

Substantiated Allegations - Concluded between April 1, 2018 and March 31, 2019

Abbotsford

Ordered Investigation - Initiated by PCC (OPCC 2016-12822)

Allegation:

Police officers from several policing agencies exchanged inappropriate messages using police Mobile Data Terminals (MDTs). A review of the messages determined that some of the exchanges involved a member of the Abbotsford Police Department.

Misconduct: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Between November 2, 2015 and January 23, 2016	Disciplinary/Corrective Measure: <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 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. The OPCC approved the agreement reached at the prehearing conference.

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.

Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: Commencing December of 2011	Disciplinary/Corrective Measure: <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;
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	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.

Central Saanich

Ordered Investigation – Requested by Department (OPCC 2018-14783)

Allegation:

On May 16, 2018, a police officer failed to conduct a sufficiently thorough search of a person who was apprehended by police prior to transport and their admission to a secure psychiatric facility. Two hours after being admitted to hospital, the apprehended person pulled out a knife and started playing with it. The apprehended person relinquished the knife to hospital staff upon request.

Misconduct: <i>Neglect of Duty</i> (inadequate search) Date of Incident: May 16, 2018	Disciplinary/Corrective Measure: <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 police officer accepted full responsibility for his actions and wished to apologize to all those involved.

The Prehearing Conference Authority recommended that the police department ensure a portable handheld metal detector was available for officers in the field to assist them in clothing searches.

It was also recommended that police department representatives meet with hospital staff to discuss enhancing mutual safety protocols. This would include the potential use of the hospital's fully-trained Protective Services Officers to search patients in a clinical setting before allowing them access to their secured wards.

CFSEU

No substantiated misconduct in this reporting period.

Delta

Ordered Investigation – Initiated by PCC (OPCC File 2018-15138)

Allegation:

On August 10, 2018, a police officer disclosed to his supervisor that he used a police database (PRIME) to conduct a query of an extended family member. In addition, the police officer admitted to additional PRIME queries of the extended family members that the officer conducted in the past.

<p>Misconduct: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC / PRIME) Date of Incident: November 2011 – August 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. Several years ago, the police officer informed the police department that an extended family member had gang associations. The police officer acknowledged that he should have gone through the proper channels if he had further concerns for the security of his family. The police officer reported that he conducted the queries to ensure the security of himself and his family. There was no evidence that the police officer conducted CPIC (Canadian Police Information Center) queries, shared the information, or that the queries negatively impacted any criminal investigation(s).

The police officer participated in a review of departmental policy and relevant manuals in relation to accessing PRIME and CPIC information under the direct supervision of the Inspector in Charge of the Administrative Bureau, prior to the Discipline Authority reaching a decision in this matter.

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

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. 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.

Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: July 5, 2018	Disciplinary/Corrective Measure: <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 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)**

Allegation:

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 which did not occur. When the police officer encountered motorists breaching the rules about cell-phone use, he issued violation tickets for lesser offences. His approach resulted in tickets and fines, but not for the correct offences.

<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. • 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.
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	<ul style="list-style-type: none"> 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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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 all 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 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.

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

Internal Discipline (OPCC File 2017-14130)

Allegation:

On November 11, 2017, a police officer attended the Public Service Building's Exhibits and Less Lethal Shot Gun (LLSG) storage room. The police officer obtained an LLSG from a secure locker and proceeded to load the magazine with 4 bean bag rounds. The police officer had several other items with him at the time and became distracted while attempting to adjust the articles in his hands. The trigger of the LLSG was pressed which caused the shotgun to discharge one round at the floor in the LLSG storage room. There was no damage to any property or person.

Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Written reprimand
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policy/regulations) Date of Incident: November 11, 2017	
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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 police officer acknowledged that he made several handling mistakes during this incident which were not consistent with his training. The LLSG was being phased out of deployment within the department and being replaced in fall of 2018 by a new less lethal intermediate weapon. As such, the police officer would not be utilizing the LLSG prior to its decommission and therefore no additional training or review for the LLSG would be applicable.

Ordered Investigation – Initiated by PCC
(OPCC File 2018-14695)

Allegation:

On April 29, 2018, a police officer was in the underground parking lot of the municipal public safety building, preparing to go on patrol. The police officer leaned in through the passenger side door of his police vehicle to secure a C8 carbine rifle in the rifle rack. The officer had difficulty placing the rifle into the rack which caused the police officer additional attempts to place it in the correct position. The police officer then began engaging the locking lever which caused the rifle to discharge two rounds through the roof of the police vehicle and into the concrete ceiling of the underground parking lot.

No one was injured as a result of this incident; however, the discharge of the rifle caused damage to the roof of the police vehicle and to the ceiling of the underground parking lot.

Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: April 29, 2018	Disciplinary/Corrective Measure: <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 OPCC reviewed the prehearing conference report and, considering all the relevant factors in this case, the OPCC determined the discipline was within the acceptable range for appropriate discipline based on the circumstances.

In this case, the police officer accepted full responsibility for the discharge of the rifle. The police officer successfully completed remedial training on the handling procedures of the C8 carbine rifle prior to the prehearing conference.

Registered Complaint
(OPCC File 2017-13587)

Allegation:

On May 23, 2017, a police officer arrested the complainant without good and sufficient cause following a traffic stop by members of the Lower Mainland Integrated Road Safety Unit (IRSU).

<p>Misconduct 1: <i>Abuse of Authority</i> (unlawful arrest) Date of Incident: May 23, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand • Training in relation to legal updates on arrests of individuals and articulating the grounds for arrest
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On May 23, 2017, a police officer used unnecessary force on the complainant while effecting the arrest by forcefully pushing/shoving the complainant into the car door.

<p>Misconduct 2: <i>Abuse of Authority</i> (unlawful arrest) Date of Incident: May 23, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand • Training in relation to Use of Force policies
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This matter was related to a traffic stop initiated by municipal police officers seconded to IRSU. As it involved more than one municipal police department the Police Complaint Commissioner determined that it was in the public interest that an external Discipline Authority be appointed to minimize any perception or apprehension of bias in the decision making.

At the conclusion of the investigation, the external Discipline Authority determined there was insufficient evidence to support a finding that the members committed misconduct.

Adjudicative Review:

The Police Complaint Commissioner reviewed the Discipline Authority’s decision and concluded there was a reasonable basis to believe that the decision was incorrect in relation to each of the allegations of misconduct.

Therefore, pursuant to section 117(4) of the *Police Act* and based on a recommendation from the Associate Chief Justice of the Supreme Court of British Columbia, the Police Complaint Commissioner appointed the Honourable David Pendleton, retired Provincial Court Judge, to review this matter and arrive at his own decision based on the evidence.

On April 26, 2018, Adjudicator Pendleton issued his decision where he determined that based on the materials and evidence contained in the Final Investigation Report, the evidence appeared sufficient to substantiate the allegations that a police officer recklessly made an arrest without good and sufficient cause and recklessly used unnecessary force.

Considering the factors in section 120 of the *Police Act*, Adjudicator Pendleton was willing to offer the police officer a prehearing conference. The range of disciplinary or corrective measures set out in the Act, which Adjudicator Pendleton would consider appropriate included:

- Training/Retraining
- Written reprimand
- Verbal reprimand
- Advice to Future Conduct

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. When taking into consideration the requirements of the *Police Act*, the comments of retired Provincial Court Judge Pendleton, and all of the mitigating and aggravating factors the Prehearing Conference Authority advised that the above noted disciplinary and corrective measures had been agreed to.

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

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

**Ordered Investigation - Initiated by PCC
(OPCC File 2016-11941)**

Police officers from several policing agencies exchanged inappropriate messages using police Mobile Data Terminals (MDTs). A review of the messages determined that some of the exchanges involved members of the Delta Police Department.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Between November 2, 2015, and January 23, 2016.</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Written reprimand <p>Member 2</p> <ul style="list-style-type: none"> • Verbal Reprimand <p>Member 3</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 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. All three officers took responsibility for their actions. The OPCC approved the agreement reached at the prehearing conference.

Registered Complaint
(OPCC File 2016-11891)

Allegation:

The complainants reported that on February 27, 2016, while off duty, a police officer discussed details about a confidential Delta Police Department human resources matter with them. These details were obtained in the course of their duties as a police officer.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: February 27, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Undertake special training or retraining, related to the obligations of police officers to not disclose, except where authorized, confidential information acquired in the course of their duties.
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Disciplinary process:

This matter proceeded to a discipline proceeding where the Discipline Authority substantiated the allegation of *Discreditable Conduct* and imposed the above-noted disciplinary/corrective measures. The Discipline Authority determined that although the dissemination of confidential information was sufficient to identify the person to others, the officer provided only minimal information and further dissemination of this information was not a result of the member’s conduct. The Police Complaint Commissioner was of the view that the discipline imposed was at the lowest end of the range of acceptable discipline but determined that it should be accepted as it would not bring the administration of police discipline into disrepute.

Ordered Investigation – Requested by Department
(OPCC File 2016-11796)

The Delta Police Department was informed by an outside policing agency that they were conducting a criminal investigation into one of their members. As a result of this information, the Chief Constable immediately assigned the member to administrative leave with pay and subsequently requested the Police Complaint Commissioner order an investigation into the matter.

Allegations:

On November 7, 2015, a police officer conducted a stop of a vehicle whose passenger was noted to be a sex trade worker; this vehicle stop was not in keeping with accepted policing practices. The two occupants of the vehicle were not provided with the reason for the stop or of their subsequent right to counsel. It was further determined that the vehicle was searched without a legal basis.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: November 7, 2015</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • written reprimand • undertake specified training or retraining, (Search and Seizure course) • direction to work under close supervision, (for a period of one year) and • 1 day suspension
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On November 7, 2015, the police officer failed to accurately document the stop of the vehicle. Specifically, the police officer failed to document the reason for the stop, the names of both parties, the action taken (query of the vehicle occupants' names), the destruction of drug paraphernalia and that alcohol was poured out.

<p>Misconduct 2: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: November 7, 2015</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • written reprimand • direction to work under close supervision, (for a period of one year)
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On December 7, 2015, the police officer had an interaction with a sex trade worker that was not keeping with accepted police practices, specifically, failing to properly document the interaction, advising the sex trade worker she could be under arrest, searching her purse and discarding drug paraphernalia, and using the ploy of stolen property in an attempt to identify her.

<p>Misconduct 3: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: December 7, 2015</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • written reprimand • undertake specified training or retraining, (Search and Seizure course) • direction to work under close supervision, (for a period of one year) and • 1 day suspension
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Disciplinary process:

This office noted that the *Police Act* investigation arose from a criminal investigation conducted by an outside policing agency and involved very serious and concerning allegations against the police officer. The affected persons identified during the course of the criminal investigation were from some of the most vulnerable populations in society. Regional Crown Counsel reviewed the criminal investigation and the recommended charges; a decision was made to not proceed with criminal charges against the police officer.

This matter proceeded to a prehearing conference to determine whether the member was prepared to admit responsibility and if so, what disciplinary or corrective measures the member was prepared to accept. It was determined that due to the member's experience, they ought to have known that their conduct would bring discredit on the reputation of the police department and that the member demonstrated poor judgement and a weak sense of professional responsibility.

Upon reviewing the prehearing conference report, the OPCC noted that the intent of the Act is to consider an approach that seeks to correct and educate the member concerned as long as that approach does not bring the administration of police discipline into disrepute. The disciplinary measures imposed at the prehearing conference appear to be both correct and appropriate with respect to the totality of circumstances.

Therefore, the agreement reached at the prehearing conference was approved and the resolution is final and conclusive.

Nelson

Ordered Investigation – Initiated by PCC (OPCC File 2018-15003)

Allegations:

In April 2017, a police officer used a derogatory term in front of work colleagues in the workplace when he referred to a female police officer.

Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: April, 2017	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Written reprimand• Training or retraining in respectful workplace or workplace harassment
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Allegation:

The police officer displayed inappropriate behaviour on multiple occasions when he slapped the genital area of fellow male officers while in the workplace.

Misconduct 2: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: Multiple	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Verbal reprimand• Training or 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 police officer acknowledged that the behaviour and comment were clearly a mistake on his part and that he put people in uncomfortable positions within the workplace. He acknowledged more is expected from a front line supervisor.

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

Registered Complaint (OPCC File 2018-14542)

Allegation:

On March 14, 2018, a police officer initiated a traffic stop of the complainant. During the traffic stop the police officer reached through the complainant's car window and pulled a cigarette from the complainant's mouth.

<p>Misconduct: <i>Abuse of Authority</i> (oppressive conduct) Date of Incident: March 14, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none">• Training or retraining - the police officer was to participate in the program “Investigative Communication” that is intended to teach appropriate interpersonal skills when dealing with members of the public.
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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 had already sought out advice from senior police officers. The police officer confirmed that, in a similar situation, he would approach the investigation and the driver differently. The Prehearing Conference Authority believed that participating in the agreed-upon program would provide the police officer with further skills on how to more positively engage members of the public. The officer confirmed that he would not take the course simply to appease this process, rather he would take it with the goal of self-improvement as he understood his actions were wrong.

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

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.

Ordered Investigation – Requested by Department (OPCC File 2017-13291)

Allegation:

On March 21, 2017, while off duty, a special municipal constable was issued with a 90 day Immediate Roadside Prohibition (IRP) and their vehicle was impounded for 30 days.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: March 21, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension • Counselling consisting of alcohol impairment driving behaviours - not less than 5 hours in duration, to be completed within 6 months.
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Disciplinary process:

A prehearing conference was held where the special municipal constable admitted the misconduct of *Discreditable Conduct* and agreed to the imposition of a written reprimand as a corrective measure.

The Police Complaint Commissioner rejected the Prehearing Conference Agreement on the basis that the imposed disciplinary measure did not address the seriousness of the misconduct.

Pursuant to section 135(1) of the *Police Act*, the Police Complaint Commissioner designated an external discipline authority to exercise the powers and perform the duties of a Discipline Authority in relation to this matter. Following the discipline proceeding, and after considering the available evidence and submissions, the new Discipline Authority proposed the disciplinary measure of a one day suspension without pay.

Adjudicative review:

After reviewing all of the relevant material, the Police Complaint Commissioner agreed with the Discipline Authority's determination that the alleged misconduct had been proven. However, the Police Complaint Commissioner determined that there was an arguable basis that the proposed discipline was still inappropriate in the circumstances. In particular, the Commissioner was of the view the Discipline Authority erred in her determination that the conduct in question was mitigated based on an artificial distinction relating to the nature of special municipal constables' duties versus other municipal constables, including that she does not wear a uniform.

Therefore, pursuant to sections 137(2) and 141 of the *Police Act*, the Police Complaint Commissioner arranged a **Review on the Record** to review the proposed disciplinary and corrective measures issued by the Discipline Authority in this matter. The Police Complaint Commissioner appointed the Honourable Brian Neal, Q.C., retired British Columbia Provincial Court Judge to preside as an Adjudicator in these proceedings.

On August 9, 2018, Adjudicator Neal issued his decision where he determined the following:

- (a) It is incorrect to analyze the Member's misconduct from the perspective that there is any diminished responsibility as a result of either the relevant legislation, or the specific role performed by the Member as a Special Municipal Constable;
- (b) The Member's specific duties and assignments do not establish a lesser standard of conduct relative to other municipal constables; and
- (c) There is no principled reason why the Member's role as a Special Municipal Constable should be considered as a mitigating factor in considering just and appropriate disciplinary sanctions.

The Adjudicator imposed a two day suspension and counselling to consist of alcohol impairment driving behaviours - not less than five hours in duration, to be completed within six months.

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 2015-10452)**

As a result of an Internal Discipline Investigation/Criminal Investigation (See OPCC 2015-10319 in 2015/2016 OPCC Annual Report for further information), a further public trust investigation was initiated to investigate allegations of misconduct.

Allegations:

In February of 2015, an undercover police officer, posing as a regular citizen, approached the police officer, while he was on duty, and turned over a backpack that the undercover police officer claimed to have found. The backpack contained a number of items including gift cards and cash. The police officer removed various articles from the backpack, including the gift cards and cash, before throwing the backpack away.

<p>Misconduct 1: <i>Corrupt Practice</i> (misappropriation of property or money received in course of duty) Date of Incident: February 12 to 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Dismissal
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The police officer failed to promptly log the backpack and its contents into the police records system.

<p>Misconduct 2: <i>Neglect of Duty</i> (failure to account for money/property received) Date of Incident: February 12 to 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Dismissal
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The police officer submitted a PRIME report in relation to the backpack turned over to him by an undercover officer that he knew was false or misleading.

<p>Misconduct 3: <i>Deceit</i> (false or misleading entry in official document or record) Date of Incident: February 12 to 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Dismissal
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It was found that between January 2, 2015, and February 13, 2015, the police officer neglected to enter a wallet belonging to a member of the public into Property Services. On February 13, 2015, a supervisor located the wallet in the police officer’s duty bag and the supervisor turned the wallet over to Property Services at that time.

<p>Misconduct 4: <i>Neglect of Duty</i> (failure to account for money/property received) Date of Incident: January 2 to February 13, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 30 day suspension
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That on or about February 13 to February 18, 2015, the police officer conducted CPIC and PRIME queries of two surveillance vehicles he suspected of following him.

<p>Misconduct 5: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search) Date of Incident: between February 13 and February 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none">• Dismissal
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Disciplinary process:

This matter proceeded to a discipline proceeding where the Discipline Authority substantiated the five allegations and imposed the above-noted disciplinary/corrective measures. The respondent officer was informed that if he were aggrieved by either the findings or determinations he could file a written request with the Police Complaint Commissioner to arrange a **Public Hearing** or **Review on the Record**.

Although no request was received, to promote accountability in the complaint process, all findings and determinations at Discipline Proceedings are reviewed by the OPCC. The OPCC was satisfied that the investigation into the matter was thorough and professional and that it was not in the public interest to arrange a **Public Hearing** or **Review on the Record**. The OPCC also determined that the disciplinary measures was appropriate given the circumstances and the seriousness of the conduct.

Oak Bay

No substantiated misconduct in this reporting period.

Port Moody

No substantiated misconduct in this reporting period.

SCBCTAPS (Transit Police)

Internal Discipline (OPCC File 2017-14001)

Allegation:

On September 28, 2017, a police officer interrupted a squad briefing to voice his displeasure regarding the division of food and refreshments provided by the Police Board. The police officer called a fellow officer derogatory names in front of a Deputy, an Inspector and the entire squad.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: September 28, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Written apology
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OPCC Review:

On February 1, 2018, the police officer and his union representative met with the Internal Discipline Authority. The police officer took responsibility for his actions. He had taken offence to how he believed another police officer had dealt with the situation, regarding the equal distribution of food, and how that police officer spoke to him in front of others, but admitted the manner in which he retaliated was unacceptable, disrespectful and did nothing to solve the issue at hand. The police officer came to the meeting with a prepared letter of apology.

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. The OPCC determined there were no public trust concerns that required further investigation.

Ordered Investigation – Requested by Department (OPCC File 2017-13868)

Allegation:

On August 25, 2017, a police officer borrowed a Glock pistol from an SCBCTAPS storage box to use for practice at the gun range. Once the police officer was finished at the gun range he attended the gun cleaning station located at SCBCTAPS' headquarters. The police officer cleaned the pistol, but failed to secure the weapon in a storage box. On August 27, 2017, another police officer found the pistol at the gun cleaning station and reported the matter.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: August 25, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand • Training as follows: <p><i>The police officer was to meet with a Firearms Training Officer and satisfy him or her that he understands his obligations under Transit Police policy and applicable statute regarding firearms handling and safety.</i></p> <p><i>That within 30 business days of this decision taking effect, the police officer consult with appropriate staff and then provide a</i></p>
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	<i>report with recommendations to improve current Transit Police policy OH010.</i>
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Disciplinary process:

This matter proceeded to a prehearing conference. 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. It was determined the member was aware of the relevant policy and accepted full responsibility for their actions. The member advised that they had simply forgot to secure the firearm as required.

The OPCC approved the agreement reached at the prehearing conference.

Saanich

Internal Discipline (OPCC File 2018-15439)

Allegation:

On October 10, 2018, a police officer breached department policy for improper storage of firearms.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: October 10, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand
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OPCC Review:

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. Several police officers were involved in a firearms training day. After training had concluded, one member accepted responsibility for the pistols and had a duty to maintain care, control, and continuity of the pistols by transporting them from the range to the exhibit control room at the Saanich Police Department at the conclusion of the firearms training session. The investigation showed that the service pistols were not delivered to the exhibit control room of the department at that time, but were secured in a police vehicle which was parked in a secure underground lot at the police department. There was no ammunition stored, at any time, with the service pistols; the pistols were not accessible to the public at any time; the pistols were recovered and secured the next day.

The OPCC determined there were no public trust concerns that required further investigation.

Ordered Investigation – Requested by Department (OPCC File 2018-14764)

Allegations:

On October 13, 2016, a police officer neglected to maintain visual continuity of a driver during the observation period of an impaired driving investigation.

<p>Misconduct 1: <i>Neglect of Duty</i> (inadequate investigation) Date of Incident: October 13, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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The police officer’s failure to properly prepare for court, including a review of the CCTV video of the observation room area/corridor on October 13, 2016, contributed to his lapse of memory which consequently had a negative impact on the accuracy of his court testimony. As a result, a Provincial Court Judge found that his evidence was not reliable and acquitted the accused.

<p>Misconduct 2: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: February 13, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Training or retraining - court testimony skills
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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 considered that approximately two years had passed from the time the police officer investigated the matter to when he testified in court. This time frame would likely diminish one’s memory of an event without proper preparation and review of necessary materials/ documents. The police officer took full responsibility and demonstrated a desire to improve his court preparation practice.

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

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.

Internal Discipline
(OPCC File 2017-14119)

Allegations:

On November 15, 2017, a Special Municipal Constable (SMC) changed their name in the department’s master name index contrary to policy.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulation) Date of Incident: November 15, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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On November 15, 2017, the SMC changed her date of birth in the department’s master name index to an incorrect date.

<p>Misconduct: <i>Deceit</i> (altering/erasing/adding to official record) Date of Incident: November 15, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension
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OPCC Review:

The internal discipline authority viewed both misconducts to be of a serious nature. The SMC advised that they had changed their name in the master name index as it was no longer accurate. The date of birth was changed as the SMC disagreed that this information should form part of that record. The SMC admitted that their conduct was inappropriate.

The seriousness of this misconduct is significant as it ultimately falsifies an official record in a police database that is used by police agencies on a provincial level. Therefore, the internal discipline authority believed this action warranted discipline that went beyond mere corrective measures.

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. The OPCC determined there were no public trust concerns that required investigation.

Ordered Investigation – Requested by Department
(OPCC File 2017-14029)

Allegation:

On October 19, 2017, a police officer attended an offsite meeting away from the department. A Special Municipal Constable (SMC) reported that during the meeting, the police officer touched the SMC in an inappropriate manner.

Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: October 19, 2017.	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Training to consist of completing the online "Respectful Workplaces" course offered by the Canadian Police Knowledge Network.
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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. In this case, the police officer took responsibility for his actions. The police officer fully agreed that their conduct was highly inappropriate and placed the special municipal constable in an uncomfortable and awkward position.

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

Vancouver

Ordered Investigation – Requested by Department (OPCC File 2018-14899)

Allegation:

On June 23, 2018, while off duty, a police officer was intoxicated and engaged in a verbal exchange with a neighbour that turned into a physical encounter where he pushed the female neighbor at least twice in the chest area.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: June 23, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension*
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Allegation:

On June 23, 2018, while off duty, the police officer identified himself as an off duty VPD member to the investigating police officers in an attempt to gather personal gain or preferential treatment.

<p>Misconduct 2: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: June 23, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension*
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*Suspensions to be served consecutively.

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 view that the police officer had many other options available rather than to engage in a verbal and physical encounter with his neighbour. The Prehearing Conference Authority was also of the view that there was no reasonable explanation or duty to advise the investigating officers on scene that he was an off duty police member as the situation was off duty and not related to any police duties. The Discipline Authority did not believe that the reasonable expectation of the community was met.

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

Ordered Investigation – Initiated by PCC (OPCC File 2018-14590)

Allegations:

On March 14, 2018, a police officer sent an inappropriate text message that insinuated a forced sexual act.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: March 14, 2018</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • 1 day suspension* • Training or retraining in respectful workplace or workplace harassment
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The police officer used inappropriate and rude language in the workplace, specifically language that is seen to degrade women.

<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"> • Written reprimand • Training or retraining in respectful workplace or workplace harassment
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The police officer made a vulgar and inappropriate comment in the workplace.

<p>Misconduct 3: <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"> • 1 day suspension* • Training or retraining in respectful workplace or workplace harassment
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The police officer made an inappropriate comment to multiple female officers related to a "no dogs allowed" poster in the workplace.

<p>Misconduct 4: <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"> • Verbal reprimand • Training or retraining in respectful workplace or workplace harassment
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*Suspensions to be served consecutively.

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 acknowledged the behaviour and comments were clearly a mistake on his part and put many people in an uncomfortable position. The police officer was transferred to a different patrol squad during the investigation of these allegations. The Prehearing Conference Authority further felt that the police officer's agreement to the disciplinary/corrective measures proposed indicated his willingness to prevent this type of behaviour from recurring.

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

Registered Complaint
(OPCC File 2018-14571)

Allegations:

On February 28, 2018, a police officer used unnecessary force on the complainant during a traffic stop. The police officer was concerned that the complainant was outside their vehicle during the traffic stop. The officer placed his hand on the complainant’s left arm to motion and guide the complainant back to their vehicle. The complainant refused the attempt and the police officer decided to place him in handcuffs for officer safety. The police officer asked the complainant to turn around in order to place the complainant in handcuffs. The complainant did not acknowledge the police direction and so the police officer grabbed the complainant’s arm. The complainant pulled away and the police officer swept the complainant’s foot and took the complainant to the ground.

<p>Misconduct 1: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: February 28, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Written reprimand • Training/Retraining in use of force and situational assessment and de-escalation techniques
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On February 28, 2018, the police officer and his partner failed to inform the complainant of the reason for their arrest or their legal counsel rights in accordance with Section 10 of the *Charter*.

<p>Misconduct 2: <i>Neglect of Duty</i> (failure to provide <i>Charter</i> rights) Date of Incident: February 28, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Verbal reprimand • Training/Retraining in arrest and detention authority <p>Member 2</p> <ul style="list-style-type: none"> • Verbal reprimand • Training/Retraining in arrest and detention authority
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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. At the time of this incident Member 1 had been a police officer for one year and had just graduated from the Police Academy two months prior. During the prehearing conference Member 1 stated that he made a mistake during the traffic stop and that he should not have touched the complainant and by doing so he escalated the situation.

The Prehearing Conference Authority found that a failure to provide a citizen with their *Charter* rights can have serious ramifications on criminal investigations as well as the individual's right to legal advice upon

arrest or detention. Both officers recognized the importance of communication with one's partner to ensure that the people who are arrested are advised of their *Charter* rights.

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

Ordered Investigation – Initiated by PCC (OPCC File 2018-14510)

Allegation:

On July 26, 2017, a police officer failed to slow his police vehicle to a speed consistent with reasonable care when approaching and entering an intersection so other motorists could fully react, considering the police officer was not utilizing the proper siren. This resulted in a motor vehicle collision between the police vehicle and three civilian vehicles. Four individuals, including the police officer, sustained minor soft tissue injuries.

Misconduct: <i>Neglect of Duty</i> (dangerous driving) Date of Incident: July 26, 2017	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Advice to future conduct• Training/Retraining in Emergency Vehicle Driving Regulations 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 Prehearing Conference Authority found that the police officer took full responsibility for his actions and imposed the above-noted discipline.

Section 111 of the *Police Act* authorizes that the Police Complaint Commissioner may report to Crown counsel any matter when the Commissioner considers that the conduct of the member under investigation may constitute an offence created under any enactment, including an enactment of Canada or another province.

After a comprehensive assessment of the available evidence in this matter, the Police Complaint Commissioner determined that the conduct of the police officer may constitute an offence under the *BC Motor Vehicle Act*. Therefore, the Police Complaint Commissioner forwarded a Report to Crown Counsel requesting that the Criminal Justice Branch undertake a charge assessment in relation to this matter. Crown Counsel ultimately determined that it was not in the public interest to proceed with charges.

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

Registered Complaint (OPCC File 2018-14290)

Allegation:

On December 31, 2017, two police officers detained the complainant for Breach of the Peace without good or sufficient cause.

<p>Misconduct 1: <i>Abuse of Authority</i> (unlawful detention) Date of Incident: December 31, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Written reprimand <p>Member 2</p> <ul style="list-style-type: none"> • Advice to future conduct
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Allegation:

On December 31, 2017, two police officers intentionally or recklessly used unnecessary force by taking physical control of the complainant and applying knee strikes to gain compliance.

<p>Misconduct 2: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: December 31, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Verbal reprimand <p>Member 2</p> <ul style="list-style-type: none"> • Advice to future conduct
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Allegation:

On December 31, 2017, two police officers failed to properly document the use of force used to effect the arrest of the complainant.

<p>Misconduct 3: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: December 31, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Member 2</p> <ul style="list-style-type: none"> • Advice to future conduct
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Disciplinary process:

The Discipline Authority substantiated the *Neglect of Duty* allegation and the 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 Prehearing Conference Authority was of the opinion that the use of force applied on a citizen is a serious matter that should be properly documented in every occurrence as per the VPD Regulations and Procedures Manual. The Prehearing Conference Authority noted that neither officer completed a General Occurrence Report (GO), Subject Behaviour Officer Response (SBOR), or documented the use of force in their police notebooks. The Prehearing Conference Authority noted that it is a department requirement to accurately document the use of force applied by police members. The Prehearing Conference Authority believed this was a learning event for the officers. The officers acknowledged and regretted not completing documentation on the use of force applied during the arrest.

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

Adjudicative process:

The Discipline Authority determined that the allegations of *Abuse of Authority* in relation to unlawful detention and excessive force had not been substantiated.

After reviewing the Final Investigation Report and the Discipline Authority's decision, it was the Police Complaint Commissioner's view that even on the officers' own evidence, it was deficient in establishing a reasonable basis to detain the complainant and that the officers had no grounds to detain and arrest the complainant for a breach of the peace. Therefore, it was the Police Complaint Commissioner's view that the force used on the complainant was not necessary nor reasonable in the circumstances. Consequently, pursuant to section 117(4) of the *Police Act* the Police Complaint Commissioner appointed Mr. Wally Oppal, Q.C., retired BC Court of Appeal Judge, to review the matter and arrive at his own decision based on the evidence.

Retired Judge Oppal reviewed the Final Investigation Report and its attachments including, but not limited to, surveillance video footage; witness and police statements; photographs; and the related materials arising in this disciplinary investigation. Retired Judge Oppal determined that based on the evidence it appeared that both allegations of *Abuse of Authority* had been proven and offered both members a prehearing conference.

At the prehearing conference, the complainant was provided the opportunity to make oral submissions. The complainant advised, in part, that the events of December 31, 2017, significantly impacted him in terms of his embarrassment in front of friends and family.

The Prehearing Conference Authority determined that any unlawful detention and subsequent use of force is a serious matter.

The Prehearing Conference Authority noted that Member 1 was genuinely concerned about how he could avoid this type of occurrence in the future. In particular, Member 1 described his proactive efforts, post incident, to educate himself in the following areas: participated in two modules of the acting supervisors program that included training related to arrest and detention, inclusive of policies and procedures such as breach of the peace as well as responsibilities associated with use of force; participated in the Investigator Development program with a focus on effective decision making; and participated in the Field Trainers program which includes competencies such as communications, problem solving, and decision making.

The Prehearing Conference Authority noted that the complainant specifically spoke to the fact that Member 2 played a minimal role in this incident. Retired Judge Oppal noted in his section 117 review of the matter that "Member 2's role in this matter was very much secondary to her partner's". Member 2 discussed being mindful, where the opportunity exists, to pause in the moment to gather better information prior to an arrest.

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

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 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 another 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)</p> <p>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 kissed her on the top of her head.

<p>Misconduct : <i>Discreditable Conduct</i> (conduct that discredits the department)</p> <p>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 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 their 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: <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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* 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 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: <i>Neglect of Duty</i> (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 by striking a citizen who was apprehended under the *Mental Health Act* and while 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 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 while conducting a financial transaction at a bank.

<p>Misconduct 1: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: October 25, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <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 transaction.

<p>Misconduct 2: <i>Corrupt Practice</i> (using police authority for personal gain) Date of Incident: October 25, 2017</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 prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. 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 be observed wearing police uniform items that 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. 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
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	<ul style="list-style-type: none"> 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: Discreditable Conduct (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 had not complied. 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.

[Internal Discipline](#)
(OPCC File 2018-14657)

Allegation:

During the hiring process to become a special municipal constable, the candidate was asked to provide any previous police contact. The candidate failed to disclose several events where he was a complainant/witness. This was not discovered during the special municipal constable hiring process as the recruiting unit did not conduct an external query outside the Lower Mainland, which would have identified these events.

The recruiting unit has since implemented measures to ensure this oversight does not occur in the future.

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

The recruitment process for special municipal constable positions includes stringent and extraordinary standards of expectation and disclosure in order to preserve the integrity and security of police operations. The Internal Discipline Authority found, on a balance of probabilities, that the special municipal constable was negligent and demonstrated a lack of care and attention during the interview process.

In determining the appropriate discipline, the Internal Discipline Authority considered the accepted range of discipline for similar incidents and that the decision would likely have an adverse effect on the special municipal constable’s plans to become a regular member of the VPD.

The OPCC reviewed the investigation and the Internal Discipline Authority’s decision. The OPCC determined there were no public trust concerns that required investigation.

Ordered Investigation – Requested by Department
(OPCC File 2017-14184)

Allegation:

On December 3, 2017, the police officer was off duty and on his way home when a police check stop delayed traffic. The police officer lost his temper and yelled profanities and derogatory comments at the officers who were conducting the check stop.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: December 3, 2017</p>	<p>Disciplinary/Corrective Measures:</p> <ul style="list-style-type: none"> • Verbal reprimand
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Disciplinary process:

The matter proceeded to a prehearing conference where an agreement was reached with respect to the proposed discipline of a verbal reprimand.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. 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 agreed that his actions brought discredit to the department and made no attempt to mislead or minimize his actions. The police officer admitted he made a mistake and that he said things that were in poor taste.

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

Registered Complaint
(OPCC File 2017-14071)

Allegation:

On October 25, 2017, a lawyer attended traffic court with her client to challenge a ticket. The police officer advised the lawyer that he would agree to a lesser charge under the *Motor Vehicle Act* if her client agreed to plead guilty. The lawyer rejected the offer and the police officer responded in an unprofessional, inappropriate and aggressive manner.

<p>Misconduct : <i>Discourtesy</i> (discourteous conduct) Date of Incident: October 25, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Written reprimand
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Disciplinary process:

The matter proceeded to a prehearing conference where an agreement was reached with respect to the proposed discipline of a written reprimand.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The police officer realized that he lost his composure and said some things he would not normally say under the circumstances that made the lawyer feel intimidated. The police officer sent the lawyer a letter of apology.

Given the totality of the circumstances, the OPCC approved the agreement reached at the prehearing conference. In arriving at this determination, the OPCC considered that a written reprimand was more significant than a verbal reprimand. Further, the police officer retired and therefore, imposing training was not necessary and would not serve to correct or educate the member.

Ordered Investigation – Requested by Department
(OPCC File 2017-14027)

Allegation:

Between January and October of 2017, while on duty, a police officer provided instruction for two courses at a college and received remuneration at the same time as receiving his regular compensation as a police officer.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: Between January and October 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 6 day suspension • Attendance in a course on ethical conduct.
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Disciplinary process:

The matter proceeded to a prehearing conference where an agreement was reached with respect to the proposed discipline of a six day suspension without pay and attendance in a course on ethical conduct.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The discipline authority was of the view that police officers know and understand that there are policies, procedures and guidelines that must be followed when accepting financial compensation for their instruction. The basic guidelines are that an officer requires authorization from the department and can only accept remuneration if they are off duty or scheduled on a type of approved leave.

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

Ordered Investigation – Requested by Department
(OPCC File 2017-14026)

Allegations:

It was reported that on September 12, 2017, police officers attached to an integrated unit consumed beer while debriefing and discussing portions of the days’ surveillance with teammates.

<p>Misconduct 1: <i>Misuse of Intoxicants</i> (making use of or accepting from any other person intoxicating liquor when on duty or when off duty but in uniform in public place) Date of Incident: September 12, 2017</p>	<p>Disciplinary/Corrective Measure: Member 1 • Verbal Reprimand Member 2 • Verbal Reprimand Member 3 • Verbal Reprimand</p>
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It was further reported that on September 13, 2017, police officers on the same surveillance team consumed beer while debriefing and discussing portions of the days’ surveillance with teammates.

<p>Misconduct 2: <i>Misuse of Intoxicants</i> (making use of or accepting from any other person intoxicating liquor when on duty or when off duty but in uniform in public place) Date of Incident: September 13, 2017</p>	<p>Disciplinary/Corrective Measure: Member 3 • Verbal Reprimand Member 4 • Verbal Reprimand</p>
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Disciplinary process:

The matter proceeded to a prehearing conference where agreements were reached with respect to the proposed discipline of verbal reprimands.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The Prehearing Conference Authority noted that on September 12 and 13, 2017, members of the undercover surveillance team had concluded their operational duties for the shift. Although the police officers still had a few hours remaining in their shift, they would not be redeployed as active police officers. The officers each consumed one beer while debriefing and there was no evidence to suggest that they were impaired; however, the Discipline Authority was of the view that the reasonable expectation of the community was not met.

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

Registered Complaint
(OPCC File 2017-13493)

Allegation:

On May 24, 2017, a complainant reported that she slapped the trunk of a vehicle as it was reversing towards her daughter and herself to let the driver know of their presence. When the driver exited the vehicle the complainant realized it was police officer. The complainant tried to explain what occurred however the police officer took custody of her and the complainant transported to the jail for Breach of the Peace.

<p>Misconduct: <i>Abuse of Authority</i> (unlawful arrest) Date of Incident: May 24, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Advice to future conduct
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Disciplinary process:

Following the completion of an investigation into this matter, the Discipline Authority determined the allegations to be unsubstantiated.

Pursuant to section 117(1) of the *Police Act*, after reviewing the allegations and the alleged conduct in its entirety, the Police Complaint Commissioner considered that there was a reasonable basis to believe that the Discipline Authority’s decision with respect to the allegation of *Abuse of Authority* not being proven was incorrect.

While the complainant may have been vocal in her disagreement with being arrested, the Vancouver Police Department’s Breach of the Peace Policy states that “vehement or emotional expression of disagreement with the police does not constitute breach of the peace, if such behavior does not otherwise create a risk of violence, or damage to property;” the Discipline Authority did not appear to reconcile VPD’s policy with the evidence provided by the members in relation to the complainant’s arrest.

Therefore, pursuant to section 117(4) of the *Police Act* the Police Complaint Commissioner appointed the Honorable Carole Lazar, retired Provincial Court Judge to review the matter under section 117 of the *Police Act* and arrive at her own decision based on the evidence.

Adjudicative review:

Upon reviewing the final investigation report and the evidence and records referenced in it, Adjudicator Lazar determined that the allegation of *Abuse of Authority* had been substantiated. Subsequently, pursuant to section 117(9) of the *Police Act*, Retired Judge Lazar became the discipline authority in respect of this matter.

A prehearing conference was offered where an agreement was reached with respect to the proposed discipline of advice to future conduct.

A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. 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 Pre-Hearing Conference Authority found that the police officer, while incorrect in his assumption, believed that he had the lawful authority to arrest the complainant. The police officer has since familiarized himself with the policy and processes involved with breach of the peace arrests.

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

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 2017-13492)

On April 4, 2017, a senior ranking police officer physically disciplined a special municipal constable by removing her hands from her pockets and also by smacking or slapping her on the buttocks at an official department event.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: April 4, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 30 day suspension • Reassignment • Retraining in harassment, sensitivity, respectful conduct in the workplace, and current ethical standards
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On June 9, 2017, the senior police officer disseminated an email in which he identified the special municipal constable and contradicted her description of the incident when he was aware that a *Police Act* investigation had been commenced.

<p>Misconduct: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: June 9, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 30 day suspension • Reassignment • Retraining in harassment, sensitivity, respectful conduct in the workplace, and current ethical standards
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Disciplinary process:

The Police Complaint Commissioner determined that it was necessary in the public interest that the alleged misconduct be investigated by an external police force, pursuant to section 93(1)(a) and section 93(1)(b)(ii) of the *Police Act*. He further considered it necessary in the public interest to appoint an external Discipline Authority pursuant to section 135(1) of the *Police Act*.

Following the investigation a discipline proceeding was held wherein the Discipline Authority determined that the misconduct had been proven and proposed a five day suspension for the police officer and retraining in respectful conduct in the workplace.

Adjudicative Review:

The respondent police officer raised concerns with respect to the adequacy of the investigation and bias on behalf of the Discipline Authority and requested the Police Complaint Commissioner exercise his authority and arrange a Review on the Record.

After reviewing the proceedings, the Police Complaint Commissioner noted that the only witness who provided testimony was the respondent officer. The Discipline Authority did not have the benefit of hearing evidence from other material witnesses, including the special municipal constable directly affected. Pursuant to the *Police Act*, unless the member whose conduct is the subject of the proceeding initiates a request to call witnesses to testify in the proceeding, there is no other mechanism to allow for the participation of material witnesses. In this case, the respondent officer did not exercise his right to request permission to question witnesses.

In the Police Complaint Commissioner's view, accountability of the disciplinary process and the ability to search for the truth had been hampered. In addition, as the respondent officer's request indicated that the record was inadequate, the Police Complaint Commissioner determined that a Review on the Record was not the appropriate form of adjudicative review for this matter but rather a Public Hearing. During a Public Hearing, the respondent officer could introduce evidence, examine/cross-examine witnesses and make submissions, which would allow him the opportunity to address his concerns with the prior proceedings.

The Police Complaint Commissioner appointed the Honourable Carol Baird Ellan, retired Provincial Court Judge, to preside as an Adjudicator in these proceedings.

On August 27, 2018, Adjudicator Baird Ellan issued her decision where she determined that disrespectful workplace interactions of this type engage the provisions of the *Police Act*. The Adjudicator concluded that the member committed Discreditable Conduct under the *Police Act*.

At the time of the incident the police officer was close to retirement. After Adjudicator Baird Ellan's findings, the respondent member advised that it was impossible for him to function as a police officer at any rank and tendered his resignation. Adjudicator Baird Ellan advised that had the police officer not resigned prior to the imposing of disciplinary or corrective measures, she would have considered the measures proposed by counsel of a lengthy suspension and permanent demotion.

Adjudicator Baird Ellan recognized that initial incident was a brief, ill-considered overstepping of the bounds of familiarity between a superior officer and a subordinate. However, it was compounded by the police officer's subsequent attempts to minimize the incident and save his career.

The police officer was a 40 year member and his workplace training in matters of respect and harassment was dated. However, it was clear from almost daily reports of harassment in the media that the public's views on such matters have changed significantly in recent years, becoming progressively less tolerant.

Adjudicator Baird Ellan imposed a 30 day suspension to served concurrently for each allegation, reassignment, and retraining in harassment, sensitivity, respectful conduct in the workplace and current ethical standards as the most appropriate disciplinary or corrective action.

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

Internal Discipline
(OPCC File 2017-13313)

Allegations:

On February 10, 2017, a Community Safety Officer (CSO) operated a Community Safety vehicle with the emergency lights activated while the vehicle was in motion, contrary to the Community Safety Unit manual & Community Safety Directive.

<p>Misconduct 1: <i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations) Date of Incident: February 10, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Verbal reprimand
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Between February 10, 2017 and February 21, 2017, the CSO directed a recruit to breach the Community Safety Unit manual by operating the community safety vehicle with emergency lights and siren activated while the vehicle was in motion contrary to the Community Safety Unit manual & Community Safety Directive.

<p>Misconduct 2: <i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations) Date of Incident: February 10, 2017</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension • Review of Community Safety program manual and section 122 of the <i>Motor Vehicle Act</i>. • Retraining on how to be a coach officer • Inability to be a coach officer for period of one year from date of decision.
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OPCC Review:

Regarding the first allegation of misconduct, the Internal Discipline Authority took into consideration that the CSO violated policy to help a citizen who she believed was injured and required medical attention.

For the second allegation of misconduct, the CSO incurred a monetary penalty in losing a day of pay. This discipline could also have an impact on her being hired as a regular sworn member in the future.

The OPCC reviewed the investigation and the Internal Discipline Authority's decision. The OPCC determined there were no public trust concerns that required investigation.

Registered Complaint
(OPCC File 2017-12992)

Allegation:

On December 24, 2016, a special municipal constable (SMC) struck the complainant and took him to the ground while the complainant was in cells.

<p>Misconduct: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: December 24, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 1 day suspension • Retraining in Use of Force policy with a trained Use of Force instructor and tactical communications as it relates to Use of Force.
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Disciplinary process:

This matter proceeded to a prehearing conference. An agreement was reached in which the police officer admitted the misconduct of *Abuse of Authority* and agreed to the imposition of a one day suspension.

The Police Complaint Commissioner found that the disciplinary and/or corrective measures proposed did not address the seriousness of the misconduct. Furthermore, section 126(3) of the *Police Act* dictates that an approach that seeks to correct and educate the member should take precedence. In this case, the penalty did not include a component of training for the member with respect to the appropriate application of force to control potentially aggressive subjects in custody. Therefore, the agreement reached at the prehearing conference was rejected and this matter proceeded to a discipline proceeding pursuant to section 118(1) of the *Police Act*.

A discipline proceeding was held where, after considering the aggravating and mitigating factors in relation to this matter, the Discipline Authority proposed the disciplinary and corrective measures of a one day suspension and retraining in Use of Force policy with a trained Use of Force instructor and tactical communications as it relates to Use of Force. The Discipline Authority commented that the penalty could have been more significant had the complainant been injured and if the SMC had not accepted responsibility for his actions.

Given the totality of the circumstances, the OPCC approved the imposed disciplinary and corrective measures and closed the file.

Ordered Investigation – Requested by Department
(OPCC File 2016-11867)

Allegations:

On May 2, 2016, a male on a motorcycle failed to stop for police. A police broadcast was made, and two police officers in an unmarked police vehicle observed the male on the motorcycle as he drove past them. The police officer operating the unmarked police vehicle followed the motorcycle at high speeds which was not in compliance with the provisions of the *Motor Vehicle Act*, and/or provincial legislation and department policy governing the operation of an emergency vehicle.

<p>Misconduct 1: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: May 2, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 1</p> <ul style="list-style-type: none"> • Verbal reprimand • Review VPD policy and relevant manuals in relation to the Emergency Vehicle Driving Regulations and section 122 of the <i>Motor Vehicle Act</i>, and satisfy a supervisor designated by the VPD that the member understands the intent and application of that information.
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After catching up to the motorcyclist, the police officer who was a passenger in the unmarked police vehicle pushed the motorcyclist to the ground and delivered knee strikes to the left side of his torso.

<p>Misconduct 2: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: May 2, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 2</p> <ul style="list-style-type: none"> • Written reprimand • Training in the use of force with an emphasis on situation assessment, reassessment and de-escalation techniques. • Counselling in the area of anger management with an emphasis on regulating emotions.
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The police officer pulled the motorcycle helmet off the driver and threw it to the side, resulting in damage. The police officer also removed a cellular phone from the driver’s pocket and tossed in to the ground, resulting in damage.

<p>Misconduct 3: <i>Damage to Property of Others</i> (damages property belonging to a member of the public) Date of Incident: May 2, 2016</p>	<p>Disciplinary/Corrective Measure:</p> <p>Member 2</p> <ul style="list-style-type: none"> • Written reprimand • Training in the use of force with an emphasis on situation assessment, reassessment and de-escalation techniques. • Counselling in the area of anger management with an emphasis on regulating emotions.
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Disciplinary process:

After an investigation, the Discipline Authority determined that Member #1 committed misconduct by failing to comply with the provisions of the *Motor Vehicle Act* and departmental policy governing emergency driving while following the motorcyclist.

The matter proceeded to a prehearing conference where an agreement was reached with respect to the proposed discipline of a verbal reprimand. The Police Complaint Commissioner found that the disciplinary and/or corrective measures proposed did not address the seriousness of the misconduct. Section 126(3) of the *Police Act* indicates that an approach that seeks to correct and educate the member should take precedence. In this case, the penalty did not include a component of training for the member.

A discipline proceeding was held where, after considering the aggravating and mitigating factors in relation to this matter, the Discipline Authority proposed the disciplinary and corrective measures of a verbal reprimand and specified training pertaining to the *Motor Vehicle Act*, Emergency Vehicle Operations and VPD Departmental policy.

Given the totality of the circumstances, the OPCC approved the imposed disciplinary and corrective measures and closed the file.

In relation to Member #2, the Discipline Authority determined that the police officer did not commit misconduct. Pursuant to section 117(1) of the *Police Act*, after reviewing the allegations and the alleged conduct in its entirety, the Police Complaint Commissioner considered that there was a reasonable basis to believe that the Discipline Authority's decision with respect to the allegations of *Abuse of Authority* and *Damage to Property of Others* not being proven was incorrect.

Therefore, pursuant to section 117(4) of the *Police Act*, he appointed the Honorable Carol Baird Ellan, retired Provincial Court Judge, to review the matter under section 117 of the *Police Act* and arrive at her own decision based on the evidence.

Adjudicative review:

Upon reviewing the Final Investigation Report and the evidence and records referenced in it, Adjudicator Baird Ellan determined that the conduct of Member #2 appeared to constitute misconduct. In her decision, the Adjudicator determined that the member was "at least reckless as to whether it was necessary to do one or all of the following: forcibly arrest the complainant; take the complainant to the ground by force; use knee strikes; use an arm bar; or remove the complainant's helmet by force. In addition, the Adjudicator found that the video appeared to depict the member intentionally threw the helmet and the cell phone with more force than would be necessary to secure it safely away from the area of arrest.

Subsequently, pursuant to section 117(9) of the *Police Act*, Retired Judge Baird Ellan became the discipline authority in respect of this matter and offered the police officer a prehearing conference.

Member #2 declined the offer for a prehearing conference and as a result a discipline proceeding was held in relation to this matter. After considering the aggravating and mitigating factors in relation to this matter, Adjudicator Baird Ellan proposed the above-noted disciplinary or corrective measures in relation to the proven allegations.

Member #2 did not exercise his right to request a **Public Hearing** or **Review on the Record**; however, to promote accountability in the complaint process, all findings and determinations at discipline proceeding are reviewed by the OPCC, regardless of whether a request has been made.

Based on a review of the available evidence, our office was satisfied that Ms. Baird Ellan, as the Discipline Authority, appropriately determined that the allegations of *Abuse of Authority* and *Damage to Property of Others* had been proven based on the reasoning provided in her decision. Further, the Police Complaint Commissioner agreed that the discipline/corrective measures imposed were appropriate and would not bring the administration of police discipline into disrepute.

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

Registered Complaint
(OPCC File 2015-11300)

Allegations:

The complainant reported that on November 18, 2015, a police officer unlawfully entered his residence and conducted an unlawful search of the downstairs living room area.

<p>Misconduct: <i>Abuse of Authority</i> (unlawful entry) Date of Incident: November 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension (concurrent with second substantiated allegation) • Order to work under close supervision for a period of 1 year • Training with respect to section 8-9 of the Charter or Rights and Freedoms and law associated with search and seizure, entry into a private dwelling house and circumstances where a warrant to enter a residence is required. • Written letter of apology within 30 days.
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The complainant also reported that on November 18, 2015, he was unlawfully detained and placed in handcuffs.

<p>Misconduct: <i>Abuse of Authority</i> (unlawful detention) Date of Incident: November 18, 2015</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 2 day suspension (concurrent with first substantiated allegation) • Order to work under close supervision for a period of 1 year • Training with respect to section 8-9 of the Charter; and law associated with search and seizure, entry into a private dwelling house and circumstances where a warrant to enter a residence is required. • Written letter of apology within 30 days
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Disciplinary process:

After an investigation, the Discipline Authority determined that both allegations of *Abuse of Authority* had been proven and directed the police officer to attend a discipline proceeding. Following the discipline proceeding, and after considering all of the available evidence and submissions, the Discipline Authority determined that neither allegation of *Abuse of Authority* had been proven.

The complainant was aggrieved by the disposition and made a written request for a **Public Hearing** to the Police Complaint Commissioner.

Having reviewed the investigation, the discipline proceeding and associated determinations, pursuant to section 138 of the *Police Act*, the Police Complaint Commissioner determined that a Public Hearing was required as he considered that there was a reasonable basis to believe that the Discipline Authority's findings under section 125(1) were incorrect and that a Public Hearing was necessary in the public interest.

Adjudicative review:

Pursuant to section 142(2) of the *Police Act*, the Police Complaint Commissioner appointed the Honourable Brian Neal, Q.C., retired British Columbia Provincial Court Judge, to preside as the Adjudicator in these proceedings.

Adjudicator Neal, found that the police officer had committed both allegations of *Abuse of Authority*, and that the misconduct was of a serious nature. It was serious due to the casual and impulsive actions of the police officer in entering a private residence. It was also serious because the police officer clearly misapprehended his authority as an officer to arrest and handcuff the homeowner in question.

According to Adjudicator Neal, the officer appeared to be unclear in terms of their understanding of a police officer's right to enter private homes, and powers to arrest and detain individuals. With that in mind, the Adjudicator determined that appropriate education or re-training in those areas appeared warranted.

Given the foregoing, Adjudicator Neal determined that the police officer would be suspended without pay for two scheduled working days concurrent on both substantiated allegations.

With respect to corrective measures, Adjudicator Neal determined that three orders were required: an order that the police officer work under close supervision for a term of one year; Re-training of the police officer with respect to an officer's duties with respect to sections 8 and 9 of the *Charter of Rights and Freedoms*, and the law relating to search and seizure, entry into a private residence, and the circumstances when a warrant is required to enter a home; and a written apology to the complainant to be made within 30 days.

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

Ordered Investigation – Initiated by PCC (OPCC File 2013-8522)

Allegation:

On March 27, 2013, the OPCC received information from the media with a link to a Facebook page with video content. The video portrayed a member of the Vancouver Police Department (VPD) punching a man in the face as he was attempting to handcuff him. The VPD was contacted and advised of the video as they were not aware of its existence. Further information was received that confirmed the time, location, and the identity of the officer involved.

Due to the nature of the conduct, a criminal investigation was undertaken by an external police agency. The Criminal Justice Branch stayed the charges against the police officer following an appeal application.

Once the criminal proceedings had concluded, the *Police Act* investigation was completed by an external police agency.

Misconduct: <i>Abuse of Authority</i> (excessive force – empty hand) Date of Incident: March 26, 2013	Disciplinary/Corrective Measures: <ul style="list-style-type: none">Retraining in use of force techniques with an emphasis on situation assessment and reassessment and de-escalation techniques.
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Disciplinary process:

Following a review of the investigation, the External Discipline Authority concluded that there was not sufficient evidence to support a finding the police officer committed misconduct in these circumstances.

The External Discipline Authority noted that it was clear that the police officer intentionally struck the male once with a closed fist to the facial area. The External Discipline Authority further noted that the police officer's actions were documented, acknowledged, and further reviewed by Use of Force experts. According to these experts, the police officer's actions were consistent with his training and were considered to be an appropriate level of force for a resistive subject.

The Police Complaint Commissioner considered that there was a reasonable basis to believe that the decision of the External Discipline Authority was incorrect. Pursuant to section 117(4) of the *Police Act*, the Commissioner appointed Mr. Brian Neal, Q.C., retired Provincial Court Judge, to review the matter and arrive at his own decision based on the evidence.

Adjudicative review:

Adjudicator Neal found that the record appeared to support the conclusion that the police officer's actions constituted misconduct by the use of unnecessary force against the male and offered the police officer a prehearing conference. This offer was not accepted.

A discipline proceeding was held in relation to this matter and Adjudicator Neal presided as the Discipline Authority. Adjudicator Neal noted that the police officer's training and experience did not provide a reasonable basis for his belief that officer safety was an issue prior to punching the male. Additionally, the Adjudicator found that a reasonable officer with the similar training and experience might well conclude that the punch to the male was both unnecessary and an unreasonable use of force.

The Adjudicator further stated that the evidence supported the police officer's position that he used necessary and reasonable force in handcuffing the male but that the evidence did not support the police officer's position that he used necessary and reasonable force in punching him. The Adjudicator determined that the police officer ought to receive additional training in use of force, with a specific emphasis on situation assessment and reassessment and de-escalation techniques.

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

Victoria

The Co-Chairs of the Victoria Police Board conducted an Internal Discipline investigation into the (former) Chief Constable of the Victoria Police Department. Pursuant to section 174(4) of the *Police Act* the Internal Discipline Authority must copy the OPCC on any recommendation on disciplinary or corrective measures arising from an internal discipline matter and the final decision reached by the Internal Discipline Authority, the Board or Arbitrator.

Upon receipt, the Police Complaint Commissioner reviewed the Preliminary Investigation Report and noted several concerns which included a number of investigative deficiencies, the non-participation of a key witness and the failure to address new allegations of potential misconduct that arose during the investigation. The Police Complaint Commissioner was also of the view that the Discipline Letter issued by the Co-Chairs did not adequately address the nature and seriousness of the alleged misconduct.

The Police Complaint Commissioner ordered a public trust investigation and directed that the alleged misconduct be investigated by an external police force, pursuant to section 93(1)(a) and section 93(1)(b)(ii) of the *Police Act*. Chief Superintendent Bourrie of the Royal Canadian Mounted Police (RCMP) conducted the external *Police Act* investigation. Working under his supervision was a senior team of external investigators with the Vancouver Police Department (VPD) under the command of Superintendent Laurence Rankin (OPCC 2015-11408 refers).

Pursuant to section 135(2) of the *Police Act*, because this matter involved a Chief Constable of a municipal police department where the internal disciplinary process to date was of concern as previously noted, the Police Complaint Commissioner considered it necessary in the public interest to appoint a retired judge as Discipline Authority. Retired Provincial Court Judge Carol Baird Ellan was appointed as the Discipline Authority.

Subsequent to the *Police Act* investigation into OPCC 2015-11048 being initiated, further information was received that required an additional investigation (OPCC 2015-11048-05 refers). The Police Complaint Commissioner directed these further misconduct allegations be investigated by the same RCMP/VPD investigators and that Retired Provincial Court Judge Carol Baird Ellan also act as the Discipline Authority (OPCC 2015-11408-05 refers).

Furthermore, allegations of bullying and harassment by the (former) Chief Constable came to light involving both female police officers and civilian staff. The Police Complaint Commissioner initiated a public trust investigation and directed these further misconduct allegations be investigated by the RCMP/VPD investigators and appointed Retired BC Supreme Court Judge Pitfield to act as the Discipline Authority.

Before the retired judges could address the allegations, the (former) Chief Constable filed proceedings in the BC Supreme Court to stop the process. He was partially successful; the Court said that two of the five allegations could not proceed. The Police Complaint Commissioner appealed that court decision, and one year later the Court of Appeal overturned the lower court and ruled that all the allegations could be addressed. (This led to a separated discipline process, since some of the allegations were frozen, but then re-started later on.)

Ordered Investigation – Initiated by PCC
(OPCC File 2015-11048)

The (former) Chief Constable engaged in conduct with the spouse of a police officer under his command which constituted a breach of trust and/or conflict of interest.

Misconduct 1: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Undated	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Dismissal
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The (former) Chief Constable provided misleading information to the police officer under his command in relation to his conduct with the police officer’s spouse.

Misconduct 2: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Undated	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• 30 day suspension• Reduction in rank• Training in ethical standards
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The (former) Chief Constable provided misleading information to an investigator during the internal investigation.

Misconduct 3: <i>Discreditable Conduct</i> (conduct that would discredit the department) Date of Incident: Undated	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Dismissal
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The (former) Chief Constable used police equipment and/or facilities of the police department for purposes unrelated to his duties as a member.

Misconduct 4: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated	Disciplinary/Corrective Measure: <ul style="list-style-type: none">• Dismissal
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Ordered Investigation – Initiated by PCC
(OPCC File 2015-11048-05)

The (former) Chief Constable attempted to procure the making of an oral or written statement from a potential witness, knowing the statement to be false or misleading.

<p>Misconduct 1: <i>Deceit</i> (attempting to do any of the things described in Deceit subsections 77(3)(f)(i) or (ii)) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Dismissal
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Disciplinary process:

Due to the fact that the BC Supreme Court ruled that two allegations could not proceed, and the time it took for the BC Court of Appeal to hear the case and subsequently overturn the lower court’s decision, two discipline proceedings were held with two sets of decisions. The findings in each case are noted above.

Although the (former) Chief Constable did not exercise his right to a mandatory Public Hearing in this matter, he asserted that he had been treated unfairly.

Based on the Police Complaint Commissioner’s review of the evidence, he was satisfied that Retired Judge Baird Ellan appropriately determined that the allegations against the (former) Chief Constable were proven. In the Police Complaint Commissioner’s view, her conduct of the discipline proceedings, her substantive findings and her determination of the appropriate disciplinary/corrective measures were unassailable. Every aspect of procedural fairness was afforded to the (former) Chief Constable during these proceedings. With respect to the public interest, the Police Complaint Commissioner considered the fact that the conduct in question was of a most serious nature, particularly given the high office that the (former) Chief Constable occupied. The Police Complaint Commissioner was also of the view that the (former) Chief Constable’s conduct would undoubtedly undermine public confidence in the police. The conduct itself, for a Chief Constable, would have a negative impact on the public’s perception of the department, and policing as a whole. The (former) Chief Constable’s lack of acceptance of responsibility and his efforts to escape liability, as described by the retired judge, would similarly undermine public confidence.

The Police Complaint Commissioner found the investigation into this matter extensive, thorough and fair. The investigative team was highly trained and professional. They applied major case management principles to effectively manage the investigation and pursued every possible investigative avenue fairly, impartially and transparently. The interviews of the (former) Chief Constable were also fair and done in accordance with accepted best practices. The Police Complaint Commissioner identified no flaws in the investigation.

In terms of the appropriateness of the disciplinary/corrective measures, the Police Complaint Commissioner was of the view that dismissal was the only appropriate outcome in circumstances such as this, where a Chief Constable knowingly misled an officer under his command and an investigator, and attempted to procure misleading statements to avoid culpability.

Demotion to the rank of constable appropriately captured the fact that a Chief Constable ought to lead by example, to be a beacon for all members of the department, and the public whom he/she serves. For these reasons, the Police Complaint Commissioner determined that ordering a Public Hearing or Review on the Record was not in the public interest. The seriousness of the conduct and the impact on the department, the community and the public’s perception of police, had been addressed through the exemplary professionalism exhibited by the investigative team and the adjudication undertaken by Retired Judge Baird Ellan.

Ordered Investigation – Initiated by PCC
(OPCC File 2015-11048-03)

The (former) Chief Constable engaged in unwanted physical contact with Officer A.

<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"> • 30 day suspension • Training in Gender Sensitivity
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The (former) Chief Constable engaged in unwanted physical contact with Officer B.

<p>Misconduct 2: <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"> • 30 day suspension • Training in Gender Sensitivity
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The (former) Chief Constable made inappropriate remarks of a sexual nature to Officer B.

<p>Misconduct 3: <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"> • 30 day suspension • Training in Gender Sensitivity
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Disciplinary process:

Based on the Final Investigation Report, Retired BC Supreme Court Judge Pitfield, in his role as Discipline Authority, substantiated three counts of *Discreditable Conduct* and directed the (former) Chief Constable to a discipline proceeding. At the end of the discipline proceeding, Mr. Pitfield imposed a 30 day suspension for each count, to be served concurrently, and training in Gender Sensitivity. In his decision, Mr. Pitfield stated that standing alone, the misconduct could be regarded as minimal in impact. However, because he was the Chief Constable, the police officers were his subordinates over whom he stood in a position of power and responsibility.

The (former) Chief Constable had retired by this time and did not request a Public Hearing or Review on the Record.

Based on the Police Complaint Commissioner’s review of the evidence, he was satisfied that the determinations of misconduct substantiated by Retired Judge Pitfield had been established, based on the reasoning he provided. It was the Police Complaint Commissioner’s view that Retired Judge Pitfield’s assessment of the seriousness of the misconduct and the appropriate disciplinary measures was within the appropriate range.

For women to feel safe and valued in policing, it is especially crucial that the most senior officers conduct themselves with integrity and respect. The determinations of Retired Judge Pitfield demonstrated the deficit in

leadership the (former) Chief Constable exhibited. His conduct caused emotional harm and violated the dignity of the affected parties, the gravity of which was amplified by his position of power and the importance of the office held by a Chief Constable.

The Police Complaint Commissioner provided the affected women an opportunity to offer their perspective on whether or not a Public Hearing or a Review on the Record should be arranged. The overall consensus among the women was that they did not wish the matter to proceed to a Public Hearing, however one wanted the opportunity to stand up and tell her story, but stated that she would be content with any determination.

The women said that the police environment for women was challenging. Although there was a consensus that there has been real change over time, there is still a long way to go. The women discussed the difficulty coming forward with harassment allegations, as they feared repercussions for coming forward. The women believe there to be a “boys club” dynamic at play, particularly at the higher ranks.

These matters involving the former Chief Constable of the Victoria Police Department gave rise to public concerns, not just about the former Chief Constable’s conduct, but also about how the police discipline process works when elected mayors are charged with judging their Chief Constable’s behaviour. The Police Complaint Commissioner decided that the public should be informed about this case and the process that unfolded and therefore released a summary informational report which can be found on the OPCC website.

To view the complete report, please visit the OPCC website at www.opcc.bc.ca under Reports of Interest.

Third Party Registered Complaint (OPCC File 2018-14341)

Allegations:

On July 7, 2017, a police officer used his police vehicle to physically contact the affected person’s bicycle while he was riding it. The affected person fell and 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 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 provide 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.

Ordered Investigation – Requested by Department
(OPCC File 2018-15218)

Allegations:

On September 4, 2018, a police officer strapped her two children together using one seatbelt in the front seat of a police van, then activated the emergency lights and siren while driving her children to their elementary school. The officer's actions in activating the police vehicle emergency lights and siren caused several motorists to pull over to the side of the road.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: September 4, 2018</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • Advice to future conduct
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The police officer departed from the policing jurisdiction of the City of Victoria for a purpose not related to her policing duties, without notifying a police supervisor and while already assigned to an investigation.

<p>Misconduct 2: <i>Neglect of Duty</i> (leave duty without permission) Date of Incident: September 4, 2018</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 served the police officer with a violation ticket for having her two children seat-belted in a single seat contrary to section 39.02(b) of the *Motor Vehicle Act Regulations*. The police officer was in the process of retiring and therefore there was little likelihood of this behaviour being repeated.

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

Ordered Investigation – Requested by Department
(OPCC File 2018-15175)

Allegation:

On August 20, 2018, a police officer left his loaded duty pistol in a desk drawer in the Communications Center of the Victoria Police Department, and did not have care or control over this duty pistol for over a day until it was discovered by a civilian call taker and subsequently returned to him by a police supervisor.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: August 20, 2018</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 acknowledged that the duty pistol remained within a secure, locked room within the police department and that the police officer accepted full responsibility.

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

**Ordered Investigation – Requested by Department
(OPCC File 2018-14537)**

Allegations:

A special constable’s daughter was the subject of incarceration. The special constable was rude and disrespectful to corrections staff during telephone calls and visits with her daughter.

<p>Misconduct 1: <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"> • 1 day suspension* • Letter of apology to corrections staff
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The special constable requested disclosure of information about her daughter and also fast tracking of the visitation application with Corrections due to her position with the police department.

<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"> • 1 day suspension*
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The special constable used envelopes with the department’s letterhead to send personal documents to her daughter at the correctional institution and used the department’s email system to send personal emails to the Correctional Investigator.

<p>Misconduct 3: <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"> • Written reprimand
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*Suspensions to be served concurrently.

Disciplinary process:

This matter was initially the subject of a prehearing conference. A Report on Disciplinary or Corrective Measures Following a Prehearing Conference was forwarded to the OPCC for review. The OPCC found that the discipline and/or corrective measures proposed did not adequately address the seriousness of the special constable’s conduct and therefore rejected the agreement.

Consequently, a Discipline Proceeding was held where the special constable admitted to all three allegations of misconduct.

A copy of the Disciplinary Disposition Record was forwarded to the OPCC for review. The OPCC recognized that an attempt by a police officer to seek advantage or favour on account of his or her status as a police officer was a serious misconduct that would bring disrepute to the police department in the eyes of the public. However, the special constable had not, based on the available evidence presented to the Discipline Authority, repeated the misconduct in question. The OPCC also understood, from the Discipline Authority’s findings that there were no previous instances whereby the special constable sought to use her status as a police officer to

seek advantage or favour. The OPCC believed that the goals of correcting and educating the special constable had been achieved and that the discipline imposed would not undermine public confidence in the police or the disciplinary process.

With regard to the special constable's repeated rude and disrespectful behavior towards the staff members at the correctional facility, the special constable was to write a letter of apology to each of the staff members. The OPCC believed that this would be meaningful to the staff members negatively impacted by the special constable's conduct.

For these reasons, further adjudication of this matter was not necessary and would not be in the public interest. Therefore, there were insufficient grounds for the Police Complaint Commissioner to arrange a Public Hearing or Review on the Record in these circumstances.

West Vancouver

Ordered Investigation – Initiated by PCC (OPCC File 2018-15271)

Allegation:

On September 17, 2018, a police officer failed to handle his pistol in a safe manner when he had an unintended discharge at an outdoor range. The bullet went through the window of a police vehicle. There were no injuries and no other property damage was located.

<p>Misconduct: <i>Neglect of Duty</i> (failure to comply with departmental policy/regulations) Date of Incident: September 17, 2018</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 reported that the police officer took full responsibility for his actions. The police officer was permanently removed from his duties as a firearms instructor post this incident and was sent for an independent assessment of his firearms handling skills and was qualified to carry a duty pistol.

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

Ordered Investigation – Requested by Department (OPCC File 2018-15129)

Allegation:

On August 12, 2018, an off duty police officer drove his personal vehicle while his ability was affected by alcohol in contravention of the *BC Motor Vehicle Act*.

<p>Misconduct 1: <i>Discreditable Conduct</i> (conduct that discredits the department) Date of Incident: August 12, 2018</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 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 noted that the police

officer took full responsibility for his behaviour and had reported receiving the 3 day Warn Immediate Roadside Suspension (IRP) to senior management. The Prehearing Conference Authority explored whether there was an underlying issue associated to the alcohol consumption and determined that there was not. Therefore, he was satisfied that there was no need for a program or activity in these circumstances.

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

Ordered Investigation – Requested by Department
(OPCC File 2017-13349)

The West Vancouver Police Department received information that a police officer had sent naked photos of himself to a West Vancouver Police Domestic Violence Unit client. The WVPD requested the Commissioner initiate an investigation into this matter.

Due to the nature of the conduct reported, a criminal investigation was undertaken by an external police agency. As result, the *Police Act* investigation was suspended until the conclusion of the criminal investigation. Investigators determined that there was insufficient evidence to support a recommendation of *Criminal Code* charges.

Allegations:

The police officer knew or ought to have known that engaging in a personal relationship with a vulnerable domestic violence unit client and the alleged victim in a harassment investigation that he assisted investigating would bring discredit to the 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"> • Dismissal
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The police officer used departmental work cellphones and computers to send communications, including a naked photo of himself, to the vulnerable domestic violence unit client.

<p>Misconduct 2: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer, while on duty, pursued an inappropriate relationship with the complainant on a domestic dispute he had attended.

<p>Misconduct 3: <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"> • Dismissal
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The police officer used departmental work cellphones and email to communicate with the complainant on the domestic dispute he had attended for purposes unrelated to his police duties.

<p>Misconduct 4: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer, while on duty, sent sexually explicit photographs and email messages to a female that he met on duty. This female was not associated to a call for service.

<p>Misconduct 5: <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"> • Dismissal
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The police officer used his department email account to send sexually explicit photographs and sexually explicit written communications to the female friend.

<p>Misconduct 6: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used police databases (CPIC and PRIME) to query this female friend.

<p>Misconduct 7: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC / PRIME) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his position as a police officer to engage in inappropriate communications with the victim of an ongoing high risk domestic violence investigation.

<p>Misconduct 8: <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"> • Dismissal
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The police officer used his department email to send inappropriate email messages to the victim of the ongoing high risk domestic violence investigation.

<p>Misconduct 9: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer, while on duty, engaged in inappropriate email communications, including sending a naked photo of himself and sexually explicit stories, to a female he met during a traffic stop.

<p>Misconduct 10: <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"> • Dismissal
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The police officer used his department email to send a sexually explicit photograph of himself and sexually explicit written communications to the female he met during a traffic stop.

<p>Misconduct 11: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his department email to send emails not related to his duties to the female he met during an investigation.

<p>Misconduct 12: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his position as a police officer to pursue a personal relationship with a female who had reported being harassed by her estranged husband.

<p>Misconduct 13: <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"> • Dismissal
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The police officer used his department email to send inappropriate emails and text messages to the female who had reported being harassed by her estranged husband.

<p>Misconduct 14: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer, while on duty, engaged in inappropriate email communications with a female he met during an impaired driving investigation.

<p>Misconduct 15: <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"> • Dismissal
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The police officer used his department email to send inappropriate emails to the female he met during an impaired driving investigation.

<p>Misconduct 16: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer, while on duty, engaged in inappropriate email communications with a female after investigating her complaint of being followed.

<p>Misconduct 17: <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"> • Dismissal
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The police officer used his department cell phone to send inappropriate text messages of a sexual nature to the female who had reported being followed.

<p>Misconduct 18: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his position as a police officer to pursue a personal relationship with a female after issuing her a 90-day Immediate Roadside Prohibition for failing to provide a breath sample. It was alleged that he caused her to believe he was advocating on her behalf to the Superintendent of Motor Vehicles to have her prohibition overturned.

<p>Misconduct 19: <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"> • Dismissal
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The police officer used his department email to send inappropriate emails to the female he met after issuing her with a 90-day Immediate Roadside Prohibition.

<p>Misconduct 20: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his department email to receive naked photos of himself that he sent from his personal email.

<p>Misconduct 21: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer used his position as a police officer to pursue a personal relationship with a female after issuing her with, and then cancelling, a violation ticket.

<p>Misconduct 22: <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"> • Dismissal
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The police officer used his department email to send inappropriate emails to the female to whom he had issued a violation ticket before cancelling it.

<p>Misconduct 23: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized use of police equipment) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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The police officer provided a female with guidance on what to write in her request to the Superintendent of Motor Vehicles.

<p>Misconduct 24: <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"> • Dismissal
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The police officer queried a female he was interested in using police databases (CPIC and PRIME).

<p>Misconduct 25: <i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC/PRIME) Date of Incident: Undated</p>	<p>Disciplinary/Corrective Measure:</p> <ul style="list-style-type: none"> • 5 day suspension
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Disciplinary Process:

An investigation was conducted into this matter and the Discipline Authority determined that the member committed misconduct. This matter was directed to a discipline proceeding.

Following the discipline proceeding, after considering the aggravating and mitigating factors in relation to this matter, the Discipline Authority proposed the following disciplinary or corrective measures. Eleven (11) allegations of *Discreditable Conduct* (collectively) - dismissal.

Fourteen (14) allegations of *Unauthorized Use of Police Facilities / Resources* (each) - five-day suspension to be served consecutively.

The OPCC noted that the police officer resigned prior to the conclusion of the *Police Act* investigation; he did not participate in any disciplinary process aside from a written submission to the Discipline Authority.

The Discipline Authority advised in his decision that eleven of the *Discreditable Conduct* allegations were associated to women that he met while on duty. Ten were associated to calls for service that the police officer had attended. Of particular note, four involved domestic violence issues, two of which were considered high

risk. Three of the remaining five women included women who were associated to individuals known to be involved with organized crime groups and illegal drug trafficking.

The Discipline Authority determined that collectively, the police officer's behaviour was the antithesis of what the police community and public would expect from a police officer. The vulnerability of the females who were the subject of the police officer's attentions, particularly when considering our current understanding of sexism, power and culture was significantly aggravating.

The police officer breached the trust of the public and police department to such a degree that anything short of dismissal would be unworkable, would bring the administration of police discipline into disrepute, would significantly harm the reputation of the police department and policing in general, and would not serve the public interest. The member was ultimately dismissed from policing.