



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

**NOTICE OF REVIEW ON THE RECORD**

Pursuant to section 137(2) *Police Act*, R.S.B.C. 1996, c.267

**In the matter of the Review on the Record into the Ordered Investigation of  
Constable Byron Ritchie of the Delta Police Department**

OPCC File: 2016-12506  
July, 12, 2018

To: Constable Byron Ritchie (#1020) (Member)  
c/o Delta Police Department  
Professional Standards Section

And to: Chief Constable Neil Dubord (Discipline Authority)  
c/o Delta Police Department  
Professional Standards Section

**WHEREAS:**

**Investigation**

1. According to the Delta Police Department (DPD), on August 29, 2016, a Sergeant of the Greater Vancouver Integrated Road Safety Unit (IRSU) advised DPD Acting Sergeant McKie that a complaint had been received concerning Delta Police Constable Byron Ritchie, a seconded member of IRSU.
2. The complaint was from a member of the public whose wife had been issued a violation ticket by Constable Ritchie on July 15, 2016. The female driver had been stopped by Constable Ritchie after she had been observed talking on her cell phone while driving. Constable Ritchie issued the female driver a violation ticket for "failure to wear a seat belt" and for "failure to produce vehicle insurance." The female driver stated she had been wearing her seat belt and had produced the vehicle's insurance papers for Constable Ritchie. Constable Ritchie informed the female driver she was "getting a break" with the noted offences, as the combined fines were less than receiving a ticket for distracted driving.

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Stan T. Lowe  
Police Complaint Commissioner

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3. The IRSU Sergeant subsequently spoke to Constable Ritchie who advised that the reason for the traffic stop was because the female driver had been talking on a cell phone while driving. Even though the female driver had been wearing a seatbelt and did produce proof of vehicle insurance he issued her a violation ticket for “failure to wear a seat belt” and for “failure to produce vehicle insurance,” as the combined fines were less than receiving a ticket for distracted driving. Constable Ritchie advised that he was trying to give the female driver a break and has written tickets this way before.
4. The IRSU Sergeant was in the process of having the violation ticket withdrawn.
5. Based on a review of this information, on September 1, 2016, I ordered an investigation into the conduct of Constable Byron Ritchie. I was of the opinion that the conduct alleged against Constable Ritchie, if substantiated, would constitute misconduct.
  - a) *Deceit*, pursuant to section 77(3)(f)(i)(B) of the *Police Act* which is, in the capacity of a member, making or procuring the making of any entry in an official document or record, that, to the member’s knowledge, is false or misleading. Specifically, that Constable Byron Ritchie knowingly issued motor vehicle violation tickets in relation to offences that he knew had not been committed.
6. On February 28, 2017, the OPCC received a request to amend the *Order for Investigation* from Acting Staff Sergeant Kevin Jones of the Delta Police Department. In this request, Acting Staff Sergeant Jones advised that the investigation materials gathered to date identified further allegations of misconduct involving Constable Ritchie.
7. Based on the information received, I amended the assigned *Order for Investigation* to include the additional allegations of *Deceit*, pursuant to section 77(3)(f)(i)(B) of the *Police Act*.
8. Accordingly, I ordered this investigation to include the conduct described above involving Constable Byron Ritchie, and to include any other potential misconduct, or attempted misconduct, as defined in section 77 of the *Police Act* that may have occurred in relation to this incident.
9. The Delta Police Department Professional Standards Investigator completed the investigation into this matter and on April 28, 2017, he submitted the Final Investigation Report (FIR) to the Discipline Authority.
10. On May 11, 2017, following his review of the FIR, Chief Constable Neil Dubord, as the Discipline Authority, substantiated the 11 allegations of *Deceit*, pursuant to section 77(3)(f)(i)(B) of the *Police Act*. Chief Constable Dubord set out a proposed range of discipline from requiring the member to work under close supervision up to an including dismissal.

## Discipline Proceeding and Proposed Discipline

11. On March 7, 2018, a discipline proceeding was held where Constable Ritchie denied the 11 allegations of *Deceit*. On April 19, 2018, following the discipline proceeding and on May 22, 2018, following the Discipline Disposition Record, after considering the available evidence and submissions, the Discipline Authority made the following determinations in relation to the allegations:

### **Allegation One:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 15, 2016**, Constable Ritchie knowingly issued/served a British Columbia *Motor Vehicle Act* violation ticket to to the driver of a motor vehicle for offences that did not occur.

### **Allegation Two:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **June 23, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

### **Allegation Three:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **June 23, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

### **Allegation Four:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **June 23, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

### **Allegation Five:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **June 19, 2016**, Constable Ritchie knowingly issued/served to

the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

**Allegation Six:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 15, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

**Allegation Seven:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 15, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

**Allegation Eight:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 12, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

**Allegation Nine:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 22, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for offences that did not occur.

**Allegation Ten:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 15, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for an offence that did not occur.

**Allegation Eleven:**

That Constable Ritchie committed *Deceit* pursuant to section 77(3)(f)(i)(B) of the *Police Act*, which is, in the capacity of a member, making or procuring the making of any entry in an official document or record. Specifically, in relation to the allegation on **July 15, 2016**, Constable Ritchie knowingly issued/served to the driver of a motor vehicle a British Columbia *Motor Vehicle Act* violation ticket for an offence that did not occur.

12. The Discipline Authority made the following findings with respect to proposed discipline:
- a) Reduction of rank for twelve (12) months. The reduction in rank will be from First Class Constable to Second Class Constable for the first twelve months. At the end of the twelve months Constable Ritchie's seniority will be reinstated provided he has attained satisfactory performance reviews.
  - b) Suspension without pay of two (2) days (10 hours) for each of the eleven offences, consecutive, totalling twenty two (22) days (220 hours) of suspension without pay. This suspension is to be completed upon the acceptance of this Form 4 by the OPCC and prior to Constable Ritchie returning to active duty.
  - c) To work under close supervision for a period of one (1) year and to participate, to the satisfaction of his supervisors, in a return to work plan.

**Constable Ritchie's Request for a Public Hearing**

13. 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 member, the Commissioner must promptly arrange a Public Hearing or Review on the Record.
14. On June 13, 2018, the Police Complaint Commissioner received a request from Constable Ritchie's counsel, Mr. Kevin Woodall, for a Public Hearing. Mr. Woodall provided supplementary information to our office on July 5, 2018. In his request, Mr. Woodall indicated that the discipline authority made a number of findings of fact in his penalty decision that were not borne out by the statements in the FIR. Mr. Woodall is of the view that an Adjudicator should hear the testimony of the motorists who received tickets from Constable Ritchie to determine what the motorists were doing, whether they were deceived by the ticket, whether their interaction brought discredit upon the policing profession, and whether the interactions served the larger purpose of enforcing the law.

## Decision

15. I have reviewed this matter and note that the member had the assistance of Mr. Woodall throughout the investigation and discipline proceedings. Each of the motorists were interviewed during the course of the investigation and their evidence was thoroughly canvassed, as it related to the allegations under investigation. The member did not request any further investigation following the submission of the Final Investigation Report, nor did the member request the attendance of any witnesses at the discipline proceeding. In my view, the nature of the evidence the member seeks to elicit from the witnesses is at best neutral in nature. I have determined that it will not be necessary to examine or cross-examine witnesses or receive evidence that is not currently part of the record of disciplinary decision. Furthermore, I am satisfied that a Public Hearing is not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline.
16. Accordingly, pursuant to sections 137(2) and 143(2) of the *Police Act*, I am arranging a Review on the Record. Pursuant to section 141(2) of the Act, the Review on the Record will consist of a review of the disciplinary decision as defined by section 141(3) of the Act. Pursuant to section 141(4) the *Police Act*, Constable Ritchie, or his agent or legal counsel, may seek to establish special circumstances in which the adjudicator may exercise their discretion to receive evidence that is not part of the record of disciplinary decision or his service record.
17. Pursuant to section 141(6) the *Police Act*, the Police Complaint Commissioner, or his commission counsel, may also make submissions concerning the matters under review.
18. Pursuant to section 141(7) the *Police Act*, the Adjudicator may permit the Discipline Authority to make submissions concerning the matters under review.

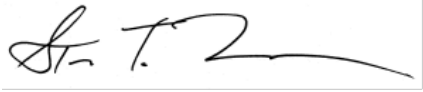
## THEREFORE:

19. A Review on the Record is arranged pursuant to section 137(2) and 141 of the *Police Act*.
20. Pursuant to the recommendation of the Associate Chief Justice of the Supreme Court of British Columbia, the Honourable James Threlfall, Retired Provincial Court Judge, is appointed to preside as Adjudicator in these proceedings, pursuant to section 142(2) of the *Police Act*.

**TAKE NOTICE** that all inquiries with respect to this matter shall be directed to the Office of the Police Complaint Commissioner:

501 - 947 Fort Street, PO Box 9895 Stn Prov Govt, Victoria, BC V8W 9T8  
Telephone: 250-356-7458 • Toll Free: 1-877-999-8707 • Facsimile: 250-356-6503

DATED at the City of Victoria, in the Province of British Columbia, this 12th day of July, 2018.

A handwritten signature in black ink, appearing to read "Stan T. Lowe", is enclosed in a thin black rectangular border.

Stan T. Lowe  
Police Complaint Commissioner