

2017/2018



Office of the Police Complaint Commissioner

2017/2018 - 3RD QUARTER STATISTICAL REPORT
OCTOBER 1, 2017 - DECEMBER 31, 2017

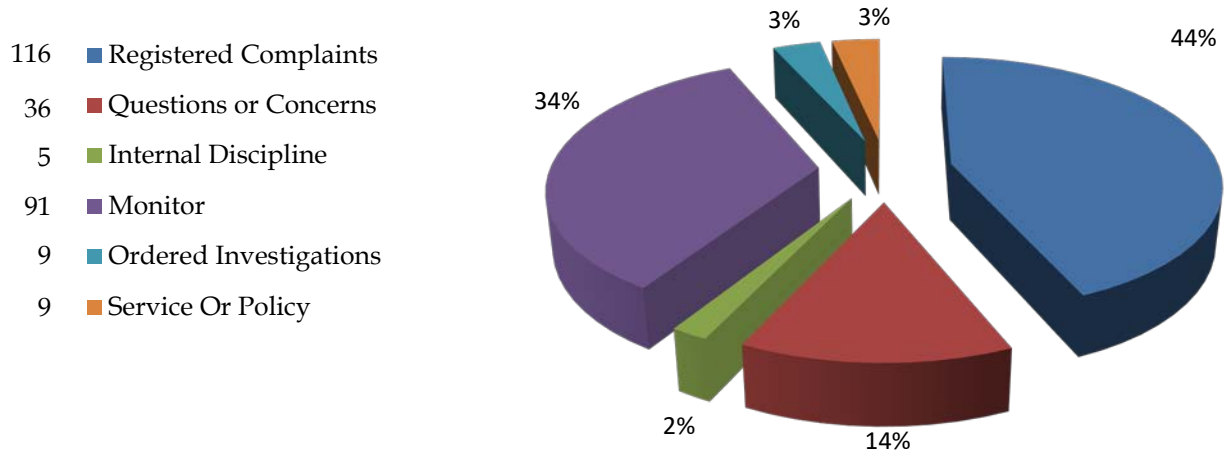
Integrity
Independence
Excellence

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.

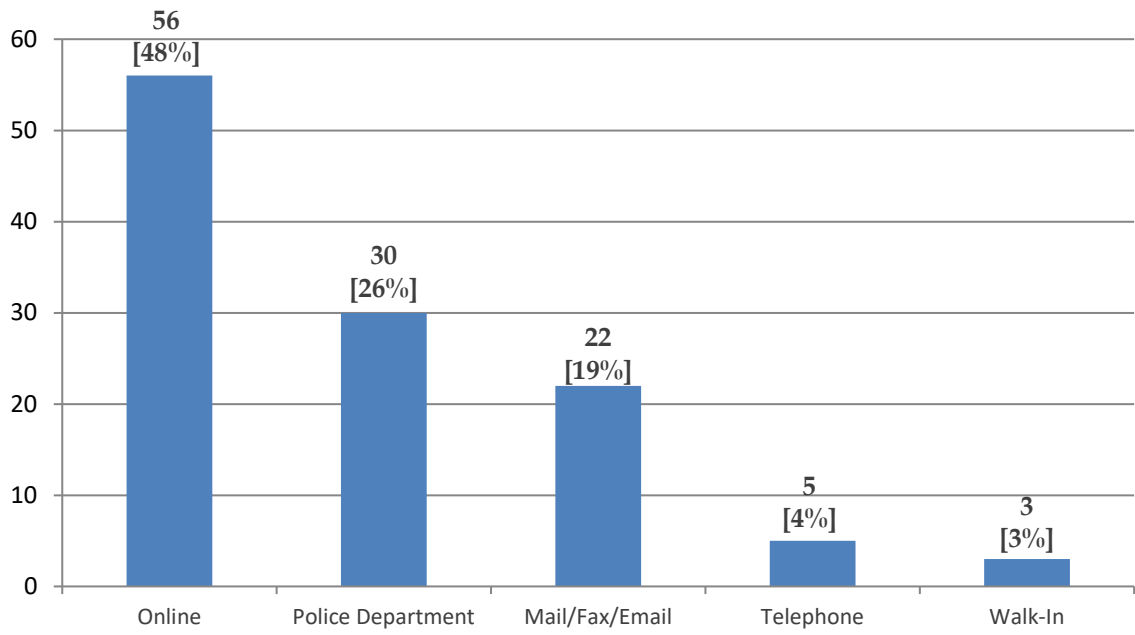
The files opened by the OPCC from October 1, 2017, to December 31, 2017, can be broken down into the following categories:

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 <i>Police Act</i>).
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 <i>Police Act</i>).
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 <i>Police Act</i>).
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 <i>may</i> require an investigation pursuant to the <i>Police Act</i> . 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 <i>Police Act</i>).
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 <i>Police Act</i>).

Type of files opened between October 1, 2017, and December 31, 2017



How Registered Complaints were received between October 1, 2017, and December 31, 2017



Admissibility of Registered Complaints received between October 1, 2017, and December 31, 2017

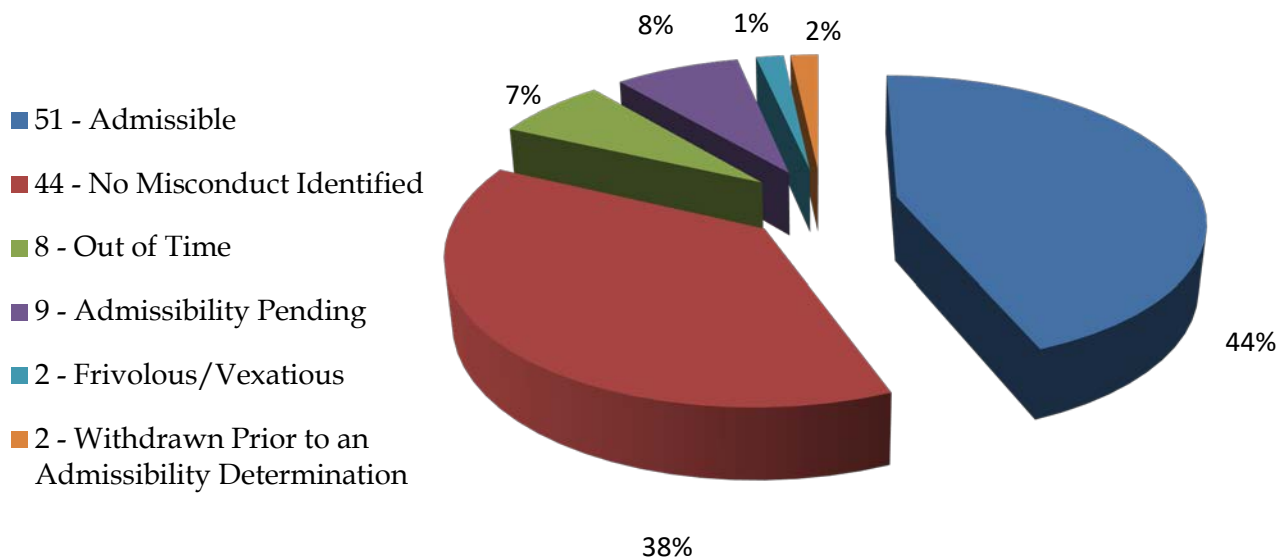
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

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 October 1, 2017, and December 31, 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	26	4	2	-	-	-	1	-	18	1	-	-
Central Saanich	4	-	1	-	1	-	-	-	-	-	-	2
CFSEU	-	-	-	-	-	-	-	-	-	-	-	-
Delta	10	1	2	-	-	-	-	-	3	2	2	-
Nelson	3	1	1	-	1	-	-	-	-	-	-	-
New Westminster	4	-	2	1	-	-	-	-	-	1	-	-
Oak Bay	-	-	-	-	-	-	-	-	-	-	-	-
Port Moody	6	2	1	-	-	-	-	-	2	1	-	-
Saanich	19	-	5	1	-	-	1	-	2	8	1	1
SCBCTAPS	17	-	1	-	-	-	-	-	5	10	1	-
Stl'atl'imx	1	-	-	-	-	-	-	-	1	-	-	-
Vancouver	142	35	28	-	7	-	5	1	48	13	1	4
Victoria	28	8	6	-	-	-	1	-	11	-	-	2
West Vancouver	6	-	5	-	-	-	-	-	1	-	-	-
TOTAL:	266	51	54	2	9	-	8	1	91	36	5	9

Reportable Injury Notifications received between October 1, 2017, and December 31, 2017

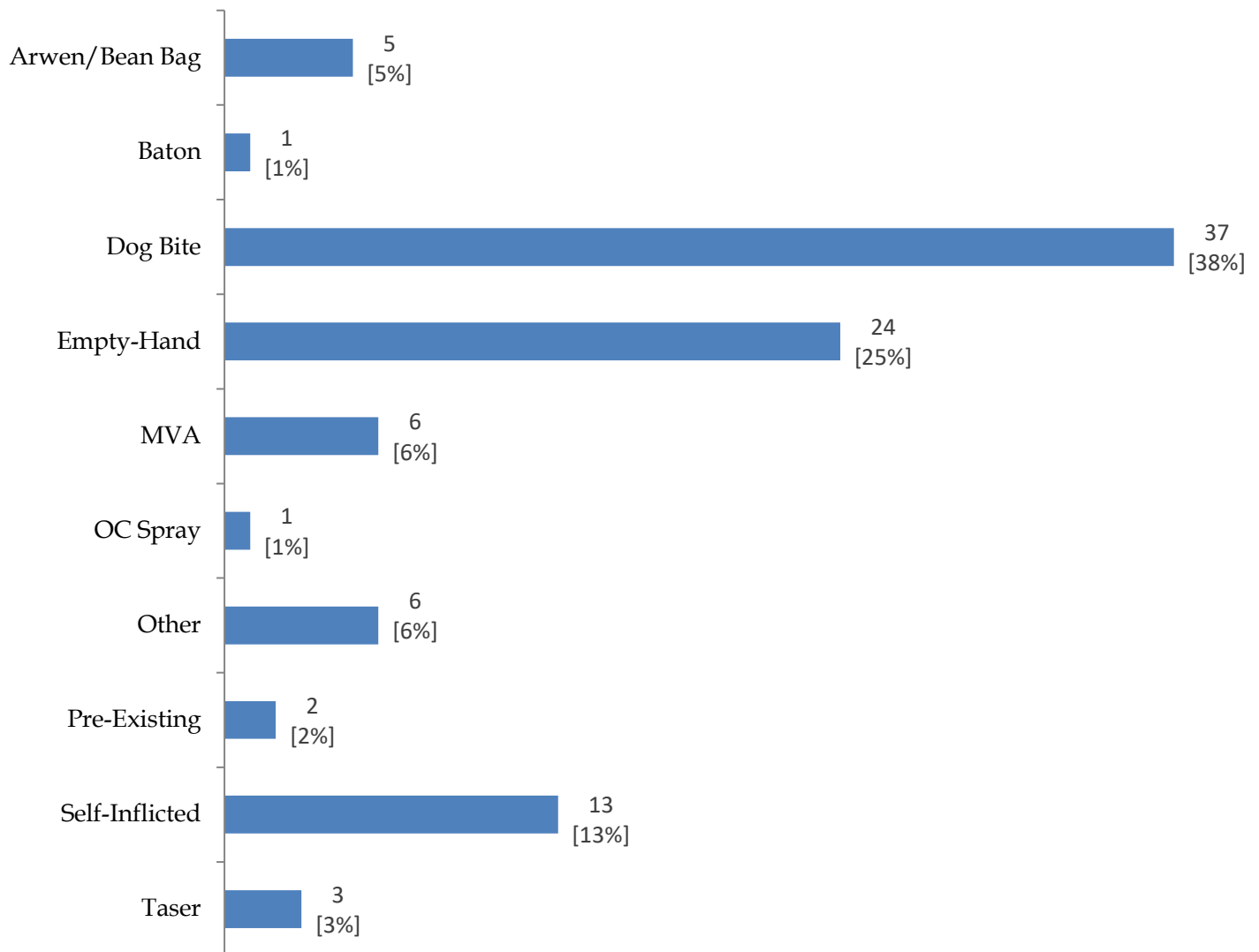
The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a “reportable injury” that requires transportation to a hospital and medical treatment. These “reportable injuries” are opened as Monitor Files until it is determined whether an investigation will be conducted. Between October 1, 2017, and December 31, 2017, the OPCC received **80** notifications of reportable injuries involving **98** uses of force.

0 which resulted in a mandatory external investigation

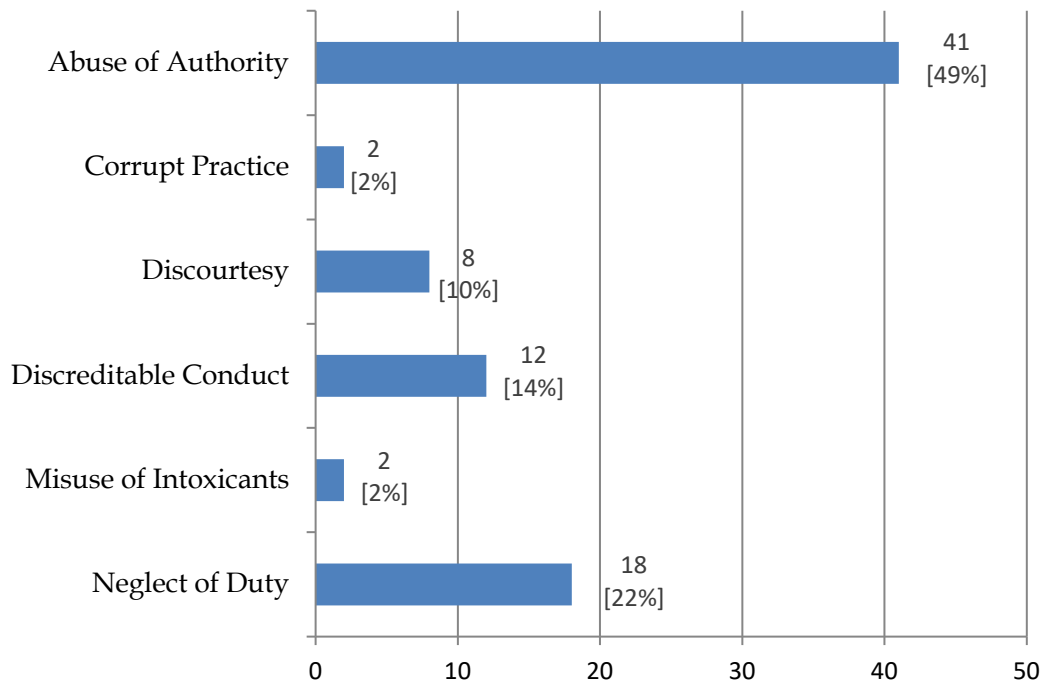
0 which resulted in an ordered investigation – initiated by the PCC

0 which resulted in an ordered investigation – requested by department

6 which resulted in a registered complaint



Allegations Forwarded for Investigation between October 1, 2017, and December 31, 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 **14** public trust allegations. Between October 1, 2017, and December 31, 2017, the OPCC identified **83** 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.

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.

Misuse of Intoxicants, section 77(3)(l):

This allegation involves owing to the effects of intoxicating liquor or any drug, or any combination of them, being unfit for duty when on or reporting for duty, or, without proper authority, making use of or accepting from any other person intoxicating liquor when on duty or when off duty but in uniform in a public place.

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.

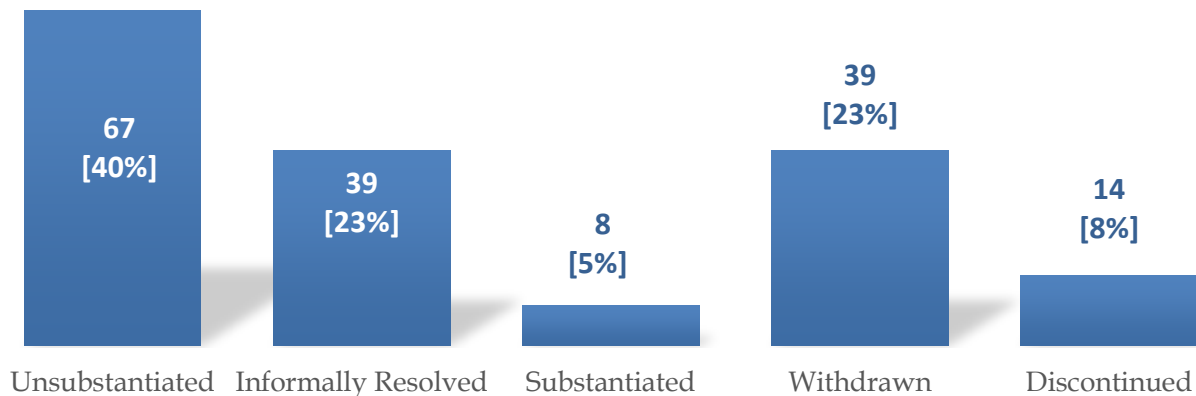
Allegations Concluded between October 1, 2017, and December 31, 2017

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:

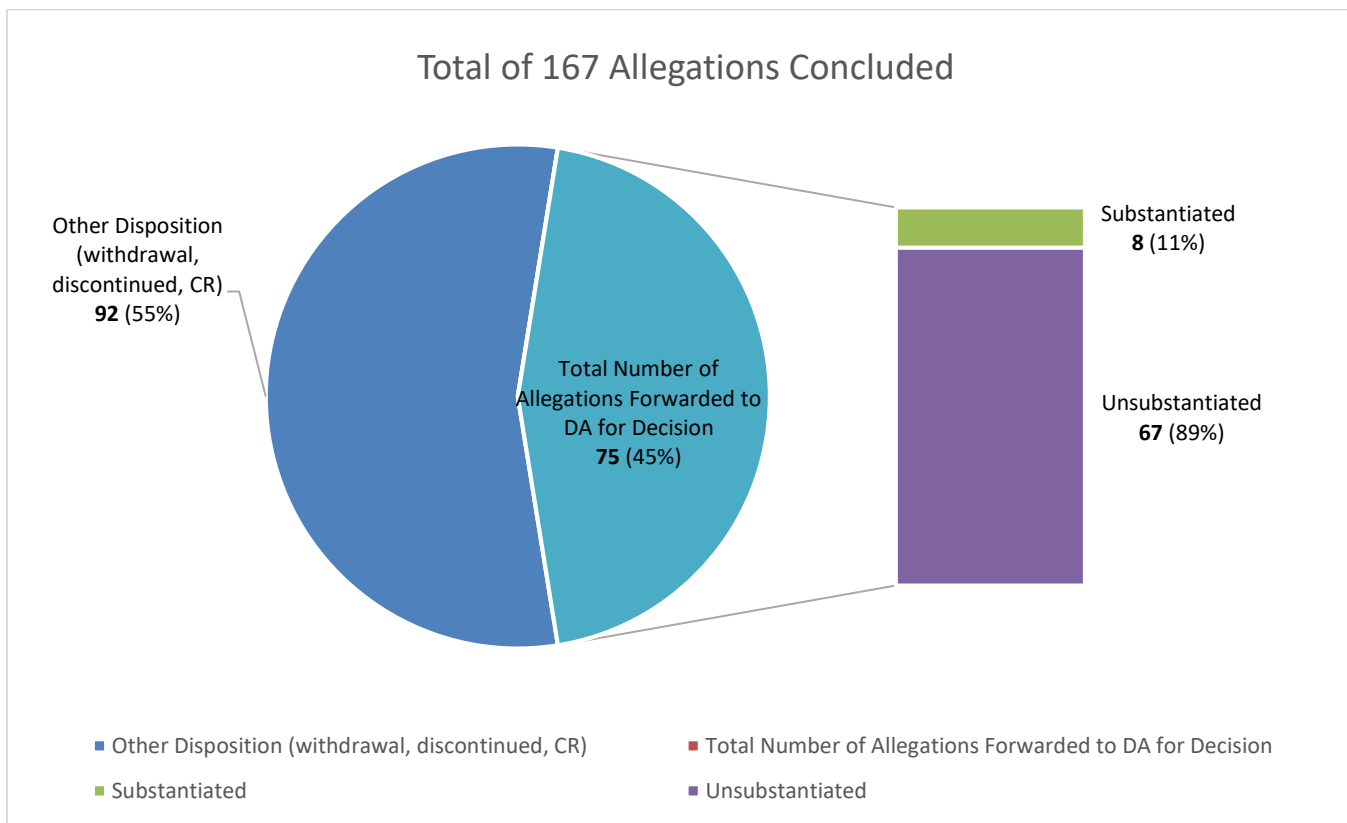
- Withdrawn** *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
- Informally Resolved** *A complaint may be informally resolved pursuant to Division 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 Complaint 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 October 1, 2017 and December 31, 2017, the OPCC concluded **167** public trust allegations in the following manner:



Allegations forwarded to a Discipline Authority for Decision between October 1, 2017, and December 31, 2017

Of the **167** allegations that were concluded, **75 (45%)** of those allegations were forwarded to the Discipline Authority for decision. Of those allegations that were forwarded, **8** allegations were substantiated.



Number of External Investigations and Appointments of Discipline Authority

In regards to the files opened between April 1, 2017, and December 31, 2017, the Police Complaint Commissioner ordered **8 external investigations**.

In regards to the files opened between April 1, 2017, and December 31, 2017, the Police Complaint Commissioner appointed an **external Discipline Authority in 5 files**.

Mediation & Complaint Resolution of *Police Act* Complaints

Complaint 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 October 1, 2017, and December 31, 2017, the OPCC reviewed and approved Complaint Resolution agreements relating to **39 (25%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for Alternative Dispute Resolution.

2017/2018 Fiscal Year	3 rd Quarter (October 1, 2017 to December 31, 2017)
Allegations Informally Resolved	39 (25%)
Total Allegations Concluded	156

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 October 1, 2017, and December 31, 2017.

Mediation
(Division 4)

Adjudicator Reviews between October 1, 2017, and December 31, 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 October 1, 2017, and December 31, 2017, the Commissioner appointed a retired judge to act as a new Discipline Authority in one matter.

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 October 1, 2017, and December 31, 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 October 1, 2017, and December 31, 2017, the Commissioner did not order a Public Hearing.

Decisions from these three adjudicative avenues are available to the public through the OPCC website at www.opcc.bc.ca. All Public Hearings are open to the public to attend, we post all Public Hearing dates, time and location on our website.

Substantiated Allegations - Concluded between October 1, 2017, and December 31, 2017

Abbotsford

No substantiated misconduct in this reporting period

Central Saanich

No substantiated misconduct in this reporting period

CFSEU

No substantiated misconduct in this reporting period

Delta

No substantiated misconduct in this reporting period

Nelson

Internal Discipline

(OPCC File 2017-13226)

Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: Late 2016/Early 2017	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Advice to future conduct• Transfer/Re-Assignment
Allegation: A police officer entered into a relationship with a civilian employee of the Nelson Police Department whom the police officer was supervising.	

Internal discipline files are the responsibility of the police officer's employer and are processed under Division 6 of the *Police Act*.

The internal Discipline Authority must provide the Police Complaint Commissioner with a copy of any recommendation on disciplinary or corrective measures arising from an internal discipline matter and the final decision reached by the internal Discipline Authority.

The internal discipline investigation report determined that both parties confirmed that the relationship was consensual and did not take place while the police officer was on duty or on police property. The police officer acknowledged the concerns of the police department and apologized. Although the relationship ended, the police officer was removed as supervisor of the civilian staff member. The police officer was also informed that they would not be provided the opportunity to act as the department's Officer in Charge as this would put the police officer in the position to be the civilian staff member's supervisor once again.

The OPCC reviewed the Internal Discipline Record of Decision and determined there were no public trust issues.

Internal Discipline

(OPCC File 2017-13225)

<p>Misconduct: <i>Neglect of Duty</i> (absent/late for duty) Date of Incident: December 18, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Counselling/Treatment*
<p>Allegation: An off duty police officer was seen at a pub in the early hours of December 18, 2016, and then failed to report for a scheduled shift that morning.</p>	

Internal Discipline

(OPCC File 2017-13006)

<p>Misconduct: <i>Neglect of Duty</i> (absent/late for duty) Date of Incident: November 2 and 3, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Counselling/ Treatment*
<p>Allegation: Sometime near the end of October, 2016, a police officer approached a supervisor to request a change in working night shifts to day shifts for the week on November 2 – 5, 2016 to accommodate his feeling sick, a new relationship, and a social event. The supervisor was unable to accommodate this request. On November 2, 2016, at 0822 hours, the supervisor received a text message from the police officer stating that they had a fever, sore throat, and congestion but hoped to return to duty for November 4 and 5, 2016.</p>	

*Based on the concerns contained in OPCC 2017-13225 and OPCC 2017-13006, a work agreement was formalized between the department and the police officer that included an understanding that any non-compliance with the agreement may result in the police officer being deemed unfit to work for the department.

The OPCC reviewed the Internal Discipline Record of Decision and determined there were no public trust issues.

New Westminster

No substantiated misconduct in this reporting period

Oak Bay

No substantiated misconduct in this reporting period

Port Moody

No substantiated misconduct in this reporting period

SCBCTAPS

No substantiated misconduct in this reporting period

Saanich

Ordered Investigation – Requested by Department
 (OPCC File 2017-13496)

<p>Misconduct: <i>Improper Use or Care of Firearm</i> (unsafe storage of firearm) Date of Incident: May 23, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand
<p>Allegation: On May 23, 2017, a police officer left a loaded service firearm in a public washroom.</p>	

An outside policing agency conducted a criminal investigation for Careless Use of a Firearm pursuant to section 86(1) of the *Criminal Code* of Canada. A Report to Crown Counsel was submitted and Crown Counsel determined there was no substantial likelihood of conviction and no public interest in pursuing a prosecution.

The Saanich Police Department conducted an investigation into an allegation of Improper Use or Care of Firearms. The Discipline Authority reviewed the investigation and determined there was sufficient evidence to substantiate the allegation of misconduct. The Discipline Authority offered the police officer a prehearing conference where an agreement was reached with respect to the proposed discipline of a verbal reprimand.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. After reviewing the criminal investigation into this matter and the *Police Act* investigation it was the OPCC’s view that the discipline proposed was in the appropriate range based on the circumstances of the file.

As soon as the police officer realized their firearm was missing, the police officer immediately notified their supervisor, took steps to locate the firearm and have it secured, then retrieved it right away while offering apologies. The police officer provided a statement (through a lawyer) to the police officers conducting the criminal investigation and fully cooperated in the *Police Act* investigation. Additionally, the police officer did not try to cover up the incident, minimize it in any way, and was open and transparent during an interview. The police officer no longer removes their firearm at any time while on duty.

Stl’atl’imx Tribal Police

No substantiated misconduct in this reporting period

Vancouver

Ordered Investigation – Requested by Department
 (OPCC File 2017-13402)

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: February 17, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Advice to future conduct
<p>Allegation: On February 17, 2017, a Special Municipal Constable (SMC) failed to abide by the <i>Motor Vehicle Act</i> by disobeying a sign prohibiting a right turn.</p>	

The Vancouver Police Department conducted an investigation into an allegation of *Neglect of Duty*. The Discipline Authority reviewed the investigation and determined there was sufficient evidence to substantiate an allegation of misconduct. The Discipline Authority offered the SMC a prehearing conference where an agreement was reached with respect to the proposed discipline of advice to future conduct.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review.

It was the OPCC’s view that the discipline was on the low end of the range for appropriate discipline based on the circumstances. In this case, the SMC was aware that the right turn was illegal, as evidenced by a comment made to others in the vehicle, and chose to clear the intersection and proceed anyway. However, the SMC admitted to the error in judgement and accepted full responsibility for the misconduct. The intent of the Act is to consider an approach that seeks to correct and educate the member concerned as long as that approach does not bring the administration of police discipline into disrepute.

The OPCC did not believe that the discipline imposed, while on the low end of acceptability, would bring the administration of police discipline into disrepute.

Internal Discipline

(OPCC File 2017-13186)

<p>Misconduct 1: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: January 20, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand* • Training/Re-Training consisting of completing the City of Vancouver’s City Learn – Conflict Management Skills
<p>Allegation: A civilian employee reported that on January 20, 2017, a police officer made inappropriate comments towards them in front of other staff members that caused the civilian employee to feel “bullied and harassed... embarrassed and belittled.”</p>	

<p>Misconduct 2: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: January 20, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand* • Training/ Re-Training consisting of completing the City of Vancouver’s City Learn – Conflict Management Skills
<p>Allegation: While in a telephone conversation with another officer, the police officer stated that the civilian employee “needed to be knocked off their throne.”</p>	

<p>Misconduct 3: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: January 20, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand* • Training/ Re-Training consisting of completing the City of Vancouver’s City Learn – Conflict Management Skills
<p>Allegation: In that same telephone conversation the police officer indicated that the civilian employee was replaceable or could be replaced within minutes.</p>	

After reviewing the Internal Discipline Investigation Report, the Discipline Authority was satisfied that there was sufficient evidence to support that the respondent police officer contravened the Respectful Workplace Policy relating to each of the three alleged comments about the civilian employee.

The Discipline Authority recognized that there existed a power imbalance as the police officer was a senior member of the Vancouver Police Department.

The police officer did not admit the misconduct as the police officer indicated that they could not recall their exact comments and did admit in the second part of the investigation that while they did not recall what was said they “cannot categorically deny making the statements.”

The Discipline Authority considered that the corrective measures considered must provide deterrence to the both the respondent police officer and to the rest of the workforce. The Discipline Authority also recognized that corrective measures in general are to correct behaviour as opposed to punish.

Therefore the Discipline Authority imposed one written reprimand for all three allegations of *Neglect of Duty* and directed the police officer to complete a training course on conflict management skills to assist with successfully managing interpersonal conflict.

The OPCC reviewed the Internal Discipline Record of Decision and determined there were no public trust issues.

Ordered Investigation – Initiated by PCC
 (OPCC File 2017-13143)

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: December 28, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension
<p>Allegation: An off duty police officer acted in a manner that prompted a civilian to call police to report suspicious behaviour. When police attended, the off duty officer was found to be intoxicated in public to the point where it was determined there were grounds for an arrest for Causing a Disturbance. It was subsequently decided that the off duty police officer would be driven home and placed in the care of their partner.</p>	
<p>Misconduct 2: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: December 28, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
<p>Allegation: When police asked the subject of the complaint for their identification, the off duty officer pulled out a small badge wallet and flipped it open to a police badge while stating they were a police officer.</p>	

The Vancouver Police Department reported this matter to the OPCC as the off duty police officer was the subject of a police investigation. The Police Complaint Commissioner did not receive a request from the police department to conduct an investigation under the *Police Act* so the Police Complaint Commissioner initiated an investigation into this matter and directed that the VPD conduct an investigation into two allegations of *Discreditable Conduct* arising from this incident. The Discipline Authority reviewed the investigation and determined there was sufficient evidence to substantiate an allegation of *Discreditable Conduct* in relation to the respondent officer acting in a manner that prompted police attendance to investigate reported suspicious behaviour and for being intoxicated in public to the point that there were grounds for arrest for Causing a Disturbance.

The Discipline Authority did not find that there was sufficient evidence to support a second finding of *Discreditable Conduct* for producing their police badge to the responding police officers and for stating they were a police officer.

The Discipline Authority offered the police officer a prehearing conference in relation to the first allegation of *Discreditable Conduct* where an agreement was reached with respect to the proposed discipline of a one day suspension. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review.

In reviewing the investigation and considering all the relevant factors in this case, it was the OPCC's view that the discipline was on the very low end of the range for appropriate discipline based on the circumstances. However, the police officer took responsibility for their actions at the Prehearing Conference and passed on their apologies to the civilian who contacted police for assistance and the police officers who attended the call.

In relation to the second allegation of *Discreditable Conduct* against the police officer the Police Complaint Commissioner disagreed with the Discipline Authority’s findings and on October 17, 2017, appointed retired Provincial Court Judge Carol Baird Ellan to review the evidence pursuant to section 117 of the *Police Act*. On November 3, 2017, Ms. Baird Ellan issued her Notice of Discipline Authority’s decision where she determined that the evidence appeared to substantiate the second allegation of *Discreditable Conduct*, but also a third allegation of *Corrupt Practice* in relation to the alleged badging incident.

<p>Misconduct 3: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: December 28, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
<p>Allegation: When police asked the subject of the complaint for their identification, the off duty officer pulled out a small badge wallet and flipped it open to a police badge while stating they were a police officer.</p>	

Ms. Baird Ellan, in her capacity as the Discipline Authority, suggested a range of discipline from advice as to future conduct up to and including transferring or reassigning the member within the Municipal Police Department. Ms. Baird Ellan precluded dismissal, reduction in rank and suspension as available disciplinary or corrective measures. A prehearing conference was offered to the member.

The Police Complaint Commissioner appointed a senior officer at an external police department to act as the Prehearing Conference Authority. An agreement was reached with respect to the proposed discipline of a written reprimand for each allegation: *Discreditable Conduct* and *Corrupt Practice*.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. It was the OPCC’s view that the discipline was within the range of appropriate discipline based on the circumstances. The police officer had already admitted to drinking too much that night, and arranged for counselling on their own initiative. The police officer accepted full responsibility for their actions, and was apologetic, both to the police officers that responded to the call, and to the civilian that called the police.

The intent of the Act is to consider an approach that seeks to correct and educate the police officer concerned as long as that approach does not bring the administration of police discipline into disrepute. The OPCC did not believe that the discipline imposed here for the badging allegations, while on the low end of acceptability, would bring the administration of police discipline into disrepute.

For further information on this decision, please visit the OPCC website at www.opcc.bc.ca under Adjudications.

Registered Complaint
 (OPCC File 2016-11665)

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: October 16, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension
<p>Allegation: An off duty police officer attempted to enter a casino while intoxicated. After being denied entry, the off duty officer flashed a police badge and requested preferential treatment.</p>	
<p>Misconduct 2: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: October 16, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension • Training/Re-Training focused on bias free language and policing a diverse community.
<p>Allegation: When the off duty police officer was denied entry into the casino, the off duty police officer directed offensive and rude language at a security officer.</p>	

The Police Complaint Commissioner reviewed the complaint submitted and determined the complaint contained two admissible allegations of misconduct. The Police Complaint Commissioner directed the New Westminster Police Department (NYPD) to conduct an investigation into the matter and appointed a senior officer at the West Vancouver Police Department (WVPD) to act as the Discipline Authority. The external Discipline Authority reviewed the investigation and determined there was sufficient evidence to substantiate both allegations of misconduct and offered the police officer a prehearing conference. An agreement was reached with respect to the proposed discipline of suspensions and training.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. In reviewing the investigation and considering all the relevant factors in this case, the OPCC determined that the Prehearing Conference Authority had appropriately considered the aggravating and mitigating factors pursuant to section 126 of the *Police Act*.

In this case, the police officer took responsibility for his actions and had pro-actively taken a number of steps to address the concerns brought forward regarding his conduct. As a result, the OPCC determined that the discipline imposed was within the acceptable range.

Ordered Investigation – Requested by Department
 (OPCC File 2016-11660)

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: March 4, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
<p>Allegation: On October 16, 2015, an off duty police officer was banned from a casino for one year. On March 4, 2016, the off duty police officer attended the casino once more. Police were called to the scene. The off duty police officer identified himself as a police officer and requested some professional courtesy.</p>	

The OPCC received a request from the Vancouver Police Department for an investigation into the conduct of one of their members. The Police Complaint Commissioner determined that an external police agency should conduct the investigation. The New Westminster Police Department was appointed to conduct an investigation into an allegation of *Discreditable Conduct*. The Police Complaint Commissioner also appointed a senior officer at the West Vancouver Police Department to act as the Discipline Authority.

The external Discipline Authority reviewed the investigation and determined there was sufficient evidence to substantiate the allegation of misconduct. The Discipline Authority offered the police officer a prehearing conference in relation to this allegation where an agreement was reached with respect to the proposed discipline of a written reprimand.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. In this case, the police officer took responsibility for his actions and had pro-actively taken a number of steps to address the concerns brought forward regarding his conduct. As a result, the OPCC determined that the discipline imposed was within the acceptable range.

Victoria

No substantiated misconduct in this reporting period

West Vancouver

No substantiated misconduct in this reporting period