

## CONCLUSION OF PROCEEDINGS

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

OPCC File: 2020-17875

July 13, 2021

To: Mr. [REDACTED] (Complainant)

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

And to: The Honourable Judge Carol Baird Ellan, (ret'd) (Discipline Authority)  
Retired Judge of the Provincial Court of  
British Columbia

And to: Inspector [REDACTED] (Prehearing Conference Authority)  
c/o Vancouver 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. *Abuse of Authority*, pursuant to section 77(3)(a)(ii)(A) of the *Police Act*; specifically, intentionally or recklessly detaining the complainant without good and sufficient cause;

Discipline Proposed - Training or retraining in police authority relating to arrest and detention.

2. *Abuse of Authority*, pursuant to section 77(3)(a)(ii)(A) of the *Police Act*; specifically, intentionally or recklessly using unnecessary force on the complainant;

Discipline Proposed - Training or retraining in police authority relating to the use of force.

3. *Abuse of Authority*, pursuant to section 77(3)(a)(ii)(B) of the *Police Act*; specifically, intentionally or recklessly searching the complainant without good and sufficient cause.

Discipline Proposed - Written Reprimand; Training or retraining in police authority relating to incidental search and seizure.

Following the section 117 review, the appointed Discipline Authority determined the evidence appeared to substantiate three allegations of *Abuse of Authority* pursuant to section 77(3)(a)(ii)(A) and 77(3)(a)(ii)(B) of the *Police Act* by Constable [REDACTED]

A prehearing conference was offered to Constable [REDACTED] and was held on July 7, 2021, before Inspector [REDACTED] [REDACTED] as the Prehearing Conference Authority.

A report following the prehearing conference was received at our office on July 9, 2021. In reviewing the investigation conducted by Sergeant [REDACTED] [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] [REDACTED]  
Investigative Analyst

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