



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

**NOTICE OF PUBLIC HEARING**

(Pursuant to Section 137(1) *Police Act*, R.S.B.C. 1996, c.267)

**In the Matter of the Public Hearing into the Conduct of  
Constable Christopher Charters of the Vancouver Police Department**

TO: Constable 2334 Christopher Charters  
Vancouver Police Department  
c/o Mr. Kevin Woodall (Member)

AND TO: Chief Constable Jim Chu  
Vancouver Police Department (Discipline Authority)

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WHEREAS:

1. On February 15, 2012, the Office of the Police Complaint Commissioner (OPCC) received information from Inspector Mike Serr of the Vancouver Police Department (VPD) Professional Standards Section, detailing an on-duty incident that occurred on December 26, 2011, in Vancouver, B.C., involving Constable Christopher Charters.
2. On that date at approximately 0212 hours, a 1997 Jeep Cherokee was observed by police travelling at a high rate of speed in the area of Commercial Drive and East 8<sup>th</sup> Avenue. The vehicle's speed and direction of travel was broadcast over the police radio. Acting Sergeant Leslie Weeks took control of the incident and at 0214 hours broadcast that there would be no pursuit of the vehicle. At approximately 0219 hours, Constable Charters broadcast over the police radio that his police vehicle had been rammed by the suspect vehicle at Rupert Street and Kingsway Avenue. Information contained in the PRIME report indicates that on three occasions, Acting Sergeant Weeks broadcast that there was to be no pursuit of the suspect vehicle and after one of the broadcasts, Constable Charters acknowledged Acting Sergeant Weeks' instructions.
3. The suspect was eventually captured when he abandoned the vehicle and fled into a house on East Georgia Street. A Report to Crown Counsel (RTCC) was submitted recommending that the suspect be charged with a number of criminal offences. In the portion of the RTCC submitted by Constable Charters there is evidence provided that the suspect used his vehicle to intentionally

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Police Complaint Commissioner

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ram into the police vehicle driven by Constable Charters. As a result, the suspect was charged with several offences including assault with a weapon. Subsequent investigation by Vancouver Police investigators showed that the collision could not have occurred as reported by Constable Charters. The evidence from the collision, including the location of the damage on the two vehicles, showed that Constable Charters' police vehicle had impacted with the suspect vehicle on the rear driver's side.

4. On February 22, 2012, at the request of the VPD, the Police Complaint Commissioner issued an Order for Investigation, pursuant to section 93(1) of the *Police Act* and VPD Professional Standards investigator, Sergeant Fiona Wilson-Bates, was assigned as the investigator. VPD Chief Constable Jim Chu delegated the role of Discipline authority to Superintendent Mike Porteous pursuant to s. 134 of the *Police Act*.
5. On June 22, 2012, following his review of the Final Investigation Report, Superintendent Mike Porteous notified Constable Charters that a Disciplinary Proceeding would be held in relation to the following disciplinary defaults:

Count One: Deceit contrary to section 77(3)(f)(i)(A) of the *Police Act* - That on or about December 26<sup>th</sup>, 2011, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Deceit by making false or misleading oral statements regarding; the details of a police involved collision at School and Rupert Street, the denials that he was engaged in a pursuit and the claim that the suspect was attempting to 'ram' his police vehicle.

Count Two: Deceit contrary to section 77(3)(f)(i)(B) of the *Police Act* - That on or about December 26<sup>th</sup>, 2011, and January 2<sup>nd</sup>, 2012, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Deceit by making false or misleading written statements that were not consistent with previous oral statements or physical evidence relating to the circumstances surrounding a pursuit and police involved collision.

Count Three: Neglect of Duty contrary to section 77(3)(m)(ii) of the *Police Act* - That on or about December 26<sup>th</sup>, 2011, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Neglect of Duty when he engaged in an unauthorized pursuit, failed to broadcast and clarify essential information for responding members and the supervisor and continued to pursue the suspect driver post-collision.

6. On October 7, 2013, following the Discipline Proceeding, and after considering the available evidence and submissions, the Discipline Authority made the following determinations in relation to the allegations:

Count One: Deceit - proven, discipline imposed - dismissal from the VPD.

Count Two: Deceit - not proven.

Count Three: Neglect of Duty - proven, discipline imposed - suspension from duty, without pay, for 2 (10 hour) days.

7. On February 13, 2014, with the assistance of legal counsel, Constable Charters requested a public hearing pursuant to section 137 of the *Police Act*.
8. Pursuant to section 137(1) of the *Police Act*, a police member is entitled to a public hearing in circumstances where the proposed discipline is dismissal. The Police Complaint Commissioner has the discretion to arrange a review on the record where the circumstances meet requirements stipulated in the *Police Act*.
9. Having reviewed the available evidence from the investigation and Discipline Proceeding, I am of the view that there is a reasonable basis to believe that the Discipline Authority's finding that the (count two) deceit was not proven is incorrect. Pursuant to section 138(1)(c)(i) of the *Police Act*, I am of the view that a public hearing is required.
10. Accordingly, I have determined that the public hearing is necessary in the public interest in respect of all allegations before the Discipline Authority in this matter. The allegations in this case are inextricably woven and, therefore, I am of the view that a new hearing with respect to all allegations is necessary for a fair and thorough examination of the allegations against Constable Charters. In determining that a public hearing is necessary in the public interest, I have considered several relevant factors, including but not limited to the following:
  - a) the matter is serious in nature as the allegations involve a significant breach of the public trust;
  - b) it is necessary to examine and cross-examine witnesses and receive evidence that was not part of the record at the Discipline Proceeding, in order to ensure that procedural fairness and accountability is maintained;
  - c) there is a reasonable prospect that a public hearing will assist in determining the truth; and
  - d) a public hearing is required to provide the necessary transparency and accountability to preserve public confidence in the investigation of misconduct and the administration of police discipline.
11. It is therefore alleged that Constable Charters committed the following disciplinary defaults, contrary to section 77 of the *Police Act*:

Count One: Deceit, section 77(3)(f)(i)(A) of the *Police Act* - That on or about December 26th, 2011, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Deceit by making false or misleading oral statements regarding; the details of a police involved collision at School and Rupert Street, the denials that he was

engaged in a pursuit and the claim that the suspect, Mr. David Davidson, was attempting to 'ram' his police vehicle.

Count Two: Deceit, section 77(3)(f)(i)(B) of the *Police Act* - That on or about December 26th, 2011, and January 2nd, 2012, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Deceit by making false or misleading written statements that were not consistent with previous oral statements or physical evidence relating to the circumstances surrounding a pursuit and police involved collision.

Count Three: Neglect of Duty, section 77(3)(m)(ii) of the *Police Act* - That on or about December 26th, 2011, at or near Vancouver, British Columbia, it is alleged Constable Charters committed the disciplinary default of Neglect of Duty when he engaged in an unauthorized pursuit, failed to broadcast and clarify essential information for responding members and the supervisor and continued to pursue the suspect driver post-collision.

**THEREFORE:**

A public hearing is arranged pursuant to section 137(1) of the *Police Act*.

Upon the recommendation of the Associate Chief Justice of the British Columbia Supreme Court, retired BC Court of Appeal Justice William B. Smart is appointed to preside as Adjudicator in these proceedings, pursuant to s. 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:

501 - 947 Fort Street, PO Box 9895, Stn Prov Govt, Victoria, BC V8W 9T8  
Telephone: (250) 356-7458 / Facsimile: (250) 356-6503

DATED at the City of Victoria, in the Province of British Columbia, on this the 27<sup>th</sup> day of February, 2014.



Stan T. Lowe  
Police Complaint Commissioner  
for the Province of British Columbia