

# 2017/2018 First Quarter in Review

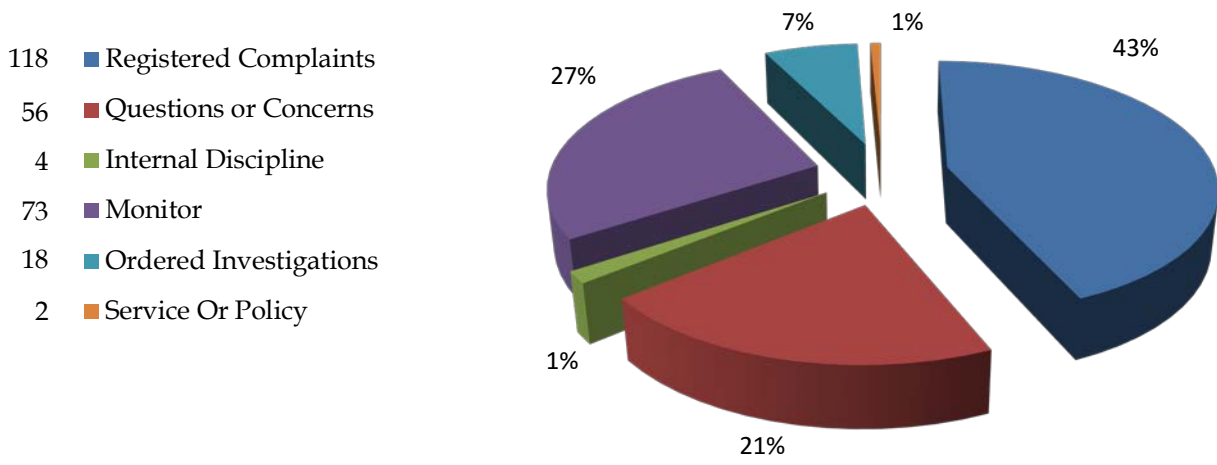
## (April 1, 2017 to June 30, 2017)

*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.*

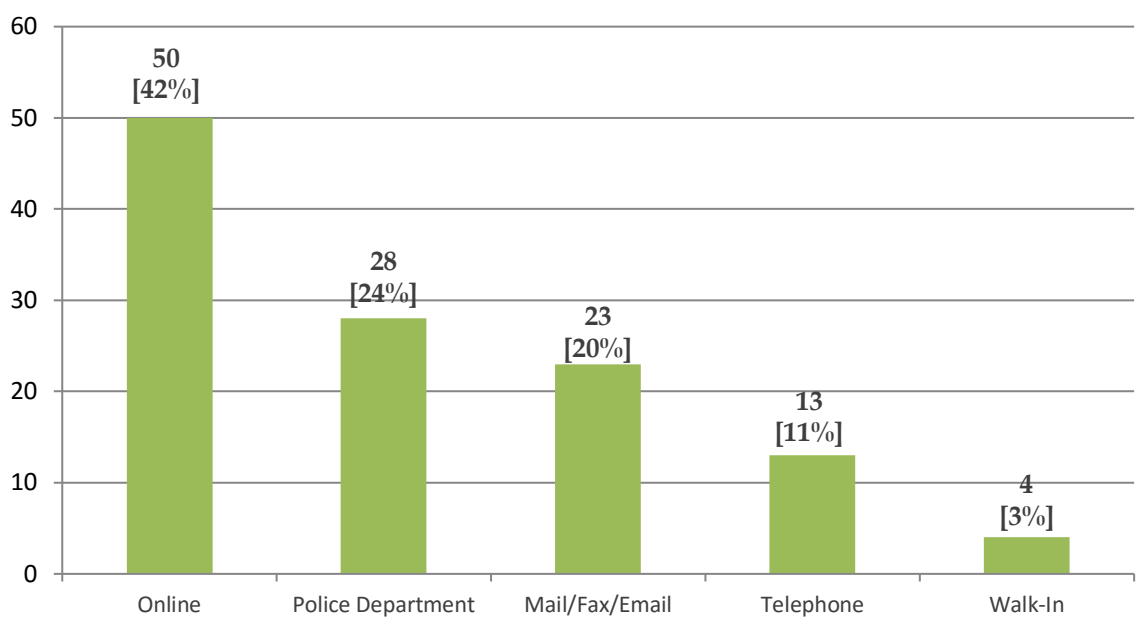
The files opened by the OPCC from April 1, 2017, to June 30, 2017, can be broken down into the following categories:

- Registered Complaints** Registered Complaints are public trust complaints about a police officer's conduct or actions that affect a member of the public personally or that he or she has witnessed (Part 11, Division 3 of the *Police Act*).
- Questions or Concerns** If a member of the public has a question or concern about a municipal police officer's conduct, but does not wish to file a registered complaint he/she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern, and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review (Part 11, Division 3 of the *Police Act*).
- Ordered Investigations & Mandatory 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. The legislation also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death (Part 11, Division 3 of the *Police Act*).
- Monitor Files** 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** Internal Discipline files involve performance management issues or employer/ employee concerns that do not affect members of the public (Part 11, Division 6 of the *Police Act*).
- Service or Policy** Service or Policy complaints are those regarding the quality of a police department's service to the community or regarding their operating policies (Part 11, Division 5 of the *Police Act*).

## Type of files opened between April 1, 2017, and June 30, 2017



## How Registered Complaints were received between April 1, 2017, and June 30, 2017



## Admissibility of Registered Complaints received between April 1, 2017, and June 30, 2017

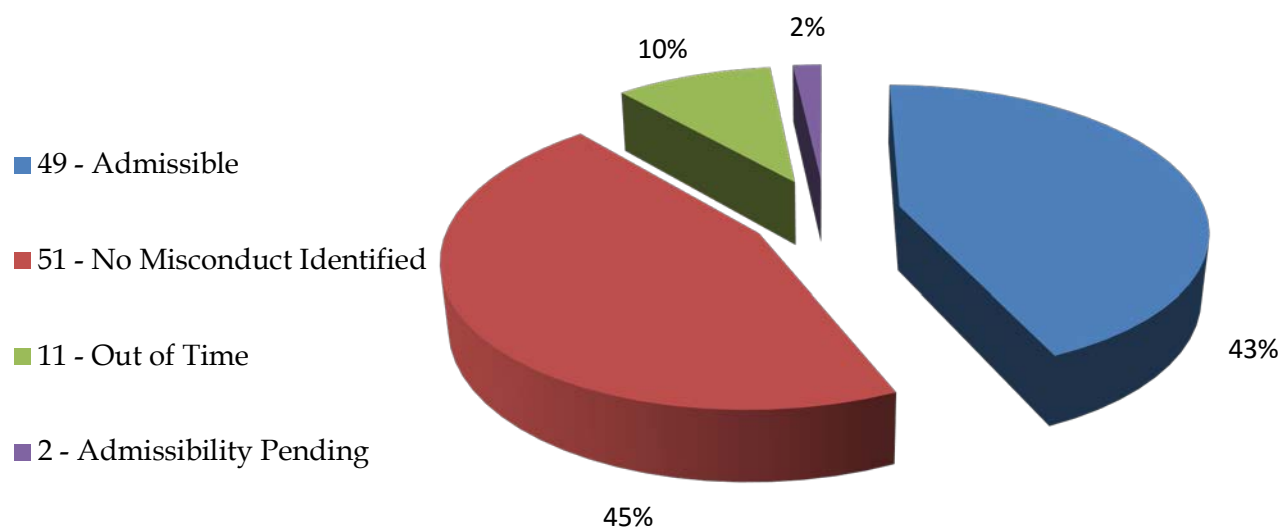
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

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



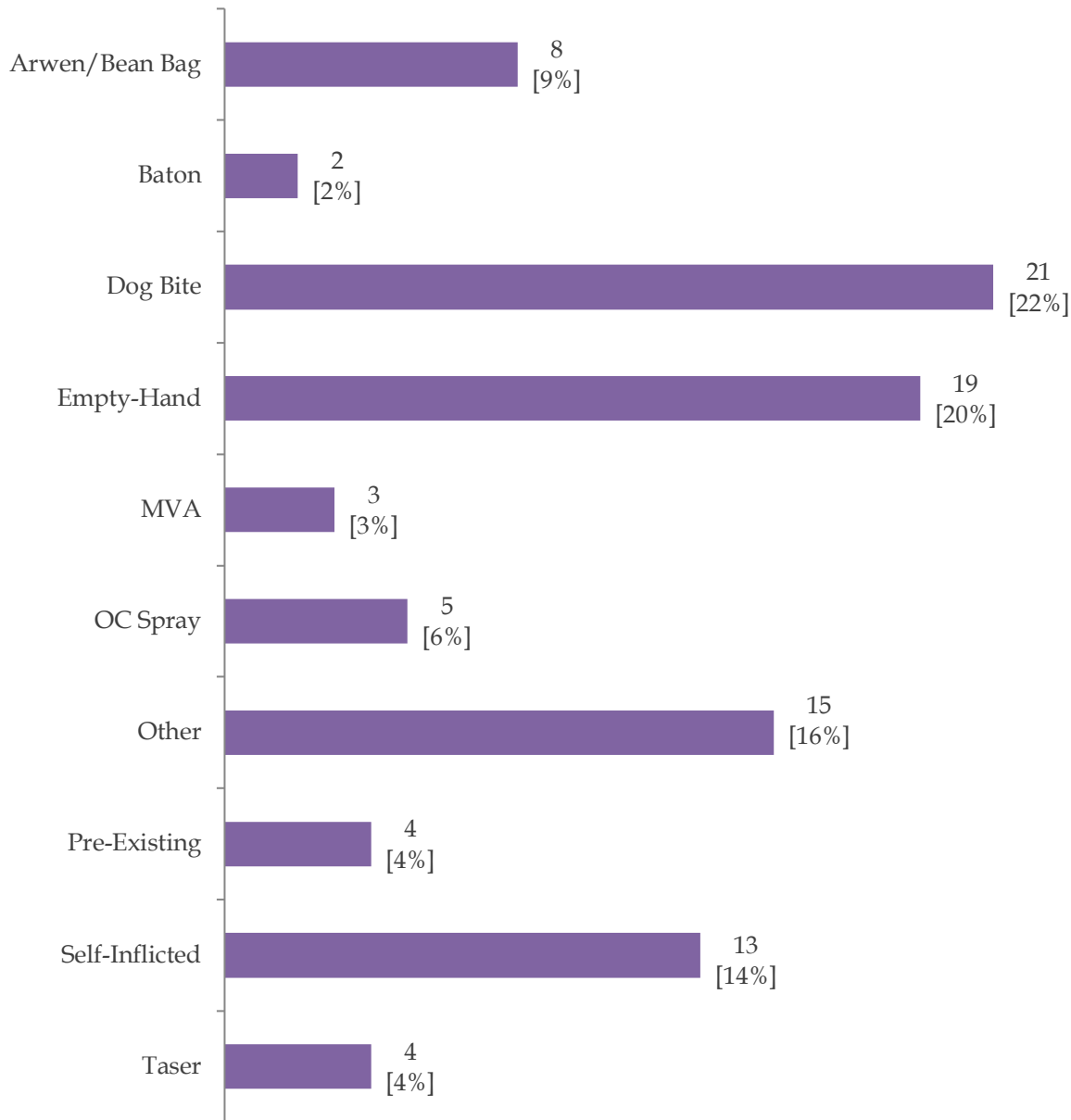
## Files Opened between April 1, 2017, and June 30, 2017

Department	TOTAL	Admissible Registered	Inadmissible Registered	Withdrawn Prior to an Admissibility Determination	Admissibility Decision Pending	Mandatory Investigation	Ordered Investigation (Dept. Request)	Ordered Investigation (PCC Initiated)	Monitor	Question or Concern	Internal Discipline	Service or Policy
Abbotsford	20	3	0	0	0	0	1	0	14	2	0	0
Central Saanich	1	1	0	0	0	0	0	0	0	0	0	0
CFSEU	1	0	0	0	0	0	1	0	0	0	0	0
Delta	12	2	4	0	0	0	1	0	0	5	0	0
Nelson	4	0	2	0	0	0	0	0	1	1	0	0
New Westminster	2	0	1	0	0	0	0	0	0	1	0	0
Oak Bay	3	0	1	0	0	0	1	0	1	0	0	0
Port Moody	6	0	0	0	0	0	1	0	0	5	0	0
Saanich	23	0	12	0	0	0	1	0	3	6	1	0
SCBCTAPS	27	3	3	0	1	0	0	0	5	14	1	0
Stl'atl'imx	1	0	0	0	0	0	0	0	1	0	0	0
Vancouver	128	36	24	4	1	1	7	1	32	18	2	2
Victoria	36	4	12	1	0	1	1	0	14	3	0	0
West Vancouver	7	0	3	0	0	0	1	0	2	1	0	0
<b>TOTAL:</b>	<b>271</b>	<b>49</b>	<b>62</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>15</b>	<b>1</b>	<b>73</b>	<b>56</b>	<b>4</b>	<b>2</b>

## Reportable Injury Notifications received between April 1, 2017 and June 30, 2017

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 transportation to a hospital and medical treatment. These “reportable injuries” are opened as Monitor Files until it is determined whether an investigation will be conducted. Between April 1, 2017, and June 30, 2017, the OPCC received 66 notifications of reportable injuries involving 94 uses of force.

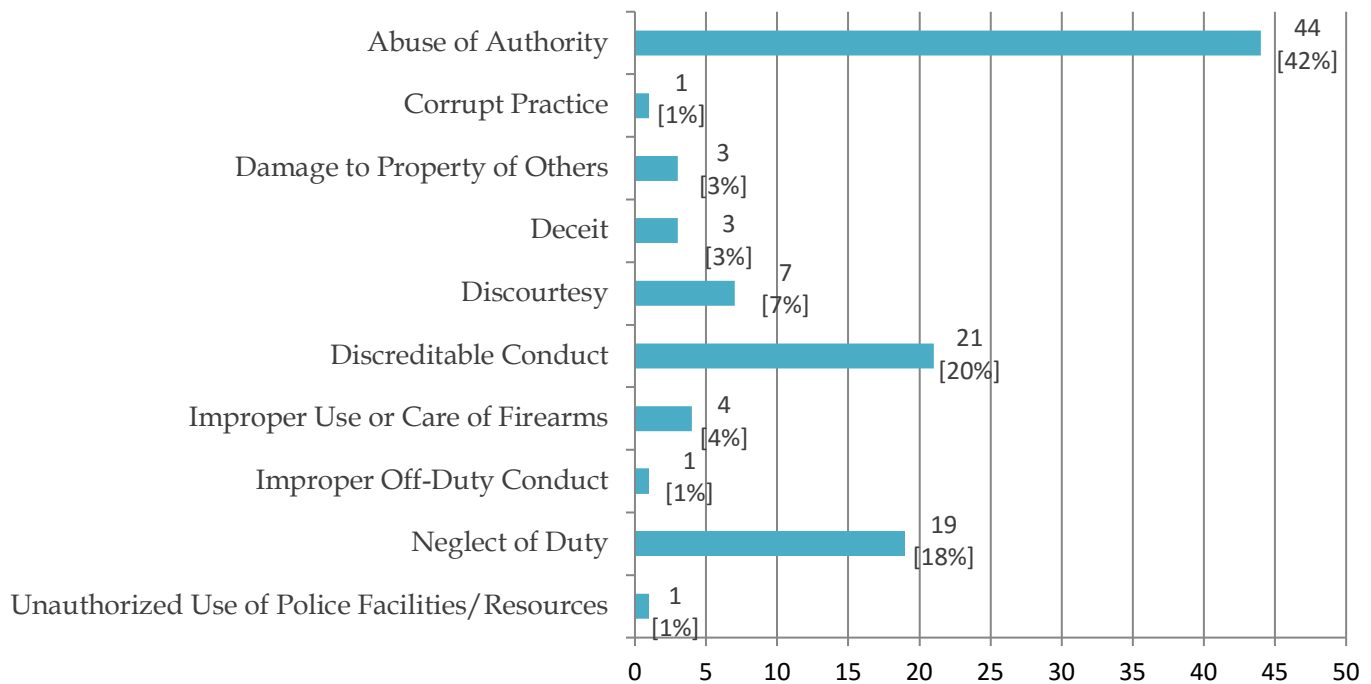
- 2 which resulted in a mandatory external investigation**
- 0 which resulted in an ordered investigation - initiated by the PCC**
- 0 which resulted in an ordered investigation - requested by department**
- 3 which resulted in a registered complaint**



## Allegations Forwarded for Investigation between April 1, 2017 and June 30, 2017

Once a complaint file is deemed admissible or an investigation is ordered, allegations of misconduct are identified against individual members. The *Police Act* identifies 13 public trust allegations. Between April 1, 2017, and June 30, 2017, the OPCC identified **104** public trust allegations and forwarded them to the member(s) department for investigation.

Please note that these are only allegations and do not reflect whether they were substantiated or not substantiated.



### Abuse of Authority, section 77(3)(a):

This allegation involves on duty conduct where a member engages in oppressive conduct towards a member of the public, which includes, arresting someone without good and sufficient cause; using unnecessary force on someone; or when on or off duty (but in uniform) uses profane, abusive or insulting language to any person.

### Corrupt Practice, section 77(3)(e):

This allegation which is without lawful excuse, failing to make a prompt and true return of, or misappropriating, any money or property received in the performance of duties as a member, agreeing or allowing to be under a pecuniary or other obligation to any person in a manner that would likely be seen to affect the member's ability to properly perform the duties of a member, using or attempting to use one's position as a member for personal gain or other purposes unrelated to the proper performance of duties as a member, or using or attempting to use any equipment or facilities of a

municipal police department, or any other police force or law enforcement agency, for purposes unrelated to the performance of duties as a member

#### Damage to the Property of Others, section 77(3)(e):

This allegation involves when on duty, or off duty but in uniform, intentionally or recklessly damaging any property belonging to a member of the public, or without lawful excuse, failing to report any such damage, however caused.

#### Deceit, section 77(3)(f):

This allegation involves any of the following: "deceit", which is any of the following: in the capacity of a member, making or procuring the making of any oral or written statement, or any entry in an official document or record, that, to the member's knowledge, is false or misleading; or doing any of the following with an intent to deceive any person: destroying, mutilating or concealing all or any part of an official record; altering or erasing, or adding to, any entry in an official record; attempting to do any of the things described above.

#### Discourtesy, section 77(3)(g):

This allegation involves on duty conduct, where a member fails to behave with courtesy due in the circumstances towards a member of the public in the performance of duties as a member.

#### Discreditable Conduct, section 77(3)(h):

This allegation involves on or off duty conduct where the members conducts oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department.

#### Improper Use or Care of Firearms, section 77(3)(k):

This allegation which is which is failing to use or care for a firearm in accordance with standards or requirements established by law

#### Improper Off-Duty Conduct, section 77(3)(j):

This allegation which is, when off duty, asserting or purporting to assert authority as a member, an officer, or a member of the Royal Canadian Mounted Police and conducting oneself in a manner that would constitute a disciplinary breach of trust if the member were on duty as a member

#### Neglect of Duty, section 77(3)(m):

This allegation involves conduct of a member where they have failed to properly account for money or property received; failed to promptly or diligently do anything that is in one's duty as a member to do; or failed to promptly and diligently obey a lawful order of a supervisor, without good and sufficient cause.

#### Unauthorized Use of Police Facilities/Resources, section 77(3)(c):

This allegation involves when a member conducts an unauthorized search of CPIC/PRIME or uses police equipment without authorization.

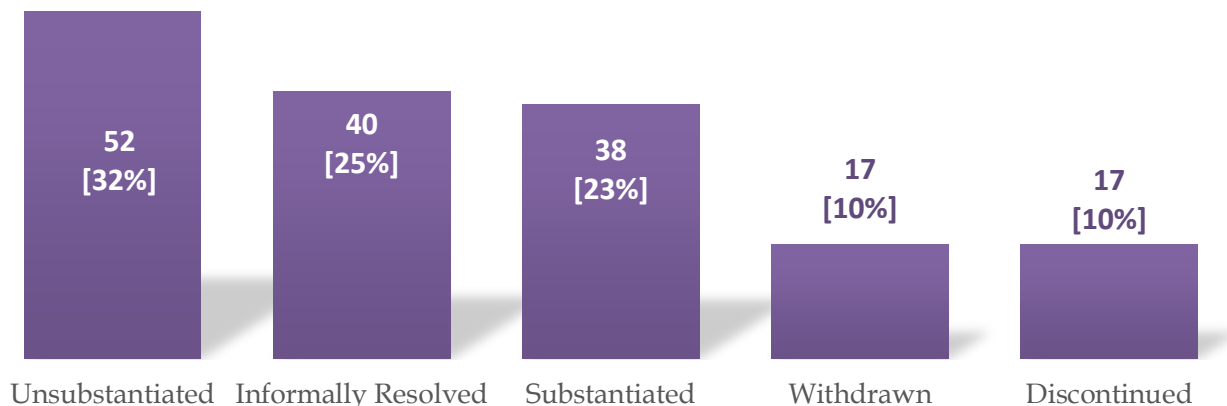
## Allegations Concluded between April 1, 2017 and June 30, 2017

All *Police Act* (Division 3 – Public Trust) complaint files are reviewed and separate allegations of misconduct are identified as they relate to each officer involved. A single complaint file may contain multiple allegations against more than one officer. When referring to concluded allegations the figures relate to the allegation, not the complaint file. The figures for files opened and allegations concluded are independent.

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.*
  
- Not Substantiated**      *Following an investigation conducted pursuant to Division 3, the Discipline Authority determines there is no evidence to support the allegation of misconduct and the OPCC determines an adjudicative review is not necessary.*
  
- 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.*

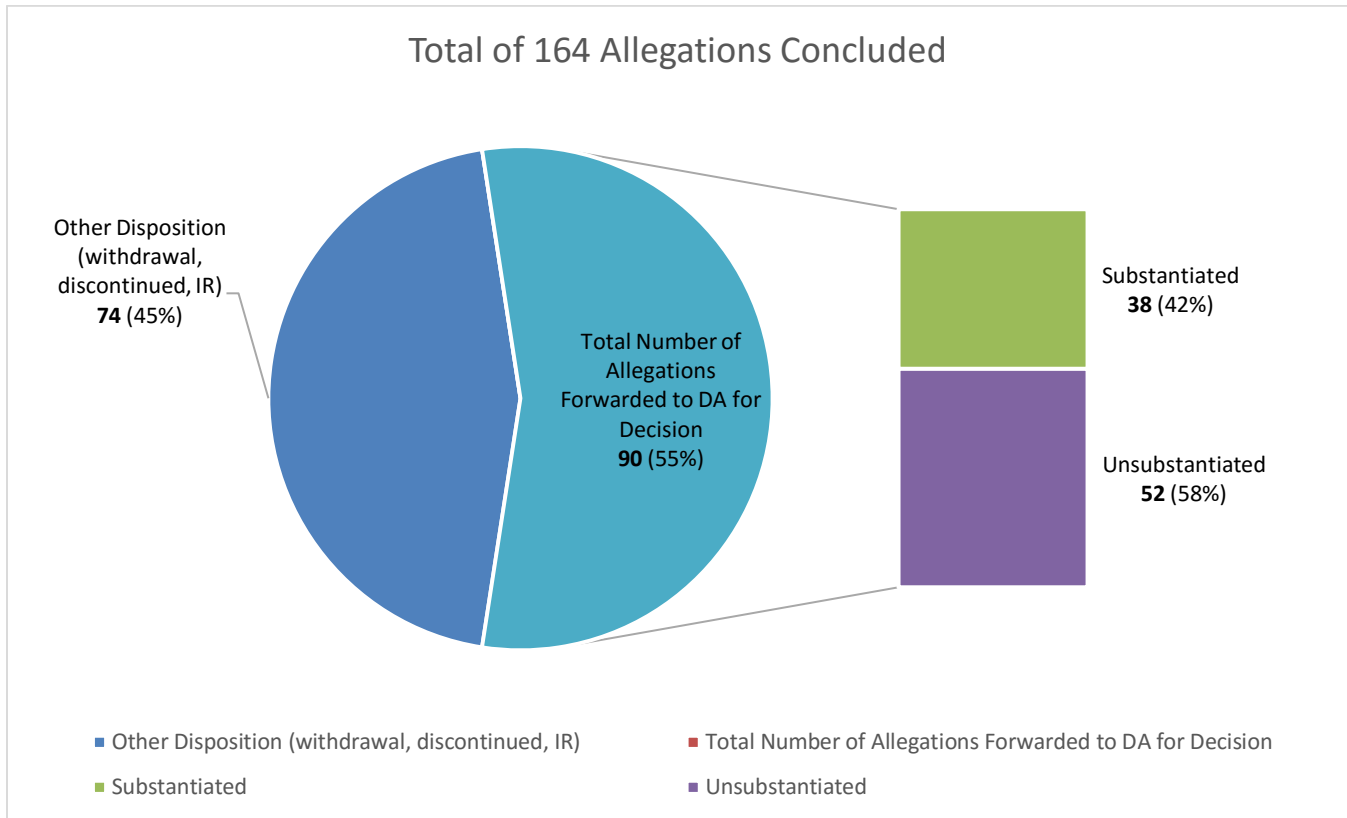
Between April 1, 2017 and June 30, 2017, the OPCC concluded **164** public trust allegations in the following manner:





## Allegations forwarded to a Discipline Authority for Decision between April 1, 2017 and June 30, 2017

Of the **164** allegations that were concluded, **90 (55%)** of those allegations were forwarded to the Discipline Authority for decision. Of those allegations that were forwarded, **38** allegations were substantiated.



## Mediation & Complaint Resolution of *Police Act* Complaints

### Informal Resolution (s.157)

Our experience has shown that there are a large number of police complaints that are better suited to be resolved through alternative dispute resolution than undergoing a formal investigation. By directly participating in the solution to the dispute, the majority of complainants and members come away from the process with a more meaningful and positive level of satisfaction. The Police Complaint Commissioner has identified alternative dispute resolution as a priority for this office.

Under the *Police Act*, there are two avenues of alternative dispute resolution: Complaint Resolution which is facilitated by a Professional Standards Investigator at the police department; and Mediation which is conducted by an independent and neutral mediator.

Based on the nature and seriousness of the allegations, an attempt at Complaint Resolution may be recommended by the OPCC to the police department. It is up to the police department to determine whether an attempt at resolving a complaint through ADR will be undertaken. Both the complainant and the respondent member must agree in writing to the proposed resolution and both have ten business days to revoke their consent to informally resolve. The OPCC reviews all Complaint Resolution agreements to ensure the resolution is appropriate and adequate.

Between April 1, 2017, and June 30, 2017, the OPCC reviewed and approved Complaint Resolution agreements relating to **40 (35%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for alternative dispute resolution.

2017/2018 Fiscal Year	1st Quarter (April 1, 2017 to June 30, 2017)
Allegations Informally Resolved	40 (35%)
Total Allegations Concluded	114

Mediation is a process for resolving disputes between a complainant and a member with the assistance of a neutral professional mediator.

There were no mediations held between April 1, 2017, and June 30, 2017.

Mediation  
(Division 4)

## Adjudicator Reviews between April 1, 2017 and June 30, 2017

The *Police Act* offers three avenues of review following a Discipline Authority's decision:

**Appointment of a New Discipline Authority [s.117]** If, following an investigation, the Discipline Authority determines that the conduct of the member did not constitute misconduct, and the Commissioner believes there is a reasonable basis to believe the decision is incorrect, the Commissioner may appoint a retired judge to review the matter.

Between April 1, 2017, and June 30, 2017, the Commissioner appointed a retired judge to act as a new Discipline Authority in four matters.

**Review on the Record [s.141]** Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter.

Between April 1, 2017 and June 30, 2017, the Commissioner did not appoint a retired judge to conduct a Review on the Record.

**Public Hearing [s.143]** Public Hearings remain an option for the Commissioner if he believes such a review of a *Police Act* matter is required in the public interest. Public Hearings are conducted by retired judges, are open to the public and evidence is presented under oath.

Between April 1, 2017, and June 30, 2017, the Commissioner ordered Public Hearings into two matters.

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 April 1, 2017, and June 30, 2017

### Abbotsford

Ordered Investigation - Requested by Department  
(OPCC File 2014-9552)

<p><b>Misconduct:</b> <i>Public Trust Offence</i> (pursuant to section 77(2) of the <i>Police Act</i>, 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 or her duties as a member or discredit the reputation of the municipal police department with which the member is employed) <b>Date of Incident:</b> Between January 30, 2013 and April 14, 2014.</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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A police officer placed Citizen A and Citizen A's child on the police officer's employment benefits claiming they were cohabitating, when they were not.

The police officer committed the offence of Fraud contrary to section 380(1) of the *Criminal Code* by defrauding the BC Medical Services Plan.

<p><b>Misconduct:</b> <i>Public Trust Offence</i> (pursuant to section 77(2) of the <i>Police Act</i>, 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 or her duties as a member or discredit the reputation of the municipal police department with which the member is employed) <b>Date of Incident:</b> Between January 30, 2013 and April 14, 2014.</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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The police officer committed the offence of Fraud contrary to section 380(1) of the *Criminal Code*, by defrauding Pacific Blue Cross Health Benefits Society.

On April 20, 2015, the police officer entered a plea of guilty in Provincial Court to two counts of Fraud and was sentenced to a Conditional Discharge and was placed on probation for 12 months.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to follow a supervisor's lawful order) <b>Date of Incident:</b> April 29, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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On April 29, 2014, a police supervisor served the police officer with a written Order directing the police officer to have no further contact or communication with Citizen A or Citizen A's family members. This Order also directed the police officer to notify the police supervisor in the event there was incidental contact.

On the same date the Order was issued, the police officer attempted communication with Citizen A. The police officer did not report this contact to the police supervisor.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to follow a supervisor’s lawful order) <b>Date of Incident:</b> Between April 30 and May 23, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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In contravention of the April 29, 2014, department issued Order, the police officer answered one or more telephone calls from a family member of Citizen A, between the dates of April 30 and May 23, 2014. Due to the call display feature, the police officer knew who was calling and chose to answer the phone call. The police officer did not report this contact to the police supervisor.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to follow a supervisor’s lawful order) <b>Date of Incident:</b> Between April 30 and May 26, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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In contravention of the April 29, 2014, department issued Order, the police officer had two telephone conversations with a family member of Citizen A between the dates of April 30, 2014, and May 26, 2014. The police officer did not report this contact to the police supervisor.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to follow a supervisor’s lawful order) <b>Date of Incident:</b> May 22, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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In contravention of the April 29, 2014, department issued Order, the police officer had in-person contact with Citizen A at their place of employment on May 22, 2014. The police officer did not report this contact to the police supervisor.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to follow a supervisor’s lawful order) <b>Date of Incident:</b> June 1, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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In contravention of the April 29, 2014, department issued Order, the police officer sent a text message and had a telephone conversation with Citizen A on June 1, 2014. The police officer did not report this contact to the police supervisor.

<p><b>Misconduct:</b> <i>Deceit</i> (false or misleading oral or written statement) <b>Date of Incident:</b> May 23, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• 15 day suspension</li> </ul>
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On May 23, 2014, during the course of the *Police Act* investigation, the investigator conducted an interview with the police officer. During that interview, the police officer denied having any contact with Citizen A after receiving the department issued Order on April 29, 2014.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> Between June 8 and July 8, 2014.</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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On June 13, 2014, the police officer was arrested for Fraud and released on a Recognizance of Bail with eight conditions, including, in part, not to have contact or communication, directly or indirectly with Citizen A or any member of Citizen A's family and not to attend Citizen A's place of employment. This Recognizance was in effect until April 20, 2015.

In contravention of the April 29, 2014, department issued Order and/or the Recognizance of Bail (as applicable), the police officer sent text messages to Citizen A between the dates of June 8 and July 8, 2014. The police officer did not report these contacts to the police supervisor.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> Between July 9, 2014 and September 19, 2014.</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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Between July 9, 2014, and September 19, 2014, the police officer attended Citizen A's place of employment on approximately three different occasions in contravention of the April 29, 2014, department issued Order and/or the Recognizance of Bail (as applicable).

<p><b>Misconduct:</b> <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC and PRIME) <b>Date of Incident:</b> April 11, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• 10 day suspension</li> </ul>
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On April 11, 2014, the police officer searched police databases for a purpose unrelated to his duties and accessed reports he was not authorized to access.

<p><b>Misconduct:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> April 11, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• 10 day suspension</li> </ul>
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On April 11, 2014, the police officer sent a text message to Citizen A which contained confidential police information that the police officer was not authorized to disclose.

<p><b>Misconduct:</b> <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC and PRIME) <b>Date of Incident:</b> Between February 20, 2012, and April 11, 2014</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• 2 day suspension</li> </ul>
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Between February 20, 2012, and April 11, 2014, the police officer searched police databases for a purpose unrelated to his duties.

*Adjudicative Review:*

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 officer, the Commissioner must promptly arrange a Public Hearing or Review on the Record. The police officer requested a Public Hearing into the matter. After reviewing all of the relevant information, the Police Complaint Commissioner determined that it would not be necessary to examine witnesses or receive evidence that was not part of the record of disciplinary decision.

Therefore, pursuant to sections 137(2) and 143(2) of the *Police Act*, the Police Complaint Commissioner arranged a Review on the Record.

On May 10, 2017, Adjudicator McKinnon determined that the Discipline Authority's findings were correct and the discipline imposed was appropriate given the serious nature of the misconduct.

For further information on this decision, please visit the OPCC website at [www.opcc.bc.ca](http://www.opcc.bc.ca) under Adjudications.

## Central Saanich

No substantiated misconduct in this reporting period

## CFSEU

No substantiated misconduct in this reporting period

## Delta

Registered Complaint

(OPCC File 2016-12392)

<b>Misconduct:</b> <i>Neglect of Duty</i> (inadequate documentation/notes/records) <b>Date of Incident:</b> July 22, 2016	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"><li>• Advice to future conduct</li></ul>
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On July 22, 2016, the complainant was a passenger in a vehicle that was the subject of a traffic stop. It was alleged that the police officer failed to properly document a detailed account of the vehicle stop, arrest, and search of the complainant and the driver of the vehicle.

This matter was investigated and the police officer elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and determined that the disciplinary measure imposed at the hearing was both correct and appropriate.

Ordered Investigation - Initiated by PCC

(OPCC File 2016-11864)

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that would discredit the department) <b>Date of Incident:</b> November 13, 2015	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"><li>• Written reprimand</li></ul>
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On November 13, 2015, a police officer arranged to meet a woman the police officer initially met on the dating website, Ashley Madison. At the time of the meeting, the police officer was on duty and, as a means of identification, presented department issued police identification to the woman.

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that would discredit the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"><li>• Written reprimand</li></ul>
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While "on call", the police officer improperly used a police vehicle for the purpose of engaging in an extramarital affair and had an unauthorized civilian inside a police vehicle.

<b>Misconduct:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• 15 day suspension</li> </ul>
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The police officer disclosed holdback information from a suspected homicide investigation to the woman.

<b>Misconduct:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• 1 day suspension</li> </ul>
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The police officer disclosed information from a drug warrant execution by showing the woman photographs.

<b>Misconduct:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• 1 day suspension</li> </ul>
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The police officer disclosed information from a fatal motor vehicle collision to the woman.

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that would discredit the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
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The police officer requested another police officer to block the phone number of a telephone and then use that telephone to call the woman. The police officer further requested that the other police officer not identify themselves as a police officer when requesting the woman cease contact with the police officer.

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that would discredit the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• 1 day suspension</li> </ul>
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The police officer provided direction to another police officer regarding how to conduct a police investigation into a complaint for harassment.

*\*Note all suspensions for this police officer were to be served concurrently.*

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that would discredit the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• Verbal reprimand</li> </ul>
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The police officer operated outside their authority as a police officer by telephoning the woman and requesting she cease contacting the police officer she was alleged to have been in a relationship with.

<b>Misconduct:</b> <i>Neglect of Duty</i> (inadequate investigation) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
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The police officer failed to adequately investigate a complaint of harassment.



This matter was investigated and the police officers involved elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and noted the seriousness of the misconduct committed. Upon review of the aggravating and mitigating factors presented, the OPCC determined that the disciplinary measures imposed at the hearing were both correct and appropriate.

Registered Complaint  
(OPCC File 2015-11042)

<p><b>Misconduct:</b> <i>Abuse of Authority</i> (excessive force – empty hand) <b>Date of Incident:</b> May 28, 2015</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• 1 day suspension</li> </ul>
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On May 28, 2015, a police officer intentionally or recklessly used unnecessary force on the complainant by tossing or hip-checking him to the ground and stepping on his chest.

<p><b>Misconduct:</b> <i>Abuse of Authority</i> (unlawful detention) <b>Date of Incident:</b> May 28, 2015</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• Training/Retraining consisting of a legal refresher in Arrest and Detention Authority</li> </ul>
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On May 28, 2015, the police officer intentionally or recklessly detained the complainant without good or sufficient cause.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (failure to provide <i>Charter</i> rights) <b>Date of Incident:</b> May 28, 2015</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• Training/Retraining consisting of a legal refresher in Arrest and Detention Authority</li> </ul>
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On May 28, 2015, the police officer failed to advise the complainant the reason for his detention and of his right to counsel.

<p><b>Misconduct:</b> <i>Abuse of Authority</i> (unlawful search – non person) <b>Date of Incident:</b> May 28, 2015</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• Training/Retraining on Search and Seizure</li> </ul>
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On May 28, 2015, the police officer participated in a search of the complainant’s vehicle, house, garage and cell phone without good and sufficient cause and seized property belonging to the complainant.

On May 28, 2015, the police officer was acting as a seconded member to the Combined Forces Special Enforcement Unit, British Columbia (CFSEU-BC). CFSEU-BC is an integrated joint forces operation with police officers from federal, provincial and municipal agencies. There were additional seconded officers present from a policing agency outside the jurisdiction of the OPCC.

This matter was investigated and the municipal police officer involved elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered all of the relevant factors including comments from the complainant. The OPCC determined that the disciplinary and corrective measures imposed at the prehearing conference were both correct and appropriate.

## Nelson

No substantiated misconduct in this reporting period

## New Westminster

No substantiated misconduct in this reporting period

## Oak Bay

No substantiated misconduct in this reporting period

## Port Moody

Ordered Investigation – Requested by Department  
(OPCC File 2017-12978)

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> December 25, 2016	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• Verbal reprimand</li></ul>
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A police officer played a practical joke on a fellow officer which resulted in unintended, but serious injury.

This matter was investigated and the police officer involved elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered the relevant aggravating and mitigating factors which included the police officer's acceptance of responsibility, demonstration of remorse, and review of relevant policy and completion of an online course regarding a respectful workplace which was completed prior to the Pre-hearing Conference. The OPCC determined that the disciplinary measure imposed at the Pre-hearing Conference was both correct and appropriate.

## SCBCTAPS

No substantiated misconduct in this reporting period

## Saanich

Ordered Investigation – Requested by Department  
(OPCC File 2014-10016)

<b>Misconduct:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• Written reprimand</li></ul>
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The police officer disclosed information acquired as a police officer to their spouse.

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• Written reprimand</li></ul>
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The police officer had knowledge of matters that the police officer should have brought to the attention of the police department.

This matter was investigated and the member elected to proceed by way of a discipline proceeding. The police officer was informed that if they were aggrieved by either the findings or determinations, a written request must be forwarded to the Police Complaint Commissioner requesting a Public Hearing or a Review on the Record. The police officer did not file such a request. However, to promote accountability in the complaint process, all findings and determinations at discipline proceedings are reviewed by the OPCC, regardless of whether a request has been made.

After review, the OPCC determined that there was no reasonable basis to believe that the Discipline Authority’s findings under section 125(1) were incorrect or that they had incorrectly applied section 126 in proposing disciplinary or corrective measures under section 128 of the *Police Act*. Therefore, there were insufficient grounds to arrange a Public Hearing or Review on the Record in the circumstances.

## Stl’atl’imx Tribal Police

No substantiated misconduct in this reporting period

## Vancouver

Ordered Investigation – Initiated by PCC  
(OPCC File 2017-13254)

<p><b>Misconduct:</b> <i>Improper Use or Care of Firearms</i> (negligent discharge of a firearm) <b>Date of Incident:</b> March 16, 2017</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
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On March 16, 2017, a police officer was in their office preparing for a firearms qualification session later that day. The police officer placed a magazine into the firearm and racked the slide which placed a bullet into the chamber. The gun discharged with the bullet entering the cement wall. No one was injured as a result of this incident.

This matter was investigated and the police officer involved elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered the relevant aggravating and mitigating factors. The OPCC noted that the Pre-hearing Conference Authority did not consider or propose any relevant training. Upon review of the Final Investigation Report prepared, it was determined that the police officer completed a training course after the incident but before a final determination was made regarding the matter. Therefore, the OPCC determined that the disciplinary measure imposed at the prehearing conference was both correct and appropriate.

## Internal Discipline

(OPCC File 2017-13144)

<p><b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> February 16, 2017</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"> <li>• 1 day suspension</li> </ul>
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On February 16, 2017, a police officer communicated intimidating comments by way of a text message to a co-worker contrary to section 4.1.11 of the Respectful Workplace Policy of the Vancouver Police Department Regulations and Procedures Manual (RPM).

## Internal Discipline

(OPCC File 2017-13127)

<b>Misconduct:</b> <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) <b>Date of Incident:</b> February 9, 2017	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• Verbal reprimand</li></ul>
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On February 9, 2017, a police officer neglected to follow the proper procedures for the disposition of drug exhibits.

## Registered Complaint

(OPCC File 2016-12498)

<b>Misconduct:</b> <i>Neglect of Duty</i> (dangerous driving) <b>Date of Incident:</b> August 25, 2016	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• Verbal reprimand</li></ul>
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The complainant reported witnessing a police wagon being driven in an unsafe manner on August 25, 2016. It was determined through the course of the investigation that the member had exceeded posted speed limits. No other driving behaviour could be established as the complainant chose to not participate further in the investigation.

This matter was investigated and the police officer involved elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered the relevant aggravating and mitigating factors. The OPCC determined that the disciplinary measure imposed at the prehearing conference was both correct and appropriate.

## Registered Complaint

(OPCC File 2015-10950)

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> June 13, 2016	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• 18 day suspension</li><li>• Training specific to the misconduct</li></ul>
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A police officer attempted to use their position as a police officer to encourage the complainant to enter into a relationship and sent inappropriate sexual and pornographic texts messages to the complainant.

<b>Misconduct 2:</b> <i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer) <b>Date of Incident:</b> June 14, 2016	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"><li>• 5 day suspension</li><li>• Training specific to the misconduct</li></ul>
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The police officer provided the complainant with a DVD of an interview the police officer had conducted with a sexual assault suspect. The interview was conducted as part of the police officer's duties.

This matter was investigated and the police officer involved elected to proceed by way of a discipline proceeding. The complainant and the police officer were provided with a copy of the Discipline Authority's findings and determinations on appropriate disciplinary or corrective measures. The complainant and the

police officer were informed that if they were aggrieved by either the findings of substantiation or the disciplinary/corrective measures, they could file a written request with the Police Complaint Commissioner to arrange a Public Hearing or Review on the Record. Neither party made a request.

*Adjudicative review:*

Pursuant to section 138(1) of the *Police Act*, the Police Complaint Commissioner must arrange a Public Hearing or Review on the Record if the Police Complaint Commissioner considers that there is a reasonable basis to believe: that the disciplinary authority's findings under section 125(1) were incorrect; the Discipline Authority had incorrectly applied section 126 in proposing disciplinary or corrective measures under section 128(1); or, if the Police Complaint Commissioner considered that a Public Hearing or Review on the Record was necessary in the public interest.

Having reviewed the investigation, the discipline proceeding and associated determinations, pursuant to section 138 of the *Police Act*, the Police Complaint Commissioner determined that a Review on the Record was necessary for the following reasons: the complaint was serious in nature as the allegations involved a significant breach of the public trust; the disciplinary or corrective measures proposed were inappropriate and/or inadequate; and a Review on the Record was required to preserve or restore public confidence in the administration of police discipline.

At the completion of the Review on the Record, Adjudicator Oppal found the conduct of the police officer to be egregious and increased the Discipline Authority's proposed discipline. The suspensions were to be served consecutively.

For further information on this decision, please visit the OPCC website at [www.opcc.bc.ca](http://www.opcc.bc.ca) under Adjudications.

Ordered Investigation – Requested by Department  
(OPCC File 2012-7218)

<p><b>Misconduct:</b> <i>Public Trust Offence</i> (Conviction of an Enactment of Canada, pursuant to section 77(2)(b) of the <i>Police Act</i> which is a conviction in respect of which does or would likely discredit the reputation of the municipal police department with which the member is employed) <b>Date of Incident:</b> Undated</p>	<p><b>Disciplinary/Corrective Measures:</b></p> <ul style="list-style-type: none"><li>• 2 day suspension</li></ul>
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A police officer was convicted on two counts of Unsafe Storage of a Firearm contrary to section 86(2) of the *Criminal Code of Canada* and two counts of Unauthorized Possession of a Firearm contrary to section 91(1) of the *Criminal Code of Canada*.

On April 14, 2015, the police officer entered a plea of guilty to the two counts of Unsafe Storage of a Firearm and two counts of Unauthorized Possession of a Firearm in Provincial Court. The police officer received a Conditional Discharge and was placed on probation for six months.

<b>Misconduct:</b> <i>Neglect of Duty</i> (failure to account for money/property received) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
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The police officer improperly stored property at their residence that was obtained during the course of their duties as a police officer.

<b>Misconduct:</b> <i>Neglect of Duty</i> (failure to account for money/property received) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
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The police officer failed to properly log property seized in the course of the police officer's duties into the VPD property office.

This matter was investigated and the police officer elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered the relevant aggravating and mitigating factors. The OPCC determined that the disciplinary and corrective measures imposed at the prehearing conference was both correct and appropriate.

## Victoria

No substantiated misconduct in this reporting period

## West Vancouver

Ordered Investigation - Requested by Department  
 (OPCC File 2016-11719)

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> Undated	<b>Disciplinary/Corrective Measures:</b> <ul style="list-style-type: none"> <li>• Verbal reprimand</li> <li>• Training/Re-training on ethics</li> </ul>
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The police officer shared information received from the West Vancouver Bylaw Department with a member of the public and attempted to influence the West Vancouver Bylaw Department not to get a warrant to seize a dog.

This matter was investigated and the police officer elected to proceed by way of a Pre-hearing Conference. The OPCC reviewed the report following the Pre-hearing Conference and considered the relevant aggravating and mitigating factors. The OPCC determined that the disciplinary and corrective measures imposed at the prehearing conference was both correct and appropriate.