

Form 4

DISCIPLINARY DISPOSITION RECORD

[Section 128 (1) (b) Police Act]

Discipline authority file number: 2018-1859

Police complaint commissioner file number: 2018-15634

Name of member/former member involved:

[REDACTED]

Police department, designated policing unit or designated law enforcement unit:

Vancouver Police

Date of discipline proceeding: 2019/11/14

In relation to each allegation of misconduct found to be proven, the following disciplinary or corrective measures are proposed:

Misconduct: Neglect of Duty pursuant to section 77(3)(m)(ii) of the *Police Act* pertaining to the failure to advise [REDACTED] of his rights under Section 10(b) of the *Canadian Charter of Rights and Freedom*.

Aggravating/mitigating factors:

1. The misconduct in question resulted from an oversight which took place in a fairly chaotic situation.
2. There was no significant consequence to [REDACTED] since he would not have been able to contact counsel from the scene and later, when at the detachment he was asked whether he wished to speak to a lawyer, he declined. No effort was made by any officer to elicit evidence from him.
3. [REDACTED] has been a member for seven and a half years and there have been no past incidents of misconduct.
4. [REDACTED] accepted full responsibility for this omission.

Disciplinary/corrective measures:

In all the circumstances I am satisfied that the appropriate disciplinary and corrective measure is to give [REDACTED] advice as to his conduct pursuant to section 126(1)(k). These proceedings will no doubt serve as a reminder to the member that when he is in a supervisory role, he must follow up to be sure that all instructions have been heard and followed and that all legal requirements have been met.

TAKE NOTICE:

If you are aggrieved by the disposition of your case, you may file with the police complaint commissioner a written request for a public hearing or review on the record before a Provincial Court judge. The police complaint commissioner must receive the request within 20 business days after you receive the discipline authority's report of the discipline proceeding under section 133 (1) (a) of the *Police Act*. Unless a public hearing or review on the record is arranged by the police complaint commissioner, the findings and reasons set out in Form 3 and the determination as to appropriate disciplinary or corrective measures set out in this Form 4 in respect of the matter are final and conclusive and not open to question or review by a court on any ground.

Signature of discipline authority: 

Date: 2020/01/09.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF THE POLICE COMPLAINT COMMISSIONER AS FOLLOWS:

OPCC contact name: [REDACTED], Investigative Analyst, OPCC

5th Floor, 947 Fort Street, Victoria BC V8W 9T8

250-356-7458

I acknowledge service of this form:

Signature of member/former member: Date:

.....[yyyy/mm/dd]

For office use only:

PROVIDED TO:

Police Complaint Commissioner: [] Date:.....[yyyy/mm/dd]

ENTERED INTO COMPUTER: [] Date:.....[yyyy/mm/dd]

Note: *this regulation replaces B.C. Reg. 202/98.*

[Provisions relevant to the enactment of this regulation: *Police Act*, R.S.B.C. 1996,
c. 367, section 184]