IN THE MATTER OF THE $POLICE\ ACT$, R.S.B.C. 1996 C. 367

AND

IN THE MATTER OF A REVIEW OF ALLEGATIONS OF MISCONDUCT AGAINST

CONSTABLE

OF THE VANCOUVER POLICE DEPARTMENT

AND

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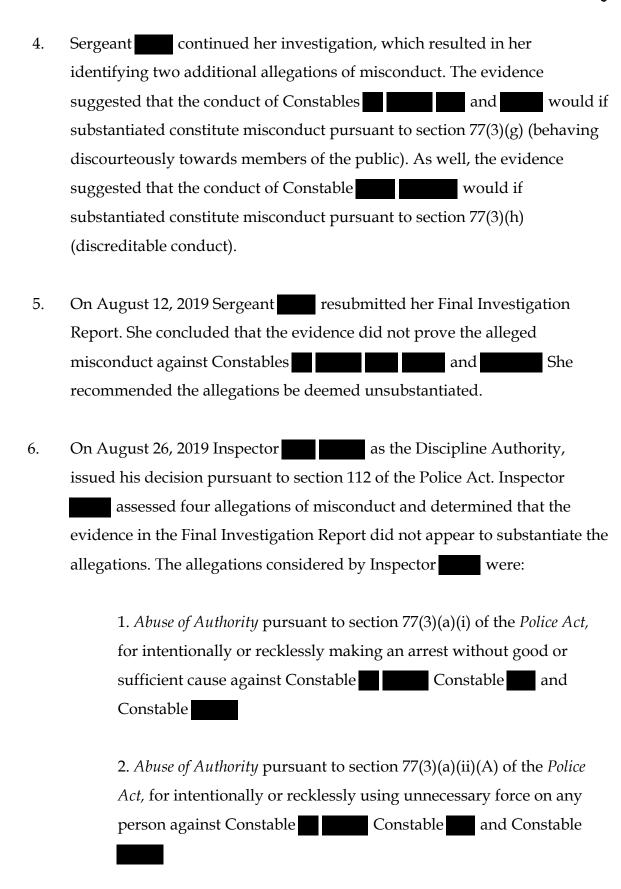
NOTICE OF ADJUDICATOR'S DECISION

CONSTABLE OF THE VANCOUVER POLICE DEPARTMENT

TO:	Mr	Complainant
AND TO:	Constabl	Member
	Constable	Member
	Constable	Member
	Constable	Member
	c/o Vancouver Police Department	
	Professional Standards Section	
AND TO:	Sergeant	Investigating officer
	c/o Vancouver Police Department	
	Professional Standards Section	
AND TO:	Mr. Clayton Pecknold	Police Complaint Commissioner

Introduction

- 1. This matter arises from a complaint made by regarding the circumstances surrounding his detention and arrest by members of the Vancouver Police Department on July 8, 2018. The police were dispatched to attend a call in the of that a male suspect was yelling and threatening to damage vehicles. Constables and arrested him for Breach of the Peace. Mr. was forcefully taken into custody and received some injuries. He was treated at hospital and then transported to the Vancouver city jail by police van driver Constable
- 2. Mr. filed a complaint on October 15, 2018 alleging misconduct against the officers who arrested him. The Police Complaint Commissioner determined the complaint was admissible. He directed an investigation into the matter after concluding that the conduct of Constables and would, if substantiated, constitute misconduct pursuant to section 77(3)(a)(ii)(A) of the Police Act (intentionally or recklessly using unnecessary force on any person). Sergeant of the Vancouver Police Department was assigned to conduct the investigation.
- 3. Sergeant considered the evidence and delivered her Final Investigation Report on March 26, 2019. On April 9, 2019, the Police Complaint Commissioner rejected the Final Investigation Report and directed further investigative steps be taken pursuant to section 98(9) of the Police Act to include an additional allegation of misconduct pursuant to section 77(3)(a)(i) (intentionally or recklessly making an arrest without good and sufficient cause).



- 3. *Discourtesy* pursuant to section 77(3)(g) of the *Police Act*, which is failing to behave with courtesy due in the circumstances towards a member of the public against Constable Constable and Constable
- 4. *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, which is when on or off duty, conducting oneself in a manner that the member knows or ought to know, would likely bring discredit on the police department. Specifically, that Constable dropped or smeared the personal property of Mr. in his blood at the scene.
- 7. The Police Complaint Commissioner reviewed the allegations and the alleged conduct and considered that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect.
- 8. On September 23, 2019 the Police Complaint Commissioner appointed me to review the investigating officer's report, the evidence and the records pursuant to section 117 of the Police Act.

Section 117

9. The statutory authority governing this review is set out in Section 117 of the Police Act. If, on review of a discipline authority's decision under section 112(4) or 116(4) that conduct of a member or former member does not constitute misconduct, the Police Complaint Commissioner considers that there is a reasonable basis to believe that the decision is incorrect, the Police Complaint Commissioner may appoint a retired judge recommended under subsection (4) of this section to do the following:

- (a) review the investigating officer's report referred to in section 112 or 116, as the case may be, and the evidence and records referenced in that report;
- (b) make her or his own decision on the matter;
- (c) if subsection (9) of this section applies, exercise the powers and perform the duties of discipline authority in respect of the matter for the purposes of this Division.
- (6) The Police Complaint Commissioner must provide the appointed retired judge with copies of all reports under sections 98, 115 and 132 that may have been filed with the Police Complaint Commissioner before the appointment.
- (7) Within 10 business days after receiving the reports under subsection (6), the retired judge appointed must conduct the review described in subsection (1)(a) and notify the complainant, if any, the member or former member, the police complaint commissioner and the investigating officer of the next applicable steps to be taken in accordance with this section.
- (8) Notification under subsection (7) must include:
 - (a) a description of the complaint, if any, and any conduct of concern,
 - (b) a statement of a complainant's right to make submissions under section 113,
 - (c) a list or description of each allegation of misconduct considered by the retired judge,
 - (d) if subsection (9) applies, the retired judge's determination as to the following:
 - (i) whether or not, in relation to each allegation of misconduct considered by the retired judge, the evidence referenced in

- the report appears sufficient to substantiate the allegation and requires the taking of disciplinary or corrective measures;
- (ii) whether or not a prehearing conference will be offered to the member or former member under section 120;
- (iii) the range of disciplinary or corrective measures being considered by the retired judge in the case, and
- (e) if subsection (10) applies, a statement that includes the effect of subsection (11).
- (9) If, on review of the investigating officer's report and the evidence and records referenced in them, the appointed retired judge considers that the conduct of the member or former member appears to constitute misconduct, the retired judge becomes the discipline authority in respect of the matter and must convene a discipline proceeding, unless section 120 (16) applies.
- (10) If, on review of the report and the evidence and records referenced in it, the retired judge decides that the conduct of the member or former member does not constitute misconduct, the retired judge must include that decision, with reasons, in the notification under subsection (7).
- 10. A review of the Section 117 case law and the case cited as 2016 BCSC 1970 defines my role as the adjudicator. I must review the material delivered under subsection 117(6) and determine whether or not the conduct of the member appears to constitute misconduct. The law is clear that, because the adjudicator may become the discipline authority in relation to discipline proceedings, my job is not to reach conclusions about the conduct of the

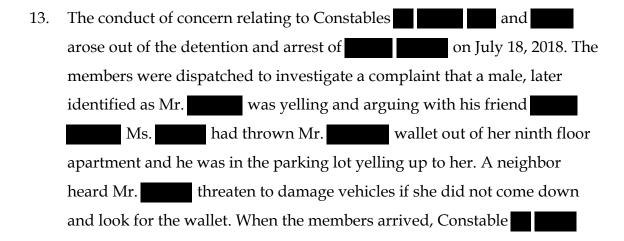
member; rather, it is to assess only whether it appears to constitute misconduct.

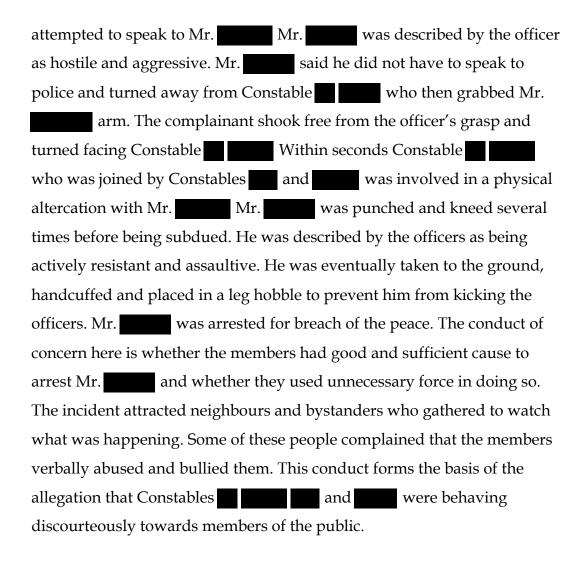
11. The review is a paper-based process of the record provided by the Commissioner. There are no witnesses or submissions. Section 117(1)(b) directs the adjudicator to make "her or his own decision on the matter."

Reports and Material Considered

- 12. Pursuant to sec. 117 (6) the Commissioner provided the following materials for my review.
 - (a) Final Investigation Report of Sergeant and attachments described as: registered complaint, progress reports, OPCC notices, civilian statements, members' statements, supporting documents, and legislation/case law.
 - (b) Additionally, I have considered the Notice of Appointment of Retired Judge dated September 23, 2019, the Direction For Further Investigative Steps dated April 9, 2019 and the relevant case law and statutory authority.

Section 117(8)(a) Description of the Complaint and Conduct of Concern





14. Constable arrived on scene as Mr. was being subdued. She was driving a police wagon and later transported Mr. to the Vancouver city jail. While Mr. was being held on the ground by the male officers a civilian witness observed a female officer wipe Mr. bloody face with his fanny pack. The pack ended up in a pool of blood. The alleged conduct of concern here is that Constable wiped Mr. s bloody face with his fanny pack and in doing so conducted herself in a manner that she knew or ought to have known would likely bring discredit to the police department.

15.	5. Having reviewed the evidence referenced in the Final Investigation F				
	I identify the following allegations of misconduct against Constable				
	Constable and Constable that could appear to be				
	substantiated:				

- 1. Abuse of authority by intentionally or recklessly arresting Mr. without good and sufficient cause contrary to section 77(3)(a)(ii) of the Police Act.
- 2. Abuse of authority by intentionally or recklessly using unnecessary force on Mr. contrary to section 77(3)(a)(ii)(A) of the Police Act.
- 3. Discourtesy which is failing to behave with courtesy due in the circumstances towards a member of the public in the performance of duties as a member contrary to section 77(3)(g) of the Police Act.
- 16. Having reviewed the evidence referenced in the Final Investigation Report,
 I identify the following allegations (the allegation considered by Sergeant
 and an additional allegation that arises from my consideration of the
 reports, evidence and materials) of misconduct against Constable
 that could appear to be substantiated:
 - 1. Discreditable conduct which is, when on or off duty, conducting oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department contrary to section 77(3)(a)(h) of the Police Act.
 - 2. Damage to property of others which is when on duty, or off duty but in uniform, intentionally or recklessly damaging any

property belonging to a member of the public contrary to section 77(3)(e)(i) of the Police Act.

17. I am mindful of the limitation to the definitions of misconduct in Section 77 found in Section 77(4):

77(4) It is not a disciplinary breach of public trust for a member to engage in conduct that is necessary in the proper performance of authorized police work.

Section 117(8)(d)(i) Whether the Evidence Appears Sufficient to Substantiate the Allegations

The allegations against Constable Constable and Constable

- 18. Sergeant obtained duty statements from the members and interviewed each member as part of her investigation of the complaint of The officers' duty statements were prepared in September 2018, shortly after the incident and they contain a brief summary of each officer's involvement in the arrest of Mr. The members were interviewed in December 2018 and February 2019 prior to Sergeant completing her first Final Investigation Report. Constables and were interviewed again in May 2019 before the Final Investigation Report was released on August 12, 2019.
- 19. Upon a review of the Record I am satisfied the following circumstances are not in dispute:

a)	On July 18, 2018 was in the parking lot of an
	apartment building the of . He was looking for
	his wallet that had been thrown out the window of one of the upper
	level apartments by during an argument the couple
	had had.
b)	Mr. was upset and angry and his yelling was disturbing
	neighbours including and and
	Mr. telephoned 911 to complain. The Vancouver Police
	department dispatched police units to respond to the complaint.
c)	Constable and Constable responded to the dispatch.
	Both were dressed in plain clothes and Constable was driving
	their unmarked police car. They were the first officers to arrive.
	Constable and Constable arrived shortly
	thereafter. They were in police uniform and driving a marked police
	car.
d)	As Constable pulled his car into the parking area both officers
	saw Mr. Constable quickly exited the passenger
	seat and walked towards Mr.
e)	Constable identified himself as a police officer and asked
	Mr. said that he didn't have to
	speak to the officer and turned away, at which point Constable
	took hold of Mr. arm in an attempt to prevent Mr.
	from leaving. Mr. shook free and turned to face
	Constable Within a few seconds Constable
	punched Mr. and the two men engaged in a physical
	altercation.

		arrived and joined the fray. The three officers eventually subdued Mr. on the ground and handcuffed him. Mr. was
		kicking at the members and was placed in a hobble.
	g)	Mr. was punched and kneed by the members. He had a facial injury and was bleeding.
	h)	Constable was present but did not get involved in the altercation. She did see another officer wipe Mr. bloody face with a fanny pack.
	i)	a friend of the family, was staying in apartment. She had come down to the parking lot and witnessed the police arriving and taking Mr. into custody. did not see the incident but she did come down later and spoke to the police.
	j)	Mr. was driven to the hospital, treated there and then driven to the Vancouver City jail by wagon driver Constable He was released a few hours later without being charged.
20.	Const	in his May 23, 2019 interview was asked by Sergeant to describe his initial interaction with Mr. He said:
		B Okay. And tell me what your lawful authority was to interact with Mr.
		D My common law duties.
		B Okay. And did you feel that he was detained or detainable?

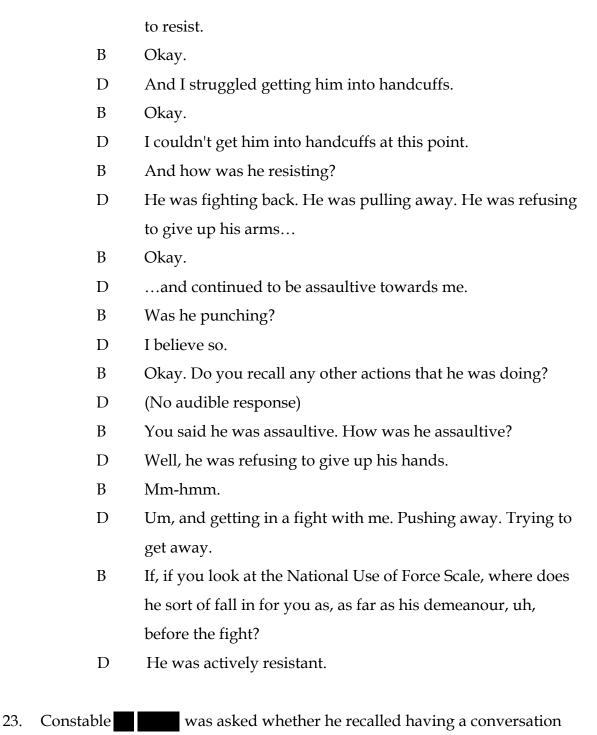
f) Constable went to assist his partner and Constable

- D Yes.
- B Okay. And can you explain that to me.
- D Um, I believed that, uh, you know, I was on scene to conduct an investigation of a domestic. Um, whether it was an assault or just a verbal argument, I needed to determine that. I didn't know if it was physical or if anyone was injured. Um, and also to obviously investigate the allegation of mischief to, to cars, parked cars in the parking lot.

21. In the same interview Constable said:

- B Did you, um, w-, and what did you assess his behavior to be at that.... How would you describe that behavior just sort of walking away?
- D Active resistant.
- B Okay. Um, tell me what your purpose was for grabbing him.
- My purpose for grabbing Mr. was to, you know, gr-, uh, gain attention from him. I, I wanted to talk to him. My main goal was to have a conversation with Mr. and to investigate, um, what had just happened. I don't go into situations like this looking to fight. I go into these situations lookin' to talk to somebody and to see what had occurred. Um, Mr. had absolutely none of that. His, he was resistant from the start until the, the, the, the end, until he had to be hobbled into the wagon.
- 22. Constable was interviewed on February 27, 2019 and asked to describe how the fight with Mr. started. He said:
 - B Okay. So, I guess what I'm trying to get at, I suppose, I'm

- trying to figure out, so once you grab him and then he squares off with you, what happens? How, how does, how does the, the fight start?
- D Well, he squares off with me.
- B Okay.
- D Um, I have no time to get into a, you know, big verbal deescalation situation. I, I don't need to get punched first.
- B Mm-hmm.
- D If I'm punched first, then I put other, my partners at risk and other members of the public at risk, so...
- B Okay.
- D Um, that is him saying that he needs to fight, that he, sorry, that he wants to fight. And that's me being like, okay, I need to do my job and act here before he acts on me.
- B Okay. And then so tell me then how it is that you, what action did you take?
- D I believe I punched him.
- B Okay. And do you know where?
- D I believe in the head.
- B Okay.
- D Yeah.
- B And tell me what was the purpose of punching him in the head?
- Well, I needed to subdue this male, and I've been trained wherever the head goes, the male goes. And I wanted to gain control of this guy. He'd been resistant since the point, um, since I pulled up on scene, and I needed to deal with him. I didn't want him to get away, so I punched him.
- B Okay. And then what, what happened after that first punch?
- D After the first punch, he, the fight was on. He just continued



He said he spoke to her and didn't remember there

being any issues. He couldn't recall being approached by a citizen and

with

raising his voice or swearing.

24.	Constable told Sergeant that as he got out of the police car he
	heard Constable say "Police stop" to who was
	walking away from the officers. Constable said that Mr. was
	facing Constable with his fists raised and that they were fighting.
	He said he ran toward the altercation, tried to take Mr. to the
	ground using a leg sweep and ended up on the bottom of a human pile.
	Constable told Sergeant that there was no time to say anything or
	communicate with Mr. because Mr. behavior had, based
	on the member's training and understanding of the National Use of Force
	Model, moved to the assaultive stage. Constable denied using any
	profanity.

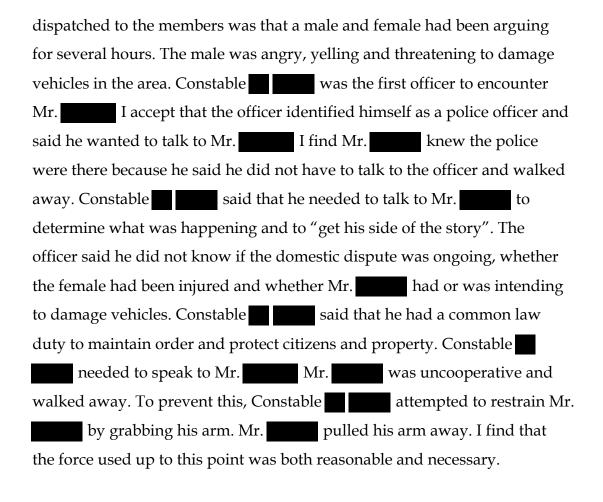
- 25. Constable told Sergeant that when he got to the parking lot he saw Constable and Constable standing in a triangle pattern facing Mr. Mr. fists were clenched and he was yelling at the officers. He said he moved in to help subdue Mr. whom he described as actively resistant and assaultive. Constable struck Mr. with his fist three or four times. He also delivered two or three knee strikes to Mr. midsection after the complainant was being held on the ground. Constable said the knee strikes were necessary because had "turtled" and the members could not get his hands free to handcuff him. He was also concerned that Mr. may have had a weapon. Constable denied using any profanity.
- 26. In the Final Investigation Report, Sergeant carefully analyzed the issues of whether the members had good and sufficient grounds to detain and arrest Mr. and whether, in doing so, the members used unnecessary force. She considered the members' powers to arrest in section 495(1) of the Criminal Code and the use of force provisions in section 25(1). Her conclusions were that the members had proper grounds to detain and

arrest Mr. and that they did not use unnecessary force.

27. Section 117(1)(a) and (b) of the Police Act requires me to review Sergeant report and the evidence and records and then make my own decision on the matter. I agree with the comments of the Adjudicator Baird Ellan in OPCC 2016-11867 where she said:

"While my task is not to review his decision, rather to consider the issues and reach my own conclusion, I find it instructive to consider the matter from the perspective of a trained officer, particularly in assessing the reasonableness of the member's response from a policing perspective. In doing so I nonetheless bear in mind that the test has an objective component"

- 28. In R v. Mann 2004 SCC 52, the Court held that there is no general power of detention for investigative purposes. The police may stop and detain an individual without arresting him if there are reasonable grounds to suspect in all the circumstances that the person is connected to a particular crime and that the detention is reasonably necessary. The Mann decision held that the officer could detain a person provided there was "articulable cause". The decision holds that while the officer's subjective opinion regarding reasonable grounds to suspect is relevant, the court must consider all of the circumstances to assess objectively whether what the officer believed and did was reasonable.
- 29. Having considered the Final Investigation Report and the evidence and records, I am satisfied that the conduct of Constables and does not constitute misconduct pursuant to section 77(3)(a)(i). The members attended the scene in response to a complaint by a citizen of a male yelling and threatening to damage vehicles. The information



- 30. Constables and each heard the dispatch and were aware of the complaints regarding the suspect's behavior. Constable identified himself as a police officer and Constable was in his police uniform. I am satisfied the evidence proves they were attending in the proper execution of their police duties which include preventing a breach of the peace pursuant to section 31 of the Criminal Code and I accept that all the members had reasonable grounds to suspect that Mr. was connected to a particular crime and that his detention was reasonably necessary.
- 31. When all of the circumstances are objectively considered, I am satisfied it was reasonable for the members to be concerned about the risk of injury to property or persons had they not detained Mr. The police would

have been criticized had they not intervened. Mr. conduct on July 8, 2018 obliged the members to detain him. There is no evidence of misconduct up to this point.

- 32. The second allegation against Constables and and is that they intentionally or recklessly used unnecessary force against Mr.

 Sergeant conclusion in her Final Investigation Report was that the members did not use more force than was reasonably necessary. She considered the provisions of section 25 of the Criminal Code (use of force), the Vancouver Police Department's policy on use of force and the National Use of Force Model/Force Options Theory in arriving at her conclusion.
- 33. The evidence and the records would appear to support the members' subjective belief that they needed to gain control of Mr. whom they described as angry, hostile and resistant. Constable said that Mr. shook out of the officer's grasp and turned to face the officer in a fighting stance with his fists raised. Constable said Mr. was actively resistant, that there was no time to verbally de-escalate the situation and that a hand strike was his only option. The member said:
 - B Okay. And just so I understand, why choose a punch over some other, uh, use of force?
 - D On this day, I was plainclothes. I wasn't wearing my duty belt. I had no OC spray, no baton. Um, it was really my only option I had that day.

Constables and described Mr. as resistant, angry and verbally abusive. They said Mr. appeared ready to fight the police with his fists raised and that their training had taught them that the situation was beyond the option of attempting a verbal de-escalation. All

the members stated that the force they used (punches and knee strikes) from this point on was reasonable and no more than necessary to gain control of and arrest Mr.

- 34. The members subjective beliefs regarding their use of force are not however determinative of the matter. Mr. told Sergeant that he had turned around and started to get beaten up. He said he did not do anything, did not throw a punch and that he was defenseless. was in the parking lot with Mr. when the police arrived. She told Sergeant an officer ran past her and started swinging and hitting Mr. She said Mr. had just been standing there. It is important to consider that the altercation in the parking lot happened very quickly, the members were reacting to a fast-moving, dynamic situation and the incident would have been emotionally upsetting for everyone involved. It is not surprising then that the members' and the witnesses' subjective perceptions of what occurred are different. Those perceptions may eventually be resolved following an assessment of the credibility and reliability of their testimony.
- 35. While the subjective beliefs of the members must be considered, this allegation of misconduct must be assessed objectively to determine whether what the members believed and did was reasonable. In OPCC File No. 2016-11505 the Adjudicator discussed the meaning of recklessness in the context of the Police Act. He said:

I would add that the use in the Police Act of the word "reckless" (in both of the s. 77 subsections at issue here) is consistent with the fact the Police Act disciplinary matters involve an objective component. That is to say, the assessment of a misconduct allegation is not dictated by the individual officer's personal intention of "good"

faith", rather it also involves an objective question as to the reasonableness of what the officer believed and did. While an officer's subjective belief will always be relevant, and may mitigate a misconduct allegation, the analysis does not start and end with the subjective component. It is necessary to assess objectively whether what the officer believed and did was reasonable.

- 36. After a consideration of the evidence, it appears there are questions as to whether it was objectively reasonable for Constable Constable and Constable to conclude Mr. was actively resistant and assaultive and posed a threat serious enough to justify the force used upon Mr. The evidence objectively considered raises questions whether the members were reckless as to whether it was necessary and reasonable to use the force they did in controlling and subduing Mr.
- 37. The issue to be determined at this stage is whether the evidence appears sufficient to substantiate misconduct. Based on the materials and evidence, I find the evidence appears sufficient to substantiate the allegation that Constables and recklessly used unnecessary force.
- 38. The third allegation against Constables and is that they behaved discourteously towards a member of the public. Sergeant conclusion in the Final Investigation Report was that the members were not discourteous. Sergeant interviewed and and Ms. Sergeant told her that the Asian officer was rude. Ms. said the plainclothed Asian officer swore at her. The members told Sergeant they did not swear, did not recall swearing at the women and did not hear any other police officers swearing. The investigator concluded that there was no other evidence to support the allegation and that there was no evidence or additional witnesses to corroborate what Ms.

and Ms. told her.

- 39. An assessment of this allegation of misconduct requires a consideration of all the circumstances surrounding what, if anything, the members said, whether the testimony of the members and the women is determined to be credible and reliable and whether what was said was discourteous.
 Corroborative evidence is often helpful but is not necessary and a lack of such evidence is not determinative of the issue.
- 40. After considering the evidence, it appears there are questions as to whether Constables and behaved in a discourteous manner towards Ms. and Ms. Based on the materials and reports, I find the evidence appears sufficient to substantiate an allegation of discourtesy.
- 41. The allegations of misconduct against Constable are that she conducted herself in a manner that the member knows, or ought to know, would likely bring discredit on the police department and that Constable when on duty, intentionally or recklessly damaged property belonging to a member of the public. Sergeant concluded the evidence did not support the allegation of discreditable conduct. The other allegation of misconduct (damage to property of others) is one that I have considered pursuant to section 117(8)(c) of the Police Act.
- 42. told Sergeant that a female police officer rubbed Mr. fanny pack in a pool of his blood. Constable who was Constable partner, was the only other female police officer present other than Constable Constable said she saw a bloody fanny pack at the scene. She explained in an email to the Investigator that the blood got on the fanny pack because a member wiped

Mr.	face with it and p	out it in the pool of blood that was on th	ne
ground. She o	did not recall whi	ch member did this. Constable	said
she did not pl	lace Mr.	fanny pack in any blood at the scene.	

- 43. Constable told Sergeant she could not recall many of the details of the incident because as the wagon driver she was not directly involved. She did remember Mr. was wearing a fanny pack and that he was on the ground bleeding. She speculated that is how the pack may have got blood on it. She could not recall placing the fanny pack in the blood at the scene and said she would have no reason to do so. She said she did not drop the pack into the blood and did not use the pack to wipe blood from the face of Mr. Constables and did not recall seeing a fanny pack during the incident.
- 44. Sergeant concluded that there was no evidence to identify the member that Constable saw wiping Mr. bloody face with a fanny pack and therefore there was no way to objectively assess whether such conduct may be discreditable.
- 45. After considering the Final Investigation Report and the records, it appears there are questions regarding the identity of the police officer who wiped Mr. face with a fanny pack. This issue might be resolved by drawing logical inferences from the evidence. If the inference were drawn that is was Constable who wiped Mr. bloody face then questions arise whether, viewed objectively, such conduct was discreditable and whether Constable intentionally or recklessly damaged Mr.
- 46. The issue to be determined at this stage is whether the evidence appears sufficient to substantiate misconduct. Based on the materials and evidence

contained in the report, I find the evidence appears sufficient to substantiate the allegations that Constable conducted herself in a manner that she knew, or ought to have known, would likely bring discredit on the police department and that Constable intentionally or recklessly damaged property belonging to a member of the public.

Conclusion and Next Steps

- 47. After reviewing the Final Investigation Report and the evidence and records I am satisfied of the following:
 - a) Abuse of Authority for intentionally or recklessly making an arrest without good or sufficient cause; for the reasons noted above, I find the conduct of Constables and does not constitute misconduct. Pursuant to section 117(11), this decision is not open to question or review by a court on any ground and is final and conclusive.
 - b) Abuse of Authority for intentionally or recklessly using unnecessary force; the evidence appears sufficient to substantiate this allegation against Constables and and requires the taking of disciplinary or corrective measures.
 - c) Discourtesy which is failing to behave with courtesy due in the circumstances towards a member of the public; the evidence appears sufficient to substantiate this allegation against Constables and and requires the taking of disciplinary or corrective measures.
 - d) Discreditable Conduct which is when on or off duty, conducting

oneself in a manner that the member knows or ought to know, would likely bring discredit on the police department and Damage to Property of Others which is when on duty, or off duty but in uniform, intentionally or recklessly damaging any property belonging to a member of the public; the evidence appears sufficient to substantiate these allegations against Constable and requires the taking of disciplinary or corrective measures.

- 48. I hereby notify the relevant parties of the next steps pursuant to sections 117(7) and (8) of the Police Act.
 - a) The complainant has the right pursuant to section 113 of the Police Act to make submissions at the discipline proceeding.
 - b) I have determined that the range of disciplinary or corrective measures being considered for Constables and includes:
 - i. Suspend the member without pay for not more than 30 scheduled working days.
 - ii. Require the member to undertake specified training or retraining.
 - iii. Verbal or written reprimand.
 - c) I have determined that the range of disciplinary or corrective measures being considered for Constable includes:
 - i. Verbal or written reprimand.
 - ii. Giving advice to the member as to her conduct.
- 49. Considering the factors in section 120 of the Police Act, I am willing to offer the members a prehearing conference.

50. The members may, pursuant to section 119(1) file with the discipline authority a request to call and examine or cross-examine one or more witnesses listed in the Final Investigation Report. Such a request must be made within 10 business days of this notification.

Dated at Victoria British Columbia October 31, 2019

David Pendleton

David Pendleton

Adjudicator