

1 (EXCERPT OF PROCEEDINGS)
2 THE ADJUDICATOR: The respondents, Cst. Wilson and
3 Cst. Sidhu, were found to have committed the
4 disciplinary default of entry of the residence
5 of Mrs. Holmes without lawful authority, and
6 also in effecting the arrest of Maxwell Holmes
7 within his own bedroom and in the privacy of
8 this residence.
9 I am now required to deal with the
10 disposition after having made those findings.
11 Section 126(1) of the amended Police Act
12 sets out the measures that are available to me
13 to impose upon these respondents. Subsection
14 (2) also requires me to take into
15 consideration any aggravating and mitigating
16 circumstances, and a number of factors are
17 then described that ought to be taken into
18 consideration in imposing the necessary
19 disciplinary measures.
20 In my reasons, I indicated quite clearly
21 the seriousness of the misconduct of these
22 officers in flaunting the Charter rights of an
23 individual, and entering the residence without
24 a warrant. I do not wish to reiterate that.
25 I take it that the respondents have taken my

1 indicated to both counsel my assessment of
2 what would be the appropriate disposition, and
3 I invited counsel to make any submissions
4 otherwise. I am happy to say that both
5 counsel are in agreement. The only source of
6 disagreement is whether there should be a
7 reprimand either in writing or verbally.
8 Given the factors that I have recited
9 previously, which are all mitigating factors,
10 I do not think it is appropriate for a
11 reprimand to be made in any formal manner,
12 either by in writing or verbally. The
13 reprimand is contained within my reasons.
14 I accept both counsel's submissions as to
15 the measures that should be imposed. I am
16 satisfied that the appropriate disciplinary
17 measures with respect to both the respondents
18 is that they take the necessary training with
19 respect to search and seizure, entry into a
20 private residence, and the powers of arrest
21 and in the circumstances when a warrant is
22 required and a warrant is not required, and
23 that training is to be as directed by the
24 respondents' chief constable.
25 Additionally, the respondents will attend

1 caution seriously.
2 I considered the other factors in making
3 the disposition. There is a considerable
4 period of time that has elapsed from the date
5 of the alleged misconduct to the present, some
6 three and a half years. There are no matters
7 on the record of employment of these two
8 respondents. In the interim of this three and
9 a half years, there has been no allegations of
10 any form of misconduct that has been committed
11 by either of the respondents.
12 Cst. Wilson realizes the factors of his
13 inexperience, and with that realization I
14 assume that, should he find himself in a
15 similar situation where his inexperience
16 overrides proper conduct, he would seek proper
17 guidance from his immediate supervisor.
18 Having heard Mr. Woodall on behalf of the
19 respondents, I infer that both the respondents
20 are willing to take the corrective measures
21 that are to be imposed and, given the time
22 factor that has already elapsed, I am
23 satisfied that there is no likelihood of
24 future misconduct by these officers.
25 At the conclusion of my findings, I

1 and undertake counselling by Dr. Nemetz, a
2 psychologist in Vancouver, who specializes in
3 counselling police officers, particularly with
4 respect to their reactions in stressful
5 day-to-day employment situations.
6 I would leave it to Dr. Nemetz to make
7 the appropriate determination as to the number
8 of counselling sessions these two officers are
9 to attend, either singly or jointly, and for
10 her to determine the substance and nature of
11 the focus of such counselling.
12 I have considered also the favourable
13 letters filed as Exhibits 22 and 23 by the
14 superiors or supervisors of Cst. Sidhu, who
15 speak glowingly of his conduct as a police
16 officer, which then reinforces my position
17 that there is no likelihood of these officers
18 committing similar infractions in the future.
19 Thank you.
20 MR. TAMMEN: Thank you.

1 THE CLERK: Off the record.
2 (PROCEEDINGS ADJOURNED AT 1:20 P.M.)
3

4
5 _____.

6 Adjudicator T. Singh
7

8 REPORTER CERTIFICATION

9 I, Barbara Neuberger, Official Reporter in
10 the Province of British Columbia, Canada,
11 BCSRA No. 582, do hereby certify:

12 That the proceedings were taken
13 down by me in shorthand at the time and place
14 herein set forth and thereafter transcribed,
15 and the same is a true and correct and
16 complete transcript of said proceedings to
17 the best of my skill and ability.

18 IN WITNESS WHEREOF, I have hereunto
19 subscribed my name this 21st day of July,
20 2011.
21

22 _____
23 Barbara Neuberger
24 Official Reporter
25 C.S.R./R.P.R.

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