



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

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OPCC 2014-9474

MEDIA STATEMENT

Disclosure of Investigation Pursuant the *Police Act*

Victoria - The Office of the Police Complaint Commissioner (OPCC) announced today that the Police Complaint Commissioner (PCC) has determined that it is in the public interest to inform the public of an ongoing investigation involving serious allegations against members of the Abbotsford Police Department (APD). The Police Complaint Commissioner has withheld notice until now to protect the integrity of the investigation.

To date, the investigation involves 17 members of the APD and includes 148 allegations of misconduct under the *Police Act*. The allegations of misconduct include allegations of *Corrupt Practice, Deceit* and *Neglect of Duty* pursuant to the *Police Act*. The allegations are serious in nature and primarily relate to issues with the integrity of statements that were provided by police officers to judicial officers pursuant to the authorization process for search warrants.

Background

Information came to the attention of Chief Constable Bob Rich alleging that Constable Christopher Nicholson, a member of the APD, was engaged in criminal activity. Chief Rich properly sought the assistance of the Vancouver Police Department (VPD) to conduct an external criminal investigation into the allegations. During the course of the criminal investigation, VPD raised concerns related to the findings of the investigation with the OPCC.

On May 6, 2013, Constable Nicholson was arrested and charged with several criminal offences which included breach of trust, obstruction of justice, and conspiracy to traffic a controlled substance.

On May 8, 2013, Chief Rich properly requested an *Order for External Investigation* and the appointment of an external Discipline Authority for allegations arising out of the VPD investigation.

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On August 15, 2013, the Police Complaint Commissioner ordered an investigation into Constable Nicholson's alleged misconduct and directed that the New Westminster Police Department (NWPD) conduct an external *Police Act* investigation into the matter. In addition, the PCC appointed Chief Constable David Jones of the NWPD to exercise the powers and perform the duties of a Discipline Authority in relation to this matter. The investigation team is an integrated unit, comprised of members from the NWPD, RCMP, and other external municipal agencies.

During the review of the VPD investigation, investigators discovered further allegations of misconduct against Constable Nicholson as well as 16 other members of the APD. The investigation has been broadened to include these additional allegations.

A large number of these allegations relate to concerns with the integrity of statements sworn or affirmed before judicial officers in which authorizations for search warrants were obtained. The concerns raised have an impact on the interplay between key institutional stakeholders within the criminal justice system which include the federal prosecution service, judicial officers and the police. Furthermore, what remains an active concern to the OPCC is the extent to which the search warrants in issue may have contributed to potentially unsafe prosecutions.

Disclosure and the Lack of Oversight

To date, the OPCC has not been able to properly perform its oversight role in relation to the ongoing *Police Act* investigations due to the lack of adequate disclosure from police. The delay in disclosure is due to administrative issues associated with the sheer magnitude of the investigative materials, as well as legal impediments arising from the complexity of the issues at play. At this juncture, the OPCC has only received a fraction of the very large number of documents that it requires to review in order to provide meaningful oversight of this investigation.

As a precautionary measure, several investigations have been suspended pending the disclosure of the investigative materials in order to ensure that the related criminal proceedings are not prejudiced. This is in keeping with the general practice of the OPCC.

The OPCC is optimistic that these issues, which are related to the disclosure of the police investigation will be resolved; in matters where the police investigate themselves, meaningful oversight is necessary to maintain public confidence in the investigation of police misconduct.

Given the seriousness of the allegations, the Police Complaint Commissioner has determined that it is in the public interest to disclose the existence of the investigations. This disclosure was delayed until now, as the OPCC awaited the completion of some sensitive investigative steps, in order to preserve the integrity of the *Police Act* investigations. From the outset, the OPCC has

been in communication with the Director of Police Services, Clayton Pecknold, who has provided valuable support and assistance.

At this early stage of the process, in light of the number of officers under investigation and the seriousness of the allegations, the Police Complaint Commissioner requests that the public not rush to judgment or engage in speculation, and await the completion of the *Police Act* process.

In order to preserve public confidence in the investigation of police misconduct and administration of police discipline, the Police Complaint Commissioner intends to release a summary report to the public at the conclusion of the process.

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To learn more about the Office of the Police Complaint Commissioner, please visit the OPCC webpage at www.opcc.bc.ca.

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