

**REVIEW ON THE RECORD
DECISION – DISCIPLINARY OR CORRECTIVE MEASURES**

PURSUANT TO SECTION 141 *POLICE ACT*, R.S.B.C 1996, c.267

In the matter of a Review on the Record into
a Registered Complaint concerning

Constable Jag Ghuman (#3005)
of the Vancouver Police Department

To: Constable Jag Ghuman, Vancouver Police Department (the "Member")
And to: Chief Constable Adam Palmer, Vancouver Police Department
And to: Mr. Clayton Pecknold, Police Complaint Commissioner (the "Commissioner")
And to: Mr. Kevin Woodall, Counsel for the Member ("Counsel for the Member")
And to: Mr. Trevor Martin, Counsel to the Commissioner ("Counsel to the Commissioner")
And to: Mr. Joe Doyle Q.C., Counsel to the Disciplinary Authority
And to: Deputy Chief Constable Dean Duthie, Discipline Authority
And to: [REDACTED], [REDACTED] and [REDACTED] (the "Complainants")

Review hearing date: August 17,18, 2021, Vancouver BC

Decision date: November 5, 2021

Reasons for Decision on Disciplinary or Corrective Measures

I Overview

- (1) Following a Review on the Record I found that four allegations of misconduct against the Member were substantiated. The allegations concerned the interaction between the Member and the complainant, [REDACTED], during the early morning hours of April 30, 2018. This interaction resulted in the use of oleoresin capsicum spray ("OC spray") on [REDACTED] his unlawful arrest and handcuffing and a failure to read [REDACTED] his Charter Rights. All of those actions were followed by the Member's Report to Crown Counsel ("RTCC") that did not accurately reflect what had occurred.

(2) The four allegations substantiated were:

- (a). Abuse of Authority, pursuant to section 77(3)(a)(i) of the *Police Act*, which is intentionally or recklessly making an arrest without good and sufficient cause. Specifically, the arrest of [REDACTED].
- (b). Abuse of Authority, pursuant to section 77(3)(a)(ii)(A) of the *Police Act*, which is in the performance, or purported performance of duties, intentionally or recklessly using unnecessary force on any person. Specifically, the use of force on [REDACTED]
- (c). Discreditable Conduct, pursuant to section 77(3)(h)(iii) of the *Police Act*, which is without lawful excuse, failing to report to a peace officer whose duty it is to receive the report, or to a Crown counsel, any information or evidence, either for or against any prisoner or defendant, that is material to an alleged offence under an enactment of British Columbia or Canada. Specifically, not providing fulsome information on a submitted RTCC, in particular in regard to the force used on an arrested subject.
- (d). Neglect of Duty, pursuant to section 77(3)(m)(ii) of the *Police Act*, which is failing to promptly and diligently do anything that it is one's duty as a member to do. Specifically, failing to provide [REDACTED] with his Charter Rights following his arrest.

(3) What follows are my reasons under section 126 of the *Police Act* in relation to proposed disciplinary or corrective measures to be applied in connection with the substantiated misconduct of the Member taking into consideration all relevant aggravating and mitigating circumstances.

II History of Proceedings

- (4) The Review on the Record Reasons for Decision dated September 15, 2021 with respect to this matter was delivered to the parties, substantiating four of the allegations of misconduct concerning the Member (the "Discipline Decision").
- (5) The Discipline Decision sets out the prior history of these proceedings in detail.
- (6) The next stage of the process is to consider the appropriate disciplinary or corrective measures pursuant to the *Police Act*.

III Legislative Framework

- (7) The key legislative framework governing disciplinary or corrective measures is found in section 126 of the *Police Act*. That section provides as follows:

Imposition of disciplinary or corrective measures in relation to members

126 (1) After finding that the conduct of a member is misconduct and hearing submissions, if any, from the member or her or his agent or legal counsel, or from the complainant under section 113 [complainant's right to make submissions], the discipline authority must, subject to this section and sections 141 (10) [review on

the record] and 143 (9) [public hearing], propose to take one or more of the following disciplinary or corrective measures in relation to the member:

- (a) dismiss the member;
- (b) reduce the member's rank;
- (c) suspend the member without pay for not more than 30 scheduled working days;
- (d) transfer or reassign the member within the municipal police department;
- (e) require the member to work under close supervision;
- (f) require the member to undertake specified training or retraining;
- (g) require the member to undertake specified counselling or treatment;
- (h) require the member to participate in a specified program or activity;
- (i) reprimand the member in writing;
- (j) reprimand the member verbally;
- (k) give the member advice as to her or his conduct.

(2) Aggravating and mitigating circumstances must be considered in determining just and appropriate disciplinary or corrective measures in relation to the misconduct of a member of a municipal police department, including, without limitation,

- (a) the seriousness of the misconduct,
- (b) the member's record of employment as a member, including, without limitation, her or his service record of discipline, if any, and any other current record concerning past misconduct,
- (c) the impact of proposed disciplinary or corrective measures on the member and on her or his family and career,
- (d) the likelihood of future misconduct by the member,
- (e) whether the member accepts responsibility for the misconduct and is willing to take steps to prevent its recurrence,
- (f) the degree to which the municipal police department's policies, standing orders or internal procedures, or the actions of the member's supervisor, contributed to the misconduct,
- (g) the range of disciplinary or corrective measures taken in similar circumstances, and
- (h) other aggravating or mitigating factors.

(3) If the discipline authority considers that one or more disciplinary or corrective measures are necessary, an approach that seeks to correct and educate the member concerned takes precedence, unless it is unworkable or would bring the administration of police discipline into disrepute.

- (8) In completing my analysis, I am required to consider all aggravating and mitigating circumstances in order to determine just and appropriate disciplinary or corrective measures in relation to the misconduct of the Member.
- (9) If I determine that one or more disciplinary or corrective measures are necessary, s. 126(3) of the *Police Act* provides that an approach that seeks to correct and educate the Member concerned takes precedence, unless it is unworkable or would bring the administration of police discipline into disrepute.

IV Nature of the Misconduct

- (10) The key findings of fact relating to the allegations of misconduct concerning the Member as set out in the Discipline Decision are as follows:
- (a). On April 30, 2018 the Member had approximately 1.5 years of experience as a constable with the Vancouver Police Department employed on general duties in the greater Vancouver area.
 - (b). The complainant, [REDACTED] was a paramedic employed in northern British Columbia but was out with friends in the early morning hours of April 30, 2018 in the area of Davie Street and Cordero Street in Vancouver.
 - (c). The incident giving rise to the allegations began at approximately 3:45 AM on April 30, 2018. The Member and his partner were on duty and engaged in a police check of a cyclist in the area of Davie Street and Cordero Street. The Complainants were exiting the nearby McDonald's restaurant when they encountered the two police officers and the cyclist. In passing one of the Complainants (not [REDACTED]) made comments such as:
 - "If you do not wear a helmet for riding a bike yourself why would you ticket someone who does not.",
 - ""Wow! Riding a bicycle without a helmet! Have nothing better to do?",
 - "There are crackheads selling shit on the street and look at what you are doing", and
 - "Got nothing better to do eh?"
 - (d). The Member is a turbaned Sikh police officer.
 - (e). The Complainants crossed the street and the constables observed that they had "jay walked". It was dark, the street was very quiet and there was nobody around. The constables returned to their marked police vehicle, activated their emergency lights and repositioned the vehicle in front of the Complainants. The Complainants insist that the constables shouted "freeze you are under arrest" for jaywalking. The constables maintain that they simply detained the three for jaywalking. The constables demanded identification. [REDACTED] provided his identification, but the other two Complainants refused, insisting that they could not be arrested for jaywalking.
 - (f). The Member and his partner decided to arrest the complainant, [REDACTED]. He refused to put his hands behind his back and cooperate in being handcuffed. He was never physically aggressive with the constables but actively resisted the arrest by stiffening his arms and refusing to place his hands behind his back. The Member and his partner used force to control and arrest him including closed fist punches, knee strikes, kicks, attempted arm holds and attempts to apply body weight.
 - (g). The two constables called for backup. During the attempted arrest of [REDACTED] the Member unholstered his OC spray, first pointing it at [REDACTED] and then pivoting and spraying [REDACTED] without prior verbal warning. At the time [REDACTED] was using his cell phone to video record the attempted arrest of [REDACTED]

██████████ The third complainant, ██████████, had called 911 to report the arrest and was on his telephone with the dispatcher during the altercation. Approximately one minute elapsed between the attempted arrest and the arrival of backup officers.

- (h). After using OC spray on ██████████ the Member told ██████████ to put his “fucking hands” behind his back and handcuffed him. ██████████ continued to state that he was not resisting and prior to being handcuffed had his hands in the air. After handcuffing ██████████, the Member escorted him to a police car and slammed his head into the roof of the vehicle.
- (i). The Member said virtually nothing in his General Occurrence Report about why ██████████ was arrested. ██████████ was never told why he was arrested and was never provided with his Charter Rights.
- (j). The Member prepared a General Occurrence Report approximately one hour after the incident. At the time the report was prepared the Member was not aware that ██████████ had video recorded the incident. The Occurrence Reports prepared by the Member and his partner formed part of the RTCC.
- (k). In the General Occurrence Report and the and the subject behaviour officer response (“SBOR”) report the Member wrote:
 - i. All three Complainants were intoxicated and belligerent.
 - ii. ██████████ was shouting profanities at the Member and his partner.
 - iii. ██████████ was agitated/erratic and yelling/swearing.
 - iv. ██████████ was moving in his direction closing the distance while “glaring at myself with the 1000 yard stare”.
 - v. ██████████ began to close the distance between the Member and himself even when directed to move back.
 - vi. It was apparent to the Member and his partner that all three Complainants had a complete disregard for the law, believing they were above the law and that the same rules that apply to the rest of the citizens of Vancouver did not apply to them.
- (l). There was no evidence that the above assertions were true. There was also no mention made of arresting ██████████ for obstruction.
- (m). Moreover, in the same reports the Member did not tell Crown Counsel that he used multiple closed fist strikes and a knee strike to ██████████. The Member did however state that he could not recall a time where he had encountered an individual who had resisted arrest in the way ██████████ did. He also stated that he had never, throughout his career, encountered an individual who had had such disrespect for his faith (Sikhism) as ██████████ did. The statements were made before the Member was aware that there was a video record of what had actually occurred.

- (n). The video evidence did not corroborate the Member's RTCC.
- (o). The description of the events in the RTCC and SBOR and subsequent statements provided by the Member depicted a scene in which the Complainants were aggressive and threatening. They were also described as intoxicated. They were all painted as uncooperative. In fact, [REDACTED] [REDACTED] cooperated, provided his identification when requested and was not intoxicated. [REDACTED] also attempted to assist in de-escalating the situation.
- (p). The Member conceded that he never read [REDACTED] his Charter Rights, nor did he ask anybody else to provide them. In fact, the Member did not communicate with any of the arriving officers who took custody of [REDACTED] after he had been sprayed with OC spray, handcuffed, and aggressively pushed into the top of a police vehicle.
- (q). The initial stop of the Complainants for jaywalking at approximately 4 AM on a quiet morning was clearly in response to the comments made by one of the Complainants to the Member and his partner as they were questioning the cyclist. The context of what subsequently unfolded is important in terms of deciding appropriate disciplinary or corrective measures. Jaywalking is a bylaw offence. There is absolutely nothing on the evidence to suggest that the Complainants were a danger to anybody. The initial actions of the Member and his partner were clearly viewed as unnecessary and unwarranted harassment by the Complainants and triggered what subsequently occurred.

V Submissions of Counsel to the Commissioner

- (11) Counsel to the Commissioner takes the position that one or more disciplinary or corrective measures are necessary, and that a purely correctional and educative approach would be unworkable and would bring the administration of police discipline into disrepute. Measures that have punitive elements should be taken along with measures that seek to correct and educate the Member.
- (12) Among the aggravating and mitigating circumstances that should be considered under section 126(2) of the *Police Act* are:
 - (a) the Member's past misconduct as revealed in his service record of discipline,
 - (b) the likelihood of future misconduct by the Member, and
 - (c) the fact that the Member has not accepted responsibility.
- (13) It is submitted that just and appropriate measures in relation to the misconduct should include specified training or retraining under section 126(1)(f) of the *Police Act*, working under close supervision for a specified period to be determined by the Adjudicator under section 126(1)(e) and a suspension without pay for a period to be determined by the adjudicator under section 126(1)(c).

- (14) Counsel to the Commissioner submits that the principles that should be considered include:
- (a) “The aims of the [*Police*] Act are to preserve the public interest in maintaining a high quality of policing standards and foster community respect for the administration of police discipline”: Adjudicator Baird Ellan in *The Matter of Cst. Ludeman and Cst. Logan*, PH 19-01, dated 11 June 2021.
 - (b) Section 126(3) of the *Police Act* mandates that priority be given to “measures that rehabilitate (correct and educate) unless doing so would be impracticable or cause the administration of police discipline to be held in low public esteem.”: *The Matter of Cst. Steen*, RR 19-02, dated 21 November 2019.
 - (c) Section 126(3) of the *Police Act* provides that “if the discipline authority considers that one or more disciplinary or corrective measures are necessary, an approach that seeks to correct and educate the member takes precedence, unless it is unworkable or would bring the administration of police discipline into disrepute”.
 - (d) The concept of “workability” under section 126(3) requires consideration of whether the proposed measures can effectively achieve the objective of correcting the member’s behaviour. It also requires a consideration of whether the proposed measures are practicable from the perspective of the member and the municipal department to which they belong.
 - (e) The issue of whether proposed measures would bring the administration of police discipline into disrepute is considered from the perspective of a “reasonable person who is dispassionate and fully apprised of the circumstances of the case”; the question is “whether such a person would hold the system of police discipline in lower regard upon learning of the proposed measures”: *The Matter of Cst. Steen, supra*.
 - (f) When deciding appropriate discipline, the Adjudicator should first consider what measures are “necessary to address the aggravating and mitigating factors and then consider them in light of section 126(3): *The Matter of Cst. Ludeman and Cst. Logan, supra*, para. 8.
- (15) Counsel to the Commissioner submits that the misconduct substantiated was very serious when considered in its totality; however, some of the proven instances of misconduct are less serious than others:
- (a) The Abuse of Authority in the use of force by the Member on [REDACTED] was highly serious given that the Member recklessly bypassed reasonable alternatives to the use of force, including the most elementary option of attempting to communicate.
 - (b) The Abuse of Authority in relation to the arrest of [REDACTED] was moderately serious given that there were no grounds to arrest him and that the Member was reckless in not applying his mind to whether he had appropriate grounds.
 - (c) The Member’s Neglect of Duty in failing to provide [REDACTED] with his Charter Rights was moderately serious when the overall circumstances are considered. The failure to provide Charter Rights should be viewed in the context of the use of

unnecessary force and an arrest without good and sufficient cause. The Member recklessly escalated the situation with [REDACTED] and then negligently failed to perform his duty to provide [REDACTED] with his Charter Rights after arresting him unlawfully. Providing an individual with their Charter Rights is always important but more so in cases that involve unlawful arrests and use of force. In this case, [REDACTED] had been sprayed with OC spray and was particularly vulnerable.

- (d) The failure to provide fulsome information in the RTCC was particularly serious. It is noted that the Member was found to have been “deliberately misleading”. It is crucial to the administration of justice that Crown Counsel can rely upon and trust that the facts detailed in an Occurrence Report or RTCC by the investigating members are accurate. It is highly serious for a police officer to deliberately include inaccurate and misleading information in a RTCC in support of criminal charges against a member of the public, particularly where the faulty information concerns the officer’s use of force against a member of the public and creates a false impression of events that favours the police.

VI Submissions of Counsel for the Member

- (16) Counsel for the Member argues that under section 126(3) of the *Police Act*, an approach that seeks to correct and educate the Member should take precedence in the circumstances of this case particularly because the Member has been a police officer for only one year and a half.
- (17) Counsel for the Member relies on the following factors:
 - (a) The incident occurred quickly and in a chaotic manner. [REDACTED] was subject to lawful arrest for obstructing a police officer and while the Member’s mistakes amount to misconduct, he was at all times acting in good faith in the attempted performance of his duties.
 - (b) Although the Member misread the situation with respect to whether [REDACTED] posed a threat, his misreading was not so extreme that one would have to conclude that his use of force was wanton. In support of this position, Counsel for the Member points out that the original investigator and the Discipline Authority accepted that it was understandable that an officer in the position of the Member could believe that [REDACTED] posed a threat.
 - (c) The Member testified that he had never arrested someone for obstruction of a police officer and did not understand the elements. Since this incident and prior to the discipline proceeding the Member has studied the case law on obstructing a police officer and now understands the elements of the offence.
 - (d) The Member’s error in not reading [REDACTED] his Charter Rights is understandable in that the Member had been contaminated with OC spray and that by the time he had been decontaminated [REDACTED] had left the scene.
 - (e) Counsel for the Member also argues that although the RTCC was deficient there is not a finding that the deficiencies were intended to mislead or were intended to serve some ulterior purpose.

- (f) The Member, although a very junior constable at the time of the incident, has made a favourable impression on his supervisors. His latest performance appraisal states that he is meeting expectations in all competencies and is well regarded by his squad mates.
 - (g) There has been a negative financial and emotional impact to the Member. A loss of overtime because of the outstanding allegations has cost the Member approximately [REDACTED]. Moreover, the Member has been under investigation and then faced disciplinary proceedings since April 2018.
- (18) Counsel for the Member submits that the appropriate disciplinary or corrective measures should involve advice as to future conduct on all allegations of misconduct except the allegation of use of force which should involve retraining in the use of OC spray.

VII Aggravating and Mitigating Factors

Seriousness of the Misconduct - Police Act, section 126(2)(a)

- (19) The misconduct in this matter is very serious. An aggravating factor is that the original detention or purported arrest for jaywalking was clearly a reaction to the comments one of the Complainant's made to the Member and his partner when they were dealing with the cyclist. That conclusion is inescapable when the content of the Member's RTCC, prepared shortly after the incident, is considered. The decision to detain the Complainants for a bylaw infraction, in the early morning hours, on a quiet street, hardly justifies what subsequently occurred.
- (20) A further aggravating factor lies in the fact that what actually occurred was revealed, not in the Member's Occurrence Report or RTCC, but rather as a result of the video taken by [REDACTED]. It is significant that the Member was not aware of the existence of the video when he prepared his initial RTCC.
- (21) The use of unnecessary force on [REDACTED] falls toward the more serious end of the spectrum. It involved the use of an intermediate weapon, OC spray, without any warning or direction to get back and without taking the time to consider alternative options or how the situation could be de-escalated without resorting to the use of force. It also involves the complainant, [REDACTED] who was the only one of the Complainants who cooperated in providing his identification as requested. It was clear from the video that [REDACTED] was cooperative, not aggressive or shouting profanities as suggested by the Member and attempted throughout to assist in de-escalating the situation. In reaching this conclusion I am unable to place any weight on the opinions of the investigating officer or the original Discipline Authority who apparently did not consider the entire context of the original arrest or detention.
- (22) Moreover, the use of force as an expedient shortcut instead of the use of communication to gain cooperation of the Complainants, resulting in unwarranted physical violence to [REDACTED] who was not a threat, is highly serious.
- (23) I agree with Counsel to the Commissioner that the unlawful arrest of [REDACTED] was moderately serious. The Member had no grounds to effect the arrest and never applied his mind to whether grounds existed. Police officers are granted extraordinary powers to affect the lives of others. A full discussion of the powers of arrest was contained in the

Discipline Decision. Suffice it to say here that whether or not the Member was highly experienced or not, a working knowledge of the necessary grounds for arrest is fundamental. The relatively short amount of service the Member had at the time of the incident cuts both ways since his basic training, which clearly included powers of arrest, was so recent.

- (24) I also agree with Counsel to the Commissioner that the failure to provide [REDACTED] with his Charter Rights was also moderately serious. The provision of Charter Rights is always important but in the circumstances of this case even more so. [REDACTED] had been sprayed with OC spray, forcibly handcuffed, and arrested. He was particularly vulnerable and the opportunity to consult counsel if he wished was very important.
- (25) The failure to provide accurate information in the RTCC is particularly serious. I have already outlined in paragraphs 9(k)-(n) above the misleading statements the Member made in the RTCC. I not only found the statements misleading but concluded that the Member's actions in making the assertions that he did were deliberate. I concluded that the statements were designed to influence the Crown in its charge approval function. Without the video taken by [REDACTED] the statements would have stood on a "he said/she said basis" and, given the authority of the office held by the Member, likely accepted by Crown counsel at face value. Crown counsel must be able to rely upon a police officer's assertions in an RTCC. It is particularly egregious where the faulty information concerns the member's use of force against a member of the public and creates a false impression of events that favours the police.

The member's record of employment as a member, including his service record of discipline and any other current record concerning past misconduct: Police Act, section 126(2)(b)

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Impact of proposed disciplinary or corrective measures on the member and his family and career: Police Act, section 126(2)(c)

(35) I accept that the Member has suffered a financial and emotional impact arising from this process already. Having discipline proceedings unresolved is stressful as the potential consequences can have a profound effect on a policing career. The possible finding of the

misconduct allegation of Deceit, and then an actual finding of Deceit in the decision below, one of the most serious charges a police officer can face, had to have been emotionally stressful. Counsel for the Member argues that the Member has already suffered an income loss of approximately [REDACTED] as a result of a loss of overtime while under investigation. Although I am prepared to accept that there has been some financial loss as a result of the investigation of the April 30, 2018 incident, [REDACTED]

[REDACTED] accordingly I am not prepared to accept that the entire [REDACTED] financial impact was incurred in relation to the misconduct subject to this Review on the Record.

- (36) I also accept that it is likely that the fact of multiple findings of misconduct along with the discipline and corrective measures imposed will have an impact, as they should, on the Member's future prospects for advancement. Clearly, a suspension without pay will have a financial impact and there will be a stigma attached to any corrective measures that require working under close supervision.

Likelihood of future misconduct by the member: Police Act, section 126(2)(d), and

Whether the member accepts responsibility for the misconduct and is willing to take steps to prevent its recurrence: Police Act, section 126(2)(e)

- (37) I agree that the factors in sections 126(2)(d) and (e) of the *Police Act* are best considered together and prospectively and that they are best dealt with in reverse order: *The Matter of Cst Ludeman and Cst. Logan, supra*.
- (38) The Member has not accepted responsibility for any of the misconduct that was found to be proven in this matter at any point up to and including the Review on the Record.

(39)

[REDACTED]

- (40) Of particular concern is the fact that the Member's conduct exhibits not only a lack of knowledge of the very basics of policing shortly after completing the requisite training, but an abuse of authority and desire to exert and challenge members of the public who question that authority. When this is coupled with a willingness to deliberately mislead in written reports the only possible conclusion is that his future success as a police officer is uncertain without further intervention.

Degree to which the municipal police department's policies, standing orders or internal procedures, or the actions of the member's supervisor, contributed to the misconduct: Police Act, section 126(2)(f)

- (41) There does not appear to be any evidence in the record to suggest that departmental policies, standing orders or internal procedures, the actions of the Member's supervisors, or a lack of training contributed to any of the instances of misconduct that were found to be proven in this case.

Range of disciplinary or corrective measures taken in similar circumstances: Police Act, section 126(2)(g)

- (42) I have been provided with a series of cases taken from published decisions following Public Hearings or Reviews on the Record as well as summaries from the Office of the Police Complaint Commissioner's Annual Report. I have reviewed them all and find it unnecessary to go through them case-by-case. They are fact dependent but a range of suspensions without pay of between one and eight days, depending on the seriousness of the misconduct involved, seems to have been the discipline or corrective measure chosen by adjudicators. In most cases a direction to work under supervision or to take retraining was also deemed appropriate. The finding of Discreditable Conduct is clearly the most serious involving the Member as it includes a finding that there was a deliberate attempt to mislead Crown counsel. The penalties for deceit are of some assistance since the gravity of that offence bears some similarity to the findings in this case.

Other aggravating or mitigating factors: Police Act, section 126(2)(h)

- (43) The Member has been a volunteer at the Vancouver Crisis Centre, a non-profit organization that assists persons who suffer from mental health problems and it is estimated that he has volunteered approximately 1,000 hours in that role. He also acts as a mentor and male role model for a young boy who he met through Big Brothers. He is active in his community volunteering with a variety of Sikh projects. These are mitigating factors and speak to his character.

VIII Determination of just and appropriate measures and consideration of section 126(3) of the Police Act

- (44) I have concluded that a purely corrective and educative approach would be unworkable and would bring the administration of police discipline into disrepute. A reasonable person who is dispassionate and fully apprised of the circumstances would hold the system of police discipline in lower regard upon learning that the Member, [REDACTED] his failure to accept responsibility and his deliberate attempts at misleading Crown counsel, did not receive some form of penalty for the multiple instances of misconduct in this matter.
- (45) I have determined that the appropriate discipline and corrective measures in this case are the following:

- (a) Abuse of Authority pursuant to s. 77(3)(a)(ii)(A) of the *Police Act*, for recklessly using unnecessary force on [REDACTED] in the performance of duties:

- i. The Member is required to undertake training or retraining in the areas of:
 - i. an officer's obligation under the Charter,
 - ii. arrest and detention powers,
 - iii. requirements for Reports to Crown Counsel and other police reports
 - iv. use of force techniques, and de-escalation techniques, and

- v. the proper use of OC spray,
 - ii. An unpaid suspension of two days to run consecutive with the other suspensions outlined in this Decision, and
 - iii. The Member will be required to work under close supervision for a period of 12 months.
- (b) Abuse of Authority pursuant to s. 77(3)(a)(i) of the *Police Act*, for recklessly arresting [REDACTED] without good and sufficient cause:
- i. An unpaid suspension for two days to run consecutive with the other suspensions outlined in this Decision,
- (c) Neglect of Duty pursuant to s. 77(3)(m)(ii) of the *Police Act*, for failing to promptly and diligently provide [REDACTED] with his Charter rights following his arrest:
- i. An unpaid suspension of one day to run consecutive with the other suspensions outlined in this Decision, and
- (d) Discreditable Conduct pursuant to s. 77(3)(h)(iii) of the *Police Act*, for not providing fulsome information on a submitted RTCC, particularly in regard to the use of force on an arrested subject:
- i. An unpaid suspension of eight days to run consecutive with the other suspensions outlined in this Decision, and
 - ii. A requirement that every Occurrence Report and RTCC of the Member be approved by a designated member of the Vancouver City Police Professional Standards Division before submission to Crown counsel. This requirement is for a period of six months.
- (46) It is my hope that the disciplinary and corrective measures ordered will emphasize to the Member the seriousness with which the findings of misconduct are viewed and will assist him in moving forward with his career in policing.



Signature of Adjudicator

Judge John (Jim) James Threlfall (rt.)

Date: November 5, 2021