

2018/2019



Office of the Police Complaint Commissioner

2018/2019 - 3RD QUARTER STATISTICAL REPORT
OCTOBER 1, 2018 - DECEMBER 31, 2018

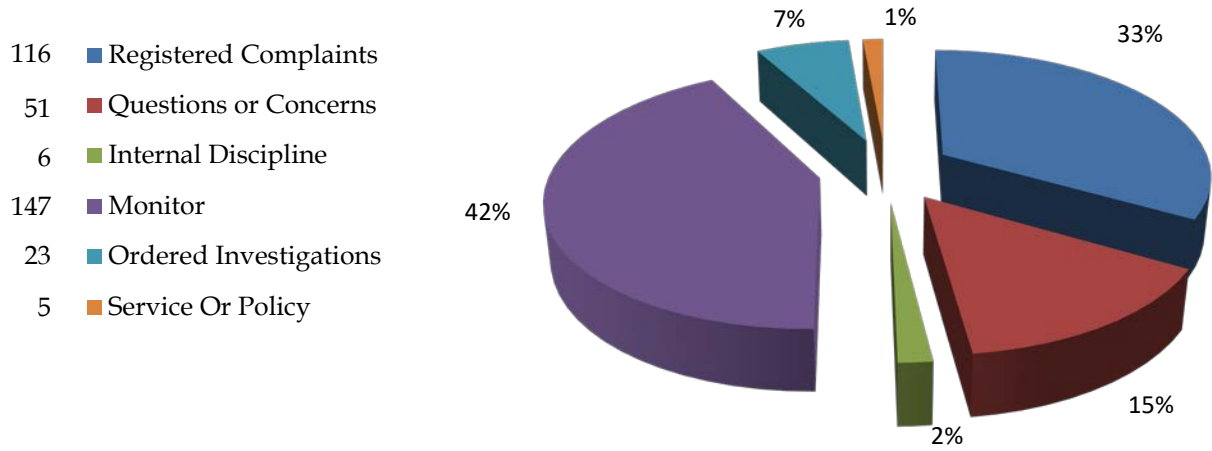
Integrity
Independence
Excellence

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.

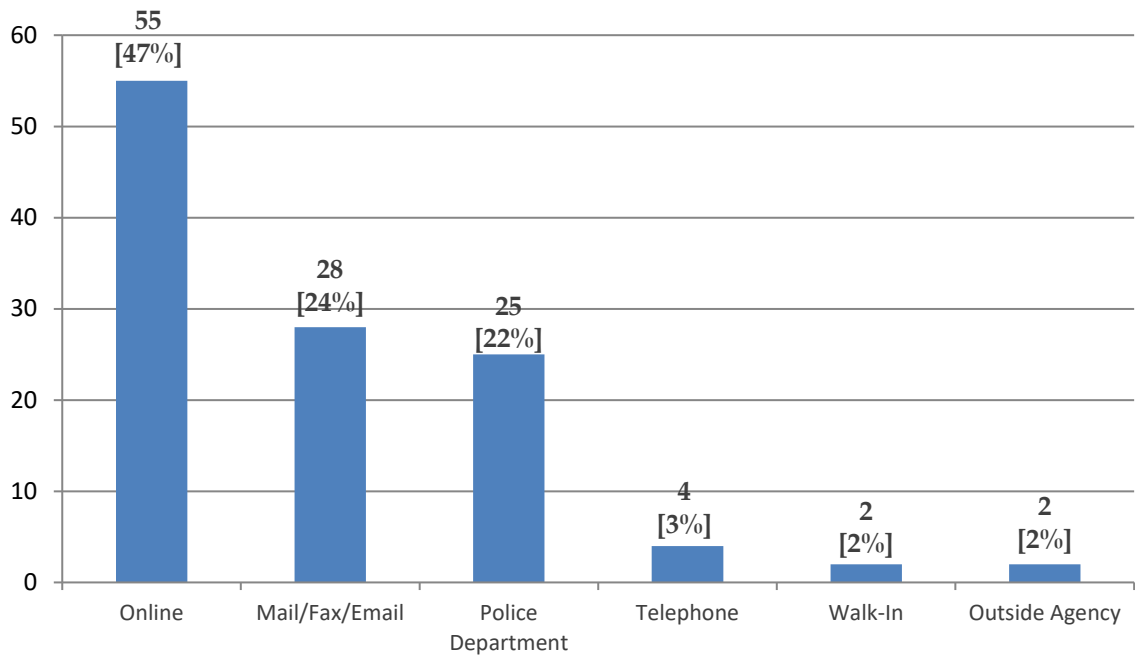
The files opened by the OPCC from October 1, 2018, to December 31, 2018, can be broken down into the following categories:

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, 2018, and December 31, 2018



How Registered Complaints were received between October 1, 2018, and December 31, 2018



Admissibility of Registered Complaints received between October 1, 2018, and December 31, 2018

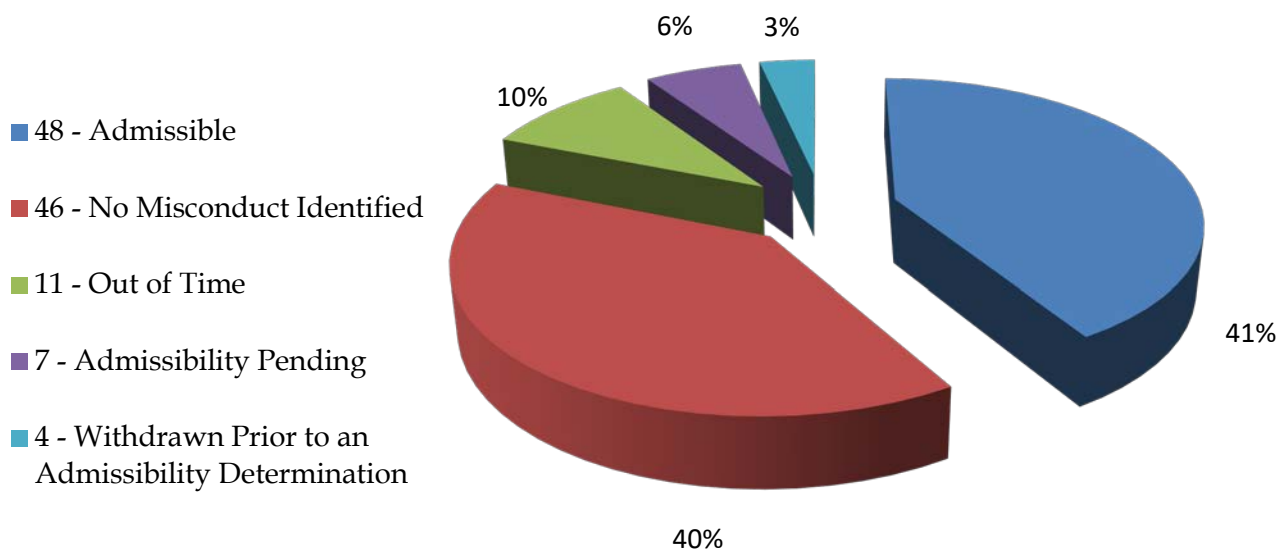
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

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

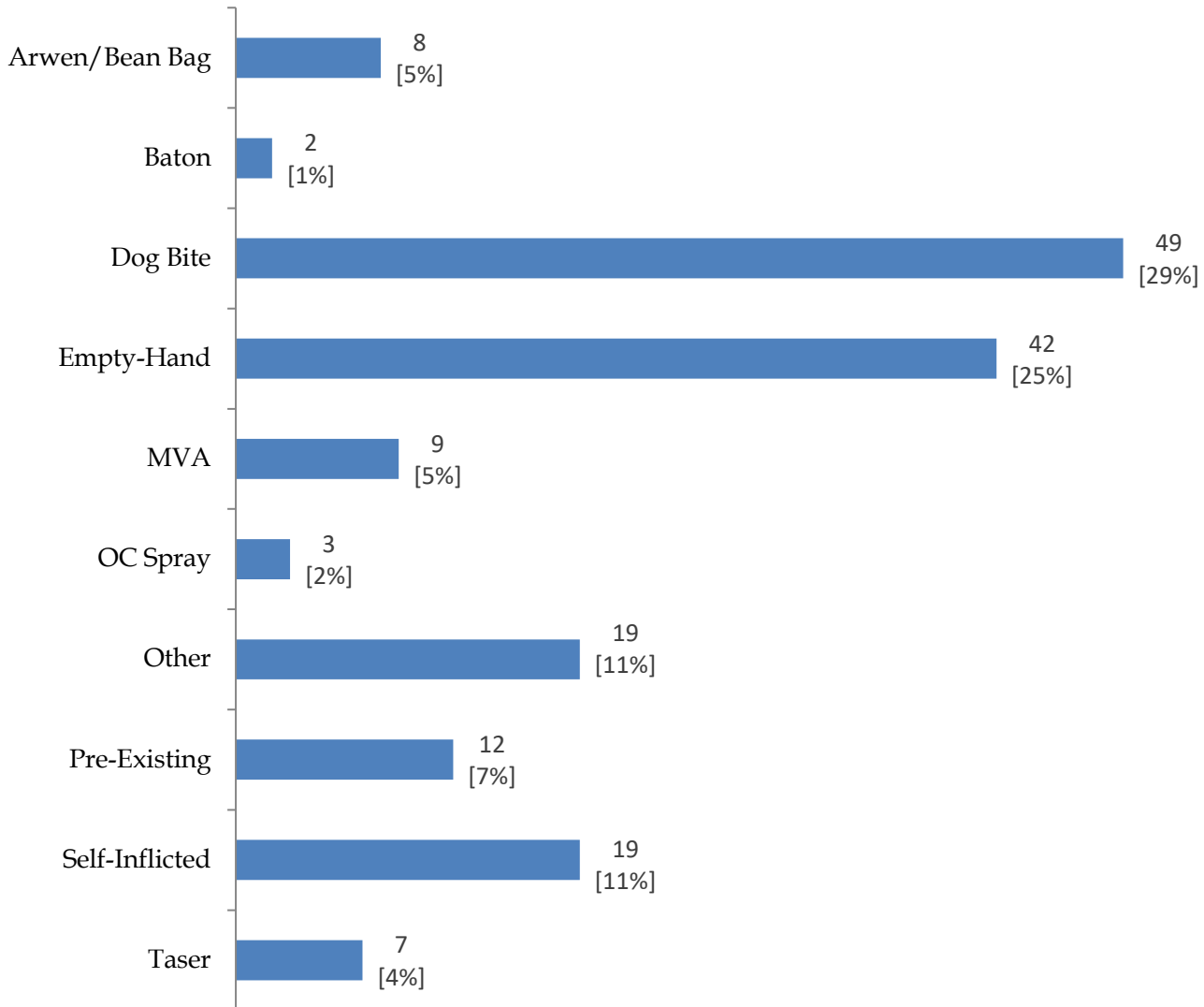


Files Opened between October 1, 2018, and December 31, 2018

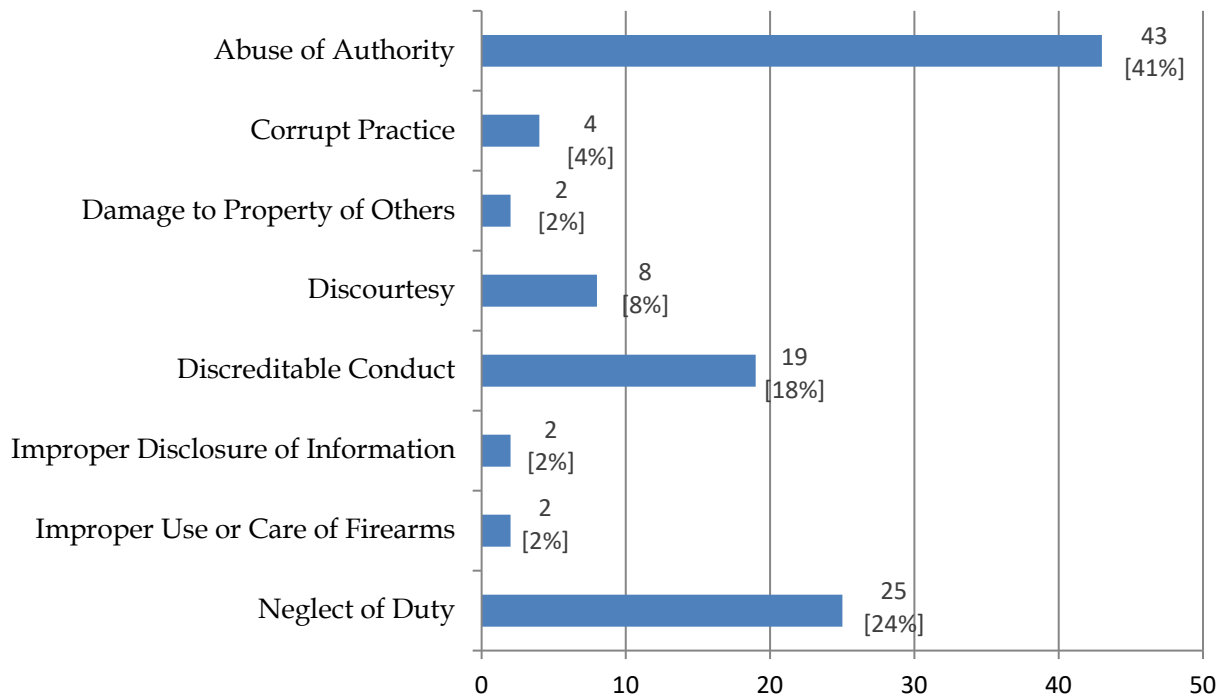
Department	TOTAL	Inadmissible Registered	Admissible Registered	Admissibility Decision Pending	Mandatory Investigation	Ordered Investigation (Dept. Request)	Ordered Investigation (PCC Initiated)	Monitor	Question or Concern	Internal Discipline	Service or Policy
Abbotsford	31	4	1	0	0	0	0	15	10	0	1
Central Saanich	1	0	0	0	0	1	0	0	0	0	0
CFSEU	0	0	0	0	0	0	0	0	0	0	0
Delta	21	2	3	0	0	0	0	12	4	0	0
Nelson	2	1	0	0	0	0	0	1	0	0	0
New Westminster	14	4	1	0	0	1	1	5	2	0	0
Oak Bay	1	0	0	0	0	1	0	0	0	0	0
Port Moody	6	1	0	0	0	0	0	1	3	0	1
Saanich	19	4	1	3	0	2	0	3	4	2	0
SCBCTAPS	32	4	3	0	0	1	0	21	3	0	0
Stl'atl'imx	1	0	1	0	0	0	0	2	0	0	0
Vancouver	159	26	32	3	1	6	6	67	12	3	3
Victoria	53	13	6	1	1	0	1	21	10	0	0
West Vancouver	8	2	0	0	0	1	0	1	3	1	0
TOTAL:	348	61	48	7	2	13	8	147	51	6	5

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, 2018, and December 31, 2018, the OPCC received **122** notifications of reportable injuries involving **170** uses of force.

2 which resulted in a mandatory external investigation;
5 which resulted in an ordered investigation; and
9 where a registered complaint was filed



Allegations Forwarded for Investigation between October 1, 2018, and December 31, 2018



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 October 1, 2018, and December 31, 2018, the OPCC identified **183** 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.

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 member 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 Disclosure of Information, section 77(3)(i):

This allegation involves intentionally or recklessly disclosing, or attempting to disclose, information that is acquired by the member in the performance of duties as a member, or removing or copying, or attempting to remove or copy, a record of a municipal police department or any other police force or law enforcement agency.

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

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

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.

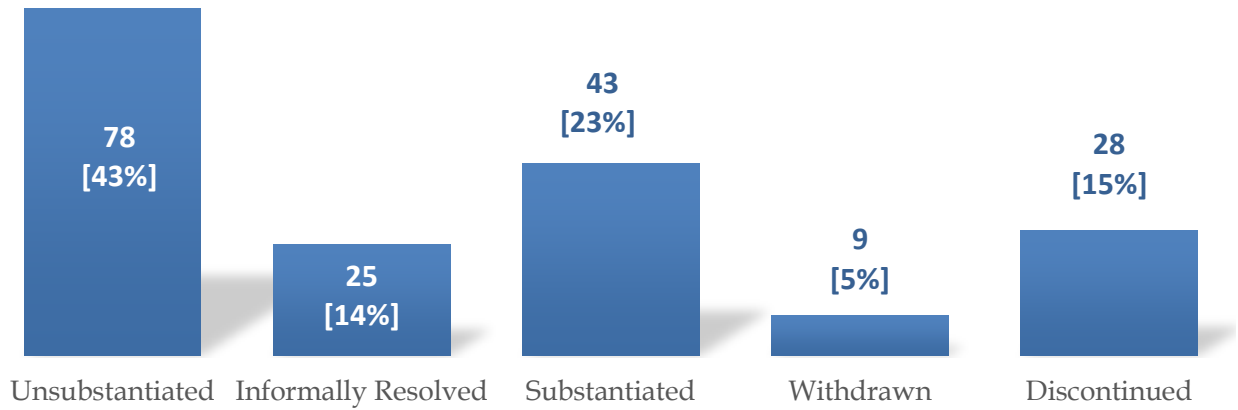
Allegations Concluded between October 1, 2018, and December 31, 2018

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:

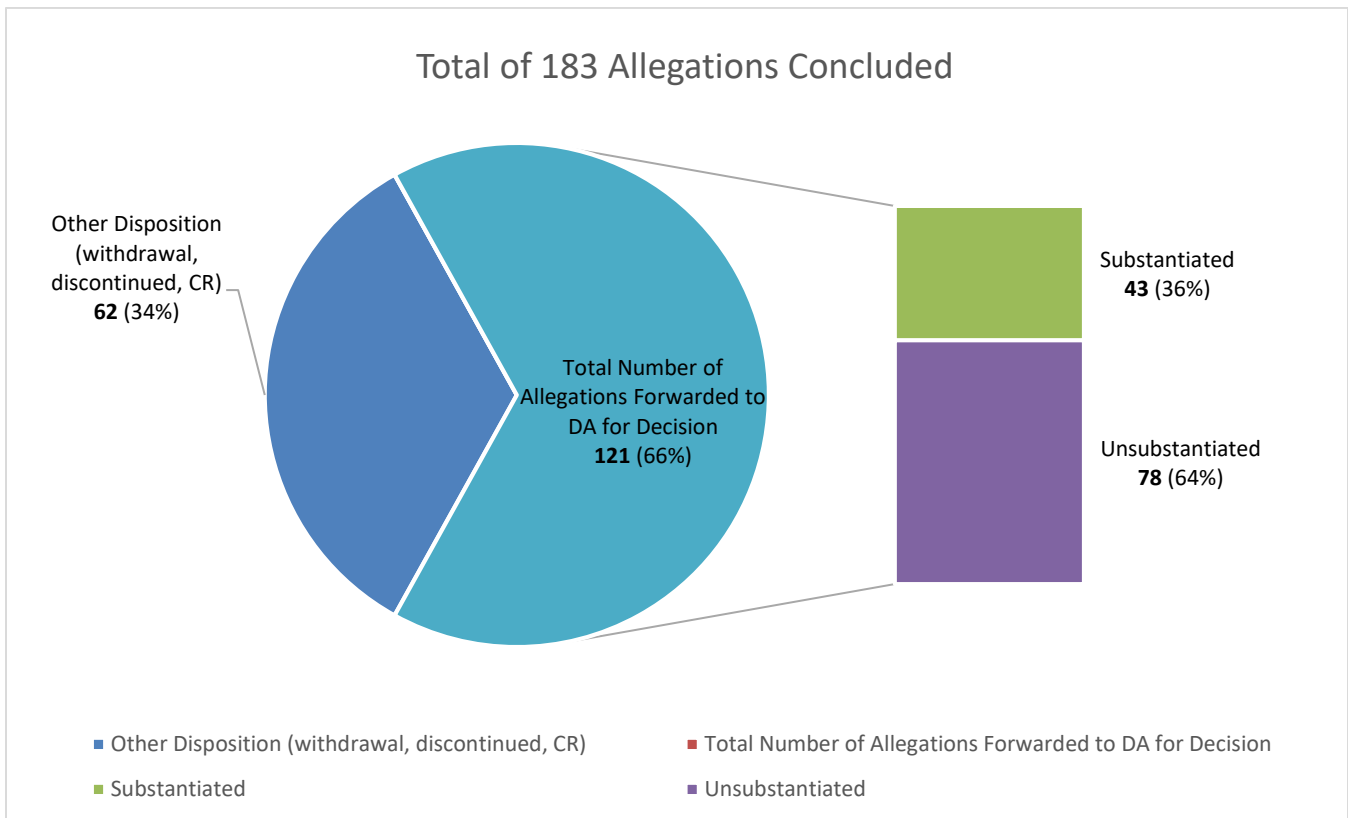
- Withdrawn** *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
- Informally Resolved** *A complaint may be informally resolved pursuant to Division 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, 2018 and December 31, 2018, the OPCC concluded **183** public trust allegations in the following manner:



Allegations forwarded to a Discipline Authority for Decision between October 1, 2018, and December 31, 2018

Of the **183** allegations that were concluded, **121 (66%)** of those allegations were forwarded to the Discipline Authority for decision. Of those allegations that were forwarded, **43** allegations were substantiated.



Number of External Investigations and Appointments of Discipline Authority

In regards to the files opened between October 1, 2018, and December 31, 2018, the Police Complaint Commissioner ordered **4 external investigations**.

In regards to the files opened between October 1, 2018, and December 31, 2018, the Police Complaint Commissioner appointed an **external Discipline Authority in 4 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, 2018, and December 31, 2018, the OPCC reviewed and approved Complaint Resolution agreements relating to **25 (18%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for Alternative Dispute Resolution.

2018/2019 Fiscal Year	3 rd Quarter (October 1, 2018 to December 31, 2018)
Allegations Informally Resolved	25 (18%)
Total Allegations Concluded	183

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, 2018, and December 31, 2018.

Mediation
(Division 4)

Adjudicator Reviews between October 1, 2018, and December 31, 2018

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, 2018, and December 31, 2018, 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, 2018, and December 31, 2018, 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, 2018, and December 31, 2018, 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, 2018,
 and December 31, 2018**

Abbotsford

Ordered Investigation – Initiated by PCC
 (OPCC 2018-14476)

Allegation:

Commencing in December of 2011, a police officer removed certain sensitive police-related materials from the police department’s premises and stored them in a container in his home.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: Commencing December of 2011</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written Reprimand • Training: Human Source Handling privileges were revoked until successful completion of the following: Read and sign the current APD Policy on Confidential Sources; Read and sign the current APD Policy on Property/Exhibits; and Read and sign the current APD Standard Operating Procedure on Drug Handling
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the police officer as long as the approach does not bring the administration of police discipline into disrepute. The OPCC reviewed the prehearing conference report and, considering all the relevant factors in this case, the discipline fell within the acceptable range for appropriate discipline in the circumstances.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Delta

Internal Discipline
 (OPCC File 2018-15027)

Allegation:

On July 19, 2018, a police officer improperly handled a less lethal shotgun resulting in an unintentional discharge.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: July 19, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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OPCC Review:

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. The OPCC determined there were no public trust concerns that required investigation. The Discipline Authority determined that the police officer did not follow his training and, as such, was in breach of department policy OB30 Intermediate Weapons. However, the police officer immediately reported the unintentional discharge to his supervisor and took full responsibility. No one was injured and there was only minor cosmetic damage to a storage cabinet.

Since this incident, the department has taken numerous measures to ensure that all police officers have reviewed the safe handling procedures for each of the weapons platforms. These steps will enhance safety and promote ongoing supervisor engagement in weapons handling in all three of the department’s buildings. A proficiency test must be completed by each member in every section or platoon in the department. The outcome of the proficiency test is accompanied by documentation for each member.

In addition, new signage was being placed in all equipment rooms that outline loading and unloading procedures for all platforms and ensuring that the proper equipment tracking systems are being utilized. Lastly, proper space was being secured for storage of long guns.

These steps will enhance safety, mitigate future risk of unintentional discharges and hold members and supervisors accountable.

Ordered Investigation – Initiated by PCC
 (OPCC File 2018-14963)

Allegation:

On July 5, 2018, during a live fire training exercise, a police officer had an unintentional discharge of his C8 carbine rifle when he failed to follow his training regarding the safe handling of the C8 rifle during range practice. No one was injured and there was minimal damage.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: July 5, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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Disciplinary Process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an

approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The police officer took full responsibility for the discharge of the rifle and determined that he failed to follow instruction and training. The police officer was provided remedial training to maintain his C8 rifle qualification. The police officer was successful in articulating and demonstrating safe rifle handling in accordance with the department’s Rifle Program during this training. The Prehearing Conference Authority did not anticipate any future occurrences.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

**Ordered Investigation – Requested by Department
 (OPCC File 2016-12506)**

Between June 19, 2016, and July 22, 2016, a police officer knowingly issued/served members of the public with *British Columbia Motor Vehicle Act* violation tickets on 11 separate occasions for a total of 20 offences that did not occur. When the police officer encountered drivers breaching the rules about cell-phone use, he effectively substituted different violation tickets. His approach resulted in tickets and fines, but not for the actual conduct of the driver.

<p>Misconduct: <i>Deceit x 11</i> (false or misleading entry in official document or record) Date of Incident: Between June 19, 2016, and July 22, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 4 day suspension as a global discipline for all eleven substantiated allegations. • Training specifically on the procedure and process for the swearing of informations and commencing proceedings for any offences, criminal, driving or otherwise.
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Disciplinary process:

This matter proceeded to a discipline proceeding. The Discipline Authority substantiated all 11 allegations of deceit and proposed a reduction in rank for 12 months, a suspension of two days for each of the 11 allegations for a total of 22 days, and to work under close supervision for one year and participate in a return to work plan as the disciplinary or corrective measures.

Adjudicative Review:

Subject of section 137(1) of the *Police Act* the Police Complaint Commissioner must arrange a public hearing on receiving a request from a police officer where the Discipline Authority has proposed as a disciplinary measure dismissal or reduction in rank. However, subject to section 137(2) the Police Complaint Commissioner may arrange a Review of the Record instead of a Public Hearing if he is satisfied that it is not necessary to cross-examine witnesses, receive evidence that was not part of the record of the disciplinary decision, and that a public hearing was not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline.

The member in this case requested a public hearing pursuant to section 136(1) of the *Police Act*.

In reviewing the record of the Disciplinary Decision the Police Complaint Commissioner concluded that a public hearing was not necessary as the police officer had the assistance of counsel through the investigation and disciplinary proceedings; each of the motorists were interviewed during the course of the investigation and their evidence thoroughly canvassed as it related to the allegations under investigation; and the police officer did not request any further investigation following the submission of the Final Investigation Report and did not request the attendance of any witnesses at the discipline proceeding. Therefore the Police Complaint Commissioner ordered a Review on the Record.

The Police Complaint Commissioner appointed the Honourable James Threlfall, retired British Columbia Provincial Court Judge, to preside as an Adjudicator in these proceedings.

On December 7, 2018, Adjudicator Threlfall issued his decision where he determined, in part, that the actions of the police officer amounted to a single episode of misconduct which spanned a number of occasions that his actions were as a result of a misguided understanding of his police discretion. Adjudicator Threlfall stated that he was concerned that a police officer with a significant amount of service, clear skill in interacting with the public, and very good performance reviews, could have such little understanding of the significance of what he did and the potential consequences. Adjudicator Threlfall concluded that a suspension of four days without pay, as a global measure, would be appropriate in these circumstances. He also directed that the police officer undertake training specifically on the procedure and process for the swearing informations and commencing proceedings for any offences, criminal, driving or otherwise.

Adjudicator Threlfall was hopeful that this training would emphasize that any officer faced with an uncertainty should consult with his supervisor, and to use one’s colleagues as an ethical sounding board. Adjudicator Threlfall was confident that had such consultations occurred in this case, this misconduct would not have arisen.

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

Ordered Investigation – Requested by Department
 (OPCC File 2015-11249)

Allegation:

The police officer altered personal prescriptions for hydromorphone on 10 occasions between April 3, 2015, and November 8, 2015.

<p>Misconduct 1: Discreditable Conduct x10 (conduct that would discredit the department) Date of Incident: Between April 3, 2015, and November 8, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Ongoing participation in the program of 3rd party monitoring until January 2019 as outlined in the Supplementary Investigation Report and reporting his status as directed to the Officer in Charge of Human Resources Branch or designate.
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	<ul style="list-style-type: none"> • In consultation with the Department’s Human Resources Branch, taking reasonable steps to maintain himself in stable abstinent remission by participating in a treatment program or regime specific to addiction. • Taking such medical, psychological, or other treatment or medication specific to his addiction as recommended or prescribed, except that he is not required to submit to any treatment or medication to which he does not consent. • If the police officer does not consent to the medical treatment or medication recommended or prescribed, he will forthwith report his non-consent to the Officer in Charge of the Human Resources Branch or designate. • For a period of two years, the police officer will provide all treatment providers, including but not limited to his family physician, addiction specialist, treatment centre, monitoring agencies, peer-group sponsors and his spouse with a copy of these conditions and the name and contact information of the Officer in Charge of the Human Resources Branch or designate. He shall instruct those persons or entities to advise the Officer in Charge of the Human Resources Branch or designate of any refusal of treatment, failure to keep appointments, failure to attend meetings, or failure to successfully complete any monitoring task or test.
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Allegation:

On November 8, 2015, a pharmacist suspected that a prescription had been altered and reported the matter to police. During a conversation with the investigating officer, the police officer was untruthful when he stated he had lost the original prescription, that he had not attended the pharmacy that reported the matter, and that he had not altered a prescription.

The police officer was subsequently charged with the criminal offence of ‘Utter Forged Document’. Crown Counsel approved two charges: one count of ‘Forgery’ and one count of ‘Attempt or cause a person to deal with a forged documents’ pursuant to the *Criminal Code of Canada*. The charges were dealt with by way of ‘Diversion’ and the police officer agreed to and completed ten hours of community service.

<p>Misconduct 2: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: November 8, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 4 day suspension
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Disciplinary process:

This matter proceeded to a disciplinary proceeding where the Discipline Authority substantiated the 10 allegations of *Discreditable Conduct* in relation to the altering and presenting forged prescriptions by proposing a written reprimand and outlining a number of conditions for drug abuse counselling and monitoring as the disciplinary/corrective measures. The Discipline Authority also substantiated the 1 allegation of *Discreditable Conduct* for providing false information to members of the RCMP during a criminal investigation and proposed a 4 day suspension without pay.

Adjudicative Review:

The results of the disciplinary proceedings were provided to the Police Complaint Commissioner. Upon reviewing them, he found that there was not a reasonable basis to believe that the Discipline Authority's determination as to whether the misconducts had been proven was incorrect pursuant to section 125(1) of the *Police Act*. He was, however, of the view that the Discipline Authority's application of section 126 was incorrect. Accordingly, on June 6, 2018, he ordered a Review on the Record of this matter pursuant to section 137(2) and 141 of the *Police Act*. The scope of that review was limited to a consideration of the disciplinary and corrective measures that should be imposed for the incidents of misconduct which have been substantiated.

The Police Complaint Commissioner appointed the Honourable Carole Lazar, retired British Columbia Provincial Court Judge, to preside as an Adjudicator in these proceedings.

On October 12, 2018, Adjudicator Lazar issued her decision where she determined, in part, the following:

- The police officer suffered from serious medical problems and was subject to extraordinary pain throughout 2014. Over a 13-month period he was hospitalized seven or eight times. He had multiple surgeries and to combat the pain he had been prescribed hydromorphone at more than ten times the dosage which would now be permitted. In February 2015 he was released from hospital, told that he was addicted and provided with no guidance about how to get off of these drugs. His doctor, realizing that his prescription practises had made a drug addict out of his patient, simply cut the dosage in half.
- The police officer approached three different doctors seeking help but this was a new phenomenon for them. They did not seem to know what to do about the problem. One doctor told him that he could buy his drugs off the street or go to a methadone clinic.
- Once he was charged and the secret addiction was revealed, options opened up almost immediately but this was not something he or most people in his position would have anticipated.
- The police officer was welcomed back to work. His Sergeant and two of his squad mates attended court with him. Crown counsel dealt with the criminal charges in a compassionate way. Adjudicator Lazar noted that the British Columbia provincial government has launched a class action lawsuit against forty manufacturers of opioids alleging negligence and corruption in the way they marketed their product. The general public is well aware of the crisis that has been created and, in Adjudicator Lazar's view, would not lose respect for a police disciplinary process that failed to dismiss an otherwise good officer who found himself in the position that this police officer did.

Having undertaken her own analysis of the question raised on this review Adjudicator Lazar agreed with the disciplinary and corrective measures imposed by the Discipline Authority and affirmed his decision.

New Westminster

Internal Discipline

(OPCC File 2018-14885)

Allegation:

On May 29, 2018, a police officer experienced an accidental discharge of a patrol rifle in the motorcycle bay of the police department.

<p>Misconduct: <i>Improper Use or Care of Firearms</i> (accidental discharge of firearm) Date of Incident: May 29, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Further training/instruction in the safe handling, care and storage of the patrol rifle. • That the police officer be temporarily removed from the patrol rifle program until such time as the police officer was able to attend another full rifle course and pass the course without safety violation.
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OPCC Review:

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. The OPCC determined there were no public trust concerns that required investigation. In this case, the Commissioner determined that since that since the member was properly at a location where a police officer is supposed to prepare one's rifle for deployment and that there were no injuries or potential for injury, the Commissioner would not order a public trust investigation and the matter could proceed by way of internal discipline.

The Discipline Authority determined that the police officer did not follow proper protocol and procedures for the safe loading and unloading of a firearm. However, the police officer was cooperative from the onset of this matter, including notification of the incident. No one was injured and there was only minor damage to the floor of the bay consisting of a chip out of the cement.

The internal investigator recommended that the rifle course be extended by two days to include more “reality based” scenarios in which members can cycle through the function test, cruiser ready and end of shift steps.

Saanich

Ordered Investigation – Requested by Department

(OPCC File 2015-10864)

Allegations:

A police officer counselled an alleged victim of a sexual assault to not report the incident to the police department.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 20 day suspension
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The police officer provided a false or misleading oral statement to the investigating officer conducting the *Police Act* investigation.

<p>Misconduct 2: <i>Deceit</i> (altering/erasing/adding to official record) Date of Incident: November 12, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 30 day suspension
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Disciplinary Process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. Although the Prehearing Conference Authority considered the misconducts to be extremely serious, it was believed that the officer suffered from occupational health injuries that may have possibly affected his judgement. The police officer had a 26 year career with no record of discipline before this incident and retired during the *Police Act* process.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Vancouver

Ordered Investigation – Requested by Department
 (OPCC File 2018-14708)

Allegation:

That between June 2016 and October 2017, a police officer was in a personal, intimate relationship with a police officer who was under his direct supervision. The police officer further failed to disclose this relationship with his supervisor.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: Between June 2016 and October 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension*
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Allegation:

That the police officer entered into the relationship with the police officer with the knowledge that the police officer was in a vulnerable state, mentally and emotionally.

<p>Misconduct 2: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 10 day suspension*
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*Suspensions to be served concurrently.

Disciplinary Process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. Although retired, the police officer cooperated fully in the investigation and participated in all relevant processes. The police officer sought professional help in understanding his actions and wrote an apology to the other police officer.

Given the totality of the circumstances, including the retirement of the respondent officer at the time of the investigation, the OPCC approved the agreement reached at the prehearing conference.

Registered Complaint
 (OPCC File 2018-14640)

Allegation:

On April 13, 2018, a police officer improperly disclosed information by providing details about a police interaction with the complainant to another party.

<p>Misconduct: <i>Improper Disclosure of Information</i> (disclosing information acquired as police officer) Date of Incident: April 13, 2018</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • Written reprimand • Review of the department’s policies regarding disclosing of information with a supervisor
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority was satisfied after speaking directly with the police officer during the Prehearing Conference that he regretted his actions concerning this incident and that he took full responsibility.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Ordered Investigation – Initiated by PCC
 (OPCC File 2018-14545)

Allegation:

On March 6, 2018, a police officer, while on duty, gave a civilian employee a one armed hug and a kiss on the top of her head.

<p>Misconduct : <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: March 6, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Training/Retraining in respectful workplace or workplace harassment
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority found that the police officer clearly misread the situation and any interest that the civilian employee may or may not have had in expanding the casual working relationship into some other type of relationship. The police officer accepted full responsibility for the misconduct and acknowledged it was a mistake on his part. He was aware that his conduct towards the civilian employee was inappropriate and put her in an uncomfortable position.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Ordered Investigation – Initiated by PCC
 (OPCC File 2018-14475)

Allegation:

On February 3, 2018, a police dog handler took an individual into custody and released his canine on that person when a lesser use of force would have been more appropriate in the circumstances.

<p>Misconduct 1: <i>Abuse of Authority</i> (unnecessary force - dog) Date of Incident: February 3, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written Reprimand • Refresher training with respect to tactical consideration when encountering levels of resistant subjects and a review with a superior or trainer of the British Columbia Provincial Policing Standards for Police Service Dogs.*
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On February 3, 2018, the police dog handler neglected to consider all of the established provincial guidelines for the threshold and circumstances of using a police dog.

<p>Misconduct 2: Abuse of Authority (unnecessary force - dog) Date of Incident: February 3, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written Reprimand • Refresher training with respect to tactical consideration when encountering levels of resistant subjects and a review with a superior or trainer of the British Columbia Provincial Policing Standards for Police Service Dogs.*
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* The listed corrective measures in count 1 and count 2 were to occur concurrently with each other.

Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority found that the police dog handler accepted full responsibility for the decision he made on the night in question. Further the police dog handler was aware of the fact that this was a "Use of Force" decision that he made in error and stated that he had learned from this experience. While it was appreciated that many decisions are made in a split second, the police dog handler indicated that he would assess all force options first in the future deployment of his canine. He also understood that further decision making was necessary in this occasion regarding the consideration all of the guidelines of the British Columbia Provincial Policing Standards for Police Service Dogs. The police dog handler was remorseful and accepted that releasing his dog on this occasion was incorrect.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Registered Complaint
 (OPCC File 2018-14380)

Allegations:

On October 20, 2017, a police officer failed to appropriately document his use of force as required by policy, specifically that he delivered two knee strikes to the complainant during his arrest.

<p>Misconduct 1: Neglect of Duty (inadequate documentation/notes/records) Date of Incident: October 20, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Advice to future conduct
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an

approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority determined that the police officer did not attempt to conceal his use of force on the complainant. The police officer advised that it was a very busy night and he simply forgot to document his use of force as required. The police officer took full responsibility and expressed remorse.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Registered Complaint
 (OPCC File 2017-14224)

Allegation:

On December 12, 2017, a police officer applied an unnecessary and inappropriate level of physical force on a citizen who was apprehended under the *Mental Health Act* and was handcuffed.

<p>Misconduct: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: May 24, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Retraining in use of force techniques with an emphasis on situation assessment, reassessment and de-escalation techniques • Completion of a mental health crisis intervention training course focused on communicating and interacting with persons with mental health illnesses.
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority was of the opinion that any level of force applied on any citizen who is handcuffed and in custody was a serious matter. After speaking with the police officer the Prehearing Conference Authority was confident that he understood what the expectations and requirements were when applying the level of force used in this instance. The police officer took responsibility for his actions and understood that lower levels of force should have been used. Based on this and the imposed discipline that included retraining in use of force, de-escalation techniques and retraining in mental health crisis intervention, the Prehearing Conference Authority was convinced that in the future the police officer would use a more appropriate level of force in similar circumstances.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Ordered Investigation – Initiated by PCC
(OPCC File 2017-14047)

Allegations:

On October 25, 2017, while off duty, a police officer displayed his police badge identifying himself as a police officer during a banking interaction.

Misconduct 1: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: October 25, 2017	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• 1 day suspension
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On October 25, 2017, while off duty, the police officer displayed his police badge identifying himself as a police officer during a second banking interaction.

Misconduct 2: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: October 25, 2017	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• 1 day suspension
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority was of the opinion that this was a serious misconduct. The Prehearing Conference Authority spoke to the police officer at length and was convinced that he had learned a lesson as a result of this incident. The police officer took, and accepted, full responsibility for the misconducts and understood it was a mistake on his part. He was now aware that his conduct towards the two bank clerks was inappropriate and put them in a difficult position. The police officer stated that he would not repeat this behaviour again.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.

Registered Complaint
(OPCC File 2017-13765)

Allegation:

On December 24, 2016 police officer provided a police uniform shirt to a civilian.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: December 24, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Advice to future conduct
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Disciplinary process:

This matter proceeded to a disciplinary proceeding. The Discipline Authority recognized that if a member of the community was to wear police uniform items there was a potential for a wide range of consequences. However, in this instance, there was no indication that the uniform shirt was used in an unauthorized manner. Furthermore, given that the police officer had retired, the Discipline Authority felt the need for a significant penalty was mitigated.

Given the totality of the circumstances, the OPCC was of the view that the disciplinary or corrective measures imposed fell within the acceptable range for appropriate discipline in the circumstances and would not bring the administration of police discipline into disrepute.

Registered Complaint
 (OPCC File 2014-9512)

Allegation:

On March 23, 2014, a police officer was off duty when he became involved in an incident occurring between two on duty police officers and the complainant. The on duty police officers did not require the off duty police officer's assistance and the off duty police officer used force on the complainant.

<p>Misconduct 1: <i>Improper Off-Duty Conduct</i> (asserting/purporting police authority and committing a default) Date of Incident: March 23, 2014</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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During the *Police Act* investigation, the police officer claimed that he was not intoxicated on the evening in question in more than one statement or interview with the Professional Standards Investigator.

<p>Misconduct 2: <i>Deceit</i> (false or misleading oral statement) Date of Incident: March 23, 2014</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Reduction in rank for a period of one year • Attend Alcoholic Anonymous (AA) meetings, provide the department with a schedule of the meetings attended, and contact information of AA sponsor • Attend for psychological treatment with a certified and department approved care giver and advise of any changes in treatment, schedule or attendance
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The police officer failed to attend *Police Act* investigation interviews as directed.

<p>Misconduct 3: <i>Discreditable Conduct</i> (contravening a provision of the Act, regulation, rule or guideline) Date of Incident: Various</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension
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Disciplinary process:

This matter proceeded to a disciplinary proceeding. The Discipline Authority found that the *Improper Off Duty Conduct* of the police officer was at the “more serious” end of the scale as it involved an “inappropriate interaction” between a police officer and a member of the public while the police officer was off-duty and had consumed alcohol.

In relation to the substantiation of *Deceit* the Discipline Authority acknowledged the police officer’s submission that following multiple surgical procedures the police officer had become addicted to prescribed medications. The Discipline Authority accepted the reason for the medication use, not as a means of excusing the conduct, but in order to “better understand it.” Due to the seriousness of the breaches and the damage to the reputation of the department (and policing in general) the Discipline Authority indicated that the discipline proposed reflected the degree of seriousness of the conduct.

In relation to the *Discreditable Conduct* finding, this had several aspects. The police officer cooperated with two initial interviews and when a third interview was requested he received advice and guidance that he was not obligated to attend that interview.

As a result of this file, the expectation of police officers to attend interviews became the subject of a Judicial Review wherein Madam Justice MacNaughton of the BC Supreme Court was clear in her decision that the police officer was statutorily obligated to attend for the additional interview, and as such he did comply. The Discipline Authority subsequently determined that the fact that the police officer breached his duty based upon “erroneous legal advice” was not a defense.

Given the totality of the circumstances, the OPCC was of the view that the disciplinary or corrective measures imposed fell within the acceptable range for appropriate discipline in the circumstances and would not bring the administration of police discipline into disrepute.

Victoria

Third Party Complaint
 (OPCC File 2018-14341)

Allegations:

On July 7, 2017, a police officer used his police vehicle to stop the affected person’s bicycle. The affected person sustained minor scrapes and bruises.

<p>Misconduct 1: <i>Abuse of Authority</i> (Excessive Force) Date of Incident: July 7, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • A period of counselling, by a certified counsellor, related to managing emotional reactions while on duty
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The affected person's bicycle sustained damage which was subsequently fully repaired.

<p>Misconduct 2: <i>Damage to the Property of Others</i> (damages property belonging to member of the public) Date of Incident: July 7, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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During the interaction on July 7, 2017, the police officer spoke to the affected person in a discourteous manner.

<p>Misconduct 1: <i>Discourtesy</i> (Discourteous Conduct) Date of Incident: July 7, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand
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Disciplinary process:

This matter proceeded to a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The intent of the Act is to consider an approach that seeks to correct and educate the member as long as the approach does not bring the administration of police discipline into disrepute. The Prehearing Conference Authority was of the opinion that the use of the police vehicle was serious misconduct. Based on what appeared to be an emotional reaction, the police officer drove recklessly after the affected person, causing oncoming vehicles to take evasive action. A sharp and sudden turn into the path of the affected person was also reckless and resulted in the affected person's bicycle striking the driver's side of the police vehicle. The potential *Motor Vehicle Act* offence of not wearing a helmet, and the subsequent offence of Obstructing a Peace Officer, did not warrant the disproportionate response of the police officer. The police officer took, and accepted, full responsibility for his actions.

Through the investigation, it was identified by the Discipline Authority that the police department does not conduct ongoing refresher training for Emergency Vehicle Operations. Although the police officer fully accepted responsibility for his actions, the Discipline Authority referenced that re-visiting Emergency Vehicle Operations with all police officers would be a worthwhile consideration.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference.