



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

**NOTICE OF REVIEW ON THE RECORD**

Pursuant to section 137(2) *Police Act*, R.S.B.C. 1996, c.267

**In the matter of the Review on the Record into the Ordered Investigation of  
Constable Ravinder (Rob) Thandi of the Abbotsford Police Department**

OPCC File: 2014-9552  
September 21, 2016

To: Constable Ravinder (Rob) Thandi (#244) (Member)  
c/o Abbotsford Police Department  
Professional Standards Section

And to: Chief Constable Bob Rich (Discipline Authority)  
c/o Abbotsford Police Department  
Professional Standards Section

**WHEREAS:**

**Investigation**

1. On April 25, 2014, the Office of the Police Complaint Commissioner received a request for an order to investigate from the Abbotsford Police Department's Professional Standards Section, in relation to the conduct of Constable Rob Thandi arising from circumstances surrounding his relationship with a female acquaintance.
2. On April 29, 2014, after reviewing the information forwarded by the Abbotsford Police Department, I ordered an investigation into the Conduct of Constable Ravinder (Rob) Thandi pursuant to section 93(1) of the *Police Act*.
3. On October 20, 2014, after being advised that Crown Counsel had approved criminal charges against Constable Thandi, this matter was suspended to avoid prejudicing the ongoing criminal investigation and prosecution. On April 20, 2015, Constable Thandi had pled guilty to the criminal allegations against him and received a conditional discharge. On May 15, 2015, the suspension in relation to this matter was lifted.

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Stan T. Lowe  
Police Complaint Commissioner

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4. On June 18, 2015, pursuant to section 108(c) of the *Police Act*, Sergeant Marvin Fefchak forwarded information to this office in relation to Constable Thandi's conduct that had been collected during the investigation. Upon review of that information, I was of the view that there was evidence of further conduct by Constable Thandi that would, if substantiated, constitute misconduct. Accordingly, I issued an Amended Order for Investigation on June 22, 2015.
5. Abbotsford Police Department Professional Standards investigator completed the investigation into this matter and on September 30, 2015, he submitted the Final Investigation Report (FIR) to the Discipline Authority.
6. On October 5, 2015, following his review of the FIR, the Discipline Authority notified Constable Thandi that a Discipline Proceeding would be held in relation to the substantiated allegations, namely:
  - 1) Committing a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing the offense of Fraud contrary to section 380(1) of the *Criminal Code*.
  - 2) Committing a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing a second offense of Fraud contrary to section 380(1) of the *Criminal Code*.
  - 3) *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on April 29, 2014, by texting a female acquaintance, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 4) *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April 30, 2014, to May 23, 2014, by having contact with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 5) *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April

- 30, 2014 to May 26, 2014, by having contact and meeting with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
- 6) *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on May 22, 2014, by physically approaching a female acquaintance at her place of employment, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 7) *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on June 1, 2014 by contacting a female acquaintance, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 8) *Deceit* pursuant to section 77(3)(f)(i)(A) of the *Police Act*, by making an oral statement to Staff Sergeant Dhillon on May 23, 2014, in relation to whether or not he had contact with a female acquaintance, that to Constable Thandi's knowledge was false or misleading.
  - 9) *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of June 8, 2014 and July 8, 2014, by texting a female acquaintance and not reporting the contact to Staff Sergeant Dhillon.
  - 10) *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of July 9, 2014 and September 19, 2014, by attending the workplace of a female acquaintance.
  - 11) *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases on April 11, 2014, including a file generated by the Combined Forces Special Enforcement Unit, for purposes unrelated to the performance of his duties as a member.
  - 12) *Improper Disclosure of Information* pursuant to section 77(3)(i)(i) of the *Police Act*, by intentionally or recklessly disclosing information acquired by Constable Thandi in the performance of his duties as a member to a female acquaintance, related to a Combined Forces Special Enforcement Unit gang file.

- 15) *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases between the dates of February 20, 2012 and April 11, 2014 and conducting queries of a female acquaintance for purposes unrelated to the performance of Constable Thandi's duties as a member.
  - 16) *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, sending a female acquaintance letters of a personal and sexual nature on Abbotsford Police Department letterhead and envelopes that Constable Thandi created.
7. The following allegations were not substantiated and have been concluded by this office:
- 13) *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases and conducting queries of another person for purposes unrelated to the performance of Constable Thandi's duties as a member.
  - 14) *Improper Disclosure of Information* pursuant to section 77(3)(i)(i) of the *Police Act*, by intentionally or recklessly disclosing information acquired by Constable Thandi in the performance of his duties as a member to a female acquaintance, related to the accessing of police databases and conducting queries of another person.
  - 17) *Neglect of Duty* pursuant to section 77(3)(m)(ii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently do anything that it is one's duty as a member to do. Specifically, by neglecting his patrol duties while waiting outside a female acquaintance's place of education for an extended period of time while on duty.

### **Discipline Proceeding and Proposed Discipline**

On August 4, 2016, following the Discipline Proceeding, and after considering the available evidence and submissions, the Discipline Authority made the following determinations in relation to the allegations:

- 1) That Constable Thandi committed a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing the offense of Fraud contrary to section 380(1) of the *Criminal Code*.
- 2) That Constable Thandi committed a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties

- as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing a second offense of Fraud contrary to section 380(1) of the *Criminal Code*.
- 3) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on April 29, 2014, by texting a female acquaintance then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 4) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April 30, 2014, to May 23, 2014, by having contact with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 5) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April 30, 2014 to May 26, 2014, by having contact and meeting with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 6) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on May 22, 2014, by physically approaching a female acquaintance at her place of employment, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 7) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on June 1, 2014 by contacting a female acquaintance, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 8) That Constable Thandi committed *Deceit* pursuant to section 77(3)(f)(i)(A) of the *Police Act*, by making an oral statement to Staff Sergeant Dhillon on May 23, 2014, in relation to whether or not he had contact with a female acquaintance, that to Constable Thandi's knowledge was false or misleading.
  - 9) That Constable Thandi committed *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically,

failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of June 8, 2014 and July 8, 2014, by texting a female acquaintance and not reporting the contact to Staff Sergeant Dhillon.

- 10) That Constable Thandi committed *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of July 9, 2014 and September 19, 2014, by attending the workplace of a female acquaintance.
  - 11) That Constable Thandi committed *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases on April 11, 2014, including a file generated by the Combined Forces Special Enforcement Unit, for purposes unrelated to the performance of his duties as a member.
  - 12) That Constable Thandi committed *Improper Disclosure of Information* pursuant to section 77(3)(i)(i) of the *Police Act*, by intentionally or recklessly disclosing information acquired by Constable Thandi in the performance of his duties as a member to a female acquaintance, related to a Combined Forces Special Enforcement Unit gang file.
  - 15) That Constable Thandi committed *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases between the dates of February 20, 2012 and April 11, 2014 and conducting queries of a female acquaintance for purposes unrelated to the performance of Constable Thandi's duties as a member.
  - 16) That Constable Thandi did not commit *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, sending a female acquaintance letters of a personal and sexual nature on Abbotsford Police Department letterhead and envelopes that Constable Thandi created.
8. The Discipline Authority made the following findings with respect to proposed discipline:

Allegation #'s 1 and 2 - for the two counts of *Committing a Public Trust Offence* as defined by s. 77(2) of the *Police Act*: Dismissal

Allegation #'s 3 to 7 - *Neglect of Duty* as defined by s. 77(3)(m)(iii) of the *Police Act*: not complying with an order to report to Staff Sergeant Dhillon if he was in contact with the witnesses: Dismissal

Allegation # 8 – *Deceit* as defined by s. 77(3)(f)(i)(A) of the *Police Act*: oral false statement during an interview with Staff Sergeant Dhillon denying he had contacted the witnesses: 15-day suspension

Allegation #'s 9 and 10 – *Discreditable Conduct* as defined by s. 77(3)(h) of the *Police Act*, for failing to advise Staff Sergeant Dhillon that he had breached his court-ordered no contact with the witnesses: Dismissal (linked to Allegations 3 to 7)

Allegation #'s 11 and 12 – *Improper Access and Disclosure*, as defined by ss. 77(3)(c)(iv) and 77(3)(i)(i) respectively of the *Police Act*, of a CFSEU File related to gang investigations to a female acquaintance: 10-day suspension

Allegation # 15 - *Unauthorized Access to Police Databases* as defined by s. 77(3)(c)(iv) of the *Police Act*, by querying a female acquaintance 10 times over a two-year period: 2-day suspension

### **Constable Thandi Request for Review on the Record**

9. Pursuant to section 137 of the *Police Act*, where a Discipline Authority proposes a disciplinary measure of dismissal or reduction in rank, upon written request from the police member, the Commissioner must promptly arrange a Public Hearing or Review on the Record.
10. On August 23, 2016, the Police Complaint Commissioner received a request from Constable Thandi's counsel, Mr. Derek Creighton, for a Public Hearing.

### **Decision**

11. I have reviewed the record of the disciplinary decision and the associated determinations. In my view, it will not be necessary to examine witnesses or receive evidence that is not currently part of the record of disciplinary decision. Furthermore, I am satisfied that a Public Hearing is not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline.
12. Accordingly, pursuant to sections 137(2) and 143(2) of the *Police Act*, I am arranging a Review on the Record. Pursuant to section 141(2) of the Act, the Review on the Record will consist of a review of the disciplinary decision as defined by section 141(3) of the Act, unless, pursuant to section 141(4) of the Act, the Adjudicator considers that there are special circumstances and it is necessary and appropriate to receive evidence that is not part of the record of disciplinary decision or the service record of the member or former member involved.

13. It is, therefore, alleged that Constable Thandi committed the following disciplinary defaults, pursuant to section 77 of the *Police Act*:
- 1) That Constable Thandi committed a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing the offense of Fraud contrary to section 380(1) of the *Criminal Code*.
  - 2) That Constable Thandi committed a public trust offence pursuant to section 77(2) of the *Police Act*, by committing an offence under an enactment of Canada, a conviction in respect of which does or would likely render a member unfit to perform his duties as a member or discredit the reputation of the municipal police department with which the member is employed. Specifically, committing a second offense of Fraud contrary to section 380(1) of the *Criminal Code*.
  - 3) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on April 29, 2014, by texting a female acquaintance, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 4) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April 30, 2014, to May 23, 2014, by having contact with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 5) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction between the dates of April 30, 2014 to May 26, 2014, by having contact and meeting with another person, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
  - 6) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on May 22, 2014, by physically approaching a female acquaintance at her place of employment, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.



- 7) That Constable Thandi committed *Neglect of Duty* pursuant to section 77(3)(m)(iii) of the *Police Act*, by neglecting, without good or sufficient cause, to promptly and diligently obey a lawful order of a supervisor. Specifically, breaching an ordered restriction on June 1, 2014 by contacting a female acquaintance, then further breaching the order by not reporting the contact to Staff Sergeant Dhillon.
- 8) That Constable Thandi committed *Deceit* pursuant to section 77(3)(f)(i)(A) of the *Police Act*, by making an oral statement to Staff Sergeant Dhillon on May 23, 2014, in relation to whether or not he had contact with a female acquaintance, that to Constable Thandi's knowledge was false or misleading.
- 9) That Constable Thandi committed *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of June 8, 2014 and July 8, 2014, by texting a female acquaintance and not reporting the contact to Staff Sergeant Dhillon.
- 10) That Constable Thandi committed *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, failing to adhere to the conditions of his Recognizance of Bail order and breaching an ordered restriction between the dates of July 9, 2014 and September 19, 2014, by attending the workplace of a female acquaintance.
- 11) That Constable Thandi committed *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases on April 11, 2014, including a file generated by the Combined Forces Special Enforcement Unit, for purposes unrelated to the performance of his duties as a member.
- 12) That Constable Thandi committed *Improper Disclosure of Information* pursuant to section 77(3)(i)(i) of the *Police Act*, by intentionally or recklessly disclosing information acquired by Constable Thandi in the performance of his duties as a member to a female acquaintance, related to a Combined Forces Special Enforcement Unit gang file.
- 15) That Constable Thandi committed *Unauthorized Use of Police Resources* pursuant to section 77(3)(c)(iv) of the *Police Act*, by accessing police databases between the dates of February 20, 2012 and April 11, 2014 and conducting queries of a female acquaintance for purposes unrelated to the performance of Constable Thandi's duties as a member.

- 16) That Constable Thandi did not commit *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, by acting in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department. Specifically, sending a female acquaintance letters of a personal and sexual nature on Abbotsford Police Department letterhead and envelopes that Constable Thandi created.
14. Pursuant to section 141(5) the *Police Act*, Constable Thandi, or his agent or legal counsel, may make submissions concerning the matters under review.
15. Pursuant to section 141(6) the *Police Act*, the Police Complaint Commissioner, or his commission counsel, may also make submissions concerning the matters under review.
16. Pursuant to section 141(7) the *Police Act*, the Adjudicator may permit the Discipline Authority to make submissions concerning the matters under review.

**THEREFORE:**

A Review on the Record is arranged pursuant to section 137(2) and 141 of the *Police Act*. Pursuant to the recommendation of the Associate Chief Justice of the Supreme Court of British Columbia, the Honourable Ronald McKinnon, retired British Columbia Supreme Court Justice, has been appointed to preside as Adjudicator in these proceedings, pursuant to section 142(2) of the *Police Act*.

**TAKE NOTICE** that all inquiries with respect to this matter shall be directed to the Office of the Police Complaint Commissioner:

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Telephone: 250-356-7458 • Toll Free: 1-877-999-8707 • Facsimile: 250-356-6503

DATED at the City of Victoria, in the Province of British Columbia, this 21st day of September, 2016.



Stan T. Lowe  
Police Complaint Commissioner