

IN THE MATTER OF THE POLICE ACT, R.S.B.C. 1996, c.367

AND

IN THE MATTER OF A REVIEW ON THE RECORD ORDERED WITH RESPECT TO
SPECIAL CONSTABLE RAJDEEP MANN OF THE VANCOUVER POLICE DEPARTMENT

DETERMINATION OF APPROPRIATE DISCIPLINARY OR CORRECTIVE MEASURES

NOTICE TO: Mr. Colin Dowler Complainant

AND TO: Special Municipal Constable Rajdeep Mann, Member

AND TO: Mr. Kevin Woodall, Counsel for the Member

AND TO: Mr. Mark Underhill, Commission Counsel

AND TO: Chief Constable Adam Palmer, Vancouver Police Department

AND TO: Superintendent Steve Eely, Discipline Authority

AND TO: Mr. Clayton Pecknold, Police Complaint Commissioner

1. On June 22, 2021 I rendered my decision following a Review on the Record respecting alleged misconduct on the part of Special Constable Rajdeep Mann. I determined that two allegations – discourtesy and abuse of authority under ss. 77(3)(g) and 77(3)(a)(ii)(A) of the *Police Act*, respectively – had been proven. I then invited submissions from counsel as to the appropriate disciplinary or corrective measures to be taken, which submissions have now been received.

2. Counsel for both the Member and the Commissioner appear to agree that the usual penalty for discourtesy is a reprimand, either written or verbal. Counsel for the Commissioner submits that insofar as abuse of authority is concerned,

there should be a requirement that the Member undertake retraining in order to better appreciate how to treat a member of the public in circumstances similar to those in the incident between the Member and the complainant in this matter.

3. Counsel for the Member submits that retraining is unnecessary for the following reasons:

1. Cited authorities indicate that in every case where a police officer has been disciplined for using an expletive, the police officer was acting as a police officer with a member of the public in a position of authority. Thus, there is no justification for departing from the ordinary disciplinary and corrective measure of a reprimand. (This argument is made in response to Commission counsel's submission that there is a nexus between the discourtesy and abuse of authority in this matter.)
2. The purpose of retraining would be to assist SMC Mann when dealing with members of the public in his capacity as a Special Municipal Constable in the jail. However, SMC Mann no longer works in the jail, or with members of the public, and it is not likely he will do so during the rest of his career.

4.

[REDACTED]

SMC

Mann has since been transferred to administrative duties where he does not interact with members of the public.

5. [REDACTED] report states that SMC Mann has expressed an interest in eventually returning to operational duties at the jail. The report states that if SMC Mann does return to operational duties, the best fit for him may be in the camera/surveillance room, which would allow him to engage with his former

team without having direct contact with prisoners. The report states that SMC Mann has indicated he would be interested in that position.

6. I accept the submissions of counsel for SMC Mann that while retraining may normally be a reasonable measure in relation to abuse of authority, given that SMC Mann no longer has any contact with the public in a jail setting, and is unlikely to have such contact again soon, such a requirement would serve little if any useful purpose here. In my view, the likelihood of future misconduct by SMC Mann is low, and in the particular circumstances of this case, the imposition of a reprimand and no other measures in relation to the abuse of authority misconduct is just and appropriate.

7. I therefore direct that written reprimands be imposed in relation to each instance of misconduct – discourtesy and abuse of authority.

Dated at North Vancouver, British Columbia this th 9 day of September, 2021.



Adjudicator Ronald McKinnon