Section 77(3) (f)(i)(A) of the Police Act.”

The evidence to support this allegation is as follows:

Cst. Gomes Presented his Photocopied Notes as Original Notes

On November 19, 2012 Cst. Gomes gave a photo copy of his October 22, 2011 police notes to S/Sgt. Kyle related to the Pabla *Police Act* matter (OPCC File #2012-7669-02). Cst. Gomes provided these notes as his original notes for that date and with respect to allegations of abuse of authority, discourtesy, corrupt practice and neglect of duty:

- On January 8, 2013 S/Sgt. Kyle discovered that Cst. Gomes twice wrote PRIME File #2012-10614 in these police notes when the correct file number was File #2011-10614. She found this to be an; “unexpected ... type of date error”:

Interview #1 of Cst. Gomes – S/Sgt. Kyle

On November 21, 2012 S/Sgt. Kyle interviewed Cst. Gomes for the Pabla matter. The member brought Notebook #8 with him which included the October 22, 2011 notes:

- S/Sgt. Kyle asked Cst. Gomes if he; “made these notes at the time?” Cst. Gomes answered; “Ah, yes. Well, as we were driving back to the office.”

Interview #2 of Cst. Gomes – S/Sgt. Kyle and Sgt. Hallett

On January 22, 2013 Cst. Gomes was interviewed by S/Sgt. Kyle and Sgt. Hallett:

- Cst. Gomes appeared calm and composed until S/Sgt. Kyle asked him questions related to his police notebook. At that point, Cst. Gomes became highly agitated, his hands shook uncontrollably and he appeared stressed;
- S/Sgt. Kyle asked Cst. Gomes if he left whole blank pages “on purpose”. Cst. Gomes answered; “Nope, I don’t”;



- S/Sgt. Kyle asked Cst. Gomes if he made the notes for October 22, 2011; "at the time". Cst. Gomes replied; "Yes, I did". He indicated that he wrote the notes while he was the passenger in the police cruiser the night of October 22, 2011;

PRIME Off-line Query of Cst. Gomes – S/Sgt. Kyle

A PRIME off line query conducted by S/Sgt. Kyle revealed that Cst. Gomes accessed the relevant PRIME files each time he had contact with PSS, and notably on November 18 – November 19, 2012:

- On November 18 – November 19, 2012 Cst. Gomes accessed PRIME Files 2011-10614 and 2011-10616 during his 1800 hours to 0600 hours nightshift. He did so for approximately 26 minutes;
- S/Sgt. Kyle received Cst. Gomes's photocopied police notes for October 22, 2011 in PSO November 19, 2012.

Analysis of Notebook #8 – S/Sgt. Gain

S/Sgt. Gain analyzed Notebook #8 and noted that Cst. Gomes's notebook was constructed in such a manner to enable Cst. Gomes to add notes after the fact:

- Cst. Gomes left 69 blank pages and a further 69 pages of voided and partially blank pages, essentially leaving 138 of 200 pages unused (69 + 69 = 138);
- Cst. Gomes routinely (15 times) wrote either a single file number, or incident, or name(s), or combination thereof for police incidents followed by between two and eleven blank pages or voided pages. The blank and voided pages would be where pertinent file information / evidence would be expected to be found.
- This notebook pattern was highly suggestive that Cst. Gomes prepared his notebook in such a fashion to make notes after the fact.

Interview #3 Cst. Gomes – S/Sgt. Gain and Sgt. Jones

S/Sgt. Gain interviewed Cst. Gomes on October 8, 2013 with respect to the allegations of deceit. The member denied that he misled investigators when he stated that the October 22, 2011 Pabla notes were made at the time.

Examination of Other Reports and Documentation

S/Sgt. Gain examined several PRIME reports by Cst. Gomes and found them to be well-written. There was no record made by field trainers or supervisors in Cst. Gomes's Block II recruit records, or in his performance appraisals of reporting or note taking issues.



Analysis of the Evidence – S/Sgt. Gain

S/Sgt. Gain noted a number of inconsistencies and apparent mistruths in Cst. Gomes explanations that supported the allegation that he misled investigators:

- On January 22, 2013 Cst. Gomes stated that he did not know why he substituted 2012 for 2011 file entries. On October 8, 2013 Cst. Gomes attributed the incorrect year entries to his learning challenge (ADHD);
- Cst. Gomes told S/Sgt. Kyle that he had blank pages in his notebook because pages get stuck. The words 'stuck pages' appeared only in Notebook #8. The member later attributed the blank pages in Notebook #8 to his ADHD;
- The member was requested to produce a photocopy of his October 21 – October 22, 2011 police notes on October 3, 2012. He did not do so until November 19, 2012 after accessing the relevant PRIME Reports 2011-10614 and 2011-10616. His explanation for accessing the reports was that he wished to be prepared for PSS. Cst. Gomes had no interaction with S/Sgt. Kyle in submitting his notes and merely had to photocopy 'existing' notes and give them to PSS. His accessing the reports for approximately 26 minutes is suggestive that he did so to review the particulars of an incident that was over one year old and which he needed to read in order to create police notes after the fact;
- Cst. Gomes claimed that he wrote his notes while he was the passenger in the police car after the Pabla arrest. The evidence strongly suggests that this was not the case. As previously described, Cst. Gomes initially stated that he was the driver while Cst. Clark was the passenger. Cst. Gomes later changed his account to say that he drove for half of the night while Cst. Clark drove for the other half of the night. In an interview and in his duty statement, Cst. Clark stated that he was the passenger. Further, Cst. Clark was the reporting member the night of October 21 – October 22, 2011 and completed the two PRIME reports. Cst. Clark did not produce notes to support these PRIME reports but wrote the PRIME reports shortly after the incidents;
- Significantly, GPS data revealed that Cst. Gomes and Cst. Clark were mobile on Cambie Street at West King Edward Boulevard at 02:45 hours when Clark wrote File #2011-10614. The fact that Cst. Clark wrote the file while he was the passenger in the car placed Cst. Gomes as the driver and was entirely consistent with Cst. Clark's evidence. The conflicting evidence and his changing account undermined the veracity of Cst. Gomes's statement that he made the Pabla notes on October 22, 2011 while he was the passenger in the police car.

Allegation #3 – That between March 5, 2012 and January 29, 2013 it is alleged that Constable Gomes acted in a matter to wit:

“Created notes for PRIME File #2012-4789 which he misrepresented as having been made at the time or shortly after the incident. The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically deceit pursuant to Section 77(3) (f)(i)(B) of the Police Act.”



The evidence to support this allegation is as follows:

Cst. Gomes Presented his Photocopied Notes as Original Notes

On August 13, 2012 S/Sgt. Kyle met with Cst. Gomes and gave him notice of the Lakhan Police Act matter with respect to an allegation of abuse of authority which occurred on March 5, 2012 (OPCC File #2012-7551-01). It appeared that on that date, S/Sgt. Kyle asked Cst. Gomes to provide a copy of his original police notes for PRIME File #2012-4789:

- On August 28, 2012 at 1202 hours, Cst. Gomes met S/Sgt. Kyle in PSO and gave her a photocopy of his Lakhan police notes, pages 38 to 45;
- The notes referenced File #2012-4789 and described Cst. Gomes's actions;
- Cst. Gomes offered no additional explanation to S/Sgt. Kyle but presented his notes as a photocopy of his original police notes for the Lakhan incident.

Examination of Police Notebook #7 – S/Sgt. Kyle

- S/Sgt. Kyle noted apparent inconsistencies within other police notes written by Cst. Gomes (Notebook #8 Pabla – October 22, 2011);
- On January 28, 2013 S/Sgt. Kyle requested Cst. Gomes to provide three original notebooks prior to October 2011 and three notebooks after October 2011;
- Cst. Gomes provided some notebooks as directed except for the notebooks which covered the time frame of February 2012 to June 2012, and which included the March 5, 2012 Lakhan incident;
- On January 29, 2013 Cst. Gomes sent S/Sgt. Kyle two notebooks which covered the February 2012 to June 2012 time periods. This same date, S/Sgt. Kyle examined Cst. Gomes's police notebook that covered the dates, February 10, 2012 to April 14, 2012 (Referred to as Notebook #7). S/Sgt. Kyle discovered that there were no corresponding notes in Notebook #7 that matched the photocopied notes given to her by Cst. Gomes on August 28, 2012;
- S/Sgt. Kyle also discovered that pages 38 to 45 of Notebook #7 were populated by information unrelated to the Lakhan incident as well as by blank pages;
- The investigator concluded that there was a major discrepancy with Cst. Gomes's Notebook #7 and his photocopied notes that required investigation.

PRIME Off-line Query – S/Sgt. Gain

S/Sgt. Gain conducted a PRIME off-line query of Cst. Gomes for Lakhan and learned:

- Cst. Gomes accessed PRIME Files #2012-4789, 2012-4812 and 2012-14832 from 07:44 hours to 08:02 hours (18 minutes) on August 28, 2012, the same day that he gave his photocopied notes to S/Sgt. Kyle at 1202 hours;



- S/Sgt. Gain found the queries by Cst. Gomes to be unusual when he was merely requested to photocopy existing notes and submit them to PSS.

Analysis of Notebook #7 – S/Sgt. Gain

S/Sgt. Gain thoroughly examined Cst. Gomes's Notebook #7 and made a number of observations of the contents, structure, as well as quantity of blank and voided pages. Notebook #7 appeared to be an original notebook and not a re-copied notebook:

- It contained 44 blank pages as well as 41 partially blank and voided pages, essentially leaving 85 of 200 pages unused or partially used (44 + 41 = 85).
- On seventeen occasions, Cst. Gomes wrote either a file number, or incident, or name(s), or combination thereof for police incidents followed by between one and two blank pages where pertinent file information and evidence would be expected to be found (pages: 14, 16, 42, 48, 59, 65, 70, 74, 84, 87, 94, 99, 114, 119, 152, 158 and 170);
- Frequently following Cst. Gomes's brief notebook entries, he left numerous blank spaces, ranging from four lines to sixteen lines. The member used void lines in his notebook seventeen times; in nine instances he voided entire pages and elsewhere he voided between two and eleven lines;
- This pattern of blank pages, blank spaces and voided lines / pages following his brief notations was highly suggestive that Cst. Gomes constructed his notebook to make notes after the fact;
- The investigator also noted a number of improbable features that one would not expect to see in a re-written notebook, considering that Cst. Gomes admitted that he wrote the notebook in four to five hours. It was unlikely that there would be; blank pages, four unique styles of pen ink, different styles of handwriting on pages; 2, 3, 24, 25, 36 and 37 as well as crossed out information on pages six and seven. These features were more indicative that Notebook #7 was an original notebook and not re-written as claimed by Cst. Gomes.

Interview #3 Cst. Gomes – S/Sgt. Gain and Sgt. Jones

On October 8, 2013 S/Sgt. Gain and Sgt. Jones interviewed Cst. Gomes with respect to the allegations of deceit, and specifically related to Notebook #7:

- Cst. Gomes did not recall "running" PRIME File #2012-4789 on August 28, 2012. Cst. Gomes explained that it was his; "practice" to "refresh my memory" when he dealt with PSS in the event he was asked a question;
- S/Sgt. Gain produced the photocopied notes previously given to S/Sgt. Kyle and asked Cst. Gomes if his notes for the Lakhan file were on pages 38 to 45. Cst. Gomes answered; "Yes";
- The investigator pointed out that the photocopied notes did not match Notebook #7 which, in fact did not have any notes related to Lakhan;



- Cst. Gomes said that on March 5, 2012 he and other officers were directed by A/Sgt. Scholz; "to make notes on that day". The member claimed that he completed his Lakhan notes; "the night of the incident" before he went home;
- Cst. Gomes involved other officers to play a prank on A/Sgt. Scholz because of how A/Sgt. Scholz handled the file. Cst. Gomes said that he photocopied his notes and gave them to Sgt. Hallett as part of the "prank" wherein A/Sgt. Scholz was supposedly under investigation for a fictitious *Police Act* complaint. These notes were later returned to Cst. Gomes who placed them in his mailbox;
- Cst. Gomes claimed that approximately one to two weeks later, his original notebook that included the Lakhan incident; "had fallen downstairs in the foyer into, I guess a puddle that had basically accumulated". Cst. Gomes recalled that the weather was snowy and rain at the time. The notebook's ink had run on the pages and the book became; "wet and soggy". Cst. Gomes later described how his original notebook fell out of his police car and into a mud puddle. The two explanations appeared to differ with emerging details in the second answer;
- The member went on to explain that he transferred; "whatever I could out of my original notebook into this notebook and basically threw that away". He claimed to have re-written the notes over four to five hours from his original notebook. He did not attempt to dry out the original notebook and did not retain it;
- Cst. Gomes said that Cst. Bruneau and other officers saw Cst. Gomes transfer the notes from his wet notebook to a new notebook;
- The member re-wrote his notes at different times with three different pens at different locations, including while he was at a coffee shop;
- When Cst. Gomes was asked for the Lakhan notes, he produced the photocopied notes from his mailbox, reportedly from the original notebook;
- Cst. Gomes said that he threw the original notebook; "in the garbage bin downstairs";
- The member gave a number of explanations for the absence of Lakhan notes in the re-written Notebook #7 including; they were not "pertinent", the pen ink ran, "inattentiveness and focus" and the Lakhan file was "a nothing file";
- The member attributed the blank pages in the re-written Notebook #7 to his; "inability to focus". He added that because the Lakhan incident was unimportant he; "probably didn't put it in and just went on to the next thing". Cst. Gomes said that he was; "wrong" in his belief that the Lakhan incident was unimportant;
- Cst. Gomes acknowledged; that he did not think to make a notation in Notebook #7 that the notes were copied, he did not report the discarded notebook to a supervisor and he did not request a file number for the discarded police property;
- Cst. Gomes denied that he went back in to Notebook #7 to add notes after the fact;
- The member denied that he reviewed PRIME to refresh his memory and then wrote the Lakhan police notes.



Examination of Other Reports and Documentation

S/Sgt. Gain examined several PRIME reports by Cst. Gomes and found them to be well-written. There was no record made by field trainers or supervisors in Cst. Gomes's Block II recruit records, or in his performance appraisals of reporting or note taking issues.

Analysis of the Evidence – S/Sgt. Gain

S/Sgt. Gain noted a number of inadequacies in Cst. Gomes explanations that *undermined his credibility and supported the allegation that he created the Lakhan notes after the fact and yet presented them as his original notes:*

- Cst. Gomes offered no explanation to S/Sgt. Kyle at the time he presented his notes to her, for example, that he had destroyed the original notebook;
- There did not appear to be a reason for Cst. Gomes to access the Lakhan files on August 28, 2012 prior to submitting his police notes a few hours later. Cst. Gomes's actions were highly suggestive that he read the reports for the March 5, 2012 incident to refresh his memory and create notes because he had none;
- The member's explanation that he was directed to write the Lakhan notes by A/Sgt. Scholz on March 5, 2012 had little basis according to witnesses. A/Sgt. Scholz recalled telling the members to complete the Lakhan PRIME file before the end of the shift but could not recall directing members to complete notes;
- Cst. Bruneau recalled seeing Cst. Gomes with a damaged notebook and a new notebook, in or around January – February 2012. Bruneau's observation did not establish that Cst. Gomes re-wrote a new Notebook #7;
- The extent of the evidence from Cst. Gomes is that on March 5, 2012, he wrote notes related to the Lakhan file, he photocopied those notes for Sgt. Hallett related to a prank and gave the photocopied Lakhan notes to PSS;
- Cst. Gomes's account that he did not re-write eight pages of Lakhan notes into the new Notebook #7 because it was "a nothing file" was a weak and self-serving explanation. If believed, the member's admission was that he would selectively choose what incidents and details would be written in his notes;
- Cst. Gomes's story related to a wet notebook and re-written notebook appeared convoluted and questionable, for example, he; re-wrote notes into a notebook while omitting specific information, re-copied notes contrary to best practice; and, apparently threw the notebook into the "garbage" without notifying a supervisor contrary to policy and without apparent consideration for preserving personal details, police information or court evidence;
- It was entirely inconsistent that Cst. Gomes would throw away a police notebook which contained sensitive information, for example, CFSEU and IHIT investigations (Files 2012-190 and 2011-10005) considering Cst. Gomes's careful protection of Notebook #8 which he had referred to as; "top secret" information;
- Notebook #7 contained a number of features that suggested the notebook was



original and not re-written, for example, blank pages, four unique types of pen ink, different styles of handwriting on pages; 2, 3, 24, 25, 36 and 37 as well as crossed out information such as appeared on pages six and seven. The member claimed that he re-wrote the notebook in four to five hours which would lead one to expect to see a more continuous, consistent and error-free notebook;

- The absence of any notes related to the Lakhan incident in the re-written Notebook #7 suggested that Cst. Gomes did not write original notes for Lakhan. The eight pages of photocopied notes would not have fit into the space left in Cst. Gomes's notebook on March 5, 2012. Cst. Gomes worked dayshift from 0600 to 1800 hours and wrote several pages of notes during the morning of March 5, 2012. The Lakhan incident occurred later in the day at approximately 1600 hours. The last notebook record entered for March 5, 2012 appeared on page 38 at 1330 hours related to a release of a prisoner. This was followed by approximately six blank lines with no further entries for March 5, 2012 and then a full blank page. Notes were next written for March 6, 2012 on page 40. In the absence of Cst. Gomes's explanation that he omitted the Lakhan notes in his re-written Notebook #7 because of A DHD, or intentionally left them out because they were unimportant, the appearance of Notebook #7 suggested that Cst. Gomes did not leave sufficient room to write Lakhan notes after the fact and wrote the eight pages in another notebook (apparently destroyed) which began on page 38 and continued to page 45. In so doing, he attempted to mislead investigators to believe that his notes were from an original notebook.

Allegation #4 – That on August 28, 2012 and on October 8, 2013 it is alleged that Constable Gomes acted in a matter to wit:

“On October 8, 2013 made false and misleading statements to Professional Standards investigators, in that he claimed to have created police notes for PRIME File 2012-4789 at the time or shortly thereafter when he did not. The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically deceit pursuant to Section 77(3) (f)(i)(A) of the Police Act.”

The evidence to support this allegation is as follows:

Cst. Gomes Presented his Photocopied Notes as Original Notes

On August 28, 2012 at 1202 hours, Cst. Gomes met S/Sgt. Kyle in PSO and gave her eight pages of photocopied police notes for PRIME File 2012-4789 which he presented as original notes for March 5, 2012 and with respect to *Police Act* allegations of abuse of authority, discourtesy, corrupt practice and neglect of duty (OPCC File #2012-7751-01). Cst. Gomes offered no qualifying explanation to S/Sgt. Kyle related to his notes.



Analysis of Notes Submitted by Cst. Gomes – S/Sgt. Kyle

- On January 29, 2013 Cst. Gomes sent S/Sgt. Kyle two notebooks, including Notebook #7, later stated by Cst. Gomes to be a re-written notebook;
- S/Sgt. Kyle examined Notebook #7 and discovered that there were no corresponding notes that matched the previously submitted photocopied notes;
- S/Sgt. Kyle also discovered that pages 38 to 45 were populated by information unrelated to the Lakhan incident and by blank pages;
- The investigator concluded that there was a major discrepancy with Cst. Gomes's notebook and his photocopied notes that required investigation.

PRIME Off-line Query – S/Sgt. Gain

S/Sgt. Gain conducted a PRIME off-line query of Cst. Gomes which revealed that the member accessed the relevant Lakhan PRIME files prior to giving his notes to PSS:

- Gain learned that Cst. Gomes accessed PRIME Files #2012-4789, 2012-4812 and 2012-14832 from 0744 to 0802 (18 minutes) on August 28, 2012, the same day that he gave his photocopied notes to S/Sgt. Kyle;
- S/Sgt. Gain found the queries by Cst. Gomes to be unusual when he was merely requested to photocopy existing notes and submit them to PSS.

Analysis of Notebook #7 – S/Sgt. Gain

S/Sgt. Gain examined Notebook #7 and observed that Cst. Gomes's notebook was constructed in such a manner to enable Cst. Gomes to add notes after the fact:

- Cst. Gomes left 44 blank pages and a further 41 partially blank and voided pages, essentially leaving 85 of 200 pages unused ($44 + 41 = 85$);
- Cst. Gomes routinely (17 times) recorded either a single file number, or incident, or name(s), or combination thereof for police incidents followed by between one and two blank pages as well as numerous blank spaces and voided lines;
- This pattern of blank pages, blank spaces and voided lines / pages following his brief notations was highly suggestive that Cst. Gomes constructed his notebook to make notes after the fact;
- The investigator also noted a number of improbable features that one would not expect to see in a re-written notebook, considering that Cst. Gomes admitted that he wrote the notebook in four to five hours. It was unlikely that there would be; blank pages, four unique styles of pen ink, different styles of handwriting on pages; 2, 3, 24, 25, 36 and 37 as well as crossed out information on pages six and seven. These features were more indicative that Notebook #7 was an original notebook and not re-written as claimed by Cst. Gomes.



Interview #3 Cst. Gomes – S/Sgt. Gain and Sgt. Jones

Cst. Gomes was interviewed on October 8, 2013 with respect to the allegation of deceit. Cst. Gomes denied that he reviewed PRIME to refresh his memory and then wrote the Lakhan notes. The member claimed that he transferred; "whatever I could out of my original notebook into this notebook and basically threw that away". He claimed to have copied the notes for Notebook #7 in four to five hours from his original notebook.

Examination of Other Reports and Documentation

S/Sgt. Gain examined several PRIME reports by Cst. Gomes and found them to be well-written. There was no record made by field trainers or supervisors in Cst. Gomes's Block II recruit records, or in his performance appraisals of reporting or note taking issues.

Analysis of the Evidence – S/Sgt. Gain

S/Sgt. Gain noted a number of inadequacies in Cst. Gomes explanations that undermined his credibility and supported the allegation that he misled the investigators:

- Cst. Gomes offered no explanation to S/Sgt. Kyle at the time he presented his Lakhan notes to her, for example, that he destroyed the original notebook;
- Notably, the member handed in eight pages of police notes to S/Sgt. Kyle at 1202 hours August 28, 2012 which was four hours after reviewing the Lakhan PRIME files including the March 5, 2012 incident. Cst. Gomes's accessing of these files prior to submitting his notes was highly suggestive that he did so to read the reports and construct notes for the Lakhan matter after the incident;
- The manner in which Cst. Gomes claimed to have handled a damaged notebook was convoluted and questionable. Reportedly, Cst. Gomes; re-copied the notes into a new notebook, omitted some notes arbitrarily, did not report the damaged notebook and apparently threw the notebook into the "garbage";
- Further, it was improbable that Cst. Gomes would throw away a police notebook which contained sensitive information, for example, IHIT / CFSEU investigations particularly considering Cst. Gomes's careful protection of Notebook #8 which similarly contained "top secret" information;
- Cst. Gomes's account that he did not re-copy eight pages of Lakhan notes into Notebook #7 because it was "a nothing file" was a weak explanation;
- Notebook #7 contained a number of features that suggested that it was Cst. Gomes's original notebook and not a re-copy which contradicted Cst. Gomes's claims that an original notebook was damaged, re-written and then discarded.



Allegation #5 – That on or around March 2012 it is alleged that Constable Gomes acted in a matter to wit:

“Handled a police notebook in such a manner that it became damaged; disposed of this notebook by throwing it away in the garbage; failed to report to a supervisor that this notebook was damaged and lost; failed to complete and submit a Prime Report detailing the circumstances of the damage and disposal.” The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically damage to police property pursuant to Section 77(3)(d) of the Police Act.”

Should the Discipline Authority accept that Cst. Gomes had an original notebook which was damaged and destroyed; the evidence to support this allegation is as follows:

Delta Police Department Policy OE41

S/Sgt. Gain reviewed Delta PD Policy OE41 which included revisions in May 2008 and April 2012. Of relevance to this matter, members are required to adhere to the following:

Delta Policy OE41 s. 7 – Members are responsible for reporting lost, damaged or destroyed notebooks to their supervisor along with the submission of a PRIME Report detailing the circumstances of the loss, damage or destruction.

Interview #3 Cst. Gomes – S/Sgt. Gain and Sgt. Jones

S/Sgt. Gain and Sgt. Jones interviewed Cst. Gomes on October 8, 2013 with respect to the allegation of deceit and neglect of duty. Cst. Gomes made a number of statements and admissions with respect to a police notebook that he said was damaged and threw away:

- Cst. Gomes said that approximately one to two weeks after the Lakan incident (Date: March 5, 2012), his original notebook fell into a puddle and was water-damaged. Reportedly, the weather was snowy and rainy at the time;
- The member stated that the pen ink in the notebook ran;
- Cst. Gomes transferred; “whatever I could out of my original notebook” into Notebook #7, “and basically threw that (the old notebook) away”;
- Cst. Gomes said that he threw the original notebook “in the garbage”;
- Cst. Gomes acknowledged that; he did not make a notation in Notebook #7 that he copied notes, he did not report the discarded notebook to a supervisor, and he did not request a file number to account for the discarded police property;
- Cst. Gomes indicated that; “if we lose a notebook you’re supposed to report it onto CPIC” and thus implied knowledge of a reporting obligation.



S/Sgt. Gain Analysis of the Evidence

- Notebook #7 was found to contain; confidential police information, including IHIT and CFSEU investigations, personal information of numerous people and evidence pertaining to investigations. Should the notebook been found by a member of the public, a significant breach of confidentiality and privacy would occur. If one is to accept Cst. Gomes's explanation, that his original notebook was damaged, re-copied and thrown away, then one must conclude that his handling of the notebook was irresponsible and a serious act of negligence.

Allegation #6 – That between April 1, 2005 and January 13, 2013 it is alleged that Constable Gomes acted in a manner to wit:

“Neglected his duty to keep an accurate record in his police notebook and neglected his duty to maintain his notebook in a manner that conformed to policy and training. The allegation against Constable Gomes, if substantiated, would constitute misconduct, specifically neglect of duty pursuant to Section 77(3)(m)(ii) of the Police Act.”

The evidence to support this allegation is as follows:

Delta Police Department Policy OE41

S/Sgt. Gain reviewed Delta PD Policy OE41 which included revisions in May 2008 and April 2012. Of relevance to this matter, members are required to adhere to the following:

Delta Policy OE41 s. 3 – Without exception all members shall maintain a current and accurate notebook. Daily entries shall be made including, but not limited to:

- a. Date, day of week, shift, duty assignment, vehicle, equipment assignments and weather conditions; and
- b. Chronological record of the shifts activities, including complaints attended, persons arrested or interviewed and details of an incident based on the member's personal observations and recollections.

Delta Policy OE41 s. 8 – Members should not leave more than two blank spaces between paragraphs or sentences. Leaving larger spaces may cause suggestions that the space left to add something to the original entry.

Delta Policy OE41 s. 10 – Pages shall not be removed from a notebook.



Training Records

S/Sgt. Gain reviewed Cst. Gomes's recruit training records and confirmed that he was in attendance during the Investigation and Patrol Notebook training sessions. Cst. Gomes maintained a recruit constable notebook while at the Police Academy (November 25, 2004). An examination of Cst. Gomes's notebook revealed that the member maintained his notebook in accordance with Delta PD Policy OE41, for example, there were no blank spaces and he gave a daily account with full details.

Once Cst. Gomes began his Block II period on March 1, 2005 he initially maintained his notebook in accordance with policy. However, as of April 1, 2005 blank pages and blank spaces began to appear.

Examination of Cst. Gomes's Notebooks – S/Sgt. Gain

S/Sgt. Gain checked each of Cst. Gomes's notebooks (52) from November 25, 2004 to January 22, 2013 and made the following general observations:

- That 29.33% of the pages in the members notebooks were left blank;
- The member began to leave blank pages as of his April 1, 2005 notebook. He consistently left numerous blank pages at the end of his notebooks;
- Cst. Gomes regularly listed only tombstone data which was followed by one to two blank pages and otherwise lacked explicit investigative details;
- None of Cst. Gomes's notebooks were numbered;
- The July 14 - October 30, 2009 police notebook lacked pages one to seven.

S/Sgt. Gain's closely examined, as a sample Cst. Gomes's notebooks over a 23 month period, dated February 17, 2011 to January 22, 2013 which revealed the following:

- An average of 30% (29.35%) of the pages were left blank;
- Cst. Gomes regularly listed only tombstone data in these notebooks which otherwise lacked explicit investigative details;
- Tombstone data was frequently followed by multiple blank pages / blank spaces;
- The appearance of these notebooks was such that the member could go back into his notebook for a given date and time and add notes after the fact.

S/Sgt. Gain and Sgt. Jones analysis of Notebook #7 (Lakhan) revealed:

- Cst. Gomes left 44 blank pages in his notebook;
- He drew void lines through entire pages and left pages partially empty 41 times, essentially leaving 85 of 200 pages unused and partially used (44 + 41 = 85);
- On 17 occasions, Cst. Gomes briefly wrote either a file number, or incident, or name(s), or combination thereof for police incidents with no other file details, followed by between one and two blank pages as well as numerous blank



spaces and voided lines (pages: 14, 16, 42, 48, 59, 65, 70, 74, 84, 87, 94, 99, 114, 119, 152, 158 and 170);

- On 10 occasions Cst. Gomes listed a file number that had incomplete or missing information and which did not describe his actions or evidence. When the corresponding PRIME files were checked, they were found to consist of Cst. Gomes's evidence and / or details which were not in Notebook #7:
 - Examined files: Surrey RCMP #2012-28056, Delta PD #2012-4862, Delta PD #2012-4961, Delta PD File # 2012-4963, Delta PD File #2012-4867, Delta PD File #2012-5356, Delta PD File #2012-5506, Delta PD File #2012-5514, Delta PD File #2012-5581 and Delta PD File # 2012-6142;
 - Some of the omissions from his notebook which appeared in the corresponding PRIME files included; incident details, subject details, grounds for arrest, location of arrest, prisoner transport information, prisoner booking details, witness information, witness details and actions taken with exhibits (seized video in Delta PD 2012-5356).

S/Sgt. Gain and Sgt. Jones analysis of Notebook #8 (Pabla) revealed:

- Cst. Gomes left 69 blank pages in his notebook;
- He drew void lines through entire pages and left pages partially empty 69 times, essentially leaving 138 of 200 pages unused and partially used (69 + 69 = 138);
- On 15 occasions, Cst. Gomes briefly wrote either a file number, or incident, or name(s), or combination thereof for police incidents with no other details. These notations were followed by between two and eleven blank pages, or blank spaces ranging from four to thirteen lines (pages: 48, 59, 81, 90, 106, 118, 122, 129, 135, 140, 154, 158, 164, 175 and 180). The member extensively used void lines 58 times; voiding as few as two lines and as much as entire pages;
- On three occasions Cst. Gomes listed file numbers that had incomplete or missing information and which did not describe his actions or evidence. When the corresponding PRIME files were checked, they were found to consist of evidence and / or details which were not in Notebook #8:
 - Delta PD #2011-25821, CFSEU #2011-10914 and CFSEU #2012-75;
 - Some of the information that was absent from his notes in these files included; location of arrests, grounds to arrest, transport of accused, booking of accused, witness information and witness evidence:
- A number of times, Cst. Gomes wrote some details and omitted the file numbers;
- In some instances the member did not submit his police notes to accompany reports to crown counsel, for example, CFSEU #2011-10914. In this case, his original police notes did not support his evidence.



Examination of PRIME Activity Log – S/Sgt. Gain

S/Sgt. Gain examined the PRIME Activity Log for Cst. Gomes for the time period of February 10, 2012 to April 15, 2012 covered in Notebook #7:

- Cst. Gomes neglected to write any police notes for seven Delta PD PRIME files;
- Notably, two files required exhibit handling and exhibit follow-up; 2012-4791 (Firearms Seizure) and 2012-4958 (CDSA / Traffic Enforcement).

Interview #3 Cst. Gomes – S/Sgt. Gain and Sgt. Jones

S/Sgt. Gain and Sgt. Jones interviewed Cst. Gomes on October 8, 2013 with respect to the allegation of deceit and neglect of duty. Cst. Gomes made a number of statements and admissions with respect to his understanding of his duties related to his police notebooks:

- Cst. Gomes acknowledged that police officers have the duty to; “have notes for incidents that we attend”;
- The member interpreted ‘maintaining a current and accurate notebook with daily entries’ was for; “instances of evidentiary purpose”. He thus implied that a purpose for his notebook was to record evidence;
- Cst. Gomes stated that because the Lakhan incident; “was a nothing file” he “probably didn’t put it in and just went on to the next thing”. In other words, Cst. Gomes deemed that the Lakhan information in his original notebook was unimportant and unnecessary for inclusion in his notebook. The member stated that he made the Lakhan police notes for; “a legitimate police purpose” and yet arbitrarily elected not to include them in a re-copied Notebook #7;
- Cst. Gomes clarified that the damaged notebook was one that he used while with CFSEU Gang Task Force having started work with Delta PD Patrol Division on March 5, 2012. The member therefore acknowledged that the original notebook which he had thrown away included probable sensitive police information related to the investigation of organized crime matters and gang members which was a significant breach of confidentiality.

Analysis of the Evidence – S/Sgt. Gain

- Cst. Gomes’s notebooks were not up to an acceptable standard and widely breached Delta PD Policy OE41 on multiple occasions and in several areas;
- It was apparent that because of the frequent blank pages and blank spaces the notebooks were not to an acceptable court standard as credible evidence;
- Cst. Gomes acknowledged that there were blank pages in Notebook #7 and Notebook #8. He attributed the blank pages to his “inattentiveness” and “inability to focus”. The attributing of blank pages / spaces to ADHD may offer some explanation. However, the volume of blank pages coupled with the wide use of voided lines which were intentional notebook entries suggested that Cst. Gomes recognized blank spaces in his notebook and tried to correct them;



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- Cst. Gomes neglected to point out to crown counsel that his notes in Notebook #7 were re-written, for example, when he submitted four pages of notes to Delta PD File #2012-4946 (Prohibited Driver) on March 7, 2012 and thus did not qualify the credibility of his notes;
 - The member's admission that he was selective and arbitrary as to what he would put in his notebook(s) rather than thoroughly describe his actions and evidence as a police officer further undermined his credibility as a witness.

S. Gain

S/Sgt Shawn Gain
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