

FINDINGS OF DISCIPLINE AUTHORITY

[Section 125 (b) Police Act]

Discipline authority file number: [REDACTED]

Police complaint commissioner file number: 2010-5689

Name of member/former member involved:

Constable [REDACTED] Vancouver Police Department

Date of discipline proceeding: 2011/10/13

In relation to the allegation of misconduct against you, my findings are as follows:

Misconduct: Discreditable Conduct (attempted to obstruct by attempting to dissuade witness, [REDACTED] from attending to give evidence at the traffic hearing of [REDACTED]) section 77(3)(h) of the *Police Act*

Member/former member's reply to allegation: Denial

Findings and reasons:

After hearing the evidence of Constable [REDACTED] and viewing the supplementary documentation he provided, I find that the allegation of Discreditable Conduct is not substantiated. I am satisfied that:

1. Constable [REDACTED] did not have particulars of [REDACTED] statement when he gave his responses to the investigating officer. In particular, he did not know that she alleged that there had been a call from [REDACTED] to [REDACTED] some five or ten minutes before the conversation between him and [REDACTED]
2. Constable [REDACTED] was working at a desk in the family room of his residence at the time he spoke to [REDACTED]. He called to his daughter, [REDACTED], who was in another room of the house to place the call since he knew she had the phone number for the [REDACTED] household. She made the call and brought the handset to him. I accept Constable [REDACTED] sworn evidence that he was not aware of any prior call being made by his daughter.

- 3., Based on these findings, Constable [redacted] original statement that he wanted to call [redacted] to determine whether her daughter, [redacted], had been served is credible.
4. Constable [redacted] also entered into evidence a disclosure package that he received from [redacted] just a few days before the conversation with [redacted]. That included the witness statement of [redacted]. In that statement she was not able to provide any evidence at all about the cause of the accident. She said that when it occurred, she had been talking to [redacted] the other passenger in the car. [redacted] had suggested that he was in a conversation with [redacted] just before the collision and the investigating officer had taken the view that [redacted] must have been distracted by this discussion. It was Constable [redacted] view that [redacted] evidence might help his daughter's case. What is certain from her statement is that nothing she had to say would have assisted in the prosecution.
5. Given this additional information, I find that Constable [redacted] had no reason to try to persuade [redacted] not to give evidence at his daughter's traffic hearing. I find, on the balance of probability, that the allegation that he told [redacted] that her daughter could ignore the subpoena which had been served on her is not substantiated.

Signature of discipline authority: Carole Lazar

Date: 2011/10/18

