

Form 3

FINDINGS OF DISCIPLINE AUTHORITY

[Section 125 (b) Police Act]

Discipline Authority file number: 2018-1859

Police Complaint Commissioner file number: 2018-15634

Name of members involved:

[REDACTED]

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

Date of discipline proceeding:
2019/11/08 and 2019/11/14

IN RELATION TO EACH ALLEGATION OF MISCONDUCT AGAINST YOU, MY
FINDINGS ARE AS FOLLOWS:

1.(a) As against [REDACTED], Misconduct: *Abuse of Authority*
pursuant to section 77(3)(a)(i) of the *Police Act* by intentionally or recklessly
making an arrest without good or sufficient cause.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] on abused his authority by intentionally or
recklessly making and arrest without good and sufficient cause is NOT
SUBSTANTIATED

See reasons in the attached supplement.

1.(b) As against [REDACTED], Misconduct: *Abuse of Authority*
pursuant to section 77(3)(a)(i) of the *Police Act* by intentionally or recklessly
making an arrest without good or sufficient cause.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] abused his authority by intentionally or recklessly making and arrest without good and sufficient cause is NOT SUBSTANTIATED

See reasons in the attached supplement.

2(a) As against [REDACTED], misconduct: *Abuse of Authority* pursuant to section 77(3)(a)(ii)(A) of the *Police Act* by, in the performance, or purported performance, of duties, intentionally or recklessly using unnecessary force on any person.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] abused his authority in the performance, or purported performance, of duties, by intentionally or recklessly using unnecessary force on any person is NOT SUBSTANTIATED.

See reasons in the attached supplement.

2(b) As against [REDACTED], misconduct: *Abuse of Authority* pursuant to section 77(3)(a)(ii)(A) of the *Police Act* by, in the performance, or purported performance, of duties, intentionally or recklessly using unnecessary force on any person.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] abused his authority in the performance, or purported performance, of duties, by intentionally or recklessly using unnecessary force on any person is NOT SUBSTANTIATED.

See reasons in the attached supplement.

3(a) As against [REDACTED], 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*.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] neglected his duty by failing to advise [REDACTED] of his rights under Section 10(b) of the *Canadian Charter of Rights and Freedom* is NOT SUBSTANTITED.

See reasons in the attached supplement

3(b) As against [REDACTED], 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*.

Member's reply to allegation: Deny

Findings and reasons:

I find that the allegation that [REDACTED] neglected his duty by failing to advise [REDACTED] of his rights under Section 10(b) of the *Canadian Charter of Rights and Freedom* is SUBSTANTIATED.

See reasons in the attached supplement.

Signature of discipline authority: C. Lazear

Date: 2019/12/20

I acknowledge service of this form:

Signature of member:

Date:[yyyy/mm/dd]

Signature of member:

Date:[yyyy/mm/dd]