

CONCLUSION OF PROCEEDINGS

Pursuant to s.120(16) of the *Police Act*, RSBC 1996, c.367

OPCC File: 2019-16794
August 21, 2020

To: [REDACTED] (Complainant)

And to: Constable [REDACTED] (Members)
Constable [REDACTED]
Constable [REDACTED]
Constable [REDACTED]
c/o Vancouver Police Department
Professional Standards Section

And to: The Honourable Judge Carole Lazar (Discipline Authority)
Retired Judge, BC Provincial Court

And to: Inspector [REDACTED] (Pre-Hearing Conference Authority)
c/o Port Moody Police Department
Professional Standards Section

And to: Chief Constable Adam Palmer
c/o Vancouver Police Department
Professional Standards Section

The Office of the Police Complaint Commissioner (OPCC) completed its review of the decision issued to each of the four respondent members, Constables [REDACTED] and [REDACTED] by the Prehearing Conference Authority pursuant to section 120 of the *Police Act* in this matter.

Following the investigation conducted by Sergeant [REDACTED], the initial Discipline Authority determined the evidence did not appear to substantiate the allegation of *Abuse of Authority* pursuant to section 77(3)(a)(ii)(B) of the *Police Act* by Constables [REDACTED] or [REDACTED] nor the allegation of *Neglect of Duty* pursuant to section 77(3)(m)(i) of the *Police Act* by Constables [REDACTED] or [REDACTED]

On June 12, 2020, the Police Complaint Commissioner appointed the Honourable retired Provincial Court Judge Carole Lazar to review this matter pursuant to section 117 of the *Police Act* as he considered there was a reasonable basis to believe that the decision of the initial Discipline Authority was incorrect.

Following the section 117 review the appointed Discipline Authority determined the evidence appeared to substantiate the allegation of *Abuse of Authority* pursuant to section 77(3)(a)(ii)(B) of the *Police Act* by Constables [REDACTED] and [REDACTED]

A prehearing conference was offered to each of Constables [REDACTED] and [REDACTED] and were held on August 13, 14 and 17, 2020, before Inspector [REDACTED] as the Prehearing Conference Authority.

Reports following the prehearing conferences were received at our office on August 19 and 20, 2020. In reviewing the investigation conducted by Sergeant [REDACTED] and considering all the relevant factors in this case, the Prehearing Conference Authority has appropriately considered the aggravating and mitigating factors pursuant to section 126.

Therefore, the agreements reached at each of the prehearing conferences for Constables [REDACTED] and [REDACTED] are approved and the resolutions are final and conclusive. Our file with respect to this matter will be concluded upon receipt of confirmation that in accordance with the *Police Act*, any disciplinary or corrective measure imposed in relation to, or agreed to by, a member or former member, has been completed, and that their service records of discipline have been updated.

[REDACTED]

[REDACTED]
Investigative Analyst

cc. Inspector [REDACTED] Vancouver Police Department
Sergeant [REDACTED], Vancouver Police Department
[REDACTED] PSS Administrative Assistant, Port Moody Police Department
[REDACTED] Registrar