

# 2013 Year in Review

(January 1<sup>st</sup> to December 31<sup>st</sup>, 2013)

Files Opened in 2013 - 1,091

Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data.

The files opened by the OPCC in 2013 can be broken down into the following categories:

**Registered Complaints** are formal complaints by members of the public concerning the conduct of municipal police officers. This would include both Division 3 (public trust) and Division 5 (service or policy) complaints.

**Non-Registered Complaints** are any oral or written report by a member of the public that raises concerns or questions about the conduct of an officer, but that does not result in the making and registration of a formal complaint. If a non-registered complaint contains allegations of a serious nature, the department may request the Commissioner order an investigation or the Commissioner may order an investigation on his or her own initiative if it is deemed to be in the public interest. Under the previous legislation, these were referred to as "Non-Lodged" complaints.

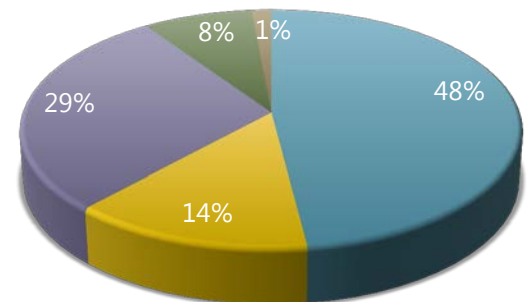
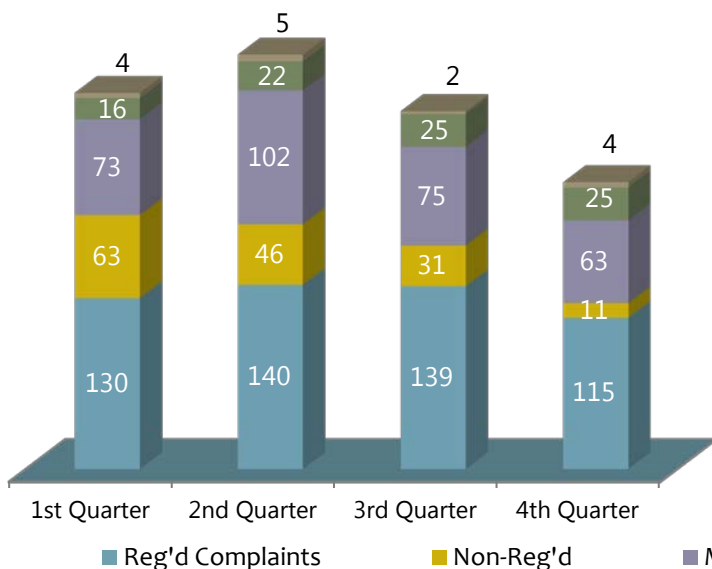
**Ordered Investigations** Complaint investigations may be ordered by the Police Complaint Commissioner, whether it is upon the request of a department or as a result of information received from any source that raises concerns about officer misconduct. This also includes mandatory investigations pursuant to the new legislation.

**Monitor Files** are opened when information is received by the OPCC from the police, including Reportable Injuries, or other sources such as media reports that may require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "Reviewed & Closed".

**Internal Discipline (Div. 6)** concern conduct issues between the member and the department and does not affect the public. The OPCC monitors and tracks the results under Division 6 of the *Police Act*.

1<sup>st</sup> Quarter – 286 Files Opened  
 2<sup>nd</sup> Quarter – 315 Files Opened  
 3<sup>rd</sup> Quarter – 272 Files Opened  
 4<sup>th</sup> Quarter – 218 Files Opened  
 Year 2013 – 1,091 Files Opened

Registered Complaints - 524  
 Non-Registered Complaints - 151  
 Monitor - 313  
 Ordered Investigations - 88  
 Internal - 15  
 Total Files Opened – 1,091



# Admissibility of Registered Complaints Received in 2013:

The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

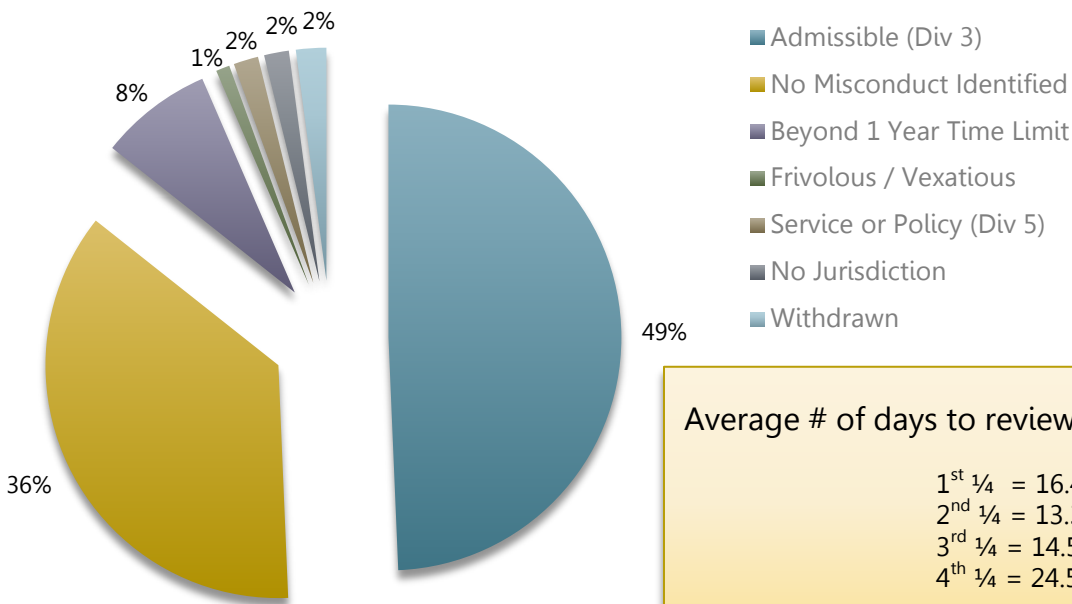
In order for a complaint to be deemed admissible, it must:

- Contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- The complaint must be filed within one year of when it occurred; and
- Not be frivolous or vexatious.

Only admissible registered complaints are forwarded to the Professional Standards Section of the originating department for investigation.



## Breakdown of Admissibility of Registered Complaints

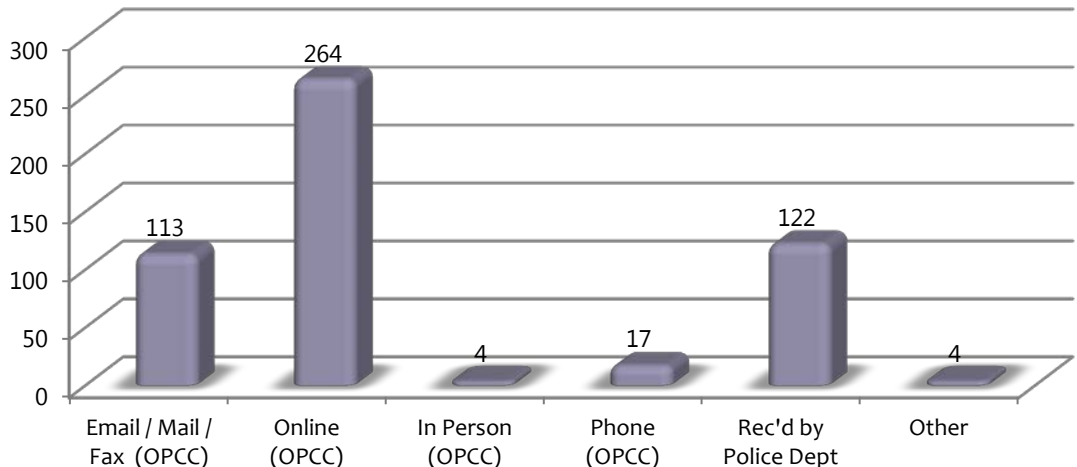


Average # of days to review a file for admissibility:

1<sup>st</sup> ¼ = 16.4 days  
 2<sup>nd</sup> ¼ = 13.3 days  
 3<sup>rd</sup> ¼ = 14.5 days  
 4<sup>th</sup> ¼ = 24.5 days

At the time of this report, 2 registered complaints were awaiting a decision on admissibility.

How Registered Complaints were Received in 2013



## Files Opened in 2013 – By Department

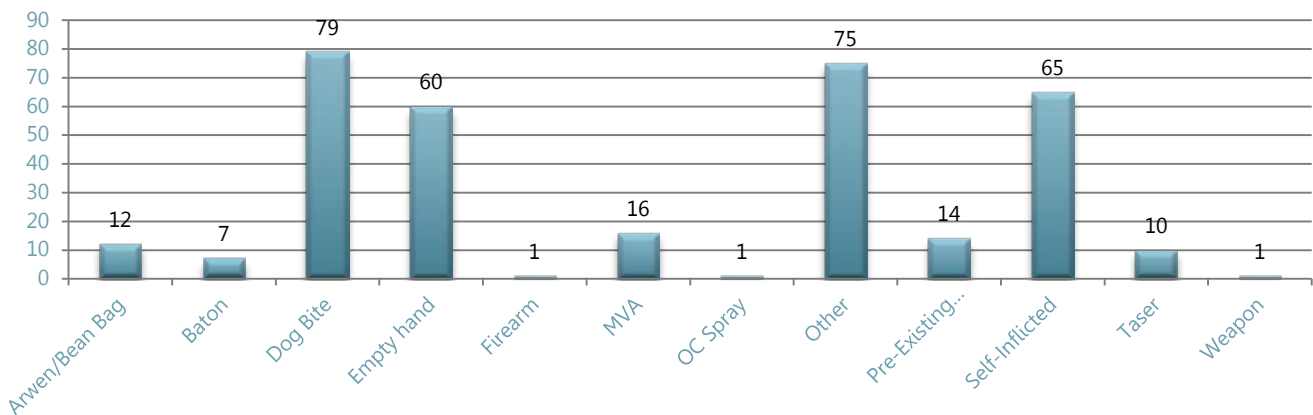
Department	TOTAL	Inadmissible Registered	Admissible Registered	Pending Admissibility	Mandatory Investigation	Ordered Investigation (Dept Request)	Ordered Investigation (PCC Initiated)	Monitor	Non-Registered	Internal Discipline
Abbotsford	95	16	28	0	0	5	4	29	9	4
Central Saanich	8	1	3	0	0	1	0	1	2	0
Delta	46	10	8	0	1	1	2	15	8	1
Nelson	10	3	3	0	0	0	0	3	1	0
New Westminster	56	14	13	0	1	5	1	18	1	3
Oak Bay	4	3	1	0	0	0	0	0	0	0
Port Moody	25	4	7	0	0	0	0	1	13	0
Saanich	58	17	10	0	0	4	2	7	18	0
SCBCTAPS	43	11	11	0	1	3	0	15	2	0
Stl'atl'imx	2	1	1	0	0	0	0	0	0	0
Vancouver	546	118	137	0	14	18	9	191	56	3
Victoria	157	50	33	0	5	5	2	26	36	0
West Vancouver	39	16	3	0	1	2	1	7	5	4
<b>TOTAL:</b>	<b>1091*</b>	<b>264</b>	<b>258</b>	<b>0</b>	<b>23</b>	<b>44</b>	<b>21</b>	<b>313</b>	<b>151</b>	<b>15</b>

\* 2 files were opened but were later determined to involve agencies outside the jurisdiction of the OPCC

### Reportable Injury Notifications s.89

The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a **"reportable injury"** that requires medical treatment. These "reportable injuries" are opened as Monitor Files until it is determined whether an investigation will be conducted. In 2013, the OPCC received **323** notifications of reportable injuries:

**22** which resulted in a mandatory investigation;  
**01** of which resulted in the department requesting an ordered investigation;  
**11** which resulted in the Commissioner initiating an investigation; and in  
**09** of the incidents resulted in the individuals involved filing registered complaints.

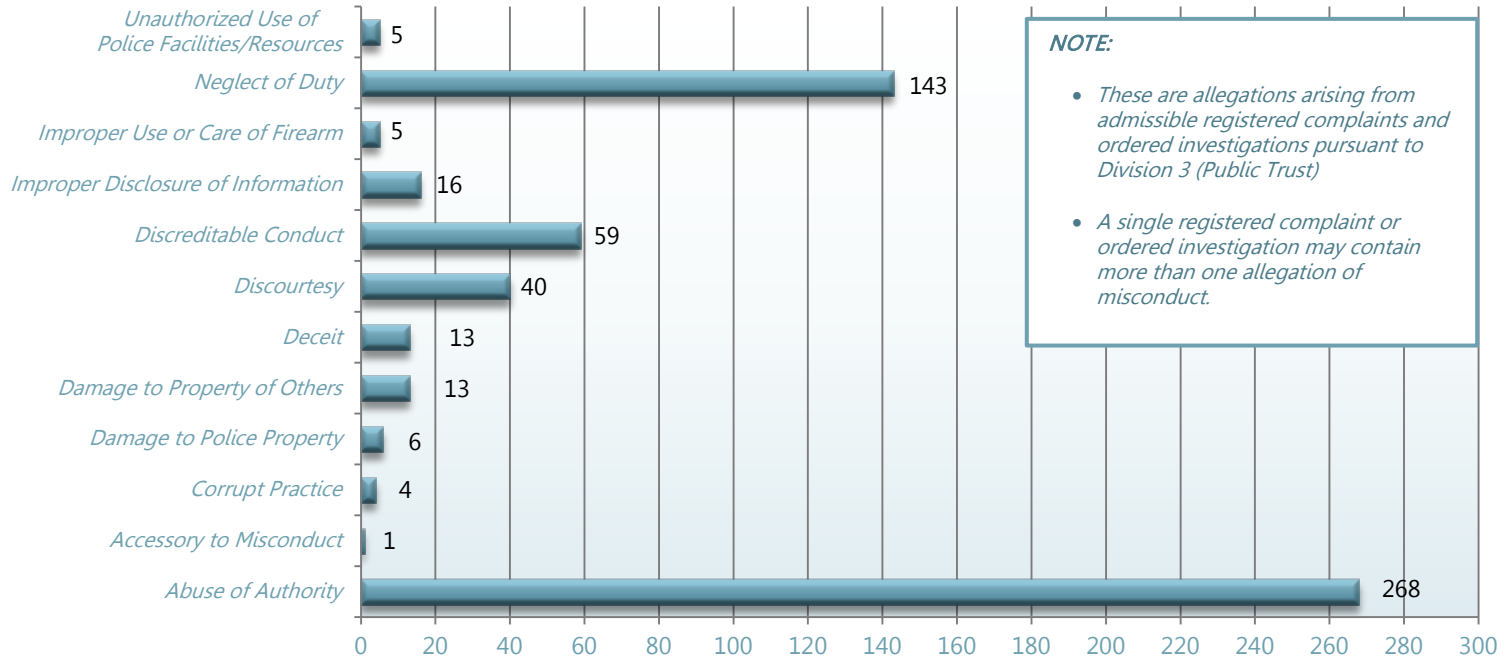


Please note that there may be more than one type of force involved per incident.

Once a complaint file is deemed admissible or an investigation initiated, the complaint is analyzed and broken down into the individual allegations of misconduct, against individual members. The *Police Act* identifies 13 separate categories of misconduct:

- |                           |                                  |                                    |
|---------------------------|----------------------------------|------------------------------------|
| Abuse of Authority        | Accessory to Misconduct          | Corrupt Practice                   |
| Damage to Police Property | Damage to Property of Others     | Deceit                             |
| Discourtesy               | Discreditable Conduct            | Improper Disclosure of Information |
| Improper Off Duty Conduct | Improper Use or Care of Firearms | Misuse of Intoxicants              |
| Neglect of Duty           |                                  |                                    |

The chart below shows the type of misconduct that was alleged in 2013. Please note that these are only allegations received and do not reflect whether they were substantiated or not substantiated.



Currently, if a member conducts an unauthorized search of police databases for whatever reason, it falls under "Corrupt Practice". The term "corrupt practice" is very inflammatory and has strongly negative connotations that should be reserved for misconduct that is truly deserving of the term. The current definition of corrupt practice is extremely broad and captures misconduct that while still very serious in nature, does not warrant the significant designation of corruption – unless egregious circumstances exist. For ease of reporting and statistical purposes, the OPCC has designated unauthorized use of police facilities/resources as a separate category.

## Files Closed in 2013

As stated earlier, all *Police Act* (Division 3 – Public Trust) complaint files are reviewed and broken down into its individual allegations against individual officers, therefore a single complaint file will often contain multiple allegations against more than one officer. As a result, when referring to closed complaints, the figures relate to the *allegation*, not the complaint *file*. Therefore, the figures for files opened and allegations concluded cannot be directly compared.

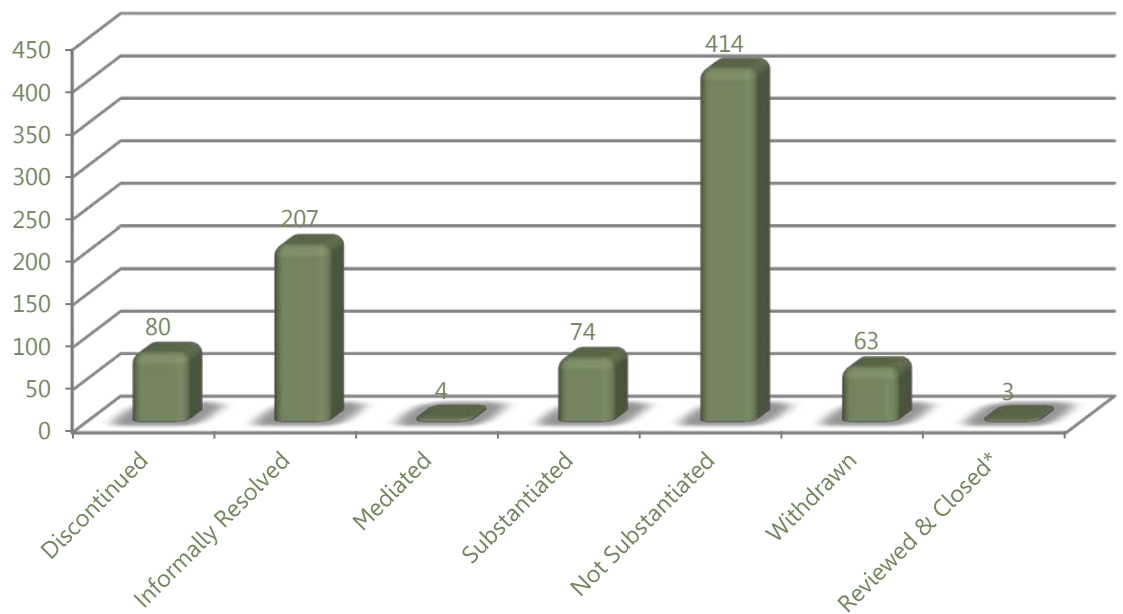
Also, files concluded in 2013 were not all opened in this period. Many of the files were opened earlier, but due to extended procedures, were not actually concluded until this time period.

Between January 1<sup>st</sup> and December 31<sup>st</sup>, 2013, OPCC analysts reviewed **845** Public Trust allegations (not including Non-Registered, Internal Discipline (Div 6), Service or Policy (Div 5) and Monitor files).

Allegations of misconduct against an officer that are processed pursuant to Divisions 3 & 4 of the *Police Act* may result in the following outcomes:

- Withdrawn** *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
- Informally Resolved** *A complaint may be informally resolved pursuant to Division 4 of the Police Act. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 business days in which to change their mind. The OPCC reviews all informal resolutions and if the Commissioner determines it is not appropriate or inadequate, the resolution is set aside and the investigation continues.*
- Mediated** *Division 4 also permits a complaint to be resolved through mediation, facilitated by a professional mediator. If no agreement can be reached, the investigation continues. Amendments to the legislation now give the Commissioner the authority to direct a Complainant to attend mediation, and similarly, the Chief Constable may order the member to attend.*
- Discontinued** *The Commissioner may direct an investigation into allegations of misconduct be discontinued if it is determined that further investigation is neither necessary nor reasonably practical, or if it is found that the complaint is frivolous, vexatious or made knowing the allegations were false. Under the previous legislation, complaints that met any of these criteria were Summarily Dismissed.*
- Not Substantiated** *Following an investigation conducted pursuant to Division 3, the Discipline Authority determines there is no evidence to support the allegation of misconduct. Investigations must be completed within 6 months.*
- Substantiated** *Following an investigation conducted pursuant to Division 3, the Discipline Authority determines the allegation is supported by the evidence. The Discipline Authority must then decide on appropriate disciplinary and/or corrective measures to impose.*

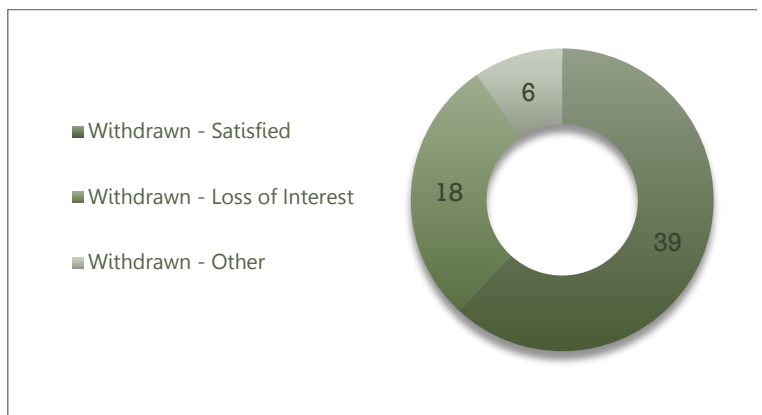
Outcome of Public Trust Allegations Concluded in 2013



\* "Reviewed & Closed" refer to allegations that following an investigation are found to involve police officers from agencies outside the jurisdiction of the OPCC, or to mandatory investigations initiated under s.89 that reveal no misconduct.

There is a wide range of reasons why a complainant may choose to withdraw his or her complaint – from feeling totally frustrated with the process to being completely satisfied with the steps taken by the police.

The Act requires the OPCC to accept a withdrawal from a complainant, but permits the Commissioner to order the investigation continue, if it is in the public interest.



# Mediation & Informal Resolution of Police Complaints

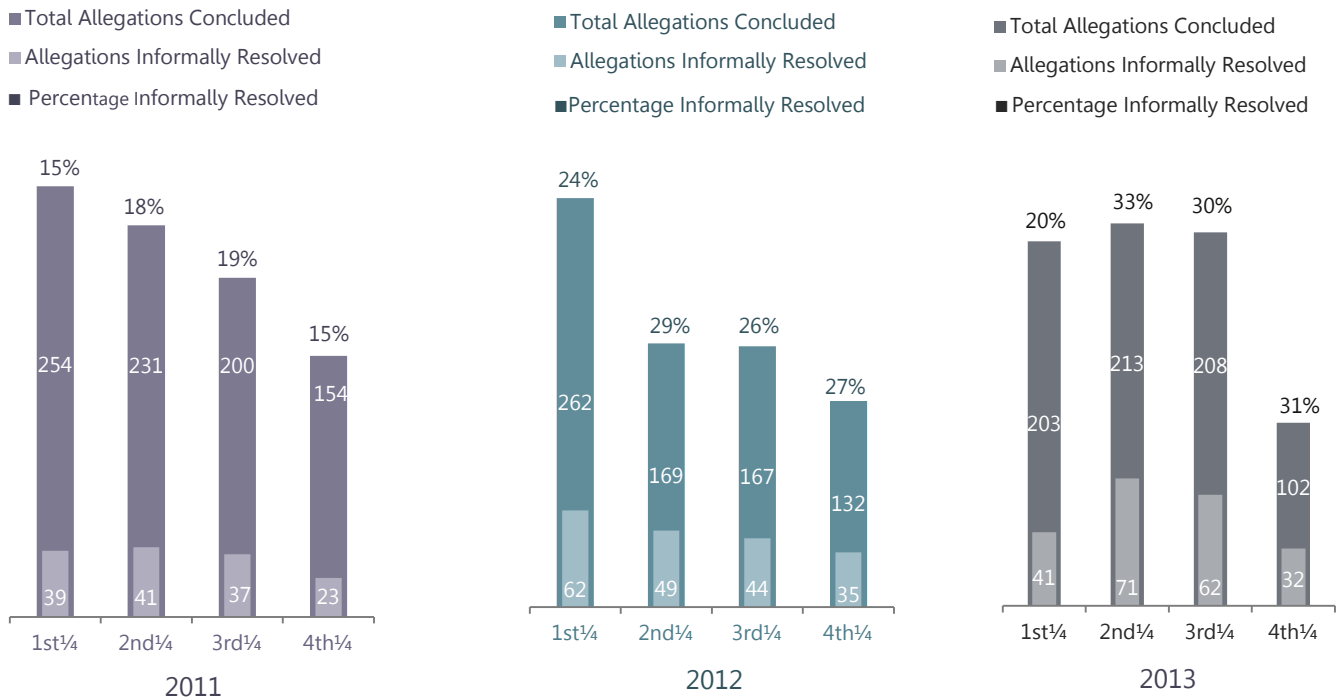
In addition to conducting full investigations and having a third party arrive at a decision, the *Police Act* offers an alternative method of resolving the issues through formal mediation or an informal resolution process.

## Informal Resolution (s.157)

If the nature of the registered complaint is appropriate and both parties are willing to participate, the Discipline Authority may propose an informal resolution to the matter. Both the complainant and the member must agree in writing to the proposed resolution and both have ten business days in which they may reconsider their decision and revoke their consent. Before any proposed resolution is final, the OPCC reviews the complaint and proposed resolution to ensure it is appropriate to the circumstances.

In 2013, the OPCC reviewed and approved informal resolution agreements relating to **206** allegations of misconduct.

## Informally Resolved Complaints



Mediation is a process for resolving disputes between a complainant and a member with the assistance of a neutral professional mediator. Complaints that are appropriate for mediation may contain issues more complicated or serious than those informally resolved and require the assistance of a professional mediator to settle the issues collaboratively and on their own terms. This may include the parties meeting face to face during or after the mediation, but is not necessary. The mediation takes place in a private, non-confrontational setting, where the parties participate in the design of the settlement agreement. The mediator is impartial and trained to help parties arrive at a resolution, but has no decision-making power. The dispute is settled only if all of the parties agree to the settlement.

## Mediation (Division 4)

In 2011, **10** allegations were successfully mediated.  
 In 2012, **04** allegations were successfully mediated.  
 In 2013, **04** allegations were successfully mediated.

## Adjudicative Reviews

Under the previous legislation, there was only one avenue for review – a public hearing. The new *Police Act* offers three avenues of review following a Discipline Authority's decision:

<p><b>Appointment of a New Discipline Authority</b> [s.117]</p>	<ul style="list-style-type: none"> <li>• If, on review of the Discipline Authority's decision, the Police Complaint Commissioner considers that there is a reasonable basis to believe that the decision is incorrect, the Commissioner may appoint a retired judge to act as a new Discipline Authority, review the matter and make a decision.</li> <li>• In 2013, the Commissioner appointed a retired judge to act as a new Discipline Authority on <b>4</b> complaint files.</li> </ul>
<p><b>Review on the Record</b> [s.141]</p>	<ul style="list-style-type: none"> <li>• The Police Complaint Commissioner may arrange for a review on the record if there is a reasonable basis to believe:             <ul style="list-style-type: none"> <li>- the Discipline Authority's findings following a discipline proceeding are incorrect, or</li> <li>- the corrective and/or disciplinary measures proposed by the Discipline Authority are not in compliance with the Act, or</li> <li>- it is in the public interest to arrange a review on the record.</li> </ul> </li> </ul> <p>A retired judge is appointed as an adjudicator to review the disciplinary decision. Generally, a review on the record is a "paper" review without witnesses being called to testify.</p> <ul style="list-style-type: none"> <li>• In 2013, the Commissioner appointed a retired judge to conduct reviews on <b>0</b> matters.</li> </ul>
<p><b>Public Hearing</b> [s.143]</p>	<ul style="list-style-type: none"> <li>• The Police Complaint Commissioner may order a matter proceeds to a public hearing if it is determined that, in addition to the above considerations:             <ul style="list-style-type: none"> <li>- it is likely that evidence other than that admissible in at a reviewed on the record will be necessary to complete a review of the disciplinary decision on a standard of correctness; and</li> <li>- a public hearing of the matter is necessary to preserve or restore public confidence in the investigation of misconduct or the administration of police discipline.</li> </ul> </li> </ul> <p>A retired judge is appointed as an adjudicator to preside over the hearing.</p> <ul style="list-style-type: none"> <li>• In 2013, the Commissioner ordered <b>6</b> public hearings.</li> </ul>

All decisions from these three adjudicative avenues are available to the public through the OPCC website at [www.opcc.bc.ca](http://www.opcc.bc.ca). As well, there is a schedule of current public hearings indicating the date and place of the hearings. All public hearings are open to the public to attend.

# Substantiated Allegations

(Concluded between January 1<sup>st</sup> and December 31<sup>st</sup>, 2013)

Abbotsford	
<p>A police member used unnecessary force while placing a male under arrest.</p> <p>Misconduct: Abuse of Authority Date of Incident: October 09, 2009 Ordered Investigation (at request of the department)</p> <p>OPCC File 2009-4899T</p>	<p>Abuse of Authority (excessive force – empty hand)</p> <ul style="list-style-type: none"> <li>• use of force training, including scenario-based training, to be conducted by a use of force trainer.</li> </ul>
<p>A police member used unnecessary force while placing a male under arrest.</p> <p>Misconduct: Abuse of Authority Date of Incident: September 20, 2009</p> <p>This same police member made misleading or false statements in a duty report during the <i>Police Act</i> investigation.</p> <p>Misconduct: Deceit Date of Incident: December 21, 2010</p> <p>This same police member made misleading or false statements during an interview with a professional standards investigator conducting the <i>Police Act</i> investigation.</p> <p>Misconduct: Deceit Date of Incident: March 1, 2011 Ordered Investigation (at request of the department)</p> <p>OPCC File 2010-5158</p>	<p>This matter went to a Public Hearing wherein the adjudicator imposed the following discipline.</p> <p>Abuse of Authority (excessive force/empty hand)</p> <ul style="list-style-type: none"> <li>• suspension of three scheduled working days without pay</li> <li>• anger management program to be completed to the satisfaction of supervising officers</li> </ul> <p>Deceit (false or misleading oral or written statement)</p> <ul style="list-style-type: none"> <li>• for each of the disciplinary defaults of deceit a suspension of twenty-five scheduled working days without pay. The suspensions were to be concurrent, but consecutive to the three-day suspension for the disciplinary default of abuse of authority such that the total period of suspension was twenty-eight days.</li> </ul>
<p>A police member accessed police databases for a purpose unrelated to his duties as a police officer.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: October 23, 2009</p> <p>This same police member improperly disclosed information obtained as a police officer.</p> <p>Misconduct: Improper Disclosure of Information. Date of Incident: October 23, 2009</p> <p>This same police member made misleading or false statements during an interview with a professional standards investigator conducting the <i>Police Act</i> investigation.</p> <p>Misconduct: Deceit Date of Incident: November 23, 2010 Registered Complaint</p> <p>OPCC File 2010-5294</p>	<p>Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> <li>• written reprimand</li> </ul> <p>Improper Disclosure of Information*</p> <ul style="list-style-type: none"> <li>• written reprimand</li> </ul> <p>Deceit (false or misleading oral or written statement)*</p> <ul style="list-style-type: none"> <li>• written reprimand</li> <li>• suspension of twenty scheduled working days without pay</li> </ul> <p>*These two findings were as a result of a s.117 review by a retired judge.</p>
<p>While off duty, a police member drove his unmarked police surveillance vehicle and caused a motor vehicle accident resulting in damage to the police vehicle.</p> <p>Misconduct: Discreditable Conduct Date of Incident: April 14, 2011</p> <p>This same police member later misrepresented the circumstances of the collision.</p> <p>Misconduct: Deceit Date of Incident: April 15, 2011 Ordered Investigation (at request of the department)</p> <p>OPCC File 2011-6336</p>	<p>Discreditable Conduct:</p> <ul style="list-style-type: none"> <li>• 10 day suspension without pay</li> </ul> <p>Deceit:</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul>



<p>A police member attempted to stop a vehicle with emergency lights and siren engaged; however, the vehicle failed to stop for police. When the vehicle was finally stopped the police member withdrew her service pistol, pointed it at the driver and forced her to the ground and placed her in handcuffs. During this incident the police member used inappropriate language towards to the complainant. The complainant was later released without criminal charges; but was issued a violation ticket for failing to provide a driver's licence. It was later determined that the police member did not provide the complainant a reasonable opportunity to produce her driver's licence.</p> <p>Misconduct: Abuse of Authority Discourtesy Abuse of Authority Date of Incident: November 27, 2011 Registered Complaint</p> <p>OPCC File 2011-6989</p>	<p>Abuse of Authority (excessive force-firearm (person))</p> <ul style="list-style-type: none"> <li>specified training focusing on use of force including the available options to take persons into custody who are not using force to resist arrest. The training was held in abeyance as the police member was no longer operational and was retiring from the department at the end of 2013.</li> </ul> <p>Discourtesy:</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul> <p>Abuse of Authority (improper issuing of process)</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>A police member arrested the complainant without sufficient grounds.</p> <p>Misconduct: Abuse of Authority Date of Incident: August 24, 2012 Registered Complaint</p> <p>OPCC File 2012-7887</p>	<p>Re Abuse of Authority (unlawful arrest):</p> <ul style="list-style-type: none"> <li>training on the elements of offences that may be considered at disturbance calls, including those related to causing a disturbance, breach of the peace, apprehended breach of the peace and the authority to arrest when reasonable grounds exist to believe that an indictable offence is about to be committed. The training also focused on other opportunities to resolve conflicts, even when grounds to make an arrest may exist. This was to be one-on-one training by a trainer selected by the chief constable.</li> </ul>
<p>A police member sent an inappropriate email to other police members.</p> <p>Date of Incident: January 25, 2013 Internal Discipline</p> <p>OPCC File 2013-8361</p>	<ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>A police member made inappropriate comments regarding another police member and a civilian employee.</p> <p>Date of Incident: Mid July, 2012 Internal Discipline</p> <p>OPCC File 2013-8504</p>	<ul style="list-style-type: none"> <li>verbal reprimand</li> </ul>

**Central Saanich**

No substantiated misconduct in this reporting period

**CFSEU (Combined Forces Special Enforcement Unit)**

No substantiated misconduct in this reporting period

**Delta**

A police member conducted unauthorized searches utilizing police databases for purposes unrelated to his duties as a police officer.

Misconduct: Unauthorized Use of Police Facilities/Resources  
Date of Incident: February 2010 to October 2011  
Ordered Investigation (at request of the department)

OPCC File 2011-6950

Unauthorized Use of Police Facilities/Resources

- written reprimand
- direction to undertake counselling as required by employer

<p>On several occasions, the police member conducted unauthorized searches utilizing police databases for purposes unrelated to her duties as a police officer.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: Between 2008 and 2012</p> <p>It was further determined the police member counselled another member to conduct an unauthorized search on a police database.</p> <p>Misconduct: Accessory to Misconduct Date of Incident: April 20, 2010 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7579</p>	<p>Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul> <p>Accessory to Misconduct (aiding, abetting or counselling misconduct)</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>A police member conducted an unauthorized search utilizing police databases for purposes unrelated to his duties as a police officer.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: April 20, 2010 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7580</p>	<p>Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>A police member improperly interfered with the issuing of a traffic violation ticket.</p> <p>Misconduct: Discreditable Conduct Date of Incident: June 6, 2012</p> <p>When this same police member learned that he was to speak to a supervisor about an issue with a fellow member he openly confronted the other member. A supervisor intervened and directed the member to leave the matter with their sergeant. Over the next three hours the member sent and commented upon a series of messages that were disrespectful and divisive to the workplace.</p> <p>Misconduct: Discreditable Conduct Date of Incident: June 11, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7611</p>	<p>Discreditable Conduct</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul> <p>Discreditable Conduct</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>While responding to a robbery call, the police member drove at an excessive speed, resulting in a loss of control of the vehicle. The police vehicle went off the road and struck a fence and wooden utility pole before coming to rest in a water-filled ditch. The police member suffered minor injuries.</p> <p>Misconduct: Neglect of Duty Date of Incident: February 14, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7696</p>	<p>Neglect of Duty (dangerous driving)</p> <ul style="list-style-type: none"> <li>advice as to future conduct</li> </ul>
<p>A police member used excessive force during the course of an arrest.</p> <p>Misconduct: Abuse of Authority Date of Incident: October 2, 2012 Registered Complaint</p> <p>OPCC File 2012-7994</p>	<p>This was the subject of a s.117 review by a retired judge.</p> <p>Abuse of Authority (excessive force – empty hand)</p> <ul style="list-style-type: none"> <li>verbal reprimand</li> </ul>

## Nelson

While booking a suspect into cells, two police members used unnecessary force on a male while booking him into cells.

Misconduct: Abuse of Authority X2  
Date of Incident: April 30, 2011  
Ordered Investigation (at request of the department)

OPCC File 2011-6366-01

This was the subject of a s.117 review by a retired judge.

Member 1  
Abuse of Authority (excessive force – empty hand)

- verbal reprimand and advice as to future conduct
- an order to review police manuals re: arrest procedures, use of force, and stress issues
- complete courses in: tactical communications; critical incident de-escalations; use of force

Member 2  
Abuse of Authority (excessive force – empty hand)

- verbal reprimand and advice as to future conduct
- an order to review police manuals re: arrest procedures, use of force, and stress issues
- complete courses in: tactical communications; critical incident de-escalations; use of force

## New Westminster

Members attended a residence to arrest the owner's grandson on an outstanding warrant. It was determined the following misconduct occurred:

Member 1:

A police member unlawfully entered the complainant's residence. This same police member arrested a person without good and sufficient cause. This same police member used excessive force during the arrest.

Misconduct: Discreditable Conduct  
Abuse of Authority X2  
Date of Incident: March 23, 2009

This same member made an oral statement that to the member's knowledge was false or misleading.

Misconduct: Deceit  
Date of Incident: June 15 and December 2, 2009

Member 2

A police member unlawfully entered the complainant's residence. This same police member arrested a person without good and sufficient cause.

Misconduct: Discreditable Conduct  
Abuse of Authority  
Date of Incident: March 23, 2009  
Registered Complaint

OPCC File 2009-4584T

Member 1:

Discreditable Conduct:

- 2-day suspension without pay (concurrent)

Abuse of Authority (unlawful arrest)

- 2-day suspension without pay (concurrent)

Abuse of Authority (excessive force-empty hand)

- 2-day suspension without pay (concurrent)

The Deceit allegation was the subject of a s.117 review by a retired judge and subsequent discipline proceeding.

Deceit:

- 5-day suspension without pay (consecutive to the 3 concurrent 2-day suspensions )

Member 2:

Discreditable Conduct

- written reprimand

Abuse of Authority (unlawful arrest)

- written reprimand

A police member knowingly associated with a known drug trafficker; possessed and used cocaine; and agreed or allowed himself to be in debt to a known criminal as a result of purchasing illegal controlled substances and failing to pay an outstanding "bar tab".

Misconduct: Discreditable Conduct (x2)  
Corrupt Practice  
Date of Incident: Between January and December 2011  
Ordered Investigation (at request of the department)

OPCC File 2011-6447

Discreditable Conduct (x2)

- dismissal

Corrupt Practice (under a pecuniary or obligation that affects ability to perform duties)

- dismissal

<p>A police member failed to promptly disengage from a vehicle pursuit when the Air One TSH assumed visual contact; and to advise the dispatcher of the suspect's violation of traffic control devices and traffic conditions. The member also failed to promptly follow the lawful direction of a supervisor.</p> <p>Misconduct: Neglect of Duty (x2) Date of Incident: April 25, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7436</p>	<p>Neglect of Duty (vehicle pursuits)</p> <ul style="list-style-type: none"> <li>• advice as to future conduct</li> </ul> <p>Neglect of Duty (failure to follow supervisors lawful order)</p> <ul style="list-style-type: none"> <li>• advice as to future conduct</li> </ul>
<p>A police member drove a police vehicle into a rock, sustaining minor damages. This was the 6<sup>th</sup> motor vehicle incident in a 6 year period with the member being at fault in 4 of the prior accidents.</p> <p>Date of Incident: June 6, 2012 Internal Discipline</p> <p>OPCC File 2012-7769</p>	<ul style="list-style-type: none"> <li>• 1-day driver assessment and training session at the discretion of department's training section and any further follow up instruction as recommended by the evaluators.</li> </ul>
<p>A police member left his service firearm unattended in a place accessible to other members.</p> <p>Date of Incident: August 1, 2012 Internal Discipline</p> <p>OPCC File 2012-7784</p>	<ul style="list-style-type: none"> <li>• written reprimand</li> </ul>
<p>A police member accidentally discharged one round from his service firearm in the department's unloading station.</p> <p>Date of Incident: August 9, 2012 Internal Discipline</p> <p>OPCC File 2012-7810</p>	<ul style="list-style-type: none"> <li>• advice as to future conduct</li> </ul>
<p>A police member failed to sufficiently document investigative steps during an investigation.</p> <p>Misconduct: Neglect of Duty Date of Incident: March 18, 2012 Registered Complaint</p> <p>OPCC File 2012-8126</p>	<p>Neglect of Duty (inadequate documentation/notes/records):</p> <ul style="list-style-type: none"> <li>• advice as to future conduct.</li> </ul>
<p>A police member conducted unauthorized searches utilizing police databases for purposes unrelated to his duties as a police officer.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources</p> <p>This same police member shared the information with a person not entitled to receive or access this information.</p> <p>Misconduct: Improper Disclosure of Information Ordered Investigation (at request of the department)</p> <p>OPCC File 2013-8328</p>	<p>Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul> <p>Improper Disclosure of Information</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul>

**Oak Bay**

No substantiated misconduct in this reporting period

**Port Moody**

No substantiated misconduct in this reporting period

## Saanich

A police member failed to complete adequate notes or submit a police report documenting his involvement in the arrest of a male.

Misconduct: Neglect of Duty  
Date of Incident: February 12, 2010

This same police member failed to report the loss of one of his police notebooks.

Misconduct: Damage to Police Property  
Date of Incident: January 4, 2011

This same police member arrested a male for SIPP after persuading him to exit his residence and step onto a public street.

Date of Incident: May 20, 2011  
Misconduct: Abuse of Authority  
Ordered Investigation (at request of the department)

OPCC File 2011-6446

Neglect of Duty (inadequate documentation/notes/records):

- written reprimand

Damage to Police Property (failure to report loss or damage to police property)

- written reprimand

Abuse of Authority (unlawful arrest):

- 7 day suspension without pay\*

\*The member requested a public hearing in relation to the substantiation of Abuse of Authority and the penalty imposed. At the conclusion of the public hearing, the Adjudicator determined that the allegation of Abuse of Authority had been proven on the balance of probabilities and further determined that the 7 day suspension from duty without pay was a proper and adequate punishment.

An off-duty police member received a "90 day Immediate Roadside Prohibition" after registering a "fail reading" on an ASD (Approved Screening Device).

Misconduct: Discreditable Conduct  
Date of Incident: November 09, 2012  
Ordered Investigation (at request of the department)

OPCC File 2012-8129

Discreditable Conduct

- 1 day suspension without pay

## SCBCTAPS

A police member arrested the complainant for obstruction and left her handcuffed to a rail unattended for 10 - 20 minutes.

Misconduct: Abuse of Authority  
Date of Incident: March 30, 2011  
Registered Complaint

OPCC File 2011-6287

Abuse of Authority (excessive force – empty hand)

- written reprimand

A police member requested a photo be taken of himself with a severely intoxicated male for a purpose unrelated to his duties as a police officer.

Misconduct: Discreditable Conduct  
Date of Incident: April 21, 2012  
Ordered Investigation (at request of the department)

OPCC File 2012-7410

Discreditable Conduct

- written reprimand

While issuing the complainant a ticket a police member used derogatory and insulting language and told her boyfriend to "shut up".

Misconduct: Discourtesy (x2)  
Date of Incident: June 27, 2012  
Registered Complaint  
OPCC File 2012-7701

Discourtesy (x2)

- written reprimand (x2)

An off-duty police member was involved in a non-consensual fight. Police attended and subsequently arrested the off-duty member for being in a State of Intoxication in a Public Place.

Misconduct: Discreditable Conduct  
Date of Incident: September 12, 2012

While in being held in cells, the off-duty police member assaulted one of the arresting officers.

Discreditable Conduct

- 5 day suspension without pay

Discreditable Conduct

- reduction in rank

The member resigned during the investigation. Pursuant to section 133(5) of the *Police Act*, a former member who is aggrieved by the findings of a Discipline Authority may file with the Police

<p>Misconduct: Discreditable Conduct Date of Incident: September 12, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7905</p>	<p>Complaint Commissioner a written request for a public hearing or review on the record. No request was received from the former member.</p>
<p>A police member failed to document and process seized property that was in his possession.</p> <p>Misconduct: Neglect of Duty Date of Incident: August 31, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-8046</p>	<p>Neglect of Duty (failure to account for property received)</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul>
<p>While on-duty, two police members recognized an individual suspected of having caused mischief to the window of a police vehicle. The members confronted the male with possible mischief charges versus restitution, and the male chose restitution.</p> <p>Misconduct: Discreditable Conduct (x2) Date of Incident: August 29, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-8086</p>	<p>Member 1 Discreditable Conduct</p> <ul style="list-style-type: none"> <li>written reprimand</li> </ul> <p>Member 2 Discreditable Conduct</p> <ul style="list-style-type: none"> <li>verbal reprimand</li> </ul>
<p><b>Stl'atl'imx Tribal Police</b></p>	
<p>No substantiated misconduct in this reporting period</p>	
<p><b>Vancouver</b></p>	
<p>Member 1 A police member failed to properly account for money received in his capacity as a police officer.</p> <p>Misconduct: Neglect of Duty Date of Incident: Between December 29, 2009 and the end of July, 2010 External Ordered Investigation (at the at request of the department)</p> <p>Member 2 A police member failed to consult with his/her department's Human Source Handling Unit, before meeting with an informant alone and returning seized monies to the said informant.</p> <p>Misconduct: Neglect of Duty Date of Incident: Between December 29, 2009 and January 7, 2010 External Ordered Investigation (at the at request of the department)</p> <p>This same police member failed to document, report and or dispose of money received in his capacity as a member.</p> <p>Misconduct: Neglect of Duty Date of Incident: Between July, 2010 and May 30, 2011 External Ordered Investigation (at request of the department)</p> <p>OPCC File 2011-6443</p>	<p>Member 1 Neglect of Duty (Failure to account for money/property received)</p> <ul style="list-style-type: none"> <li>advice to future conduct</li> </ul> <p>Member 2 Neglect of Duty</p> <ul style="list-style-type: none"> <li>training regarding proper source handling, document processing, and property disposition</li> </ul> <p>Neglect of Duty (Failure to account for money/property received)</p> <ul style="list-style-type: none"> <li>1 day suspension without pay</li> </ul>
<p>During the course of placing a male under arrest, the male spat in the police member's face. The police member retaliated by striking the male in the face.</p> <p>Misconduct: Abuse of Authority Date of Incident: August 19, 2011 Ordered Investigation (at request of the department)</p> <p>OPCC File 2011-6700</p>	<p>Abuse of Authority (excessive force – empty hand)</p> <ul style="list-style-type: none"> <li>2 day suspension without pay</li> </ul>

<p>A police member deployed his police dog without justification to assist in apprehending the complainant suspected of break and entering. The complainant suffered injuries to his back and neck.</p> <p>Misconduct: Abuse of Authority Date of Incident: October 8, 2011 Registered Complaint (initially received from the department as a Reportable Injury Notification)</p> <p>OPCC File 2011-6835</p>	<p>Abuse of Authority (excessive force – dog)</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> </ul>
<p>While off-duty a police member consumed liquor and then operated a motor vehicle while his ability to do so was affected by alcohol. When stopped by the RCMP for an impaired driving investigation, the member disclosed that he was a police officer in order to receive favourable treatment.</p> <p>Misconduct: Discreditable Conduct (x2) Date of Incident: March 3, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7270</p>	<p>Discreditable Conduct (x2)</p> <ul style="list-style-type: none"> <li>• 1 day suspension without pay (x2)</li> </ul>
<p>A police member breached department policy by ramming a stolen vehicle occupied by three persons. The nature of the crime and the circumstances did not justify the tactic.</p> <p>Misconduct: Abuse of Authority Date of Incident: April 27, 2012 Ordered Investigation (initiated by the Commissioner)</p> <p>OPCC File 2012-7429</p>	<p>Abuse of Authority (impact weapon)</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> </ul>
<p>A police member failed to submit photographs depicting an assault victim to Crown.</p> <p>Misconduct: Neglect of Duty Date of Incident: July 8, 2011 Registered Complaint</p> <p>OPCC File 2012-7665</p>	<p>Neglect of Duty (inadequate investigation)</p> <ul style="list-style-type: none"> <li>• verbal reprimand</li> </ul>
<p>A police member conducted unauthorized searches utilizing police databases for purposes unrelated to his duties as a police officer.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources</p> <p>This same member maintained a personal relationship with an individual that he knew was an associate of individuals involved in criminal activity.</p> <p>Misconduct: Discreditable Conduct</p> <p>This same member, while on duty and off duty, used the services of a prostitute.</p> <p>Misconduct: Discreditable Conduct</p> <p>Ordered Investigation (at request of the department)</p> <p>OPCC File 2012-7747</p>	<p>Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul> <p>Discreditable Conduct</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul> <p>Discreditable Conduct</p> <ul style="list-style-type: none"> <li>• dismissal</li> </ul>
<p>A police member, responding to a call, operated an unmarked police vehicle in a dangerous manner, resulting in an accident. No one was injured as a result of the collision; however, the police vehicle sustained \$4000-worth of damage.</p> <p>Misconduct: Discreditable Conduct Damage to Police Property Date of Incident: December 12, 2012 Ordered Investigation (at request of the department)</p> <p>OPCC File 2013-8326</p>	<p>Discreditable Conduct</p> <ul style="list-style-type: none"> <li>• 2 day suspension without pay</li> </ul> <p>Damage to Police Property (misusing/losing/damaging police property)</p> <ul style="list-style-type: none"> <li>• advice to future conduct</li> </ul>

A police member produced and distributed within the department a "Be on the Look Out For" poster with a picture of a fellow member that was insulting and unprofessional.

Internal Discipline

OPCC File 2013-8491

- 5-day suspension without pay
- transfer/reassignment

## Victoria

While attending a report of multiple assaults outside a bar, a police member used excessive force by kicking one of the individuals who was being arrested.

Misconduct: Abuse of Authority

Date of Incident: March 21, 2010

Ordered Investigation (at request of the department)

Registered Complaints were subsequently received

OPCC File 2010-5121

Abuse of Authority (excessive force – empty hand)

- 2-day suspension without pay
- training/re-training in the area of use of force, with an emphasis on de-escalation training;
- counselling/treatment by participating in an assessment by a qualified professional to address any potential anger management issues

\* This was the subject of a Public Hearing

A police member sent an email from his department email address that contained an image of a naked male.

Misconduct: Unauthorized Use of Police Facilities/Resources  
Discreditable Conduct

Date of Incident: July 2, 2012

Ordered Investigation (at request of the department)

OPCC File 2012-7689

Unauthorized Use of Police Facilities/Resources

- alcohol and psychological counseling

Discreditable Conduct

- 8-day suspension without pay

A police member attempted to evade a parking ticket by using his badge and status as a police officer. The member made inappropriate and suggestive remarks to the Parking Commissionaire.

Misconduct: Discreditable Conduct (x2)

Date of Incident: October 25, 2012

Registered Complaint

OPCC File 2012-8096

Discreditable Conduct

- written reprimand (x2)

A police member, while part of a search team executing a warrant at a residence, inappropriately touched another member with a sex toy he had located.

Internal Discipline

OPCC File 2012-8139

- 4-day suspension without pay
- psychological counseling

During a check stop where a police member's girlfriend was requested to provide breath samples, the member verbally engaged the investigating officer in an aggressive and abusive manner, impeding the impaired driving investigation.

Misconduct: Discreditable Conduct

Date of Incident: December 8, 2012

Ordered Investigation (at request of the department)

OPCC File 2012-8206

Discreditable Conduct

- written reprimand

A police member, while off duty, was the subject of a traffic stop. During the traffic stop the member identified himself as a police officer. After receiving the violation ticket, the member made unprofessional remarks to the issuing officer.

Misconduct: Discreditable Conduct

Date of Incident: June 17, 2013

Ordered Investigation (at request of the department)

OPCC File 2013-8790

Discreditable Conduct

- verbal reprimand



## West Vancouver

A police member harassed a fellow member.

Misconduct: Discreditable Conduct

Date of Incident: Extended period

Internal Discipline

OPCC File 2012-7582

- 4-day suspension without pay
- work under close supervision for a period of 1 year
- reassignment
- completion of a Harassment in the Workplace program.

A police member failed to provide a police statement and/or take adequate notes detailing his/her involvement in an investigation.

Misconduct: Neglect of Duty

Date of Incident: October 11, 2012

Ordered Investigation (at request of the department)

OPCC File 2013-8482

Neglect of Duty (inadequate documentation/notes/records)

- advice to future conduct
- review department policies in relation to notebooks and note-taking under the direction of a superior.

A police member failed to submit a required police report, or properly handle and account for evidence in relation to a police investigation.

Date of Incident: October 28, 2012

Internal Discipline

OPCC File 2013-8483

- advice to future conduct
- review department operational policies on notebook and note-taking and property handling under the direction of a superior.

A police member, while participating at an event sponsored by the police department, allowed a member of the public to wear his police issue fleece jacket in public view.

Date of Incident: April 20, 2013

Internal Discipline

OPCC File 2013-8653

- advice to future conduct
- review department operational policies on standards of conduct under the direction of a superior.