

IN THE MATTER OF THE *POLICE ACT*, R.S.B.C. 1996 c. 367

and

IN THE MATTER OF A DISCIPLINE HEARING UNDER SECTION 124

and

IN THE MATTER OF A REVIEW OF ALLEGATIONS OF MISCONDUCT AGAINST

CST. [REDACTED] OF THE VANCOUVER POLICE DEPARTMENT

(Form 4)

DISCIPLINARY DISPOSITION RECORD

(Section 128 (1)(b) *Police Act*)

Name of member involved:

[REDACTED] Constable # [REDACTED]

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

Vancouver Police Department

Date of discipline proceeding:

August 14, 2020

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

Misconduct: Abuse of authority, oppressive conduct towards a member of the public, in the performance, or purported performance of duties, intentionally or recklessly using unnecessary force on any person, section 77(3)(a)(ii)(A) of the *Police Act*.

Aggravating/mitigating factors:

1. The misconduct in question is serious, however, the use of force in the situation was relatively minor, was not intended to injure, and stopped as soon as resistance was apparent.

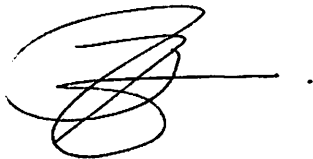
2. Constable [REDACTED] had been a member for approximately 13.5 years at the time of the misconduct [REDACTED].
3. Constable [REDACTED] engaged in the misconduct without any inquiry as to the circumstances of the Complainant.
4. Constable [REDACTED] did not recall any training received with respect to his powers to remove an individual under the *Trespass Act* and did not appear to have a thorough understanding of the legal authority under which he acted, leading to a likelihood that he will find himself in similar situations in the future.
5. Constable [REDACTED] engaged with the Complainant in an attempt to assist a fellow member on that member's request and this interaction is what resulted in the misconduct.

Disciplinary/corrective measures:

In all the circumstances I am satisfied that the appropriate disciplinary and corrective measure is to require Constable [REDACTED] to undertake training and/or retraining with specific emphasis on a member's powers of arrest and detention and the appropriate use of discretion, pursuant to section 126(1)(f) of the *Police Act*.

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
Judge John (Jim) James Threlfall (rt.)

Date: October 19, 2020

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

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]

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