



Office of the
Police Complaint Commissioner

British Columbia, Canada

MEDIA RELEASE

February 19, 2020

OPCC 2018-14861
PH 2020-01

Public Hearing for Victoria Police Officer in Relation to Off-Duty Conduct

Victoria - The Police Complaint Commissioner has called a Public Hearing into allegations of police misconduct involving a member of the Victoria Police Department following an investigation into a complaint of sexual misconduct while off duty.

After an independent investigation by the Vancouver Police Department the matter was ultimately referred by the Commissioner to a retired judge for review. In a subsequent discipline proceeding, retired Judge James Threlfall determined that the evidence did not support a finding of misconduct. Subsequently, the Complainant requested the Police Complaint Commissioner arrange a Public Hearing.

The Complainant and other material witnesses were not afforded the opportunity to testify at the discipline proceeding. The Commissioner considered this request and other factors and determined that it is in the public interest to arrange a Public Hearing.

Upon the recommendation of the Associate Chief Justice of the British Columbia Supreme Court, the Honourable Judge Wally Oppal, Q.C., retired Supreme Court Justice, is appointed to preside as Adjudicator in these proceedings, pursuant to section 142(2) of the *Police Act*.

As this matter involves allegations of a sensitive nature, names of the parties have been withheld from the Notice of Public Hearing to protect the identity of the Complainant. The Adjudicator may make further determinations concerning disclosure in the course of the Public Hearing.

A date for the Public Hearing will be determined in the future.

Details may be found on the "Decisions" page of the OPCC's webpage, located at www.opcc.bc.ca.

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Quote:

“The Commissioner determined that it was in the public interest that all material witnesses provide evidence under oath to ensure a complete accounting of the events and to allow for all their evidence to be fully assessed.”

Andrea Spindler, Deputy Police Complaint Commissioner

Key Facts:

- The Police Complaint Commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia.
- A public hearing is not limited to the evidence and issues canvassed at the discipline proceeding. The Police Complaint Commissioner can appoint Commission Counsel to act on his behalf during public hearings.
- A retired judge is appointed to sit as the adjudicator and review the evidence, hear sworn testimony and arrive at a decision of whether there is misconduct and if necessary, determine the corrective and/or disciplinary measures to be imposed. The retired judge’s decision at a public hearing is final and conclusive.
- The appointed retired judge can also make recommendations to the Chief Constable or Police Board concerning any changes in policy or practice that the retired judge considers advisable.
- This was the first opportunity in the *Police Act* process for a Public Hearing to be arranged. A Special Committee of the Legislature has recommended that the *Police Act* be amended to permit the Commissioner to arrange a Public Hearing much earlier in the process. The Office of the Police Complaint Commissioner is awaiting government response.

- 30 -

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