

CONCLUSION OF PROCEEDINGS

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

OPCC File: 2020-17551

March 16, 2021

To: [REDACTED] (Complainant)

And to: Constable [REDACTED] (Member)
[REDACTED]
[REDACTED]

And to: The Honourable Judge Wally Oppal, Q.C. (ret'd) (Discipline Authority)
Retired Judge of the British Columbia Court of Appeal

And to: [REDACTED] (Prehearing Conference Authority)
[REDACTED]

And to: [REDACTED]
[REDACTED]
[REDACTED]

And to: [REDACTED]
[REDACTED]
[REDACTED]

A prehearing conference was offered to Constable [REDACTED] and was held on February 26, 2021, before Deputy Chief Constable [REDACTED] as the Prehearing Conference Authority.

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.

1. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*; specifically, that while investigating an allegation of sexual assault made to the [REDACTED] Police Department on December 22, 2019, in the city of [REDACTED] British Columbia, Constable [REDACTED] neglected, "without good and sufficient cause to do something that it was his duty as a member to do" by failing to appropriately communicate with the complainant, [REDACTED]

Discipline Proposed: Training Course - Introduction to Trauma and Sexual Assault Investigations

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2. *Discourtesy*, pursuant to section 77(3)(g) of the *Police Act*; specifically, that Constable [REDACTED] failed to behave with courtesy due in the circumstances towards a member of the public in the performance of duties as a member” based on the manner in which Constable [REDACTED] apparently treated the complainant.

Discipline Proposed: Training Course – Consent Law and Common Sexual Assault Myths

A report following the prehearing conference was received at our office on March 8, 2021. 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 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.

[REDACTED]

[REDACTED]
Investigative Analyst

cc. Sergeant [REDACTED] [REDACTED] Police Department
Inspector [REDACTED] [REDACTED] Police Department