

# Substantiated Allegations

## Concluded between April 1, 2020 and March 31, 2021

### Abbotsford Police Department

#### Registered Complaint (OPCC 2019-16654)

The complainant reported that she was arrested by police at a hospital for disturbing the peace. The complainant was brought to the police station where she was advised that she could make a phone call. The complainant was subsequently taken to a cell where she was left for approximately nine hours. During this time, she was never provided an opportunity to make a phone call, despite providing a phone number multiple times to an officer. In response, the officer continued to tell her it was not a proper number for a lawyer. The complainant was released the following morning without having been provided the opportunity to consult legal counsel.

The OPCC reviewed the complaint and determined that an investigation into the incident was required into the matter.

#### Allegation 1

Failing to facilitate or allow the complainant to contact a lawyer by telephone, during the period in which she was being held in Abbotsford Police Department cells.

##### MISCONDUCT

*Neglect of Duty*  
(failure to provide Charter rights)

Date of Incident: June 2019

##### DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. Under section 10(b) of the *Charter of Rights and Freedoms*, a person arrested or detained by police has the right to retain and instruct counsel without delay, and to be informed of that right. Everyone has this right regardless of whether a person will be charged criminally or will go to court. It was determined that the complainant's request to contact a third party to assist her in contacting legal counsel was not unreasonable in the circumstances and that the member should have facilitated the phone call.

The OPCC reviewed and approved the proposed disciplinary/corrective measures.

#### Ordered Investigation – Initiated by PCC (OPCC 2020-17298)

A Jail Guard completing her scheduled physical checks noted that a prisoner was under his blanket making snorting sounds that she believed to be consistent with the consumption of drugs. The guard contacted the Jail Supervisor who did not attend the cell block or take any action.

Approximately two minutes later, the prisoner knocked on his door to speak with the guard. When the guard got to the door, she could see that there was white powder around his nostrils, seemingly confirming her earlier suspicions. The guard contacted the Jail Supervisor again to relay this information. The Jail Supervisor did not take any further action. The next Jail Supervisor on shift later searched the jail cell and the prisoner and located items on the prisoner consistent with drug use.

#### Allegation 1

Failing to respond to an incident in cells when notified by a Jail Guard who suspected that a prisoner was using illegal drugs.

##### MISCONDUCT

*Neglect of Duty*  
(failure to provide assistance)

Date of Incident: December 2019

##### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

## Disciplinary Process

A prehearing conference was offered and accepted by the member. The member advised that it was his intention to attend cells but that he got busy and forgot. The Prehearing Conference Authority imposed a written reprimand noting that the member was remorseful, admitted the misconduct, and accepted responsibility during the prehearing conference.

The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had been removed from the Acting Sergeant role for approximately four months.

## Ordered Investigation – Requested by Department (OPCC 2020-17449)

Upon request from the Abbotsford Police Department (APD), the Commissioner initiated an investigation into the off-duty conduct of an APD member who was reported to have been driving while impaired. According to the APD, one of their members initiated a traffic stop on a vehicle for driving on a flat tire. Following an investigation roadside, police determine that the driver was impaired by the use of prescription drugs.

### Allegation 1

Operating a motor vehicle while his ability to do so was impaired by the use of prescription drugs and alcohol.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate Roadside Prohibition/Impaired operation of a motor vehicle)
<b>Date of Incident: October 2018</b>

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

## Disciplinary Process

A prehearing conference was offered and accepted by the member. An agreement was reached with respect to the proposed discipline of a 3-day suspension without pay. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

## Ordered Investigation – Requested by Department (OPCC 2019-16072)

Upon request from the Abbotsford Police Department (APD), the Commissioner initiated an investigation into the conduct of an APD member. It was reported that the member sent a photograph from an internal Intelligence Bulletin to a chat group with coworkers. The internal bulletin was distributed by the APD's Intelligence Unit and contained language prohibiting disclosure or distribution of the contents. In the group chat, the member commented on the subject of the photograph stating, "this is why you don't do drugs."

### Allegation 1

Failing to follow the direction of a supervisor and, using a personal cellphone to take a photograph of a "protected" document and posting this to a police chat group for a purpose unrelated to work duties, which violated Abbotsford Police Department Policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
<b>Date of Incident: March 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

## Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed the proposed corrective measure and determined that the proposed discipline was not appropriate considering the circumstances. The matter proceeded to a discipline proceeding where the member admitted to the allegation of *Neglect of Duty*. The Discipline Authority imposed a *Written Reprimand* noting that the only recipients of the photograph were other police officers and that this conduct was a misguided attempt at humour. The Discipline Authority also noted that the member made no attempt to minimize their conduct.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not in the public interest.

## Internal Discipline (OPCC 2019-17008)

An internal investigation was initiated into the conduct of an Abbotsford Police Department (APD) member who had played an inappropriate video to other officers during classroom training. It was determined that the video content amounted to an "application of negative stereotypes or generalizations" and was intended to ridicule women. During the investigation, it was found that the member had disclosed details of the investigation to civilian staff and had accused staff of bringing forward the concerns regarding the video.

### Allegation 1

Playing an inappropriate video during a training session thereby breaching APD Respectful Workplace policy (IB.060).

<b>MISCONDUCT</b>
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
<b>Date of Incident: May – September 2019</b>

<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
Written Reprimand

### Allegation 2 - 4

Discussing the internal investigation with three witnesses who were in class on the day the inappropriate video was shown thereby breaching the APD Respectful Workplace policy on three separate occasions.

<b>MISCONDUCT</b>
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
<b>Date of Incident: May – September 2019</b>

<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
Written Reprimand

### Allegation 5

Engaging in retaliation towards a complainant in contravention of section 25 of the Respectful Workplace policy.

<b>MISCONDUCT</b>
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
<b>Date of Incident: May – September 2019</b>

<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
2-day suspension without pay

## Mandatory External Investigation (Serious Harm) (OPCC 2018-15398)

According to the Abbotsford Police Department (APD), police officers arrested an affected person for a criminal offence and used force to take them into custody. The force used included taking the affected person down to the ground in order to gain control. While in jail, the affected person complained of injuries and pain; however, no medical assistance was sought by the Jail Supervisor. After a period of time in the jail, the new shift supervisor arranged for the affected person to be assessed by Emergency Health Services (EHS). The affected person was taken to the hospital where x-rays showed a fracture to the left knee and right elbow.

As a result of the serious nature of the injuries, the Independent Investigations Office (IIO) investigated this matter. In addition, the *Police Act* requires an investigation also be initiated by the OPCC whenever death or serious harm results from an incident involving municipal police officers. These investigations are separate and distinct from investigations by the IIO and are not restricted to evidence gathered by the IIO. Under the *Police Act*, officers may be compelled to provide statements, answer questions and otherwise account for their actions.

At the conclusion of the investigation by the IIO, they did not consider that an officer committed an offence under any enactment and did not refer the matter to Crown Counsel for consideration of possible criminal charges.

An investigation under the *Police Act* determined that the member committed misconduct by failing to provide adequate medical assistance.

### Allegation 1

Failing to provide medical assistance.

#### MISCONDUCT

*Neglect of Duty*  
(failure to provide medical attention)

Date of Incident: October 2018

#### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

### Disciplinary Process

The member accepted the offer of a prehearing conference. The Prehearing Conference Authority noted that neglecting a duty of care to an injured prisoner is serious. He also noted that this Sergeant was not the regular jail Sergeant and was filling in. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

## Central Saanich Police Service

### Ordered Investigation – Requested by Department (OPCC 2020-17628)

Upon request by the Central Saanich Police Service (CSPS), the Commissioner initiated an investigation into the conduct of a CSPS member. According to the CSPS, an individual attended the Central Saanich police station as a result of being threatened and exploited to send sexual images to an unknown person. A police officer met with the individual and advised her that he could not create a file because the incident occurred in RCMP jurisdiction; however, the member obtained an audio statement from the individual, reviewed text messages, and contacted the subject of the complaint by telephone. The member did not document the complaint or any of the investigative actions taken, nor did the member notify the police of jurisdiction.

#### Allegation 1

Failing to document investigative actions in a PRIME<sup>1</sup> file, and not notifying the police of jurisdiction.

MISCONDUCT
<i>Neglect of Duty</i> (inadequate documentation/notes/records)
<b>Date of Incident: March 2020</b>

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Training/Re-training: Review Central Saanich Police policy AE 040 with respect to Information Management and meet with the Platoon to discuss and review the requirements of this policy as it pertains to documenting investigative actions.

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had, of his own accord, sought out additional training and accepted responsibility for his actions in this matter.

### Ordered Investigation – Requested by Department (OPCC 2020-17545)

Upon request by the Central Saanich Police Service (CSPS), the Commissioner initiated an investigation into the conduct of a CSPS member and directed that an external police agency complete the investigation. It was reported that the member publicly disclosed information that the member could only have obtained through the course of their duties and through accessing records within PRIME.

The member retired from the CSPS prior to the conclusion of the investigation.

#### Allegation 1

Publicly disclosing sensitive and private information that the member acquired during the performance of duties.

MISCONDUCT
<i>Improper Disclosure of Information</i> (disclosing information acquired as a police officer)
<b>Date of Incident: 2018 - 2020</b>

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-training: Undertake specific re-training: Review CSPS and PRIME policies on disclosure of designated and classified information.

<sup>1</sup> Police Resource Information Management Environment (PRIME) is a multi-jurisdictional information management system used by police across British Columbia.

## Allegation 2

Speaking as a member of the CSPA, the member made comments which were critical in nature about other police officers and agencies contrary to policy and those comments became public.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: 2018 - 2020</b>

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay
Training/Re-training: Review CSPA policy on public speaking
Program/Activity: Complete a positive communication in the workplace course

## Allegation 3

Using a covert e-mail address to contact an external agency and provide information the member had obtained through police duties in an attempt to instigate further investigation.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: 2018 - 2020</b>

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

## Disciplinary Process

At the conclusion of the investigation the Discipline Authority found that the member committed three counts of misconduct. A prehearing conference was offered to the member which the member declined. As a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that the misconduct in totality was serious, and did not reflect well on the member or policing in general. The Discipline Authority noted that strong relationships with external partners are crucial in advancing investigations and enhancing professionalism and networking. He found that as a result of the member's actions, the member damaged partnerships that had been formed over years.

The Discipline Authority also noted that the member had no record of discipline on his service record during his career.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2019-16648)

Upon request by the Central Saanich Police Service (CSPA), the Commissioner initiated an investigation into the off-duty conduct of a member who was alleged to have assaulted his spouse and appointed an external agency to complete the investigation. The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service and ultimately the charge was stayed and a Peace Bond entered into.

## Allegation 1

Engaging in behaviour that resulted in injuries to a spouse and led to an arrest and charge for assault.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: July 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
10-day suspension without pay
Counselling/Treatment

### **Disciplinary Process**

A prehearing conference was offered and accepted by the member. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not in the public interest.

## **CFSEU (Organized Crime Agency of BC)**

No substantiated misconduct in this reporting period.



## Delta Police Department

### Ordered Investigation – Requested by Department (OPCC 2020-17542)

Upon request from the Delta Police Department (DPD), the Commissioner initiated an investigation into the conduct of a DPD member. It was reported that the member failed to attend a criminal court trial as a witness. The member’s failure to attend Court as required was based on a pre-existing trip which was in conflict with the scheduled Court date. The member had attempted to be excused by Crown Counsel from attending Court prior to the trial date. Crown Counsel advised that they could not excuse the member from attending as directed; however, the member decided to take his leave and go on the trip. He ultimately missed the trial. The absence of the member from Court had an adverse impact on the trial as Crown Counsel accepted a guilty plea from the accused rather than moving forward on all charges that had been laid.

#### Allegation 1

Did not attend Court as required and failed to complete his duty.

##### MISCONDUCT

*Neglect of Duty*  
(failure to attend Court)

Date of Incident: February 2020

##### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

#### Disciplinary Process

A prehearing conference was offered and accepted by the respondent member. The OPCC reviewed and approved the proposed disciplinary/corrective measure. OPCC considerations included that the member had taken ownership for his actions and had offered a sincere apology to Crown Counsel without direction or suggestion. The OPCC also noted that policy changes were in effect to ensure that all members read the Availability for Duty policy; and that the receipt of a Law Enforcement Notification was sufficient to compel a member to attend court, whether signed, or not, making Court attendance mandatory, unless excused by the Court or Crown.

### Registered Complaint (OPCC 2019-17196)

The complainant reported concerns with the adequacy of an investigation completed by a member of the Delta Police Department (DPD). The complainant had reported an incident of domestic violence to police. The responding member had taken down the initial details but did not obtain an audio recorded statement. Upon completing further investigative steps, the member determined that the incident did not warrant a recommended criminal charge.

The complainant was not satisfied with the investigation and the manner in which she was treated by the member. The complainant made inquiries with the member’s supervisors, which resulted in further investigation of the incident and a Report to Crown Counsel was forwarded for charge assessment.

#### Allegation 1

Not adhering to DPD policy related to domestic violence investigations.

##### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: July 2019

##### DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Verbal Reprimand

Training/Re-Training: Canadian Police Knowledge Network Domestic Violence Training Course, and read and review DPD policy OD40 – Domestic Violence

## Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority identified a number of deficiencies with the investigation and noted that policy and training surrounding domestic violence investigations are clear and concise and that the length of time to reach a disposition on a domestic violence investigation in this case was unacceptable.

The OPCC reviewed and approved the proposed disciplinary/corrective measures.

### Ordered Investigation – Requested by Department (OPCC 2020-17339)

Upon request from the Delta Police Department (DPD), the Commissioner initiated an investigation into the off-duty conduct of a DPD member. According to the DPD, the member was ejected from a hockey game after making comments to the referee regarding a call that was made. It was reported that the member verbally abused the on-ice official and projected himself in an unprofessional manner to other spectators, coaches, and players. This behaviour was observed by a number of individuals and led to the DPD being notified of this incident.

#### Allegation 1

Engaging in verbal altercation with a minor hockey referee and parents of other players, and refusing to immediately obey the referee’s direction to leave the ice rink.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: December 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

## Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the corrective measures, the Prehearing Conference Authority noted that the member authored unsolicited apology letters, had fully accepted responsibility and made no excuses for his actions. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

### Ordered Investigation – Requested by Department (OPCC 2020-18716)

Upon request from the Delta Police Department (DPD), the Commissioner initiated an investigation into the off-duty conduct of a member for driving under the influence of alcohol. According to the DPD, the member, who was off-duty and on long term leave, attended a restaurant and consumed an unknown quantity of alcohol over approximately four hours before driving home. An Integrated Road Safety Unit (IRSU) officer was conducting road safety enforcement in the area. The IRSU officer observed the member leave the parking lot and fail to properly navigate a left turn resulting in the vehicle crossing a solid line. The IRSU officer conducted a roadside stop and ultimately issued the member with a 3-day Immediate Roadside Prohibition.

#### Allegation 1

Impaired operation of a motor vehicle.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate Roadside Prohibition/impaired operation of a motor vehicle)
<b>Date of Incident: October 2020</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay

## Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority noted that impaired driving is a serious concern and that impaired driving enforcement is a pillar of police strategy to keep the public safe. It was also noted that the member had no prior misconduct on their service record of discipline and self-reported the incident. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-16783)

Upon request by the Delta Police Department (DPD), the Commissioner initiated an investigation into the conduct of three DPD members relating to their role in providing a reference for a former employee. According to the DPD, a prospective employer contacted the Delta Police Department following media coverage reporting the dismissal of a Delta police officer. The former member was scheduled to start a new position with the prospective employer. It was reported that the prospective employer had received positive references regarding the former member from three senior ranking officers at the DPD.

Upon request, the Commissioner directed that an external police agency conduct the investigation and act as the Discipline Authority.

#### Allegation 1

Providing a positive employment reference for a member who had been dismissed from the DPD and which negatively impacted the reputation of the police department.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: August 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension
Program/Activity: a written apology to the prospective employer

## Disciplinary Process

In arriving at his decision, the Discipline Authority determined that while *Police Act* restrictions would prohibit disclosing specific information about previous misconduct about a former member, details were reported in the media and were therefore in the public realm. Accordingly, it was open for the respondent members to refer the prospective employer to the media coverage. A prehearing conference was offered and accepted by the members. The Prehearing Conference Authority noted that all three senior officers accepted full responsibility for their actions and had learned from this incident. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

## Metro Vancouver Transit Police

### Registered Complaint (OPCC 2018-14437)

The complainant reported that members of the Metro Vancouver Transit Police removed him from a SkyTrain and placed him in handcuffs despite being cooperative with police and providing them with his identification. The complainant stated that one of the members took a photo of him, and reported that he was left in handcuffs for 20 minutes before being released, which he believed breached his rights.

The OPCC reviewed the complaint and determined that an investigation into the incident was required into the matter.

#### Allegation 1

Failing to make adequate notes and/or failing to properly document the incident in a General Occurrence report.

MISCONDUCT
<i>Neglect of Duty</i> (Inadequate documentation/notes/records)
<b>Date of Incident: February 2018</b>

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct
Work Under Close Supervision (minimum 6 months)

#### Disciplinary Process

The investigation determined that police were responding to a report of a male suspect who had pulled a knife on another passenger. Following the detention of the complainant, police determined that he was not the suspect they were looking for. While the detention was determined to have been reasonable in the circumstances, the Discipline Authority found that the member neglected his duty to properly collect and record detailed information about the interaction with the complainant and other responding officers. The matter proceeded to a discipline proceeding where the Discipline Authority highlighted the importance of proper documentation, even for interactions when a member of the public is detained for a short period of time.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-15876)

Upon request from the Metro Vancouver Transit Police (MVTP), the Commissioner initiated an investigation into the conduct of a police officer following an incident involving a firearm and a suspect. It was reported that a police officer was wounded during an exchange with a suspect, who fled the scene uninjured. As a result of the victim being a police officer, an external police agency completed a criminal investigation into the shooting. The Independent Investigations Office (IIO) was not involved in the matter because the suspect was uninjured. A MVTP member came into possession of the suspect’s identifying information and, despite being told not to share that information, provided the information to the two officers who had encountered the suspect. As a result, investigators were unable to conduct a particular investigative step for the purposes of their criminal investigation. The member also encouraged those two officers to act like they had not received any information from him.

#### Allegation 1

Disclosing information after being directed not to by a supervising officer.

MISCONDUCT
<i>Improper Disclosure of Information</i> (disclosing information acquired as police officer)
<b>Date of Incident: January 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay (concurrent)

## Allegation 2

Inserting themselves into an investigation that was being led and managed by an external agency, acting on information obtained, and then texting subversive comments about their supervising officer’s direction to cease activities in relation to the external investigation.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: January 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay (concurrent)

## Allegation 3

Attempting to procure a false oral, written, or official record to be made by the two officers involving in the shooting incident.

MISCONDUCT
<i>Deceit</i> (Attempting to do any of the things described in subparagraphs (i) or (ii) of section 77(3)(f) of the <i>Police Act</i> )
<b>Date of Incident: January 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
15-day suspension without pay (concurrent)

## Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member committed three counts of misconduct. The matter proceeded directly to a discipline proceeding where the member admitted to each of the allegations.

The Discipline Authority determined that the member’s actions placed the integrity of the criminal investigation at risk but noted that the criminal investigation was ultimately not comprised. The Discipline Authority also determined that making derogatory and disrespectful comments about the direction provided by a supervising officer could “serve to undermine the authority of the senior officer giving valid operational direction.”

The Discipline Authority also found that the action of asking the other members to “pretend” and “act surprised”, constituted an attempt to hide the member’s action of sharing unauthorized information from his superiors. According to the Discipline Authority, while the member’s state of mind following the shooting incident was a significant contributing factor, it was not a defence to the misconduct. The Discipline Authority further noted that the member had taken responsibility, sought ethics training on their own initiative and apologized to those they had affected.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2020-17928)

Upon request from the Metro Vancouver Transit Police (MVTP), the Commissioner initiated an investigation into the conduct of an MVTP member who was alleged to have yelled at a cyclist, believing that the cyclist had created an unsafe situation in traffic by blocking a transit bus from completing a turn. A review of CCTV video indicated that the member’s belief was incorrect.

### Allegation 1

Yelling at a cyclist to get back on the sidewalk.

MISCONDUCT
<i>Discourtesy</i> (discourteous conduct)
Date of Incident: April 2020

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility for his actions.

### Ordered Investigation – Initiated by PCC (OPCC 2019-16791)

It was reported that Metro Vancouver Transit Police (MVTP) members were alleged to be working secondary employment without proper authorization in the private security field. As a result, the Commissioner initiated an investigation upon request by the MVTP (ref: OPCC 2019-15758). During that investigation, it was determined that the members used PRIME and CPIC<sup>2</sup> for purposes other than for MVTP investigations. As a result, the Commissioner initiated a further investigation into the conduct of MVTP members for querying names of people arising from these members’ secondary employment in private security.

The members resigned from the MVTP prior to the conclusion of the investigation.

### Allegation 1

Specifically, that Member A conducted up to eight unauthorized queries of individuals and Member B conducted up to nine unauthorized queries of individuals, using police databases, for reasons not associated with their work as police officers.

MISCONDUCT
<i>Unauthorized Use of Police Facilities/Resources<sup>3</sup></i> (unauthorized search of CPIC / PRIME)
Date of Incident: 2016 - 2018

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the members committed one count of *Corrupt Practice*. No prehearing conference was offered to the members and as a result, the matter proceeded to a discipline proceeding. The members did not attend the proceedings which commenced in their absence.

The Discipline Authority dismissed the members for their conduct, characterizing the conduct as serious because the members used police databases to further their own personal business venture and stood to benefit from the unauthorized use of police databases and the information retrieved. The members did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

<sup>2</sup> The Canadian Police Information Centre (CPIC) is a central police database where Canadian law enforcement agencies can access information.

<sup>3</sup> *Unauthorized Use of Police Facilities/Resources* is a subsection of *Corrupt Practice*. The OPCC distinguishes this as a separate category of misconduct in order to better capture statistics pertaining to this conduct.

Although the members resigned prior to the completion of this matter, their service record of discipline will note that they were dismissed from the MVTP.

### Ordered Investigation – Requested by Department (OPCC 2019-16930)

The Metro Vancouver Transit Police (MVTP) reported that one of their members was alleged to have become intoxicated at a restaurant while off-duty and visited the restroom where his behaviour caught the attention of staff. After being confronted by restaurant staff, the member identified himself as a police officer and became belligerent. The member was arrested by the RCMP and later released without charges. Upon request by the MVTP, the Commissioner initiated an investigation into the conduct of the member.

#### Allegation 1

Rendering oneself intoxicated in a public place by the excessive consumption of alcohol, which resulted in behaving in a rude and confrontational manner with licensed premises staff and members of the RCMP.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: October 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
6-day suspension without pay
Program/Activity: Attend for an assessment with a medical practitioner, selected by MVTP and attend treatment/counselling to the extent the medical practitioner deems necessary.

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority noted that the member accepted responsibility and expressed remorse for his actions. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Nelson Police Department

### Ordered Investigation – Requested by Department (OPCC 2019-16704)

Upon request from the Nelson Police Department (NPD), the Commissioner initiated an investigation into the conduct of an NPD member for failing to disclose that they were involved in a personal relationship with a subordinate employee. In addition, further information indicated that the member’s personal vehicle was observed parked outside the employee’s residence in the early morning hours the previous two nights.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority.

#### Allegation 1

Failing to report a personal relationship with a subordinate employee contrary to departmental policy.

##### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: May 2019 – August 2020

##### DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility. During the prehearing conference, the Prehearing Conference Authority noted an apparent ambiguity in the NPD policy and recommended that the NPD clarify their policy concerning intimate supervisor and subordinate relationships. The OPCC agreed with this recommendation.



## New Westminster Police Department

### Ordered Investigation – Requested by Department (OPCC 2019-16727)

Upon request from the New Westminster Police Department (NWPD), the Commissioner initiated an investigation into the conduct of an NWPD member who was actively working in outside employment while also being on a leave of absence due to medical reasons contrary to departmental policy and the department’s collective agreement.

The member resigned from the NWPD prior to the conclusion of the investigation. The member did not attend the proceedings which commenced in his absence.

#### Allegation 1

Being involved in outside employment and/or business opportunities while being on a leave of absence from the NWPD for medical reasons.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
Date of Incident: 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

#### Allegation 2

Failing to adhere to departmental policy concerning income earning activities.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
Date of Incident: 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

#### Disciplinary Process

At the conclusion of the investigation the Discipline Authority found that the member appeared to have committed two counts of misconduct. The member was offered a prehearing conference in relation to this matter, but due to the member’s resignation and non-participation in the process, the matter proceeded directly to a discipline proceeding.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2020-18229)

Upon request from the New Westminster Police Department (NWPD), the Commissioner initiated an investigation into the off-duty conduct of one of their member’s following a vehicle stop. According to the NWPD, the RCMP members stopped an NWPD member as part of a roadblock. The RCMP member detected an odour of liquor on the member’s breath and requested a breath sample, which resulted in two “Warn” readings. The member received a three-day Immediate Roadside Prohibition.

### Allegation 1

Operating a motor vehicle while under the influence of alcohol.

#### MISCONDUCT

*Discreditable Conduct*  
(Immediate Roadside Prohibition/Impaired operation of a Motor Vehicle)

Date of Incident: July 2020

#### DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had immediately accepted responsibility and demonstrated a willingness to learn from the experience.

## Oak Bay Police Department

### Internal Discipline (OPCC 2021-19098)

An internal investigation was initiated into the conduct of an Oak Bay Police Department member who engaged in a pursuit of a vehicle that failed to stop. After terminating the pursuit, the member immediately notified their supervisor of the pursuit.

#### Allegation 1

Failing to adhere to the BC Emergency Vehicle Operations Policy when they pursued a speeding vehicle for approximately three kilometres.

MISCONDUCT
<i>Neglect of Duty</i> (vehicle pursuits)
Date of Incident: January 2021

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Training/Re-training: Review departmental policy relating to police pursuits and emergency vehicle operation

## Port Moody Police Department

### Ordered Investigation – Requested by Department (OPCC 2020-17705)

Upon request from the Port Moody Police Department (PMPD), the Commissioner initiated an investigation into the conduct of a member who had discharged their firearm. According to the PMPD, the member was preparing to go on shift and removed his personal-issued patrol rifle from his changeroom locker. As a result of some manipulation of the firearm, it discharged a single round. The round travelled through the bottom shelf and base of the locker. There were no injuries as a result of this incident.

#### Allegation 1

Negligently discharging a firearm in a police station changeroom.

##### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: March 2020

##### DISCIPLINARY/CORRECTIVE MEASURE

1-day suspension without pay

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority found that the conduct was serious, but that the member had accepted responsibility, had no history of misconduct, and was unlikely to commit similar misconduct in the future. The Prehearing Conference Authority also determined that the discipline was consistent with past *Police Act* matters. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-16788)

Upon request from the Port Moody Police Department (PMPD), the Commissioner initiated an investigation the conduct of a PMPD member relating to police database queries that were completed. According to the PMPD, the member attended the front counter of a RCMP detachment to complain about a message posted on a Facebook group page relating to an incident involving a family member. The member provided a written statement to the RCMP which included a printout of a license plate query that the member obtained and information on the registered owner of the person he believed posted to the Facebook group. This information was brought to the attention of PMPD as there were concerns that the member possibly misused a police database.

#### Allegation 1

Unauthorized use of CPIC for a personal matter.

##### MISCONDUCT

*Unauthorized Use of Police Facilities/Resources*  
(unauthorized search of CPIC / PRIME)

Date of Incident: August 2019

##### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

## Allegation 2

Failing to separate private interests and official duties which was contrary to PMPD policy and resulted in an outside police agency reporting these concerns to the PMPD.

### MISCONDUCT

*Discreditable Conduct*  
(disorderly conduct prejudicial to the maintenance of discipline in the department)

**Date of Incident: August 2019**

### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

## Disciplinary Process

A prehearing conference was offered and accepted by the member. Upon review of the proposed disciplinary/corrective measures, the OPCC did not approve the proposed measures and the matter proceeded to a Discipline Proceeding. At this proceeding, the Discipline Authority noted that the member accepted responsibility for his actions and identified a number of mitigating factors, including the rationale for the member conducting this query.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required in the public interest.

## Saanich Police Department

### Ordered Investigation – Requested by Department (OPCC 2019-17011)

Upon request from the Saanich Police Department (SPD), the Commissioner initiated an investigation into the conduct of an SPD member. According to the SPD, a break-in occurred at a business in Victoria. Several hours later, while conducting routine patrols, a member was passing by this business and observed that the rear door of the business was not secure. The member briefly looked around the premises and left without being able to secure the door. The member did not notify dispatch or the owners of the business. Following this, it was reported that someone entered this business, disabled the video feed, and stole a vehicle from the premise.

#### Allegation 1

Locating an insecure rear door at a business, searching the building, and then departing the business leaving the door insecure and not notifying anyone.

##### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: August 2019

##### DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Discipline Authority determined that the member had a common law duty to protect property and to prevent crime; specifically, that the member had a duty to make reasonable attempts to have the building secured to protect the property located inside and to help prevent future crime. In arriving at an appropriate disciplinary/corrective measure, it was noted that had the member not proactively checked on the property, the theft would have occurred regardless.

The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility.

### Ordered Investigation – Initiated by PCC (OPCC 2020-17399)

The Commissioner initiated an investigation after learning that a Saanich Police Officer was running a web-based business as secondary employment and was using Saanich Police property. Specifically, it was noted that this member was operating a website and a social media account which included images from police investigations.

#### Allegation 1

Violating Saanich Police policy regarding outside employment and use of social media.

##### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: Undated

##### DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

#### Disciplinary Process

This Discipline Authority found that the member violated departmental policy and posted file related photos on an Instagram account and webpage. The Discipline Authority determined that the member had created and posted the content for educational purposes and was not done in an attempt to sensationalize the content or for profit. A prehearing conference was offered and accepted by the member.

The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility.

## Ordered Investigation – Initiated by PCC (OPCC 2020-17730)

The Commissioner initiated an investigation after learning that a Saanich Police officer’s notebook was stolen from an unmarked police car parked at the Saanich Police Department satellite office. It was reported that several other vehicles in the area were broken into by the same person. Surveillance video showed that this notebook sat undisturbed on the roof of another vehicle until it was ultimately recovered.

### Allegation 1

Violating Saanich Police policy OD40 - Journals & Notebooks by leaving a police notebook in a police vehicle at the end of their shift.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: April 2020

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility at the outset and expressed an understanding of the need to ensure the security of information and department property.

## Ordered Investigation – Requested by Department (OPCC 2018-14889)

Upon request from the Saanich Police Department (SPD), the Commissioner initiated an investigation into the conduct of a Saanich Police officer following a departmental review of their Drug Recognition Experts’ (DRE) certifications. Based on a review of the standards required for a DRE to maintain their recertification it appeared that the member, who was the DRE Coordinator, approved the recertification of Saanich DRE members without ensuring that the requirements were met.

The member retired from the SPD prior to the discipline proceeding.

### Allegation 1

Re-certifying a number of police officers, including himself, which was in contravention of the International Association of Chiefs of Police (IACP) DRE Policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: May 2018

DISCIPLINARY/CORRECTIVE MEASURE
Reduction in Rank for 18 months

### Allegation 2

Engaging in practices not consistent with the IACP standards for recertification, which resulted in police officers being recertified when they did not meet the requirements as outlined in the IACP DRE policy.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
Date of Incident: May 2018

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Allegations 3 – 16

Entering approval signatures for a number of members’ IACP Drug Evaluation and Classification Program Certification and Assurances documents dated between 2014 and 2016 knowing that the minimum certification requirements were not met.

MISCONDUCT
<i>Deceit (14 counts)</i> (false or misleading entry in official document or record)
Date of Incident: May 2018

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member committed 16 counts of misconduct. The matter proceeded directly to a discipline proceeding. The member did not attend the proceedings, which proceeded in their absence.

Regarding the impact of the member’s conduct to the DRE Program, the Discipline Authority stated:

*“DRE recertification is necessary to ensure the DREs and DRE instructors maintain proficiency. The standards outlined in section III of the IACP policy are required to ensure that professional integrity is maintained throughout the recertification process. By neglecting to ensure that the mandated standards for DRE recertification were met, it resulted in nine police officers being recertified without meeting the standards, and thus bringing the professional integrity of the national program into disrepute. This neglect is interpreted as highly irresponsible and careless, as its impacts extend to the public and court system.”*

The Discipline Authority dismissed the respondent member for this conduct. The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Even though the member retired prior to the conclusion of this matter, the service record of discipline will reflect that the member was dismissed from the SPD.

*For more information, see page 22 of the 2020/2021 OPCC Annual Report Case Studies.*

### Internal Discipline (OPCC 2019-16994)

An internal investigation was initiated into the conduct of a Saanich Police Department (SPD) member in relation to videos the member produced and posted to a social media platform. A review of the videos showed the member in uniform and using departmental equipment and locations.

#### Allegation 1

Failing to obey a lawful order of a supervisor by creating and posting videos to a social media platform contrary to departmental policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to follow a supervisor’s lawful order)
Date of Incident: Undated

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Ordered Investigation – Requested by Department (OPCC 2019-17136)

The Saanich Police Department (SPD) reported that one of their members failed to properly document their observations and use of force during an incident with a member of the public. It was reported that the member responded to a report of domestic assault and while dealing with a male on scene, the member displayed a Conducted Energy Weapon (CEW) at the male. The member did not make any notes or author a duty report



detailing any observations of the male or their actions in dealing with him. This member also did not complete the required use of force reporting documentation in a timely manner.

Upon request from the SPD, the Commissioner initiated an investigation into this matter.

### Allegation 1

Failing to document a significant incident with a member of the public as required.

MISCONDUCT
<i>Neglect of Duty</i> (inadequate documentation/notes/records)
<b>Date of Incident: October 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Training/Re-Training: Canadian Police Knowledge Network training on note taking.

### Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the appropriate corrective measures, the Prehearing Conference Authority noted that the requirement to document and justify the use of force on members of the public is crucial to maintaining public confidence in policing. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

### Ordered Investigation – Requested by Department (OPCC 2019-17137)

The Saanich Police Department (SPD) reported that one of their members failed to adequately document concerns of another officer during an incident with a member of the public (ref: OPCC file no. 2019-17136). It was reported that the member (an Acting Sergeant at the time) responded to a domestic assault call. The member, who was also a use of force instructor, observed another officer display a Conducted Energy Weapon (CEW) towards a male on scene. It was the view of this member that the display of the CEW in this situation was not appropriate. The member attempted to address these concerns with the other officer and their supervisor, but did not accurately document the incident or the follow-up actions taken.

During the investigation, it was also reported that the member provided statements that contained discrepancies and generalized statements without sufficient attention to detail.

Upon request from the SPD, the Commissioner initiated an investigation into the conduct of the member.

### Allegation 1

Observing another officer display a CEW in a situation he did not believe was appropriate and failing to accurately document the incident and the follow-up actions taken in a notebook or elsewhere.

MISCONDUCT
<i>Neglect of Duty</i> (inadequate documentation/notes/records)
<b>Date of Incident: October 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

## Allegation 2

Failing to provide concise statements as required subsequent to the incident to supervisors or Professional Standards investigators.

MISCONDUCT
<i>Neglect of Duty</i> (inadequate documentation/notes/records)
<b>Date of Incident: October 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Training/Re-Training: Canadian Police Knowledge Network training on courtroom testimony skills and note taking.

## Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the appropriate corrective measures, the Prehearing Conference Authority noted that the misconduct was serious in that the lack of notes and the manner in which the member stated and presented evidence during this investigation and a related OPCC investigation meant his evidence could not be afforded the weight it would have had if it has been supported by notes and consistent and concise statements.

The OPCC reviewed and approved the proposed disciplinary/corrective measures.

## Stl'atl'imx Tribal Police Service

### Ordered Investigation – Requested by Department (OPCC 2019-15796)

According to the Stl'atl'imx Tribal Police Service, one of their members reported that they were the subject of workplace and sexual harassment by their supervisor. This included repeatedly passing gas, making inappropriate sexualized comments, and simulating sexual acts. Upon request from the Stl'atl'imx Tribal Police Service, the Commissioner initiated an investigation and appointed an external police agency to conduct the investigation.

#### Allegation 1

In the presence of their subordinate, repeatedly passing gas, making frivolous sexual offers, simulating sex acts, and making negative comments about the subordinate member to an RCMP member.

MISCONDUCT
<i>Discreditable Conduct</i> (workplace harassment/bullying)
<b>Date of Incident: 2017</b>

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay
Training/Re-Training: to undertake respectful workplace training, and leadership training specific to police supervisors.

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority characterized the conduct as “immature” and “unprofessional”, and noted that while this conduct may have historically been characterized as “locker-room humour”, it was inappropriate for a respectful workplace. The Prehearing Conference Authority noted that the member accepted full responsibility, expressed remorse, and had taken the initiative to enrol in a course to address his lapse in leadership. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Vancouver Police Department

### Registered Complaint (OPCC 2018-14353)

A complainant reported to police that her backpack, which included house keys and personal address, was stolen. As a result, the complainant and her mother attended the Vancouver Police station on Cambie Street at approximately 10:00pm. As the front desk was closed, a Vancouver police officer (Member A) afforded them access to the building. The complainant and her mother did not wish to leave the police lobby until they felt it was safe to return home. After some time, another police officer (Member B) told the complainant and her mother that they had to leave the lobby of the police station. As the complainant refused to leave, Member B took her by the arm in an attempt to escort her from the building. The complainant fell to the ground and Member B was reported to have dragged her toward the door. The complainant and her mother remained in the building until after it opened to the public.

The OPCC reviewed the complaint and determined that an external investigation into the incident was required.

### Discipline Authority Decision

Following the investigation, the Discipline Authority found that the evidence appeared to substantiate an allegation of *Neglect of Duty* by Member A. The Discipline Authority determined that Member B did not commit misconduct as he was in the lawful execution of his duties and was bound to ultimately remove the complainant and her mother from the building.

A prehearing conference was offered and accepted by Member A. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

### Allegation 1 (Member A)

Leaving the complainant and her mother unattended in the lobby of the Vancouver Police building, and not taking appropriate steps to remove them or provide assistance to other members who engaged the complainant and her mother to remove them.

#### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: October 2017

#### DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

### Adjudicative Review

After reviewing the investigation and the Discipline Authority's decision, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority, related to the allegation of *Abuse of Authority* by Member B, was incorrect and appointed the Honourable James Threlfall, retired BC Provincial Court Judge, to review the matter and arrive at his own decision based on the evidence.

Retired judge Threlfall issued his decision where he determined that Member B appeared to have used physical force to attempt to remove the complainant from the lobby of the Vancouver Police Headquarters without lawful authority. Accordingly, retired Judge Threlfall determined that the allegation of misconduct appeared to be substantiated. As a result, retired Judge Threlfall became the Discipline Authority and the matter proceeded to a discipline proceeding.

## Allegation 2 (Member B)

Intentionally or recklessly using unnecessary force on the complainant in attempting to remove her from the lobby of Vancouver Police Headquarters located at 2120 Cambie Street Vancouver.

### MISCONDUCT

**Abuse of Authority**  
(excessive force – empty hand)

**Date of Incident: October 2017**

### DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-Training: specific emphasis on a member’s powers of arrest and detention, and the appropriate use of discretion

## Disciplinary Process

Retired Judge Threlfall, as the Discipline Authority, found that Member B used some degree of force in attempting to remove the complainant from the premises and that the member did not have reasonable or probable grounds to proceed in the manner he did under the *Trespass Act* (or the *Criminal Code*). Retired judge Threlfall concluded that the actions of the member were reckless in applying force and that any amount of force in this situation was unnecessary.

Neither the complainant nor Member B requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

For further information on this decision, go to <https://opcc.bc.ca/decisions/section-117-reviews/>.

## Ordered Investigation – Initiated by PCC (OPCC 2019-16709)

The Commissioner initiated an investigation following a use of force incident involving the use of a beanbag shotgun. It was reported that an off-duty member returned to his parked vehicle and observed a male who was not known to him sitting in the driver’s seat of the vehicle. In response, several Vancouver Police Department (VPD) members attended and surrounded the vehicle. The male did not comply with police direction to exit the vehicle. The member then fired three rounds from his beanbag shotgun, hitting the legs of the male. The male continued to ignore commands, and the member fired another three rounds from his beanbag shotgun. Associated video of the incident showed the final round being discharged while the male’s hands were visible, resting on top of the windshield, and appeared to be empty.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and act as the Discipline Authority.

## Allegation 1

Using unnecessary force during an arrest, specifically the deployment of six beanbag rounds.

### MISCONDUCT

**Abuse of Authority**  
(Excessive Force - Firearm)

**Date of Incident: June 2019**

### DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-retraining: specifically, the theory portion of the introductory course for Less Lethal Shotgun operators and in use of force with emphasis on situational assessment, re-assessment and de-escalation techniques

1-day suspension without pay

## Disciplinary Process

Following an investigation, this matter proceeded to a discipline proceeding. The Discipline Authority found that the member’s actions were not consistent with the National Use of Force Framework, or VPD Policy. He found that the member reacted quickly without taking the time to properly assess and acquire all the information necessary before deploying the less lethal shotgun and that the last round was fired after the suspect had his hands in the air without movement for at least 30 seconds. The member accepted responsibility for his actions at the discipline proceeding.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

*For more information, see page 18 of the 2020/2021 OPCC Annual Report Case Studies.*

## Ordered Investigation – Requested by Department (OPCC 2019-16399)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a member for workplace harassment. It was reported that the member made sexual, harassing and controlling comments to his female partner numerous times. In addition, the member allegedly used vulgar and inappropriate language in the workplace that could be seen to denigrate women generally, and more specifically his partner. During the course of the investigation, information came to the attention of the investigator that the member appeared to have disobeyed his supervisor’s order not to contact his partner.

### Allegation 1

The member made sexual, harassing and controlling comments to his partner numerous times over the course of their partnership together, between 2017 and 2019.

MISCONDUCT
<i>Discreditable Conduct</i> (workplace harassment/bullying/violation of respectful workplace policy)
Date of Incident: 2017 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: review VPD Respectful Workplace Policy with a supervisor and demonstrate understanding of said policy to that supervisor, and complete the online course “VPD Respectful Places.”

### Allegation 2

Disobeying a supervisor’s order not to contact his partner.

MISCONDUCT
<i>Neglect of Duty</i> (failure to follow supervisor’s lawful order)
Date of Incident: 2017 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

## Disciplinary Process

Following an investigation, this matter proceeded directly to a discipline proceeding. The Discipline Authority found that the member’s conduct as a whole would discredit the reputation of the VPD. The Discipline Authority noted in considering the range of discipline that the member’s actions affected the mental wellbeing of another officer. The Discipline Authority noted that the member had made efforts to change his interpersonal behaviour as evidenced by a letter from his most recent supervisor indicating a sustained change in behaviour, being respectful and professional to everyone on his team. In addition, the *Neglect of Duty* misconduct was considered to be on the lower end of seriousness as it was one attempt at contact and was not ill-intended.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not in the public interest.

## Ordered Investigation – Requested by Department (OPCC 2019-16566)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of two police officers for alleged workplace harassment. A female civilian employee reported numerous and repeated actions and statements that made her uncomfortable due to the derogatory nature of the comments and the sexual innuendo contained in these comments. It was also reported that the members made jokes and inappropriate comments about a personal matter involving the civilian employee.

## Allegation 1

Making comments contrary to the VPD Respectful Workplace Policy and failing to maintain a respectful workplace.

MISCONDUCT
<i>Discreditable Conduct</i> (workplace harassment/bullying/violation of respectful workplace policy)
<b>Date of Incident: January – June 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Member A: Written Reprimand
Member A: Training/Re-Training: workplace harassment/respectful workplace.
Member B: 1-day suspension without pay
Member B: Training/Re-Training: workplace harassment/respectful workplace.

## Disciplinary Process

A prehearing conference was offered and accepted by the members. The Prehearing Conference Authority determined that neither member had a history of misconduct and that both had learned a lesson from this matter and would not repeat the behaviour. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2019-16572)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a member for leaving his loaded firearm insecure. The VPD reported that the member placed his duty belt inside his locker with his loaded firearm still holstered to the belt. The member reportedly left the locker unlocked and went on annual leave. A supervising officer discovered the firearm and secured it. The member's actions were contrary to Vancouver Police Policy on the storage of police-issued firearms.

## Allegation 1

Contravening departmental policy by unsafely storing a loaded firearm.

MISCONDUCT
<i>Improper Use or Care of Firearms</i> (unsafe storage of firearm)
<b>Date of Incident: July 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

## Disciplinary Process

The member declined the offer of a prehearing conference. As a result, this matter proceeded directly to a discipline proceeding. The Discipline Authority found that the member was aware of the policy on the storage of police issued-firearms and failed to keep his firearm securely locked and stored in accordance with that policy. With respect to the recommended disciplinary or corrective measures, the Discipline Authority determined that the breach of policy was not serious, particularly as it occurred in a secure area with no public access. The Discipline Authority also determined that the likelihood of such an incident occurring again was low.

The member did not request a review of the disciplinary decision. The OPCC reviewed the findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Initiated by PCC (OPCC 2019-16656)

The Commissioner initiated an investigation following a significant use of force incident involving Vancouver Police Officers. It was reported that police attended a call regarding a male allegedly intimidating staff at a hotel. Member A and Member B were first on scene. After some interaction, it was reported that the male charged at Member A. Member B responded by deploying a Conducted Energy Weapon (CEW). The male fell to the ground, but did not comply with police commands to stay down. He was observed to get up and move toward Member B, who then "cycled" the

CEW multiple times. The male went down to the ground again, this time staying down on his back, on the sidewalk. Member C, who arrived after the CEW deployment, fired three beanbag rounds from a Less Lethal Shotgun at the male's thigh as he was lying on his back, initially with hands up. Members ultimately moved in to handcuff the male.

The Commissioner determined it was in the public interest to appoint an external police agency to conduct this investigation and designated a senior officer from outside the VPD to act as the Discipline Authority in this matter.

### Allegation 1 (Member C)

Unnecessarily deploying a Less Lethal Shotgun.

MISCONDUCT
<i>Abuse of Authority</i> (excessive force – firearm)
Date of Incident: July 2019

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

### Adjudicative Review

The Discipline Authority determined that none of the officers committed misconduct in relation to the force used to place this person into custody. After reviewing the investigation and the Discipline Authority's decision, the Commissioner determined there was a reasonable basis to disagree with this finding as it related to the deployment of the less lethal shotgun. The Commissioner appointed the Honourable Ron McKinnon, retired BC Supreme Court Justice, to review the matter and arrive at his own decision based on the evidence.

Retired Justice McKinnon issued his decision where he determined that Member C's use of a less lethal shotgun appeared to be "objectively unnecessary" and that "there may have been insufficient consideration given to further attempts at communication and de-escalation before using an intermediate weapon equivalent to a baton strike in order to gain compliance."

### Disciplinary Process

A prehearing conference was offered to and accepted by the member. The Prehearing Conference Authority reported that the member had expressed an understanding of the high threshold required to use an intermediate weapon and had volunteered to undertake retraining on the Less Lethal Shotgun. The member had no prior substantiated allegations of misconduct.

The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

*For further information on this decision, go to <https://opcc.bc.ca/decisions/section-117-reviews/>.*

### Registered Complaint (OPCC 2019-16794)

The complainant reported that he attended a pawnshop to purchase back some items he had previously pawned, including two axes, a machete, some knives and a BB Gun. Upon arrival at home, he removed the items from the trunk and began carrying them to his residence. The items were piled in his arms and were contained in bags or boxes, except one axe that was in plain view.

The complainant was stopped by four officers on foot patrol. The officers proceeded to go through the complainant's item by opening the bags and boxes he was carrying. The complainant told the officers they did not have permission to take his belongings or go through them. When the officers were finished, they seized a machete, knives, and a BB gun, but did not seize the axes. The complainant protested that none of the items were illegal. The officers stated the complainant would have to produce receipts to get his property back.

The OPCC reviewed the complaint and determined that an investigation into the matter was required.



## Allegation 1

Intentionally or recklessly searching a person without good and sufficient cause.

MISCONDUCT
<i>Abuse of Authority</i> (unlawful search of a person)
Date of Incident: August 2019

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

## Adjudicative Review

The Discipline Authority determined that none of the officers involved committed misconduct during this interaction. After reviewing the investigation and the Discipline Authority’s decision, the Commissioner determined there was a reasonable basis to disagree with this decision and appointed the Honourable Carole Lazar, retired BC Provincial Court Judge, to review the matter and arrive at her own decision based on the evidence.

Retired Judge Lazar issued her decision wherein she determined that the police power exercised in this instance significantly infringed the complainant’s liberty interests, was not reasonably necessary and had little, if any, impact in reducing the threat to public safety.

## Disciplinary Process

A prehearing conference was offered and accepted by the members. The Prehearing Conference Authority found that the misconduct, although important, was not of a serious nature given the heightened concern for safety in the area and the particular circumstances of the incident. The Prehearing Conference Authority also determined that none of the officers had a history of misconduct and all had gained a better understanding of police authorities to search and seize property.

The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

For further information on this decision, go to <https://opcc.bc.ca/decisions/section-117-reviews/>.

## Ordered Investigation – Requested by Department (OPCC 2019-16845)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the off-duty conduct of a VPD member who was stopped at a RCMP roadblock. Upon being questioned, the member informed the RCMP that he had consumed two alcoholic beverages. The member provided two breath samples which resulted in a “warn” reading. The RCMP issued the member a 3-day suspension of his license and a 3-day impound of his vehicle.

## Allegation 1

Operating a motor vehicle while impaired by alcohol above the provincial limit and blowing two breath samples resulting in a ‘Warn’ and the issuance of an Immediate Roadside Prohibition.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired driving)
Date of Incident: September 2019

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

## Disciplinary Process

As the member resigned from the VPD, this matter proceeded directly to a discipline proceeding. The Discipline Authority found that that the actions of the member were a significant breach of the *Police Act*. The Discipline Authority found that the public does not tolerate persons who drink and drive and that intolerance is compounded when the person is an off-duty police officer.

The member did not request a review of the disciplinary decision. The OPCC reviewed the findings of the Discipline Authority and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Although the member resigned prior to the completion of this matter, their service record of discipline will reflect the discipline that was imposed in this case.

### Ordered Investigation – Requested by Department (OPCC 2019-16846)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation in relation to a member who completed a WorkSafe BC form in an inappropriate manner. The form was written by the member with respect to an injury the member sustained and included an additional page meant as a joke for colleagues. This page outlined a fictional account of how the injury was sustained and detailed inappropriate sexual comments. This page was subsequently received and reviewed by a civilian employee in the VPD Human Resources Section.

#### Allegation 1

Completing a WorkSafe BC form with respect to an injury the member sustained, which included inappropriate sexual comments.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: August 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. It was noted that member had no record of any other substantiated matters on his Service record of Discipline and that he accepted full responsibility for his actions. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-17088)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the off-duty conduct of a VPD member who was the subject of a traffic stop by the RCMP. The RCMP officer had observed the member leave a pub, enter his personal vehicle, and drive away. Upon being stopped and questioned, the member informed the RCMP officer that he had consumed alcohol prior to being stopped. The member provided two breath samples, both of which resulted in a “Fail” reading. The member received a 90-day driving prohibition and a 30-day vehicle impoundment. The respondent member also identified himself as a police officer to the RCMP officer during the incident and sought preferential treatment.

#### Allegation 1

Operating a motor vehicle while impaired.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired operation of a motor vehicle)
<b>Date of Incident: November 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay (consecutive)

## Allegation 2

Identifying oneself as a police officer to seek favourable treatment.

MISCONDUCT
<i>Discreditable Conduct</i> (badging/identifying as a police officer)
Date of Incident: November 2019

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay (consecutive)

### Disciplinary Process

A prehearing conference was offered and accepted by the member. It was noted that the member did not have any substantiated misconduct on his Service Record of Discipline and the member accepted full responsibility for his actions. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Registered Complaint (OPCC 2019-17098)

The complainant advised that he called 911 after being run off the road by a vehicle while he was cycling and that the vehicle had left the scene. He was transported to hospital by emergency vehicles and treated. Police did not attend at roadside or at the hospital. When the complainant called the Vancouver Police Department (VPD) and spoke to a police officer, he was advised that it would be difficult to prosecute as it would be the complainant's word against the driver's. The complainant requested the member to contact two witnesses and believed that the member would investigate the matter. The complainant later discovered that the only record the VPD held in relation to the incident was the 911 call he placed, which led him to believe that the member did not speak to witnesses or write a report.

The OPCC reviewed the complaint and determined that an investigation was required.

## Allegation 1

Failing to adequately investigate an alleged hit and run and not fulfilling reporting obligations.

MISCONDUCT
<i>Neglect of Duty</i> (inadequate investigation/documentation)
Date of Incident: August 2018

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority classified the misconduct as moderately serious, but noted that the respondent member had no history of misconduct and had learned a lesson from the incident. The Prehearing Conference Authority also considered that the member took responsibility for his actions from the outset of the investigation. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-16974)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a Special Municipal Constable (SMC). It was reported that the SMC conducted queries in PRIME looking for a police report related to an incident involving a personal acquaintance. The SMC located the report and read the synopsis but did not disclose any of the information reviewed.

### Allegation 1

Searching PRIME for personal reasons and outside the scope of lawful duties.

MISCONDUCT
<i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC / PRIME)
Date of Incident: July 2019

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority noted that the member accepted responsibility for their actions from the outset, and had expressed remorse and learned from their actions. The discipline was consistent with similar incident dispositions. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Internal Discipline (OPCC 2018-15472)

An internal investigation was initiated into the conduct of a Vancouver Police Department (VPD) member, who was in a supervisory position. It was reported that the VPD member made repeated unwelcome comments to another member about his appearance, namely his beard, implying the potential for negative professional repercussions. Some of those comments continued after the subordinate member explained that he maintained his beard for religious reasons. It appeared that the comments were not confined to a single event, but rather, a series of events ranging from merely irritating to serious conduct that occurred over a span of time of approximately one year.

### Allegation 1

Making comments to a subordinate that were contrary to Respectful Workplace Policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: 2016 - 2017

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay
Training/Re-Training: Respectful Workplace
Work Under Close Supervision: 1 year

### Ordered Investigation – Requested by Department (OPCC 2017-14003)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the off-duty conduct of a Special Municipal Constable (SMC) for impaired driving. It was reported that during a routine police records check, the VPD discovered that the SMC was the subject of a traffic stop by an RCMP officer due to his driving behaviour that they were not aware of. VPD learned that the RCMP officer initiated an impaired driving investigation during which the SMC denied consuming alcohol or drugs. During their investigation, the RCMP determined that the SMC’s driver’s license was invalid as it was cancelled in June 2016. It was further noted that the SMC had a previous 90-day Immediate Roadside Prohibition and an Administrative Driving Prohibition. The RCMP issued a 24-hour Driving Prohibition, an Administrative Driving Prohibition and a Notice to Seek Greater Punishment. The SMC was released on a Promise to Appear and issued a violation ticket for not driving with a valid licence and for not having vehicle insurance.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service; charges were approved. The SMC pled guilty to a charge of impaired driving.

The SMC resigned from the VPD prior to the conclusion of the investigation.

### Allegation 1

Denying consuming liquor or drugs three times following the traffic stop and associated impaired driving investigation.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: March 2017</b>

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

### Allegation 2

Driving with an invalid license and for receiving a previous 90-day Immediate Roadside Prohibition in February 2013 and an Administrative Driving Prohibition from September to December 2016.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired driving)
<b>Date of Incident: multiple</b>

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

### Allegation 3

For driving a motor vehicle while being impaired by alcohol while off-duty.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired driving)
<b>Date of Incident: multiple</b>

DISCIPLINARY/CORRECTIVE MEASURE
6-day suspension without pay

### Disciplinary Process

Following an investigation, this matter proceeded directly to a discipline proceeding. The member did not attend the proceedings which commenced in his absence. The Discipline Authority found that the SMC's behaviour to be unacceptable and that there was a need to send a general message of deterrence to others on the workforce that this conduct would not be tolerated. The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Even though the member resigned prior to the conclusion of this matter, his service record of discipline will reflect the disciplinary/corrective measures imposed.

### Ordered Investigation – Initiated by PCC (OPCC 2019-16226)

The Commissioner initiated an investigation into the conduct of a Vancouver Police Department (VPD) member following information that the member became involved in an argument with a civilian about the member's vehicle which was parked in the parking lot. The argument continued inside a medical facility. During the incident, the member produced his police badge in order to have the civilian provide their identification. The RCMP subsequently reported the member's conduct to the VPD.

### Allegation 1

Identifying oneself as a police officer to a civilian for personal gain, or other purposes unrelated to the proper performance of his duties as a member.

MISCONDUCT
<i>Corrupt Practice</i> (using police authority for personal gain)
Date of Incident: April 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Allegation 2

Specifically, in relation to his interaction with a civilian within a public medical facility.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
Date of Incident: April 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Allegation 3

Specifically, in relation to his dealings with a civilian while other members of the public were present at a public medical facility.

MISCONDUCT
<i>Discourtesy</i> (discourteous conduct)
Date of Incident: April 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Adjudicative Review

The Discipline Authority determined that the member did not commit any misconduct during this incident. After reviewing the investigation and the Discipline Authority's decision, the Commissioner determined that there was a reasonable basis to disagree with the decision and appointed retired BC Provincial Court Judge, Brian Neal, Q.C., to review the matter and arrive at his own decision based on the evidence.

Retired Judge Neal issued his decision as the Discipline Authority, substantiating the allegations of *Corrupt Practice*, *Discreditable Conduct*, and *Discourtesy*.

Retired Judge Neal determined that the only rationale for the member displaying his badge to the civilian was to identify himself as a police officer in order to convince the civilian to comply with his demand to produce identification, which was purely personal and for the benefit or gain of the member. Retired Judge Neal also found that it was reasonable for a medical facility to be a place of peace and security, and not the focus of an animated and persistent argument in respect of a personal matter. Lastly, retired Judge Neal determined that the member's pursuit of the civilian into the medical facility while identifying himself as a VPD officer appeared to have lacked courtesy in the circumstances.

### Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the proposed discipline, the Prehearing Conference Authority noted that the member was a junior employee with no past incidents of misconduct, had expressed remorse and had voluntarily undertaken training. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

For further information on this decision, go to <https://opcc.bc.ca/decisions/section-117-reviews/>

## Ordered Investigation – Initiated by PCC (OPCC 2019-16304)

Upon receiving notification from the Vancouver Police Department (VPD) of an injury to a member of the public during a police-involved motor vehicle collision, the Commissioner initiated an investigation into the conduct of the member involved. It was reported that a police officer was responding to an in-progress call, driving an unmarked police vehicle with emergency lights activated, but no siren. The member entered an intersection against a red light without stopping, contrary to section 122 of the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulations* and Vancouver Police Policy. The member struck a limousine which had entered the intersection. The member and two occupants of the limousine were taken to hospital with injuries. Considerable damage was caused to the police vehicle, the limousine, an adjacent property and a city utility box.

### Allegation 1

Failing to comply with section 122 of the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulations* and the Vancouver Police Policy.

<b>MISCONDUCT</b>	<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
<p><i>Neglect of Duty</i> (operating a police vehicle in an unsafe manner)</p>	<p>Written Reprimand</p>
<p>Date of Incident: December 2018</p>	

### Disciplinary Process

This matter proceeded to a discipline proceeding as the OPCC rejected the proposed discipline at a pre-hearing conference. The member admitted the allegation at the commencement of the discipline proceeding. The member noted that he had already participated in informal re-training regarding section 122 of the *Motor Vehicle Act*, *Emergency Driving Regulations*, and VPD Policy. After considering the member’s submissions and previous discipline on similar cases, the Discipline Authority imposed a *Written Reprimand*.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that a further review was not in the public interest.

## Mandatory External Investigation (Serious Harm) (OPCC 2019-16945)

The Commissioner initiated an investigation following notification from the Vancouver Police Department (VPD) of an injury to a member of the public where the affected person suffered a serious facial injury following a use of force incident with police. It was reported that police transported the affected person to jail where his health deteriorated. The affected person was then transported to hospital by ambulance where a medical examination indicated that he had a “right orbital blowout fracture.” The Independent Investigations Office (IIO) was advised of this incident and determined that the injuries did not meet the threshold of serious harm.

An investigation under the *Police Act* determined that the member committed misconduct by failing to submit required police documentation.

### Allegation 1

Failing to submit required police documentation.

<b>MISCONDUCT</b>	<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
<p><i>Neglect of Duty</i> (inadequate documentation/notes/records)</p>	<p>Written Reprimand</p>
<p>Date of Incident: October 2019</p>	

### Disciplinary Process

An investigation into the circumstances of the use of force incident determined that the force used by police during this incident was appropriate but that the member failed to properly document his involvement in the arrest and use of force incident. A prehearing conference was offered and

accepted by the member. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Requested by Department (OPCC 2019-17222)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a VPD member who accessed PRIME and reviewed an electronic file from an RCMP investigation. The file that the member accessed related to a personal matter and was not related to a VPD matter or the member’s duties.

#### Allegation 1

Reviewing an electronic file from an RCMP investigation for personal reasons and outside the scope of their lawful duties.

MISCONDUCT
<i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC / PRIME)
<b>Date of Incident: July 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the member had accepted responsibility for their actions, apologized, and had no record of discipline on their service record.

### Ordered Investigation – Requested by Department (OPCC 2020-17402)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the off-duty conduct of one of their members. It was reported that information was discovered during an employment background check that was completed by the VPD recruiting section. It was learned that during a debrief conducted at an RCMP detachment to discuss the results of a traffic operation, an off-duty Special Municipal Constable was alleged to have grabbed another volunteer after she made a comment directed towards him. There were no resulting injuries.

A criminal investigation was conducted by the RCMP which did not result in any criminal charges.

#### Allegation 1

For grabbing a volunteer while off duty during a volunteer shift with the RCMP.

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
<b>Date of Incident: July 2017</b>

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay
Counselling/Treatment: anger management counselling

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed and approved the proposed disciplinary/corrective measures. In approving the proposed discipline, the OPCC considered that the member had no record of discipline on his service record and had since apologized to the affected person. It was noted that the member had reflected on his actions and accepted responsibility for what he had done.



## Ordered Investigation – Requested by Department (OPCC 2020-17496)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a Special Municipal Constable (SMC) who disclosed information during a pre-recruitment interview. It was reported that the SMC stated that they queried PRIME for information on a residence and associated files which were unrelated to an investigation and not in the proper performance of their duties. The SMC did not disclose any information they learned as a result.

### Allegation 1

Querying PRIME for information unrelated to an investigation and not in the proper performance of their duties.

<b>MISCONDUCT</b>	<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
<i>Unauthorized Use of Police Facilities/Resources</i> (unauthorized search of CPIC / PRIME)	Advice to Future Conduct
<b>Date of Incident: February 2020</b>	

### Disciplinary Process

A prehearing conference was offered and accepted by the SMC. The OPCC reviewed and approved the proposed disciplinary/corrective measures considering that the SMC had self-reported the misconduct and fully accepted responsibility for their actions.

## Ordered Investigation – Requested by Department (OPCC 2017-13912)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a member in relation a motor vehicle collision. It was reported that an off-duty member was involved in a single motorcycle collision. A witness reported observing the motorcycle driving aggressively a few minutes before the collision. As a result of the collision the member sustained significant injuries. The member also had reportedly consumed alcohol.

The VPD Collision Investigation Unit (CIU) conducted a criminal investigation. The *Police Act* investigation was suspended pending the outcome of the criminal investigation. The matter was referred to the BC Prosecution Service and two charges related to impaired driving were approved. The member was acquitted of both charges.

The investigation under the *Police Act* found that the member committed misconduct for their driving behaviour following the consumption of alcohol.

### Allegation 1

While off duty and having consumed alcohol, operating a motor vehicle which resulted in a single motor vehicle collision.

<b>MISCONDUCT</b>	<b>DISCIPLINARY/CORRECTIVE MEASURE</b>
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired driving)	5-day suspension without pay
<b>Date of Incident: July 2017</b>	

### Disciplinary Process

A prehearing conference was offered and accepted by the member. In proposing discipline, the Prehearing Conference Authority characterized the conduct as serious. The Prehearing Conference Authority reviewed similar past cases and determined a 5-day suspension was within the range of the discipline in those cases. The OPCC reviewed the proposed disciplinary/corrective measures and determined that the discipline imposed was appropriate in the circumstances.

## Mandatory External Investigation (Serious Harm) (OPCC 2018-14300)

According to the Vancouver Police Department (VPD), the member struck a pedestrian (“affected person”) while travelling at a high rate of speed. The affected person sustained injuries as a result of the collision including, a laceration to his liver and kidney, rib fracture, head and neck trauma, and a compound fracture to his ankle. The affected person was taken to hospital for treatment.

As a result of the serious nature of the injuries, the Independent Investigations Office (IIO), investigated this matter. In addition, the *Police Act* requires an investigation also be initiated by the OPCC whenever death or serious harm results from an incident involving municipal police officers. These investigations are separate and distinct from investigations by the IIO and are not restricted to evidence gathered by the IIO. Under the *Police Act*, officers may be compelled to provide statements, answer questions and otherwise account for their actions.

Following the investigation by the IIO, the BC Prosecution Service approved one charge of *Dangerous Operation Causing Bodily Harm* (s. 249(3) of the *Criminal Code*). The member subsequently pled guilty to one count of *Driving Without Due Care and Attention* (s. 144(1)(a) of the *Motor Vehicle Act*).

An investigation under the *Police Act* also determined that the member committed misconduct by failing to operate their police vehicle in a safe manner.

### Allegation 1

Failing to operate a police vehicle in a safe manner, resulting in a collision with a pedestrian.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Neglect of Duty</i> (operation of a police vehicle in an unsafe manner)</p>	<p>Written Reprimand</p>
<p>Date of Incident: January 2018</p>	<p>Training/Re-Training:</p> <ul style="list-style-type: none"> <li>A review of department policy and relevant manuals in relation to the Emergency Vehicle Driving Regulations and section 122 of the MVA;</li> <li>Satisfy a VPD Traffic Section supervisor, designated by the department, that the member understands the intent and application of the Emergency Vehicle Driving Regulations and section 122 of the MVA; and</li> <li>Complete a 4 hour 1-on-1 driver training program designed to evaluate the member’s on-road driving skills and to provide coaching in relation to the practical application of the Emergency Vehicle Driving Regulations and the MVA.</li> </ul>

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC reviewed the proposed measures and determined they were not appropriate or adequate considering the circumstances of the collision. This matter then proceeded to a discipline proceeding, during which the member admitted to the alleged misconduct. In considering the appropriate discipline, the Discipline Authority found that the conduct was serious and that the member had not acknowledged the error in his actions, despite admitting the misconduct. The Discipline Authority determined there was a moderate risk for future similar misconduct given this lack of acknowledgment and determined that additional training would be necessary to mitigate and prevent the recurrence of possible misconduct.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Initiated by PCC (OPCC 2018-15058)

Upon receiving notification from the Vancouver Police Department (VPD) of a police-involved collision which resulted in injuries to two civilians, the Commissioner initiated an investigation into the incident. It was reported that the member was on foot conducting traffic control for a crime scene. A civilian began using his cell phone in an apparent attempt to record the scene, preventing traffic behind him from being able to proceed. The

member directed the civilian to move along. When the civilian did not respond, the member directed him to pull over, but the civilian drove away. The member followed in a police vehicle and during the attempt to stop the civilian, the member entered an intersection at a high rate of speed, without stopping at the stop sign. The member and a taxi collided, resulting in injuries to the member and the two occupants of the taxi, who were transported to hospital. Three parked vehicles were also damaged as a result of the collision.

### Allegation 1

Violating section 122 of the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulations* and the Vancouver Police Department Regulations and Procedural Manual.

MISCONDUCT
<i>Neglect of Duty</i> (operating a police vehicle in an unsafe manner)
Date of Incident: February 2018

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The OPCC did not approve proposed the corrective measure. This matter then proceeded to a discipline proceeding, where the member admitted the allegation of misconduct. In determining the proposed discipline, the Discipline Authority classified the misconduct as serious, but noted that the member had no prior record of discipline and had taken initiative to review the provisions of the *Motor Vehicle Act* and *Emergency Vehicle Driving Regulations*. The Discipline Authority also reviewed past similar cases and found that a Written Reprimand was in the range of appropriate discipline.

The OPCC reviewed the matter and determined that it was not in the public interest to proceed with a further review of this matter.

### Ordered Investigation – Requested by Department (OPCC 2018-15594)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a member for unnecessary use of force. According to the VPD, the member informed his supervisor that he had “lost his cool” and slapped a handcuffed suspect during his shift, for the purpose of getting the suspect’s attention. The member’s supervisor reported the incident to the Professional Standards Section.

A criminal investigation into this incident was completed and police forwarded a Report to Crown Counsel for charge assessment. No charges were approved.

The incident was subsequently investigated under the *Police Act* where there was a finding of misconduct for using unnecessary force.

### Allegation 1

Unnecessary and inappropriate physical force on a citizen who was handcuffed and seated on the ground.

MISCONDUCT
<i>Abuse of Authority</i> (excessive force – empty hand)
Date of Incident: November 2018

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference determined that any amount of force used in this situation would have been unreasonable in the circumstances and determined that the misconduct involved a single slap. The Prehearing Conference Authority noted that the member took responsibility for his actions at the time of the incident. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2019-15812)

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the off-duty conduct of a member for driving under the influence of alcohol. It was reported that the member was observed to be stumbling as he walked to his vehicle. The member was then observed driving his vehicle to a nearby convenience store. The RCMP attended and issued a 90-day Immediate Roadside Prohibition (IRP) to the member and impounded his vehicle for 30 days.

### Allegation 1

Operating a motor vehicle while impaired by alcohol.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate roadside prohibition/Impaired driving)
Date of Incident: January 2019

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay

### Disciplinary Process

A prehearing conference was offered and accepted by the member. Upon review, the OPCC did not approve the proposed disciplinary or corrective measures and as a result, the matter proceeded to a discipline proceeding. At this proceeding, the member admitted to the allegation of misconduct. In determining the appropriate discipline, the Discipline Authority found that the conduct was serious, particularly because of the role police have in deterring drinking and driving. The Discipline Authority also considered the member's acceptance of responsibility and outcomes in similar matters.

The member did not request a review of the disciplinary decision. The OPCC reviewed this matter and determined that there were insufficient grounds to arrange for a further review.

## Registered Complaint (OPCC 2019-16616)

The complainant reported that police confiscated a number of items that were in their possession, including prescription medications, and refused to return them. It was determined that a Special Municipal Constable destroyed the complainant's cannabis and other drug paraphernalia at the direction of another Vancouver Police Officer.

The OPCC reviewed the complaint and determined that an investigation into the incident was required.

### Allegation 1

Directing a Special Municipal Constable to tag cannabis and drug paraphernalia for destruction.

MISCONDUCT
<i>Neglect of Duty</i> (failure to account for money/property received)
Date of Incident: June 2019

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority found the conduct to be of low seriousness, given that the laws regarding cannabis had just recently changed and the amount of property destroyed was small. The Prehearing Conference Authority was also satisfied that the member had learned from the incident. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2020-17918)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a member for *Corrupt Practice*. It was reported that a VPD member had emailed the Mayor and Council of a nearby city from his police email account outlining concerns with a lack of traffic enforcement in his neighborhood. The member also advised that due to a lack of enforcement, he had called in personal favours from other members working in the area in order to get any type of enforcement.

### Allegation 1

Calling in favours from other police member(s) to provide special attention/enforcement related to traffic safety concerns in his neighborhood.

MISCONDUCT
<i>Corrupt Practice</i> (using police authority for personal gain)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority determined that the member had legitimate fear for the safety of community members, which lessened the seriousness of the conduct. The Prehearing Conference Authority was satisfied that the member had accepted responsibility and that this type of misconduct would not reoccur. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Initiated by PCC (OPCC 2019-15818)

During a separate *Police Act* investigation, the OPCC received information from the Metro Vancouver Transit Police (MVTP) indicating that one or more Vancouver Police Department (VPD) members were engaged in secondary employment with a private security company without authorization from the department. The Commissioner initiated an investigation and directed that an external police agency conduct this investigation.

### Allegation 1

Working outside employment without proper written authorization while being employed by the VPD, thus contravening departmental policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: December 2018

DISCIPLINARY/CORRECTIVE MEASURE
Member 1: Written Reprimand
Member 2: Written Reprimand
Member 3: Written Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by two of the members. The OPCC rejected the proposed discipline and as a result, the matter proceeded to a discipline proceeding where the same two members admitted to committing misconduct and the third member denied the conduct. The Discipline Authority found that the employment opportunity the members were engaged was in relation to providing safety and security for a private citizen. There was no indication that the members were in possession of, or utilized, any issued police department equipment, while employed in this secondary employment. The Discipline Authority considered the nature of the work to be an aggravating factor.

The members did not request a review of the disciplinary decision. The OPCC reviewed the findings and determined that it was not in the public interest to arrange a further review.

## Registered Complaint (OPCC 2020-17551)

The complainant made a report to the Vancouver Police Department (VPD) that she had been the victim of a sexual assault that had taken place in 2016. Police conducted an investigation and concluded that there was insufficient evidence to recommend criminal charges.

In her complaint to the OPCC, she advised that the officer assigned to investigate the sexual assault had treated her inappropriately in his communications with her and the questions that he asked. While she was concerned with the quality of the investigation, her principal concern related to the manner in which she was treated as a victim of sexual assault.

The OPCC reviewed the complaint and determined that an investigation into the incident was required.

### Allegation 1

Failing to appropriately communicate with a person reporting a sexual assault.

#### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: December 2019

#### DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-Training: Training Course – Introduction to Trauma and Sexual Assault Investigations

### Allegation 2

Repeatedly interrupting the victim of a historical sexual assault, and making statements that could draw the inference that he was blaming the victim.

#### MISCONDUCT

*Discourtesy*  
(discourteous conduct)

Date of Incident: December 2019

#### DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-Training: Training Course - Consent Law and Common Sexual Assault Myths

### Adjudicative Review

The Discipline Authority reviewed the investigation and determined that the member did not commit any misconduct in how he communicated with the victim. Upon review of this decision and upon request from the complainant, the Commissioner determined that there was a reasonable basis to believe that decision of the Discipline Authority was incorrect and appointed Retired Justice of the Court of Appeal for British Columbia, Mr. Wally Oppal, Q.C., to review the matter and arrive at his own decision based on the evidence.

Retired Judge Oppal issued his decision where he determined that the officer appeared to have repeatedly interrupted the complainant, and made admonishments to the complainant which reasonably could lead to one feeling that they were being blamed and that Domestic Violence protocols were not being followed in these circumstances.

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority noted that an officer's communication with a victim of an alleged sexual assault is crucial in developing rapport and trust and that all interactions must demonstrate empathy and sensitivity towards the victim. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

For further information on this decision, go to <https://opcc.bc.ca/decisions/section-117-reviews/>.

For more information, see page 19 of the 2020/2021 OPCC Annual Report Case Studies.

## Victoria Police Department

### Ordered Investigation – Requested by Department (OPCC 2019-15995)

Upon request by the Victoria Police Department, the Commissioner initiated an investigation into the off-duty conduct of a member who was pulled over for excessive speeding by an Integrated Road Safety Unit (IRSU) officer.

#### Allegation 1

Operating a motor vehicle over 40 km/h above the posted speed limit.

MISCONDUCT
<i>Discreditable Conduct</i> (driving offence – speed)
Date of Incident: November 2019

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

#### Disciplinary Process

This matter proceeded directly to a discipline proceeding where the member denied committing misconduct. At this proceeding, the Discipline Authority noted that the community reasonably expects that police officers will refrain from speeding excessively while they are off-duty, given the inherent risks of the behaviour and the fact that police officers are expected to enforce this law as part of their duties. In deciding the appropriate discipline, the Discipline Authority considered the conduct to be serious, noted that the member's record contained prior substantiated allegations of misconduct and found that the member had not accepted responsibility.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

### Ordered Investigation – Initiated by PCC (OPCC 2020-17888)

The Commissioner initiated an investigation into the conduct of a member for unsafe storage of a firearm. It was reported that a Victoria Police Department Acting Sergeant discovered a loaded pistol inside one of the jail firearm lockers. The firearm locker was open and the pistol could be observed in plain view. Subsequent investigation revealed that the member had left his pistol insecure in the firearm locker at the end of his patrol shift approximately one hour earlier.

#### Allegation 1

Leaving a firearm unattended in an open gun locker.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: April 2020

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

#### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority characterized the conduct as less serious and noted that the member had accepted responsibility for his actions from the outset. It was also noted that the member did not have a service record of discipline. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

## Ordered Investigation – Requested by Department (OPCC 2020-18181)

Upon request from the Victoria Police Department, the Commissioner initiated an investigation into the conduct of a member in relation to a negligent discharge of a firearm. It was reported that a member discharged a firearm inside the gun cleaning room at the department. Subsequent investigation determined that the member had removed the magazine to the pistol in the loading/unloading bay, but had negligently failed to eject the remaining round from the pistol. Upon pulling the trigger of the pistol to field strip the gun, one round was fired. One other police officer was in the room; there were no injuries.

Both members immediately notified their supervisors of the incident.

### Allegation 1

Negligently discharging one round from her pistol inside of the gun cleaning room.

#### MISCONDUCT

*Neglect of Duty*  
(failure to comply with departmental policy/regulations)

Date of Incident: June 2020

#### DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority classified the conduct as less serious and determined that the likelihood of a future similar occurrence was low. The member also had a previously unblemished service record of discipline. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.



## West Vancouver Police Department

### Ordered Investigation – Requested by Department (OPCC 2019-17025)

Upon request from the West Vancouver Police Department (WVPD), the Commissioner initiated an investigation into the conduct of a WVPD member following the identification of discrepancies between a member’s time off and the hours the member had reported to payroll.

#### Allegation 1

Failing to make sufficient notes in his notebook and failing to record and retain a log of his adjusted time or "black book" so as to accurately reflect all hours worked and time used for days off.

MISCONDUCT
<i>Neglect of Duty</i> (Inadequate documentation/notes/records)
Date of Incident: 2016 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

#### Allegation 2

Sending false or misleading payroll submissions to WVPD Payroll on multiple occasions between 2016 and 2019.

MISCONDUCT
<i>Deceit</i> (False or misleading entry in official document or record)
Date of Incident: 2016 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member committed two counts of misconduct. No prehearing conference was offered to the member and as a result, the matter proceeded to a discipline proceeding. The member resigned from the department prior to the conclusion of this matter and they did not elect to participate in the discipline proceeding.

The Discipline Authority dismissed the member for their deceitful conduct and imposed a written reprimand for the *Neglect of Duty* allegation. The Discipline Authority found that the member’s conduct spanned three years, and noted that the breach of the public and department’s trust was so severe that anything short of dismissal would be unworkable and would bring the administration of justice into disrepute.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Although the member resigned prior to the completion of this matter, their Service record of Discipline will note that they were dismissed from the WVPD.

### Internal Discipline (OPCC 2019-16873)

The West Vancouver Police Department (WVPD) initiated an internal investigation into the conduct of one of their members for allegations of workplace harassment, including making profane, disrespectful, intimidating, or demeaning written or verbal communications or conduct to another member while in the locker room. The WVPD requested that an external policy agency conduct this investigation.

### Allegation 1

Breaching the WVPD Respectful Workplace policy.

MISCONDUCT
<i>Neglect of Duty</i> (failure to comply with departmental policy/regulations)
Date of Incident: April 2019

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct (Letter of Expectation placed on member's file)

### Disciplinary Process

The Internal Discipline Authority determined that the conduct of the member clearly breached the department's Respectful Workplace policy but noted that the conduct was on the lower end of seriousness and that the concerns seemed to have resolved itself over time. The Discipline Authority concluded that an appropriate outcome would be for the member and the department to come to an agreement on a letter of expectations going forward.

### Internal Discipline (OPCC 2019-17113)

The West Vancouver Police Department (WVPD) initiated an internal investigation into the conduct of one of their member's and their use of sick time. It was reported that the member called in sick for two shifts in a row. The member was then seen coaching a hockey game during the second shift for which he had called in sick. Subsequent investigation revealed that the member had called in sick 25 times between 2015-2019 and coached hockey instead of working.

### Allegation 1

Coaching hockey on days that he had called in sick to work (25 counts of *Discreditable Conduct*).

MISCONDUCT
<i>Discreditable Conduct</i> (conduct that discredits the department)
Date of Incident: 2015 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Allegation 2

Denying to his supervisor that he was coaching hockey on days he called in sick.

MISCONDUCT
<i>Deceit</i> (false or misleading entry in official document or record)
Date of Incident: 2015 - 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

### Disciplinary Process

The Discipline Authority noted the negative impact of the member's absences on his team and that the conduct would fall below the public's expectations of municipal police officer. The Discipline Authority also cited legal precedent that supported the finding of dismissal, noting the Court had found that "employers must be able to manage their workplace and have an expectation that employees not flagrantly abuse their sick time."

Although the member resigned prior to the completion of this matter, their service record of discipline will note that they were dismissed from the WVPD.

## Ordered Investigation – Requested by Department (OPCC 2019-16943)

Upon request from the West Vancouver Police Department (WVPD), the Commissioner initiated an investigation into the conduct of a member for a single motor vehicle collision. It was reported that the member was traveling on a highway and exceeded the posted speed limit to respond to a call for cover by another officer, reaching a top speed of 127 km/hr. The roadway conditions were wet and the member did not activate emergency lights or siren. The member exited the highway at an offramp but, due to the vehicle’s speed, lost control of the vehicle and collided with a concrete divider.

### Allegation 1

Neglecting their duty to operate their police vehicle in a safe manner.

MISCONDUCT
<i>Neglect of Duty</i> (operating a police vehicle in an unsafe manner)
<b>Date of Incident: September 2019</b>

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Training/Re-Training:  The training included reviewing department policy and relevant manuals in relation to the <i>Emergency Vehicle Driving Regulations</i> and section 122 of the <i>Motor Vehicle Act</i> and participating in a 7-hour course at the Justice Institute of British Columbia – Driving Assessment and Remedial Coaching.

### Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority considered past similar cases and that the member had previous at fault accidents and a prior *Motor Vehicle Act* violation, but no prior substantiated *Police Act* matters. The OPCC reviewed the proposed disciplinary/corrective measures and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.