

2019/2020



# Office of the Police Complaint Commissioner

2019/2020 - 1ST QUARTER STATISTICAL REPORT  
APRIL 1, 2019 TO JUNE 30, 2019

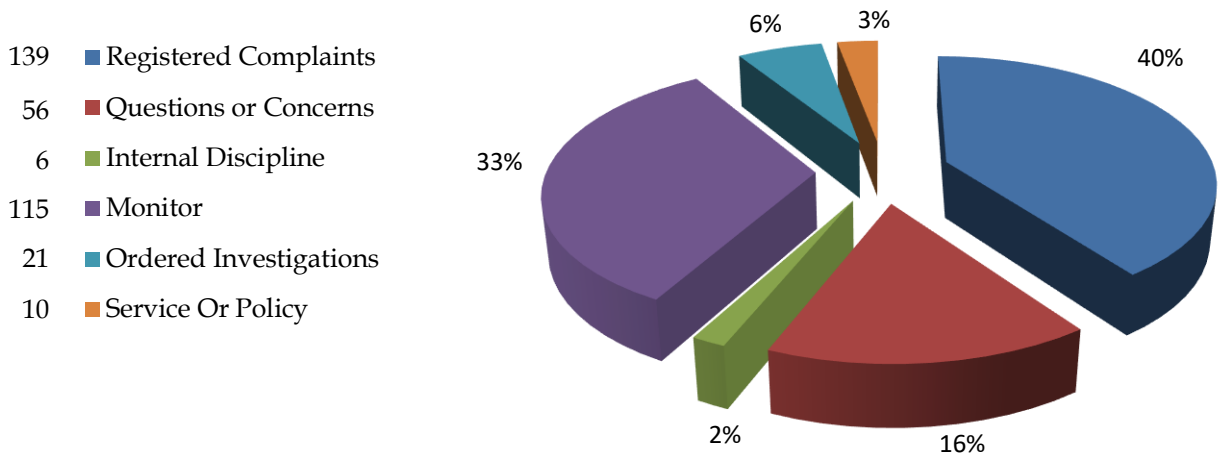
**Integrity**  
**Independence**  
**Excellence**

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.

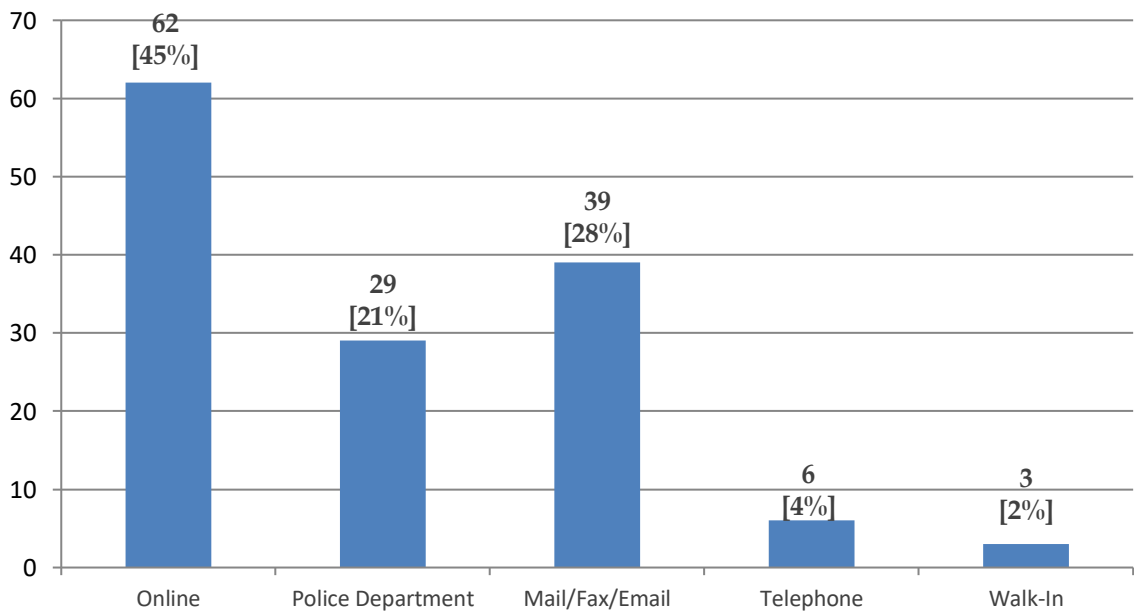
The files opened by the OPCC from April 1, 2019 to June 30, 2019, can be broken down into the following categories:

- Registered Complaints** Registered Complaints are public trust complaints about a police officer's conduct or actions that affect a member of the public personally or that he or she has witnessed (Part 11, Division 3 of the *Police Act*).
- Questions or Concerns** If a member of the public has a question or concern about a municipal police officer's conduct, but does not wish to file a registered complaint he/she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern, and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review (Part 11, Division 3 of the *Police Act*).
- Ordered Investigations & Mandatory Investigations** Investigations may be ordered by the Police Complaint Commissioner independent of whether a complaint has been received. The Commissioner may order an investigation, whether it is upon the request of a department or as a result of information received from any source that raises concerns about officer misconduct. The legislation also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death (Part 11, Division 3 of the *Police Act*).
- Monitor Files** Monitor Files are opened when information is received by the OPCC from the police, including Reportable Injuries, or other sources such as media reports that *may* require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "Reviewed & Closed."
- Internal Discipline** Internal Discipline files involve performance management issues or employer/employee concerns that do not affect members of the public (Part 11, Division 6 of the *Police Act*).
- Service or Policy** Service or Policy complaints are those regarding the quality of a police department's service to the community or regarding their operating policies (Part 11, Division 5 of the *Police Act*).

## Type of files opened between April 1, 2019 and June 30, 2019



## How Registered Complaints were received between April 1, 2019 and June 30, 2019



## Admissibility of Registered Complaints received between April 1, 2019 and June 30, 2019

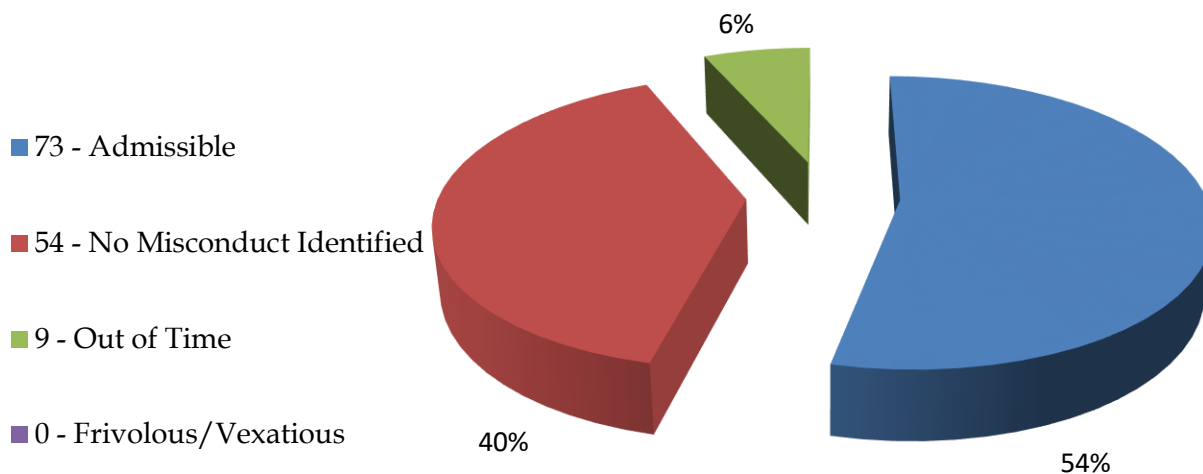
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

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<sup>1</sup>



<sup>1</sup> Three registered complaints were withdrawn prior to the completion of an admissibility assessment.

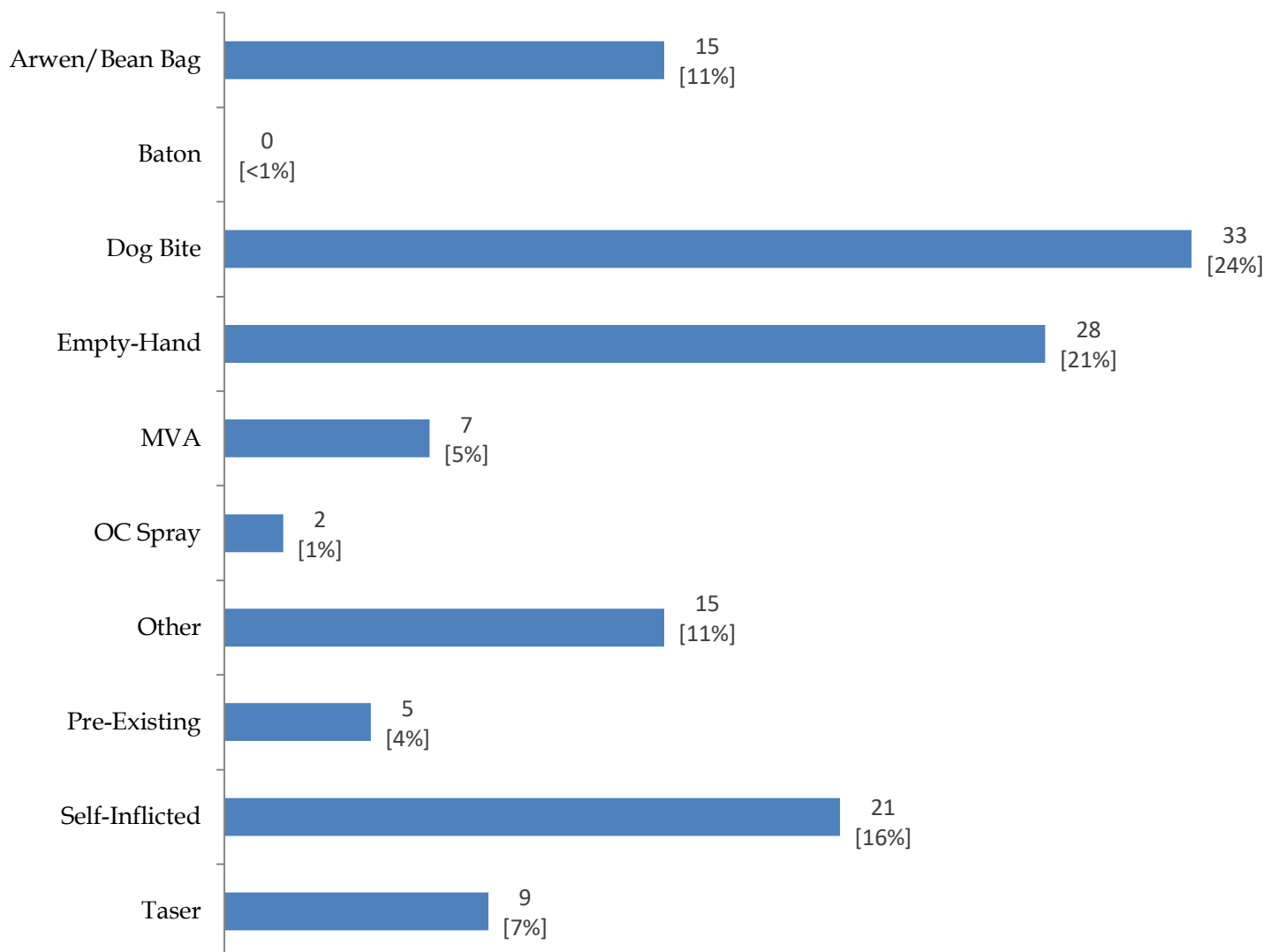
## Files Opened between April 1, 2019 and June 30, 2019

Department	TOTAL	Admissible Registered	Inadmissible Registered	Mandatory Investigation	Ordered Investigation (Dept. Request)	Ordered Investigation (PCC Initiated)	Monitor	Question or Concern	Internal Discipline	Service or Policy
Abbotsford	32	2	3	0	0	0	10	15	1	1
Central Saanich	4	2	0	0	1	0	1	0	0	0
CFSEU	1	0	0	0	0	0	0	0	1	0
Delta	11	2	3	0	0	0	4	2	0	0
Nelson	4	1	2	0	0	0	0	0	1	0
New Westminster	10	2	2	0	2	0	1	3	0	0
Oak Bay	3	0	2	0	0	0	1	0	0	0
Port Moody	15	1	1	0	0	1	5	7	0	0
Saanich	23	1	4	0	1	1	4	10	1	1
SCBCTAPS	13	1	3	0	0	0	6	3	0	0
Stl'atl'imx	0	0	0	0	0	0	0	0	0	0
Vancouver	187	52	36	3	6	7	72	4	2	5
Victoria	38	8	8	0	1	0	9	9	0	3
West Vancouver	8	0	2	0	1	0	2	3	0	0
<b>TOTAL:</b>	<b>349</b>	<b>72</b>	<b>66</b>	<b>3</b>	<b>12</b>	<b>9</b>	<b>115</b>	<b>56</b>	<b>6</b>	<b>10</b>

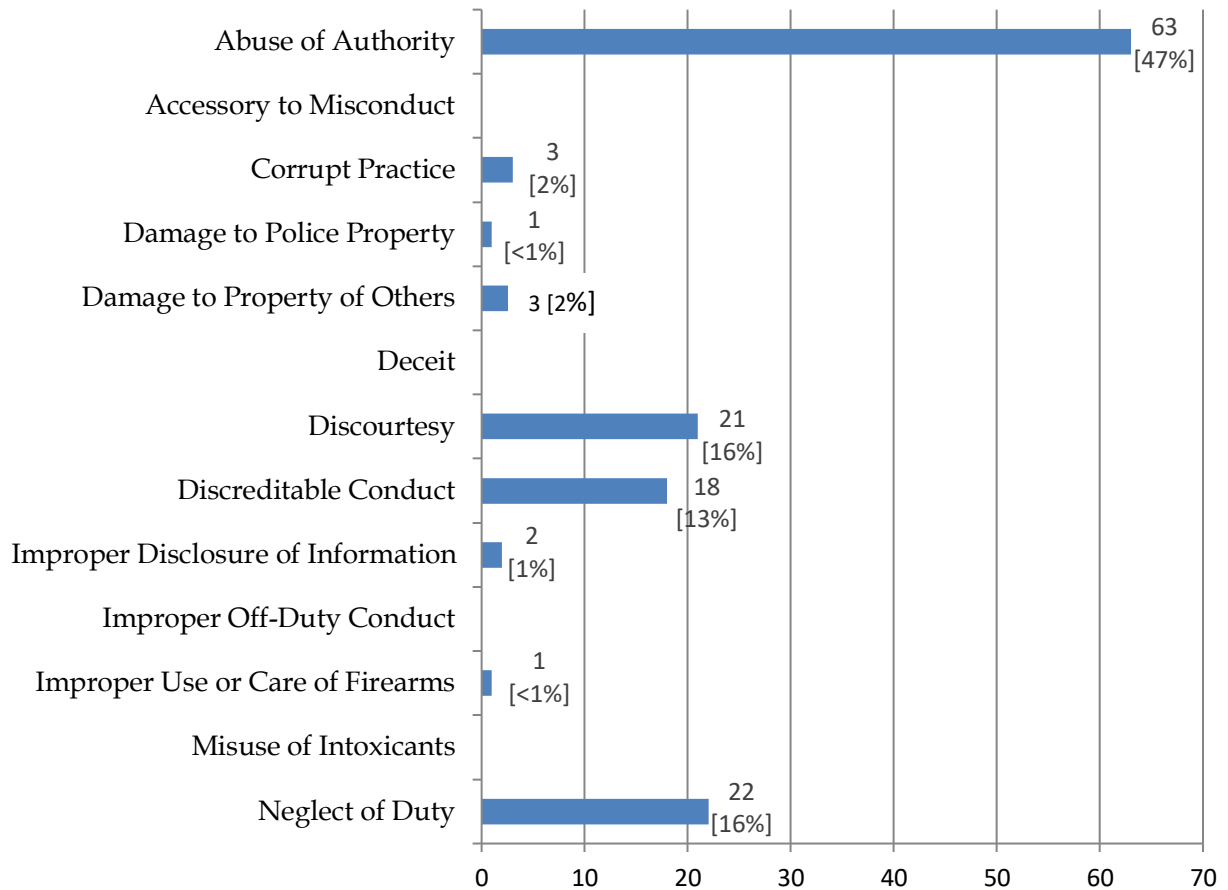
## Reportable Injury Notifications received between April 1, 2019 and June 30, 2019

The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a “reportable injury” that requires transportation to a hospital and medical treatment. These “reportable injuries” are opened as Monitor Files until it is determined whether an investigation will be conducted. Between April 1, 2019 and June 30, 2019, the OPCC received **92** notifications of reportable injuries involving **135** uses of force.

- 3 - Mandatory external investigation (serious harm)
- 5 - Ordered investigation – initiated by the PCC
- 1 - Ordered investigation – requested by department
- 0 - Registered complaints received



## Allegations Forwarded for Investigation between April 1, 2019 and June 30, 2019



Once a complaint file is deemed admissible or an investigation is ordered, allegations of misconduct are identified against individual members. The *Police Act* identifies and describes 13 disciplinary breaches of public trust. Between April 1, 2019 and June 30, 2019, the OPCC identified **134** public trust allegations which were forwarded to the police department for investigation. Please note that these are only allegations and do not reflect whether they were substantiated or not substantiated.

### Understanding Types of Misconduct

Some of the allegation types include sub-categories of more specific misconduct. Misconduct can also be found if a police officer has been convicted of an offence.

See below for a definition of each allegation of misconduct.

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

On-duty conduct where a police officer engages in oppressive conduct towards a member of the public, which includes,

- Unlawful detentions or arrests
- Unlawful searches of a person, vehicle or residence
- Using excessive force
- Using profane, abusive or insulting language

**Accessory to Misconduct, section 77(3)(b)**

A police officer is an accessory to any of the allegations of misconduct described.

**Corrupt Practice, section 77(3)(c):**

A police officer abuses the powers they have been entrusted for personal gain, which includes,

- Failing to return or misappropriating any or property received;
- Agreeing or allowing to be under a pecuniary or other obligation to a person that would be seen to affect the police officer's ability to properly perform the duties as a member;
- Using or attempting to use their position as a police officer for personal gain;
- Using or attempting to use any police equipment or facilities for purposes not related to their duties as a police officer

**Damage to Police Property, section 77(3)(d):**

Misusing, losing or damaging any police property or property that is in police custody. Also includes the failure to report any loss, destruction or damage to that property.

**Damage to Property of others, section 77(3)(e):**

Damaging property belonging to a member of the public or failing to report such damage, regardless of how it was caused.

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

Making a false or misleading oral or written statement, or entry in an official document or record. Also includes, destroying, mutilating, concealing all or part of an official record or altering, erasing or adding to an official record with the intent to deceive.

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

On duty conduct, where a police officer 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):**

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

**Improper Disclosure of Information, section 77(3)(i):**

Disclosing or attempting to disclose information that is acquired by the member in the performance of duties as a member.

**Improper off-duty conduct, section 77(3)(j):**

Off duty conduct where a police officer asserts to purports to assert themselves as a police officer and conducts oneself in a manner that would constitute a disciplinary breach of trust had the police officer been on duty.

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

Failure to use or care for a firearm in accordance with standards or requirements established by law. This includes negligent or unintentional discharges of a firearm or unsafe storage of a firearm.

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

Being unfit for duty owing to the effects of intoxicating liquor or any drug, or any combination of them. Also includes, accepting intoxicating liquor in a public place without proper authority.

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

Failure to properly account for money or property received, promptly or diligently do anything that is in one's duty as a member to do, or promptly and diligently obey a lawful order of a supervisor, without good and sufficient cause.

This includes,

- Failing to conduct an adequate investigation
- Inadequate notes or documentation
- Failing to provide Charter Rights
- Failing to provide police identification upon request
- Driving dangerously without lawful authority
- Failing to comply with department policies or regulations
- Failing to follow a supervisor's lawful order

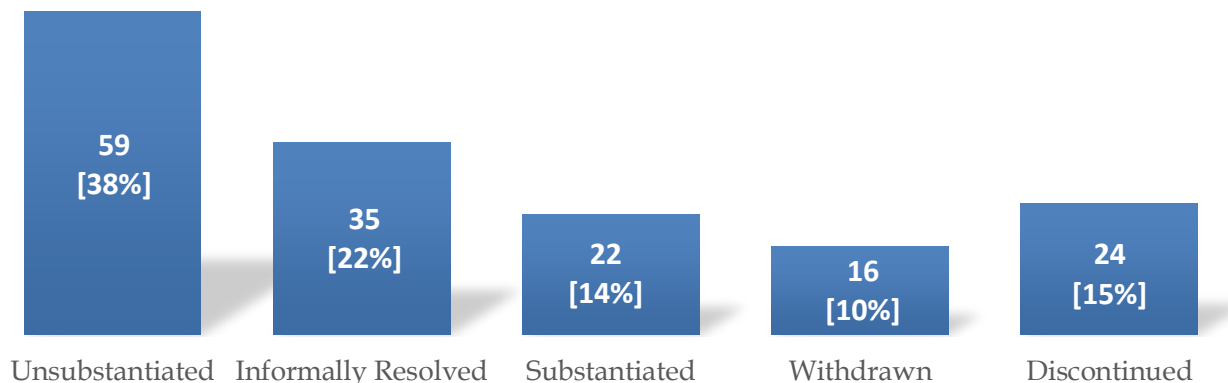
## Allegations Concluded between April 1, 2019 and June 30, 2019

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:

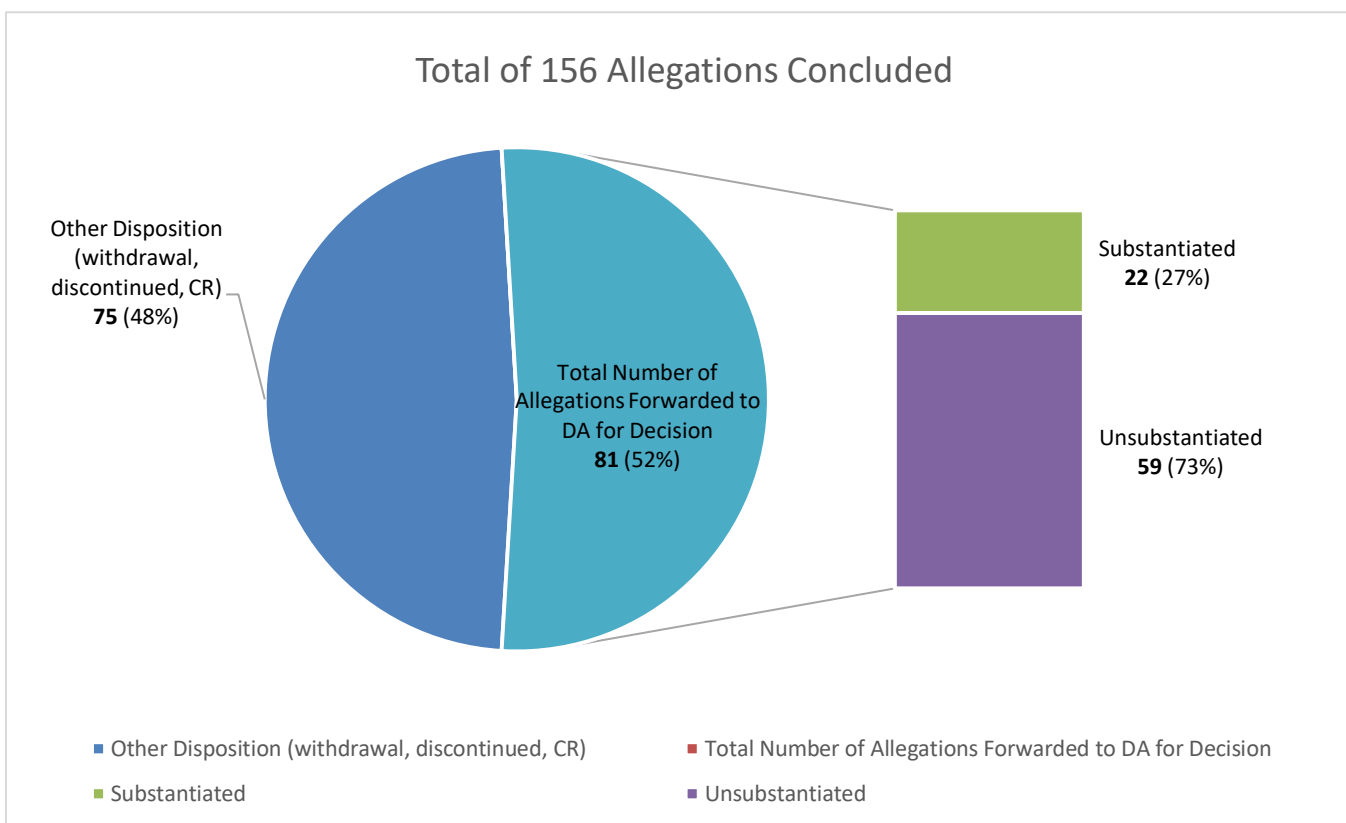
- Withdrawn**      *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
  
- Informally Resolved**      *A complaint may be informally resolved pursuant 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 April 1, 2019 and June 30, 2019, the OPCC concluded **156** public trust allegations in the following manner:



## Allegations forwarded to a Discipline Authority for Decision between April 1, 2019 and June 30, 2019

Not all allegations of misconduct will be fully investigated. Some complaints will be withdrawn, discontinued, or resolved through ADR. Of the **156** allegations that were concluded between April 1, 2019 and June 30, 2019, **81 (52%)** of those allegations were fully investigated and forwarded to a senior officer for a decision. Of those allegations that were forwarded, **22** allegations were determined to be misconduct.



## 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 April 1, 2019 and June 30, 2019, the OPCC reviewed and approved Complaint Resolution agreements relating to **35** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for Alternative Dispute Resolution.

2019/2020 Fiscal Year	1 <sup>st</sup> Quarter (April 1, 2019 and June 30, 2019)
Allegations Informally Resolved	35 (29%)
Total Allegations Concluded <sup>2</sup>	119

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

There were no Mediations held between April 1, 2019 and June 30, 2019.

Mediation

(Division 4)

<sup>2</sup> Allegations from Registered Complaints only

## Adjudicator Reviews between April 1, 2019 and June 30, 2019

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

### **Appointment of a New Discipline Authority [s.117]**

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

Between April 1, 2019 and June 30, 2019, the Commissioner appointed a retired judge to act as a new Discipline Authority in **THREE** matters.

### **Review on the Record [s.141]**

Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter.

Between April 1, 2019 and June 30, 2019, the Commissioner appointed a retired judge to conduct a Review on the Record in **ONE** matter.

### **Public Hearing [s.143]**

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

Between April 1, 2019 and June 30, 2019, the Commissioner did not arrange any Public Hearings.

Decisions from these three adjudicative avenues are available to the public through the OPCC website at [www.opcc.bc.ca](http://www.opcc.bc.ca). 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 April 1, 2019 and June 30, 2019**

## Abbotsford

Internal Discipline  
 (OPCC 2019-15908)

*Allegation:*

Between February 2018 and March 2019, a patrol sergeant engaged in harassing/bullying behaviour toward subordinate officers by yelling, screaming, making derogatory, berating and degrading remarks, including swearing, contrary to Abbotsford Police Departmental Policy.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (7 counts)                  (failure to comply with departmental policy/regulations)  <b>Date of Incident:</b> Commencing February 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Reduction in Rank from Sergeant to first class Constable for a minimum of one year and if deemed eligible, may reapply to enter the promotional process</li> <li>• Not to perform in the acting supervisor capacity for one year</li> <li>• Transferred out of the special enforcement unit to a patrol shift</li> <li>• To undertake respectful workplace training</li> <li>• Given advice to future conduct</li> </ul>
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*Disciplinary process:*

This matter was investigated under Division 6 of the *Police Act* as an Internal Investigation as a member of the public was not affected and there was no registered complaint received. At the conclusion of the internal investigation by the department, the Deputy Chief as the Discipline Authority determined that the Sergeant contravened the department’s Respectful Workplace Policy. According to the Deputy Chief, the Abbotsford Police Department (APD) takes respectful workplace complaints very seriously and that the APD is committed to providing a workplace that is respectful and professional. An aggravating factor in this case was the supervisory role of the police officer.

## 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

No substantiated misconduct in this reporting period

## New Westminster

No substantiated misconduct in this reporting period

## Oak Bay

### Ordered Investigation – Requested by Department

(OPCC 2018-15661)

#### *Allegation:*

In December 2018, while engaged in traffic enforcement, a patrol constable failed to follow the provisions of the British Columbia Emergency Vehicle Driving Regulations when he continued with a police pursuit when there was not sufficient justification to continue the pursuit.

<b>Misconduct:</b> <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) <b>Date of Incident:</b> December 5, 2018	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"><li>• Written Reprimand</li></ul>
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#### *Disciplinary process:*

At the conclusion of the investigation, the Discipline Authority (DA) substantiated the allegation of *Neglect of Duty* and offered the member a pre-hearing conference (PHC). At the PHC, it was noted that the officer immediately reported the incident to his supervisor and accepted full responsibility for his actions. The officer also completed a refresher course on the Emergency Vehicle Operator Guidelines and the Emergency Vehicle Driving Regulations. An agreement was reached where the proposed discipline was a **Written Reprimand**.

### Ordered Investigation – Requested by Department

(OPCC 2018-15160)

#### *Allegation 1:*

In May 2018, an off duty Special Municipal Constable (Reserve Constable) was found intoxicated in a public place, urinating with his pants down, and failed to identify himself upon initial request by a police officer.

<b>Misconduct:</b> <i>Discreditable Conduct</i> (conduct that discredits the department) <b>Date of Incident:</b> May 5, 2018	<b>Disciplinary/Corrective Measure:</b> <ul style="list-style-type: none"><li>• Written Reprimand</li></ul>
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#### *Allegation 2:*

In June 2018, an off duty Special Municipal Constable was found intoxicated in a public place to the point of being unable to care for himself.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i>                  (conduct that discredits the department)  <b>Date of Incident:</b> June 24, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>
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*Disciplinary process:*

Following the investigation the Discipline Authority determined the evidence appeared to substantiate the allegation of *Discreditable Conduct*. A prehearing conference was offered to the member and an agreement was reached with respect to the proposed discipline of a **Written Reprimand**. In arriving at this decision, the Chief determined that the behaviour did not meet the expectations of the public for a person involved in police and that the conduct would harm the reputation of the Oak Bay Police Department. The Special Municipal Constable has resigned from the Reserve Program.

## Port Moody

No substantiated misconduct in this reporting period

## Saanich

### Internal Discipline (OPCC 2019-15721)

*Allegation:*

In December 2018, a Special Municipal Constable (SMC) queried a police report regarding an incident he observed while off duty. The SMC stated he was curious of the nature of the police incident and subsequently queried the incident in the police occurrence database. The matter was reported to the Professional Standards Office and the OPCC.

<p><b>Misconduct:</b> <i>Unauthorized Use of Police Facilities/Resources</i>                  (Unauthorized search of CPIC / PRIME)  <b>Date of Incident:</b> December 11, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Advice to Future Conduct</li> </ul>
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*Disciplinary process:*

An Internal Discipline Investigation was conducted under Division 6 of the *Police Act* as no registered complaint was received and no member of the public was directly affected. The investigation confirmed that the SMC did not have any association to the call which he accessed. The investigation also revealed that the SMC had previously signed a "Terms of Service" document that the SMC would not use his position as a member to gain confidential information for personal benefit. The SMC accepted responsibility for his actions.

The Discipline Authority substantiated the allegation of *Unauthorized use of Police Facilities / Resources* and imposed "**Advice to Future Conduct**" as a corrective measure.



Ordered Investigation – Requested by Department  
 (OPCC 2018-15667)

*Allegation:*

A Saanich police officer currently seconded to the Combined Forces Special Enforcement Unit (CFSEU) neglected, without good or sufficient cause, to promptly and diligently secure and store his service firearms in his assigned firearm locker in November 2018. Two insecure firearms and ammunition were discovered in a drawer of an unlocked filing cabinet by a civilian employee during an office reorganization.

<p><b>Misconduct:</b> <i>Neglect of Duty</i>                  (Failure to comply with departmental policy/regulations)  <b>Date of Incident:</b> November 30, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Verbal Reprimand</li> </ul>
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*Disciplinary process:*

A *Police Act* investigation was conducted following which the Discipline Authority (DA) determined the evidence appeared to substantiate the allegation of *Neglect of Duty*. A prehearing conference was offered to the respondent member and was held on May 30, 2019. An agreement was reached with respect to the proposed discipline of “**Verbal Reprimand**”. The police officer also reviewed Saanich Police Department policy respecting firearms.

## SCBCTAPS

Ordered Investigation – Requested by Department  
 (OPCC 2018-15085)

*Allegation:*

On August 3, 2018, an off duty Transit Constable was the subject of a traffic stop wherein he registered a “fail” reading on the approved roadside screening device and received a 90 day Immediate Roadside Prohibition (IRP).

<p><b>Misconduct:</b> <i>Discreditable Conduct</i>                  (conduct that discredits the department)  <b>Date of Incident:</b> August 3, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• 3-day Suspension without pay</li> </ul>
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*Disciplinary process:*

Following the investigation, the Discipline Authority determined the evidence appeared to substantiate the allegation of *Discreditable Conduct*. A prehearing conference was offered to the member where the police officer expressed remorse. It was noted the public expects that police officers will respect the law they enforce and that a suspension would be warranted. It was also noted that the officer took responsibility early for the conduct. An agreement was reached with respect to the proposed discipline of a **Suspension without pay for 3 scheduled working days**.

Registered Complaint  
 (OPCC 2018-15084)

*Allegation:*

A female citizen reported that in July 2018, a male suspect physically groped her on Davie Street in Vancouver. Her boyfriend followed the male and called 911. The female victim saw a marked Transit Police vehicle stopped at a red light. She approached and knocked on the window and told the officer sitting in the passenger seat what had happened and pointed to her boyfriend who could be seen to be following the suspect. The Transit officer dismissed her requests for assistance. It was alleged that the police failed to assist the complainant in making a report of a crime that occurred against her.

<p><b>Misconduct:</b> <i>Neglect of Duty</i>                  (failure to provide assistance)  <b>Date of Incident:</b> July 21, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <p><b>Member A</b></p> <ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul> <p><b>Member B</b></p> <ul style="list-style-type: none"> <li>• Verbal Reprimand</li> </ul>
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*Disciplinary process:*

The OPCC reviewed the complaint and directed the police department to conduct an investigation. Following the investigation, the Discipline Authority (DA) determined the evidence appeared to substantiate the allegation of *Neglect of Duty* by the two officers. The DA reviewed the available evidence and noted that one of the officers (Officer “A”) did not prepare a police report, make any radio broadcasts, notify his police supervisor, nor notify the Vancouver Police Department concerning the interaction involving the victim. The DA noted that the both officer’s handwritten notes of the incident were ‘sparse’.

The DA substantiated both allegations of *Neglect of Duty*. A Pre-hearing conference (PHC) was offered to both officers and held in March 2019, during which, an agreement was reached with respect to the proposed discipline of:

- Constable “A” *Neglect of Duty* – Written Reprimand
- Constable “B” *Neglect of Duty* – Verbal Reprimand

In coming to his decision on the appropriate disciplinary and corrective measures, the DA noted that Constable “B” did not directly interact with the victim, hence the reason why the disciplinary measure imposed on Constable “B” was a verbal reprimand instead of a written reprimand. In addition, both officers have provided letters of apology to the complainant and have taken customer service training to better their communication skills.

**Registered Complaint**  
 (OPCC 2018-14810)

*Allegation:*

In May 2018, the complainant reported that a Transit Constable used derogatory terms, told him to shut up, made hand gestures and invaded his personal space while speaking to the complainant.

<p><b>Misconduct:</b> <i>Discourtesy</i>                  (discourteous conduct)  <b>Date of Incident:</b> May 22, 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>
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*Disciplinary process:*

A *Police Act* investigation was conducted, including a review of a video recording of this interaction. The DA found that the collective behaviours admitted by the transit constable, and what was seen on CCTV video, constituted misconduct and substantiated the allegation.

A Pre-hearing conference (PHC) was offered to the officer. Although the officer had retired, he agreed to participate in the process. He admitted to the allegation and agreed to the proposed corrective measure of a **Written Reprimand**.

**Ordered Investigation – Requested by Department**  
 (OPCC 2018-14297)

*Allegation:*

In November 2017, Transit police officers failed to broadcast information on the police radio upon engaging in a pursuit. The officer also failed to operate their police vehicle in a safe and professional manner. These actions were in violation of departmental policy.

<p><b>Misconduct:</b> <i>Neglect of Duty</i> (2 counts)                  (Failure to comply with departmental policy/regulations)  <b>Date of Incident:</b> November 27, 2017</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <p><b>Member A</b></p> <ul style="list-style-type: none"> <li>• Advice to future conduct</li> <li>• Written reprimand</li> </ul>
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<p><b>Misconduct:</b> <i>Neglect of Duty</i>                  (Failure to comply with departmental policy/regulations)  <b>Date of Incident:</b> November 27, 2017</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <p><b>Member B</b></p> <ul style="list-style-type: none"> <li>• Advice to future conduct</li> </ul>
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*Disciplinary process:*

Upon review of the investigation, the Discipline Authority (DA) determined the evidence appeared to substantiate the allegations of Neglect of Duty. A Pre-hearing conference (PHC) was offered to both members.

Prior to commencement of the investigation, both officers undertook training as a result of the administrative pursuit review. In addition, Constable “A”, who was responsible for operating the police vehicle, received emergency vehicle operation coaching. Departmental policy was also modified to address any misinterpretation in terms of “closing the distance” and the requirements laid out in this policy.

With respect to Constable “A”, a prehearing conference was held during which Constable “A” admitted to the allegations and an agreement was reached with respect to the proposed discipline.

With respect to Constable “B”, a prehearing conference was held during which, Constable “B” admitted to the allegation and an agreement was reached with respect to the proposed discipline.

## Stl’atl’imx

No substantiated misconduct in this reporting period

## Vancouver

### Ordered Investigation – Requested by Department (OPCC 2018-15571)

#### *Allegation:*

It was reported that a Special Municipal Constable (SMC) used their personal cell phone to take an inappropriate photograph of a male prisoner in his cell and then showed it to another guard. The SMC then showed it to the Jail Nurse, who advised her that it was inappropriate and to delete it.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i>                  (conduct that discredits the department)  <b>Date of Incident:</b> November 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>
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#### *Disciplinary process:*

At the conclusion of the investigation, the Discipline Authority (DA) substantiated the allegation of *Discreditable Conduct* and a prehearing conference was offered to the SMC and held in June 2019. The member admitted to the allegation and agreement was reached with respect to the correct measure of a **Written Reprimand**.

### Ordered Investigation – Initiated by PCC & Requested by Police Department (OPCC 2018-15342 and 2018-14524)

#### *Allegation:*

During an off-duty gathering, a new police officer pushed a female classmate against a wall and grabbed her buttocks while trying to engage her in a kiss. At another off-duty gathering, the police officer rubbed his hand between the legs of a classmate over her clothing while she was asleep. The police officer also inappropriately touched two other classmates at a gathering.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i> (4 counts)                  (conduct that discredits the department)  <b>Date of Incident:</b> Commencing January 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Dismissal</li> </ul>
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*Disciplinary process:*

The Police Complaint Commissioner determined it was in the public trust that this investigation be completed by an external agency. In addition, a Chief from an outside police department was appointed as the Discipline Authority. Upon review of the investigation, the Chief determined the member committed serious misconduct and substantiated four counts of *Discreditable Conduct*. The officer resigned from the Vancouver Police Department prior to the discipline hearing and did not attend the proceedings. The officer's employment records will reflect that he was dismissed from the Vancouver Police Department.

The Police Complaint Commissioner has decided not to call a Public Hearing. He agrees with the findings and has determined that the nature and seriousness of this matter have been addressed through a thorough, professional investigation and appropriate sanction.

Registered Complaint  
 (OPCC 2018-15308)

*Allegation:*

A complainant reported that in June 2018, he was videotaping hospital security officers as they were restraining a male person on the sidewalk. When police attended, the police officer engaged in a verbal exchange with the complainant asking him how is child pornography charges were going in front of other members and citizens.

<p><b>Misconduct:</b> <i>Discreditable Conduct</i>                  (conduct that discredits the department)  <b>Date of Incident:</b> June 2018</p>	<p><b>Disciplinary/Corrective Measure:</b></p> <ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>
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*Disciplinary process:*

Following the *Police Act* investigation, the Discipline Authority (DA) assessed the evidence including the video recording of the incident and substantiated the allegation of *Discreditable Conduct*. A Pre-hearing conference was held during which the member took full responsibility and admitted to making the comment. The corrective measure imposed was a **Written Reprimand**.

Registered Complaint  
 (OPCC 2018-15195)

*Allegation:*

Following police use of force on the complainant, the officers involved did not properly document their use of force as required.

<b>Misconduct:</b> <i>Neglect of Duty</i> (Inadequate documentation/notes/records) <b>Date of Incident:</b> August 2018	<b>Disciplinary/Corrective Measure:</b> <b>Member A</b> <ul style="list-style-type: none"><li>• Verbal Reprimand</li></ul> <b>Member B</b> <ul style="list-style-type: none"><li>• Verbal Reprimand</li></ul>
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*Disciplinary process:*

Upon review of this investigation, the Discipline Authority found the officers committed misconduct and offered a pre-hearing conference. Members agreed to the corrective measure of a **Verbal Reprimand** for not properly documenting their use of force. The officers understand that a Subject Behaviour Officer Response Report is required anytime hard physical tactics are used and/or when soft tactics are used that result in injury to the subject.

## Victoria

No substantiated misconduct in this reporting period

## West Vancouver

No substantiated misconduct in this reporting period