



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

October 1, 2018

OPCC 2015-11048

MEDIA STATEMENT

Disclosure of the covering letter sent by the internal investigator to the Mayors regarding former Chief Constable Frank Elsner

Victoria - On September 26th, 2018, the Office of the Police Complaint Commissioner (OPCC) released a public report confirming the decisions of the two retired judges as final and conclusive. In the Commissioner's review of the Mayors' discipline process (at page 40 of the report), he quoted from the covering letter that the internal investigator sent to the Mayors, dated November 16, 2015. It seems that the Commissioner's reference to that letter, without the content of the entire letter, has created some confusion as to when the Mayors knew about allegations of bullying and harassment against former chief Frank Elsner. For the purposes of clarity, the Commissioner is releasing the letter in its entirety, except for two portions that are not relevant, which have been removed.

To learn more about the Office of the Police Complaint Commissioner, please visit the OPCC webpage at www.opcc.bc.ca.

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Police Complaint Commissioner

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November 16, 2015

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PERSONAL AND CONFIDENTIAL

VIA EMAIL

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Attention: Mayor Helps & Mayor Desjardins

Dear Mayors:

Investigation Pursuant to Internal Discipline Rules

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I am attaching my preliminary report with respect to the investigation of the following issues:

1. Whether Chief Elsner has improperly used the VPD's social media account or accounts;
2. Whether Chief Elsner has engaged in an inappropriate relationship with a member of another police department who is married to a member of the VPD.

As agreed, the report contains findings and conclusions with respect to those matters but does not contain recommendations with respect to discipline.

As previously discussed, a number of additional issues arose during the course of the investigation. They are:

1. Allegations of Bullying and Harassment

The witnesses who report to the Chief raised concerns with respect to the Chief's conduct in the workplace which, if proven, could constitute bullying and harassment. Some of the witnesses relayed concerns with respect to incidents that had happened to them directly, while others were reports of what witnesses had observed with respect to others. Examples of the allegations include:

- Yelling at senior colleagues and being insulting and demeaning; and

- Inappropriate comments and behaviour towards women including coming up behind a female colleague who was standing at a desk and with his body pinning her to the desk.

Since allegations of bullying and harassment are outside the scope of my mandate, they were brought to the attention of the disciplinary authority but were not pursued during the investigation, put to the Chief for response or considered in any respect in drafting the attached report.

I understand that you are now considering how to address those allegations. As previously stated, should you wish to expand our mandate to include an investigation of those matters, in light of my schedule and given the need to deal with these matters expeditiously, I would need to engage the assistance of one of my partners to complete the investigation. I have discussed this matter with my partner Deborah Cushing and she advises that she would be able to set aside a week to conduct the witness interviews.

2. [REDACTED]
3. [REDACTED]

In Ms. McNeil's letter of September 16, 2015, I was asked to advise counsel for the Board immediately if during the course of my investigation I had reason to believe that there was any misconduct by any other sworn member of the VPD. Similarly, if I had reason to believe there was misconduct by any other employee of the VPD or if there were any security issues with respect to the VPD's information system I was to inform the Co-Chairs.

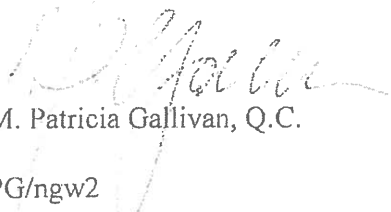
On October 9, 2015, I advised counsel for the Board that based on the interviews to that date, I was not aware of any security issues to be addressed. Now that I have completed the investigation, based on the evidence collected I have no reason to believe that there was any misconduct by any other sworn member of the VPD or by any other employee of the VPD.

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I look forward to discussing the preliminary report with you at your convenience.

Yours very truly,

LAWSON LUNDELL LLP



M. Patricia Gallivan, Q.C.

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Epc

cc. Marcia McNeil