

CONCLUSION OF PROCEEDINGS

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

OPCC File 2019-16869
July 8, 2021

To: Ms. [REDACTED] (Complainant)

And to: Constable [REDACTED] (Member)
c/o Victoria Police Department
Professional Standards Section

And to: The Honourable Judge Brian Neal, Q.C., (ret'd) (Discipline Authority)
Retired Judge of the Provincial Court of
British Columbia

And to: [REDACTED] (Prehearing Conference Authority)
c/o Oak Bay Police Department
Professional Standards Section

And to: Chief Constable Del Manak
c/o Victoria Police Department
Professional Standards Section

The Office of the Police Complaint Commissioner (OPCC) completed its review of the decision issued by the Prehearing Conference Authority pursuant to section 120 of the *Police Act* in this matter.

1. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*; specifically, by intentionally or recklessly neglecting to properly investigate domestic violence issues related to the Complainant.

Discipline Proposed – Written reprimand; and
Within 90 days of this decision, attend and complete the
Facilitated Trauma Informed Practices Foundations course offered
by the Justice Institute of BC

2. *Discourtesy*, pursuant to section 77(3)(g) of the *Police Act*; specifically, acts of Discourtesy involving the Complainant.

Discipline Proposed – 2-day suspension without pay

3. *Abuse of Authority*, pursuant to section 77(3)(a)(iii) of the *Police Act*; specifically, in his dealing with the Complainant.

Discipline Proposed – 2-day suspension without pay to be served concurrent to the 2-day suspension without pay for the Discourtesy allegation

Following the section 117 review, the appointed Discipline Authority determined the evidence appeared to substantiate the allegations of *Neglect of Duty* pursuant to section 77(3)(m)(ii) of the *Police Act*, *Discourtesy* pursuant to section 77(3)(g) of the *Police Act*, and *Abuse of Authority* pursuant to section 77(3)(a)(iii) of the *Police Act*.

A prehearing conference was offered to Constable [REDACTED] and was held on July 2, 2021 before [REDACTED] as the Prehearing Conference Authority.

A report following the prehearing conference was received at our office on July 2, 2021. In reviewing the investigation conducted by Sergeant [REDACTED] and considering all the relevant factors in this case, the Prehearing Conference Authority has appropriately considered the aggravating and mitigating factors pursuant to section 126.

Therefore, the agreement reached at the prehearing conference is approved and the resolution is final and conclusive. Our file with respect to this matter will be concluded upon receipt of confirmation that in accordance with the *Police Act*, any disciplinary or corrective measure imposed in relation to, or agreed to by, a member or former member, has been completed, and that their service record of discipline has been updated.

[REDACTED]

[REDACTED]

Investigative Analyst

cc. Sergeant [REDACTED] Victoria Police Department