

CONCLUSION OF PROCEEDINGS

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

OPCC File: 2019-16656
August 11, 2020

- To: [REDACTED] (Complainant)
- And to: Constable [REDACTED] (Member)
c/o Vancouver Police Department
Professional Standards Section
- And to: The Honourable Judge Ron McKinnon, (ret'd) (Discipline Authority)
Retired Judge of the British Columbia Supreme Court
- And to: [REDACTED] (Prehearing Conference Authority)
c/o Abbotsford Police Department
Professional Standards Section
- And to: Deputy Commissioner Jennifer Strachan (External Investigative Agency)
c/o Royal Canadian Mounted Police
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 by the Prehearing Conference Authority pursuant to section 120 of the *Police Act* in this matter.

Following the section 117 review conducted by The Honourable Judge Ron McKinnon, retired British Columbia Supreme Court Judge, the Discipline Authority determined the evidence appeared to substantiate the allegation of *Abuse of Authority* pursuant to section 77(3)(a)(ii)(A) of the *Police Act* by Constable [REDACTED].

A prehearing conference was offered to Constable [REDACTED] and was held on July 16, 2020, before [REDACTED] as the Prehearing Conference Authority.

A report following the prehearing conference was received at our office on July 27, 2020. In reviewing the investigation conducted by Corporal [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 agreement reached at the prehearing conference is approved and the resolution is 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 record of discipline has been updated.

The Honourable Judge Ron McKinnon, in his section 117 decision, noted an apparent lack of policy or protocol in relation to incident command. This stemmed from the apparent confusion among responding officers as to who was in command after Constable [REDACTED] arrived on scene.

[REDACTED] recommended, in her report following the Pre-Hearing Conference, pursuant to Section 120(12)(b) of the *Police Act*, that the Vancouver Police Department (VPD), develop incident command policy.

The OPCC will explore, with the VPD Professional Standards Section, if any clear and objective policy in the area of incident command is created, pursuant to the recommendation by [REDACTED].

[REDACTED]

[REDACTED]
Investigative Analyst

cc: Acting Inspector [REDACTED], Delta Police Department
Chief Superintendent Dave Atfield, Royal Canadian Mounted Police
Corporal [REDACTED], Royal Canadian Mounted Police
[REDACTED] Registrar