

Substantiated Allegations

Concluded between April 1, 2022 and March 31, 2023

Abbotsford Police Department

Police Complaint (OPCC 2021-19723)

The OPCC received a complaint describing concerns regarding inappropriate language used by a member of the Abbotsford Police Department (APD) while booking the complainant into cells.

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

Allegation 1

The member used inappropriate language while booking the complainant into APD cells.

MISCONDUCT

Discourtesy
(Discourteous conduct)

Date of Incident: May 2021

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member's conduct was discourteous for a very short portion of a difficult interaction, and that his actions were a direct response to a member of the public who was non-compliant and appeared to be deliberately stalling. The Prehearing Conference Authority further noted that the member had taken full responsibility, was remorseful, and understood that as a supervisor, the standard of appropriate conduct needed to be higher.

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 2021-19808)

Upon request from the Abbotsford Police Department (APD), the OPCC ordered an investigation into the conduct of APD members involved in a vehicle pursuit. According to the APD, members identified a vehicle driving without valid insurance. Further queries determined that the suspected driver had a warrant for his arrest and the vehicle had a recent history of failing to stop for police. The members drove their police vehicles at speeds exceeding 190 km/h to maintain visual contact with the driver and initially did not engage the police vehicles' emergency equipment. The suspect vehicle then began travelling in the wrong direction on the highway at a high rate of speed. Police engaged the police vehicles' emergency equipment and pursued the vehicle with the stated intention of utilizing the vehicle's lights and siren to warn other drivers of the vehicle travelling the wrong direction on the Highway. The pursuit was authorized by a supervisor. The suspect vehicle ultimately returned to its authorized lane and the pursuit was terminated. No collisions occurred, no property was damaged, and the suspect driver was not conclusively identified.

Members A & B

Allegation 1

The members neglected to promptly and diligently stop their attempts to follow the vehicle at high speed on a Highway and neglected to comply with the provisions of the APD Pursuit Policy.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations - Pursuit)
Date of Incident: April 2021

DISCIPLINARY/CORRECTIVE MEASURE
Member A - Verbal Reprimand
Member B - Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by Member A and Member B. The prehearing conferences held did not result in resolution of the matter. As a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that Member A and Member B's failure to continually assess the changing circumstances, as required by APD policy on closing the distance, posed a significant risk to the public. Specifically, the Discipline Authority noted that the speeds driven by Member A and Member B far exceeded the posted speed limits and that Member A passed Member B, while travelling at a high rate of speed, without advising Member B. In arriving at the decision on discipline, the Discipline Authority noted that both Member A and Member B had taken self-imposed initiatives to review department policy, the Emergency Vehicle Driving Regulations and section 122 of the *Motor Vehicle Act* and fully understood the impact of their actions.

Member A and Member B did not request a review of the disciplinary decision.

Member C

Allegation 2

The member neglected, without good or sufficient cause, to promptly and diligently broadcast over the police radio system to immediately order members following the vehicle on a Highway at high speeds to cease following the vehicle forthwith, and/or during the pursuit, neglected to comply with the provisions of the APD Pursuit Policy.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations - Pursuit)
Date of Incident: April 2021

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: (a) Review of the Emergency Vehicle Driving Regulations, Section 122 of the <i>Motor Vehicle Act</i> , and APD Pursuit Policy; (b) Within the next three years successfully complete training in supervision of high-risk incidents as identified by APD Training Branch.

Disciplinary Process

A prehearing conference was offered and accepted by Member C. The prehearing conference held did not result in resolution of the matter. As a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that Member C, who was the supervisor and was not actively involved in the pursuit, failed to elicit information necessary to provide guidance to responding members and fulfil their supervisory responsibilities. The Discipline Authority further found that Member C did not react to additional information about the suspect's speed, driving pattern, or the potential for motor vehicle accidents, and that the increased risk was not mitigated by supervisory oversight or direction.

Member C 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. In reviewing this matter in its entirety, the OPCC noted the Discipline Authority's comments

explaining that pursuits are “extremely high risk/low frequency event[s]” and that a “wrong way pursuit on a roadway is an extremely high risk tactic that, if ever deployed, should only be deployed if there are life and death circumstances due to a more serious criminal event and even then, would require additional training and oversight” by the department. The Discipline Authority noted several proactive changes made by the department to prevent the recurrence of these types of incidents in the future, including changes to departmental policy and building greater awareness amongst their officers regarding risk management and decision making, including in the area of pursuits.

Police Complaint (OPCC 2021-20735)

The OPCC received a complaint describing concerns regarding an interaction with a member of the Abbotsford Police Department (APD). The complainant reported that the member did not return their knife which was seized from them during a traffic stop.

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

Allegation 1

The member failed to properly account for the complainant's property once in police custody.

MISCONDUCT

Neglect of Duty
(Failure to account for money / property received)

Date of Incident: October 2021

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the misconduct was at the low end of the spectrum of seriousness, bearing in mind that the knife was low in value, and that the misplacement of the knife was unintentional and occurred in a “challenging investigative environment.” Additionally, it was noted that the member accepted responsibility for their actions and had no previous substantiated misconduct allegations.

The OPCC reviewed and approved 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 2022-21726)

Upon request from the Abbotsford Police Department (APD), the OPCC ordered an investigation into the conduct of an APD member who was participating in a training exercise. While the member was removing a trigger lock from the departmentally issued firearm, the member discharged their firearm, and the round impacted a metal filing cabinet; no injury was sustained by any party.

Allegation 1

The member failed to follow safe firearm handling procedures.

MISCONDUCT

Neglect of Duty
(Accidental/Negligent firearm discharge)

Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures and as a result, the matter proceeded to a discipline proceeding.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member accepted responsibility for their actions and had taken self-imposed initiatives to complete remedial training demonstrating proper firearm procedures. The member also reviewed firearm safety rules, departmental firearm policy, safe storage and the procedure for using a cable locking mechanism for the firearm.

The member did not request a review of the disciplinary decision. The OPCC reviewed and approved the proposed disciplinary/corrective measures.

Central Saanich Police Service

Ordered Investigation – Initiated by PCC (OPCC 2019-17187)

The OPCC initiated an investigation after receiving information that a member had made inappropriate comments and gestures of a sexual nature toward a junior colleague. At the time of the incident, the member was in a supervisory position.

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

The member retired from the Central Saanich Police Service (CSPS) prior to the conclusion of this matter.

Allegation 1

The member used inappropriate language and commentary that was sexual in nature.

MISCONDUCT

Discreditable Conduct
(Violation of respectful workplace policy)

Date of Incident: August 2016

DISCIPLINARY/CORRECTIVE MEASURE

Reduction in rank, and pay, to that of First-Class Constable

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. No prehearing conference was offered to the member and as a result, the matter proceeded to a discipline proceeding. The member retired prior to the discipline proceeding and did not participate in the process.

The Discipline Authority determined that the member's conduct was inappropriate, demeaning, and "had no relevant, or meaningful purpose, other than to be an insult, and vulgar." In arriving at the decision on discipline, the Discipline Authority further noted the member's lack of acknowledgement of the incident and their position of authority and responsibility, as a supervisor, at the time of the incident.

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, their Service Record of Discipline will reflect the discipline imposed.

CFSEU (Organized Crime Agency of BC)

Ordered Investigation – Requested by Department (OPCC 2021-19733)

Upon request from the Combined Forces Special Enforcement Unit – British Columbia (CFSEU-BC), the OPCC ordered an investigation into the conduct of a CFSEU-BC member. It was reported that the member was advised by their supervisors not to contact any witnesses from a specific investigation into the death of a person which was under the conduct of another police agency. The member subsequently communicated by way of letter to the sister of the deceased, who was a witness in the investigation.

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

The member communicated with a witness in a homicide investigation, in contravention to the direct orders of superior officers and supervisors.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: February 2021

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by the member; the member agreed to the proposed discipline. After review, the Commissioner did not approve the disciplinary or corrective measure as it did not reflect the seriousness of the conduct.

As a result, the matter proceeded to a discipline proceeding where the member admitted the allegation and the Discipline Authority imposed a one-day suspension without pay.

Adjudicative Review – Review on the Record

The Commissioner reviewed the outcome of the discipline proceeding and determined that a Review on the Record was necessary in the public interest as the disciplinary or corrective measure proposed by the Discipline Authority still did not reflect the seriousness of the misconduct. The Commissioner noted that the member's conduct occurred in the context of a significant investigation that was under the conduct of another police agency, that the member was an experienced officer who understood the potential detrimental consequences of contacting material witnesses in matters of which they had no role as a police officer and that the member's decision to ignore the directions of their supervisors was planned and premeditated.

The Commissioner appointed retired BC Provincial Court Judge, the Honourable Mr. James Threlfall, to review the matter and arrive at his own decision based on the evidence.

Adjudicator Threlfall found that, aside from the member's general admission to the alleged misconduct, there was no evidence to suggest that the member was aware that the individual they sent the letter to was a witness in the criminal investigation, and that the evidentiary record was "unclear in terms of what the 'direct order of superior officers and supervisors' actually involved." In arriving at his decision, Adjudicator Threlfall found that the letter did not contain information that was not already publicly known and was not apparently detrimental to the criminal investigation. In addition, he assessed that the member was motivated in part to write the letter to preserve the reputation of their former police agency, rather than preserving their reputation alone.

In terms of discipline, Adjudicator Threlfall determined that a written reprimand was a serious penalty for an experienced police officer with the member's history of high-ranking positions. He found that a corrective and educative approach was appropriate and concluded that "a reasonable person who is dispassionate and fully apprised of the circumstances would agree that a Written Reprimand is a more than appropriate penalty."

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

Delta Police Department

Ordered Investigation – Requested by Department (OPCC 2021-20726)

Upon request from the Delta Police Department (DPD), the OPCC ordered an investigation into the conduct of two DPD members. It was reported that a member (“Member A”) had unintentionally discharged a Conducted Energy Weapon (CEW) while preparing for their shift in the underground parking. It was further reported that another member (“Member B”) had left the loaded CEW and other equipment on the seat of the police vehicle for Member B. No damages or injuries were reported.

Member A

Allegation 1

The member did not follow policy and training as it relates to the safe handling of weapons placing their finger on the trigger of an operational loaded CEW, resulting in the unintentional discharge.

MISCONDUCT

Neglect of Duty
(Accidental/Negligent discharge of weapon)

Date of Incident: August 2021

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority considered several factors before arriving at a decision on appropriate disciplinary or corrective measures. The Prehearing Conference Authority noted that although the CEW is classified as a “less lethal” force option, this weapon could still cause significant pain and/or injury to a person and that the member contravened one of the cardinal firearm safety rules by placing their finger on the trigger before making a conscious decision to shoot. The Prehearing Conference Authority also considered that the member had immediately reported the incident; that there was a lack of injuries or damage; and the member had recently switched to a new type of holster, which may have contributed to 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.

Member B

Allegation 2

The member did not follow policy when they failed to maintain control of the CEW and cartridges when they left the operational loaded CEW on the driver’s seat of the police vehicle.

MISCONDUCT

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

Date of Incident: August 2021

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority considered several factors before arriving at a decision on appropriate disciplinary or corrective measures. The Prehearing Conference Authority noted that the CEW had been left loaded, and the vehicle was unlocked and accessible to other police staff. The Prehearing Conference Authority also considered that the CEW had been left in a vehicle in a secured underground parking lot, and that Member A had advised Member B that the vehicle was ready for them and was left unattended for relatively short period of time (several minutes).

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 2022-21882)

Upon request from the Delta Police Department (DPD), the OPCC ordered an investigation into the conduct of a DPD member who was involved in a motor vehicle accident while responding to a call of a possible impaired driver. As the member was clearing an intersection (with their lights and siren activated), their unmarked police vehicle struck a vehicle, and that vehicle subsequently struck a pedestrian. The member, the driver of the other vehicle, and the pedestrian were transported to hospital for minor injuries.

Allegation 1

The member failed to comply with the provisions of the *BC Motor Vehicle Act (MVA)*, *Emergency Vehicle Driving Regulations (EVDR)*, and DPD Policy OD10-Emergency Vehicle Operation while operating their police vehicle.

MISCONDUCT
<i>Neglect of Duty</i> (Operating a police vehicle in an unsafe manner)
Date of Incident: May 2022

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay
Direction to Training: MVA - EVDR; and DPD Policy OD10 – Emergency Vehicle Operation.

Disciplinary Process

A prehearing conference was offered and accepted by the member. The investigation revealed that the member's actions in exercising the provisions found under section 122(1) of the MVA presented more of a risk to the public than the risk posed by the possible reporting of an impaired driver. The Prehearing Conference Authority noted that this was a sustained two-minute violation of the MVA, EVDR, and DPD policy. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the speeds of the police vehicle exceeded 100 km/hr, that the nature of the roadway included a playground zone and a posted speed limit of 50 km/hr, and that the collision resulted in injuries to the member and two members of the public.

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

Metro Vancouver Transit Police

Ordered Investigation (OPCC 2021-20131)

Upon request from the Metro Vancouver Transit Police (MVTP), the OPCC ordered an investigation into the conduct of two MVTP members (Member A and Member B) for their handling of a criminal investigation involving a theft and threats made to a member of the public. According to the MVTP, both the RCMP and MVTP attended the call which occurred on Transit property. The RCMP arrived first, prior to Member A and Member B attending, who completed a number of investigative steps including the taking of statements. MVTP took over the file and concluded the matter without forwarding any charges to Crown Counsel despite the evidentiary basis for doing so. The victim contacted Member B to bring forward concerns about the quality of the investigation. Member B failed to re-open the investigation and did not notify their supervisor of the concerns brought forward.

The MVTP subsequently initiated an internal file review and assigned their General Investigations Unit to re-investigate the criminal matter.

Member A

Allegation 1

As the lead investigator, the member failed to conduct a complete and objective investigation by not considering all the available evidence including the statements taken and evidence obtained from RCMP members. The member concluded the file when they should have submitted a Report to Crown Counsel.

MISCONDUCT

Neglect of Duty
(Inadequate investigation)

Date of Incident: June 2021 – August 2021

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Member B

Allegation 2

The member reviewed the investigation completed by the lead investigator, including evidence gathered by the RCMP and failed to re-open the investigation or notify their supervisor of concerns raised.

MISCONDUCT

Neglect of Duty
(Inadequate investigation)

Date of Incident: June 2021 – August 2021

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by Member A and Member B. The Prehearing Conference Authority noted that Member A had accepted responsibility and had provided assurances that they would be more diligent in the future. The Prehearing Conference Authority further noted that Member B was an inexperienced member who at the time did not fully understand their responsibilities in the circumstances and had learned from this incident.

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

Ordered Investigation – Requested by Department (OPCC 2022-22123)

Upon request from the Metro Vancouver Transit Police (MVTP), the OPCC ordered an investigation into the conduct of a MVTP member related to their handling of a prisoner's effects. It was reported that the member transported a prisoner to the RCMP jail and that subsequent video footage from the jail depicted the member disposing a serrated fishing knife into a garbage can within the cell block facility. The knife was later discovered by jail staff. The RCMP initiated an investigation to determine who disposed of the knife in this manner and reported their concerns to the MVTP.

Allegation 1

The member inappropriately seized and disposed of an exhibit in an RCMP cell block facility.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: May 2022

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that it was reasonable to expect that the member, given their level of experience, would be familiar with the criminal code process for the detention of seized items, and relevant departmental policies and best practices. The Prehearing Conference Authority further noted that placing the knife into a garbage can, which was located within the cell block facility, posed safety concerns. The Prehearing Conference Authority determined there was no need for a period of supervision or a requirement to take further training as the member proactively spoke to supervisors around the legality of seizing items and reviewed relevant department policies respecting exhibit property control, seizure and prisoner care, control and transportation.

The OPCC reviewed and approved 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

Internal Discipline (OPCC 2021-20376)

The department initiated an internal discipline investigation into the conduct of a Nelson Police Department (NPD) member. It was alleged that the member made a number of derogatory comments and engaged in behaviour that was offensive.

Allegation 1

The member violated departmental Workplace Harassment Policy by making inappropriate comments regarding a co-worker and then posting a sign to the same effect on a workstation.

MISCONDUCT
<i>Discreditable Conduct</i> (Violation of respectful workplace policy)
Date of Incident: 2020

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay
Remedial respectful workplace training

Ordered Investigation - Requested by Department (OPCC 2021-20960)

Upon request from the Nelson Police Department (NPD), the OPCC ordered an investigation into the conduct of three NPD members. It was alleged that a member ("Member A") had entered the office of a co-worker with a medical mask over the front of their pants and repeatedly made inappropriate physical contact with the back of that co-worker's chair. During the investigation, it was established that another member ("Member B") photographed Member A during the incident and posted that picture to a chat group. Additionally, it was alleged that Member A was seen engaged in inappropriate (consensual) physical contact with a co-worker ("Member C") in areas of the station which were not private.

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

Member A

Allegation 1

The member engaged in inappropriate sexualized conduct with Member C in front of co-workers.

MISCONDUCT
<i>Discreditable Conduct</i> (Violation of respectful workplace policy)
Date of Incident: Various

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay
Work under close supervision for a year
Undertake workplace harassment training or retraining

Allegation 2

The member wore a protective medical mask over the front of their pants, pushed against the back of a co-worker's chair, and posed for a picture during the incident.

MISCONDUCT
<i>Discreditable Conduct</i> (Violation of respectful workplace policy)
Date of Incident: December 2020

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay
Work under close supervision for a year
Undertake workplace harassment training or retraining

Member B

Allegation 3

The member took a photograph of another member (Member A) who was ridiculing a fellow member by making inappropriate gestures and then shared that photograph in a group chat which was later deleted.

MISCONDUCT
<i>Discreditable Conduct</i> (Violation of respectful workplace policy)
Date of Incident: December 2020

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay
Training/retraining regarding respectful workplace policy

Member C

Allegation 4

The member engaged in inappropriate sexualized conduct with Member A in front of co-workers.

MISCONDUCT
<i>Discreditable Conduct</i> (Violation of respectful workplace policy)
Date of Incident: Various

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay
Work under close supervision for a year
Undertake workplace harassment training or retraining

Disciplinary Process

A prehearing conference was offered to the members. Members A and C declined and, as a result, the matter proceeded to a discipline proceeding in respect of those members. Member B accepted a pre-hearing conference.

In respect of Member B, the Prehearing Conference Authority noted that their conduct was serious, but the member accepted responsibility, had learned a lesson 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.

In respect of Allegations 1 and 4, the Discipline Authority found that the conduct of Members A and C was unprofessional in nature. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the conduct occurred in a non-private area and was witnessed by a number of other NPD employees. Both members (A & C) resigned from the department prior to the conclusion of these proceedings.

In respect of Allegation 2, the Discipline Authority noted that Member A's conduct was serious and unprofessional in nature. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the conduct was premeditated and aimed at causing embarrassment and occurred at the police station in full uniform.

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.

Even though two of the members resigned prior to the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

New Westminster Police Department

Internal Discipline (OPCC 2021-19385)

The department initiated an internal discipline investigation into the conduct of a New Westminster Police Department (NWPDP) member for harassment and bullying of a co-worker. According to the NWPDP, the member made disparaging and derogatory comments about the co-worker, spread rumours, and created a toxic work environment for the co-worker over a prolonged period.

Allegation 1

The member engaged in a consistent pattern of aggressive bullying and harassment of a co-worker and contravened NWPDP's Respectful Workplace policy.

MISCONDUCT

Discreditable Conduct
(Violation of respectful workplace policy)

Date of Incident: January 2019 – November 2021

DISCIPLINARY/CORRECTIVE MEASURE

Reduction in rank and pay from first class Constable to second class Constable.

- The reduction in rank is for a minimum of one-year
- After one-year a detailed appraisal of the member's performance to be completed
- Approval from the Chief Constable of NWPDP to proceed to the next class of Constable

Not to perform in any acting supervisor capacity until they successfully reach the rank of first-class Constable

To be assigned to a designated unit and may not apply for any internal or external openings outside of the designated unit until they obtain the rank of first-class Constable

To undertake and successfully complete one-on-one respectful workplace training

To work under close supervision of an NCO who will monitor the member's conduct to ensure they are complying with all policies and procedures of the NWPDP and the designated unit

Oak Bay Police Department

Internal Discipline (OPCC 2021-20712)

The department initiated an internal discipline investigation into the conduct of an Oak Bay Police Department (OBPD) member. According to the OBPD, the member had been absent from the office for extended periods, beyond the break times permitted by departmental policy.

Allegation 1

The member neglected to comply with OBPD policy in relation to the length of coffee and meal breaks.

MISCONDUCT

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

Date of Incident: October 2021 – November 2021

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Training/Re-Training: complete Police Ethics and
Accountability training within 60 days of the decision

Port Moody Police Department

Ordered Investigation – Requested by Department (OPCC 2022-21564)

Upon request from the Port Moody Police Department (PMPD), the OPCC ordered an investigation into the conduct of a PMPD member for their handling of a prohibited driver investigation. It was reported that the member submitted a written report containing several inconsistencies and that the member failed to adequately articulate material details of their investigation, including relevant driving behaviour, grounds for the arrest and detention of the driver, and identification of the driver of the vehicle. As a result of a supervisory review, the vehicle impound was reversed, the Violation Ticket cancelled, and no charges were forwarded to Crown Counsel.

Upon request by the PMPD, the Commissioner determined it was in the public interest for an external police agency to complete the investigation.

Allegation 1

The member failed to adequately investigate and document a prohibited driving incident.

MISCONDUCT

Neglect of Duty
(Inadequate investigation)

Date of Incident: January 2022

DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension without pay

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member inaccurately depicted the sequence of significant events after writing their Report to Crown Counsel from memory several weeks after the incident, incorrectly quoted the accused admitting to driving and determined that the member's conduct fell below the standard expected of an experienced police officer.

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.

Saanich Police Department

Police Complaint (OPCC 2021-19619)

The OPCC received a complaint describing concerns regarding intermittent unwanted contact from a member of the Saanich Police Department (SPD) who was the complainant's former partner. The complainant reported that the member approached her outside her home, while in uniform and out of jurisdiction, despite prior requests not to have contact with her, and that she had advised SPD of this incident. Furthermore, the complainant wanted to ascertain by what means the member was aware of her recently updated address.

The OPCC reviewed the complaint and determined that an investigation into the incident was required. The Commissioner determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority.

In addition to the unwanted contact, the investigation revealed that the member had used police databases to run checks on his former partner and members of her family, and subsequently misled the *Police Act* investigators over the extent to which this had occurred.

Allegation 1

The member approached his former partner and attempted to engage her outside her residence despite her prior requests that he not have contact with her.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: April 2021

DISCIPLINARY/CORRECTIVE MEASURE – FOR ALLEGATIONS #1 - 3

Dismissal

Allegation 2

The member utilized a police database to query his former partner and members of her family for purposes unrelated to the performance of duties as a member.

MISCONDUCT

Corrupt Practice
(Improper use of police databases)

Date of Incident: April 2021

DISCIPLINARY/CORRECTIVE MEASURE

See Above

Allegation 3

The member provided misleading and false information during their professional standards interview relating to this matter.

MISCONDUCT
<i>Deceit</i> (False or misleading oral or written statement)
Date of Incident: October 2021

DISCIPLINARY/CORRECTIVE MEASURE
See Above.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. No prehearing conference was offered to the member and as a result, the matter proceeded to a discipline proceeding. The member retired prior to the discipline proceeding but provided submissions through their union agent.

The Discipline Authority determined the conduct of the member to be “egregiously serious” and that his actions went beyond passive contact and would otherwise be considered in similar police investigations as harassment or stalking. The Discipline Authority noted that “overt acts of stalking in intimate partner violence investigations are considered a significant risk factor, particularly over the course of such a long period of time.” In addition to this behaviour, the member also undertook 92 unauthorized queries using a police database to provide ongoing information on the activities of his former partner and family. The Discipline Authority found that the member’s behaviour was a “marked departure from someone in a position of trust and [that] he used his position for the corrupt practice of stalking his ex-partner and her family members.” The Discipline Authority ultimately determined that “anything other than dismissal would bring the administration of police discipline into disrepute and [would be] contrary to the public interest.”

Even though the member retired prior to the conclusion of this matter, their Service Record of Discipline will reflect the dismissal from the Saanich Police Department.

Internal Discipline (OPCC 2022-22417)

The department initiated an internal discipline investigation into the conduct of a Saanich Police Department (SPD) member for having their SPD-issued firearm with them while off-duty and on vacation. The member was in contravention of SPD firearms policy. Additionally, while on vacation, the member was issued a violation notice for fishing without a fishing licence contrary to the *Wildlife Act*.

Allegation 1

The member neglected to comply with SPD policy in relation to firearms.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

Allegation 2

The member was found to be fishing without a fishing licence contrary to the *Wildlife Act* while off-duty and on vacation.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Stl'atl'imx Tribal Police Service

No substantiated misconduct in this reporting period.

Surrey Police Service

No substantiated misconduct in this reporting period.

Vancouver Police Department

Ordered Investigation – Requested by Department (OPCC 2016-11756)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member. It was reported that the member engaged in instances of sexual contact with two youths who were involved in a police investigation. In addition, it was reported that the member inappropriately used police facilities and resources to communicate with witnesses and victims in criminal trials and that the member used his authority to hide his misconduct.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation in which the member pled guilty to one count of Sexual Exploitation and two counts of Breach of Trust; the member was sentenced to a custodial prison term of 20 months.

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

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

Allegation 1

The member, being in a position of trust or authority towards Person A, a young person, did for a sexual purpose touch directly the body of Person A on three occurrences, thus rendering him unfit to perform his duties as a member.

MISCONDUCT

Public Trust Offence
(Conviction for an offence under an enactment of Canada which discredits the reputation of the members department)

Date of Incident: August 2015 – December 2016

DISCIPLINARY/CORRECTIVE MEASURE

Dismissal

Allegation 2

The member obstructed a VPD investigation when he told Person A to lie and/or mislead VPD investigators, thus using his position for personal gain.

MISCONDUCT

Corrupt Practice
(Using police authority for personal gain)

Date of Incident: August 2015 – December 2016

DISCIPLINARY/CORRECTIVE MEASURE

20-days suspension without pay

Allegation 3

The member, being in a position of trust or authority towards Person B, a young person, did for a sexual purpose touch the body of Person B, thus rendering him unfit to perform his duties as a member.

MISCONDUCT

Public Trust Offence
(Conviction for an offence under an enactment of Canada which discredits the reputation of the members department)

DISCIPLINARY/CORRECTIVE MEASURE

Dismissal

Allegation 4

The member attempted to mislead a member of the RCMP, who was conducting an investigation involving Person B, thus using his position for personal gain.

MISCONDUCT

Corrupt Practice
(Using police authority for personal gain)

Date of Incident: December 2016 – June 2017

DISCIPLINARY/CORRECTIVE MEASURE

Dismissal

Allegation 5

The member used equipment of the VPD, for purposes unrelated to the performance of his duties as a member and provided Person B with information.

MISCONDUCT

Corrupt Practice
(Improper use of police equipment)

Date of Incident: December 2016 – June 2017

DISCIPLINARY/CORRECTIVE MEASURE

15- day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the former member committed five counts of misconduct. No prehearing conference was offered and as a result, the matter proceeded to a discipline proceeding where the former member admitted to the first allegation but denied the other four allegations.

The Discipline Authority determined that the former member's actions, which included kissing two individuals who had placed their trust in him, were serious breaches of misconduct, particularly considering that the member worked in a key unit of the VPD that was designed to assist and protect vulnerable individuals from being exploited. In arriving at the decision on discipline, the Discipline Authority noted that the criminal trial resulted in a custodial jail sentence for the former member and that this matter warranted sanctions that would serve as both a general deterrent and as a message to the former member regarding the seriousness of these actions.

The former 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.

Even though the member resigned prior to the conclusion of this matter, their Service Record of Discipline will reflect that he was dismissed from the VPD.

Police Complaint (OPCC 2019-15742)

The OPCC received a complaint describing their concerns with a member of the Vancouver Police Department (VPD), which included allegations that they sustained significant injuries because of force used during their arrest, that police failed to identify themselves and they were not advised of their Charter Rights. The OPCC reviewed the complaint and determined that an investigation into the incident was required. In addition, the OPCC determined that the injuries reached the threshold of “serious harm” and initiated a Mandatory Serious Harm Investigation pursuant to section 89 of the *Police Act*. The injuries included broken ribs and a collapsed lung.

The Commissioner appointed an external police agency to conduct this investigation and designated an external Discipline Authority.

As a result of the serious nature of the injuries, the Independent Investigations Office (IIO) also investigated this matter. The *Police Act* requires an investigation also be initiated by the OPCC whenever death or serious harm results from an incident involving municipal police. 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*, members may be compelled to provide statements, answer questions and otherwise account for their actions.

The *Police Act* investigation was suspended pending the outcome of the investigation conducted by the IIO.

During the investigation, an additional allegation arose in relation to members failing to adequately document their involvement contrary to policy.

Allegation 1

The member did not follow policy as it related to taking notes and completing reports.

MISCONDUCT

Neglect of Duty
(Inadequate documentation)

Date of Incident: December 2018

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

The investigation determined that the arrest of the complainant was lawful and that the force used by police was reasonable, necessary, and proportional given the circumstance and the level of resistance of the complainant but that the member’s failure to complete a report, police notes, Subject Behaviour Officer Response Report (SBORR), or a will say was unreasonable in the circumstances; the fact that force was used and not documented was also problematic. Documentation is essential to a police officer’s duties to aid in recall and to be an effective police witness.

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted the relatively junior service level of the member and that since the incident, the member adjusted their notetaking practice and familiarized themselves with policy with respect to notetaking and report writing. It was further noted that the member took full responsibility for their omissions.

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

Police Complaint (OPCC 2019-16028)

The OPCC received a complaint describing concerns with a member of the Vancouver Police Department (VPD). It was reported that the member queried the complainant's name using a police database for reasons not associated with their duties as a police officer.

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

Allegation 1

The member queried the complainant on police databases for purposes unrelated to the performance of their duties.

MISCONDUCT

Corrupt Practice
(Improper use of police databases)

Date of Incident: February 2019

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding where the Discipline Authority found that the member knew the complainant and had interacted with the complainant on numerous occasions. The Discipline Authority concluded that the member was accessing the police database for personal use when querying the complainant.

In arriving at a decision on disciplinary or corrective measures, the Discipline Authority noted that all VPD employees are trained in the use of police databases and are trained in the rules for conducting queries and the sharing of information. In this case, the member was an experienced officer and would have been aware of the policies and regulations regarding the use of police databases. The Discipline Authority also noted that the member had received numerous personal and unit citations and commendations throughout their career and that the likelihood of future misconduct was low.

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 2020-17317)

The OPCC initiated an investigation after receiving information that two members of the Vancouver Police Department (VPD) attended a bank and placed an Indigenous man and his granddaughter in handcuffs after a bank employee had suspected fraudulent activity and called police.

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

The affected person in this matter filed a complaint and was added to the record and recognized as a complainant to the investigation.

Allegation 1

The members removed the complainants from a bank to a public street without reasonable cause and recklessly arrested the complainants without good and sufficient cause.

MISCONDUCT
<i>Abuse of Authority</i> (Unlawful arrest)
Date of Incident: December 2019

DISCIPLINARY/CORRECTIVE MEASURE – FOR ALLEGATIONS #1 – 2
Member A: 3-day suspension without pay
Member B: 2-day suspension without pay
Member A & B: Required to attend and successfully complete the following training or education programs before December 31, 2022: (a) "Cultural Perspectives" training; (b) Intensive immersive training (11-12 sessions); (c) Training or retraining in de-escalation skills and risk assessment; and (d) Retraining on the power of arrest
Member A & B: prepare and deliver a written apology to the Complainants within 60 days. The apologies must be in a form and content approved by the Discipline Authority and: (a) Reflect the general findings of the Discipline Decision on the issues of misconduct; (b) Convey the tenor of the apologies provided by the Members in their submissions and testimony during these proceedings; and (c) Convey the Members' offer to meet with the Complainants to listen to their concerns and hear the oral apologies of the Members in relation to the Complaint, at a time and in a manner agreeable to the parties
Member A & B: Required to work under the close and direct supervision of a senior officer or officers for no less than 6 months.

Allegation 2

The members recklessly used unnecessary force on the complainants through the application of handcuffs without good and sufficient cause.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive Force - Handcuffs)
Date of Incident: December 2019

DISCIPLINARY/CORRECTIVE MEASURE
See above

Adjudicative Review – Section 117

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. After review, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed the Honourable Mr. Brian Neal, K.C., retired BC Provincial Court Judge, to review the matter and arrive at his own decision based on the evidence.

Mr. Neal issued his decision where he determined that there was sufficient evidence to support that police committed misconduct during the arrest and handcuffing of the complainants.

Disciplinary Process – Section 117

A pre-hearing conference was offered but ultimately declined by the members. As a result, the matter proceeded to a discipline proceeding in front of Mr. Neal as the Discipline Authority.

Mr. Neal found that the members acted oppressively in dealing with the complainants before their arrest and handcuffing and showed no consideration as to how their intervention might have been perceived by two Indigenous customers of a large bank in confusing and uncertain circumstances. Mr. Neal was unable to find any compelling reason to remove the complainants from the bank area, even if an arrest was contemplated. Mr. Neal determined that the members acted oppressively by failing to take any steps to clarify the granddaughters age before proceeding to arrest and handcuffing. In addition, Mr. Neal found that the arrests made by police were made “precipitously, recklessly and without good and sufficient cause” and that the actions of the members demonstrated serious blameworthy conduct. Mr. Neal further found that each member acted “unreasonably”, “recklessly” and “without due consideration of his lawful authority” in handcuffing the complainants.

Neither the members nor the complainant 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 – Requested by Department (OPCC 2020-17935)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member. It was revealed that while the member was on duty, in uniform and driving a marked police vehicle, he took drugs off a member of the public and cleared the call with no documentation of the seizure. On the same shift the member attended another police incident where he seized the belongings of another member of the public. It was determined that he seized drugs and lotto tickets and self-administered the drugs.

The *Police Act* investigation was suspended pending the outcome of the criminal proceedings in which the member pled guilty to the criminal charges of Theft Under \$5,000 for Theft of one ‘flap’ of Fentanyl, Breach of Trust by using his authority to commit theft of Fentanyl (without any documentation or adherence to VPD Policy), Possession of a Schedule I substance for possessing the ‘flap’ of Fentanyl, Theft Under \$5,000 for theft of three lottery tickets, Breach of Trust by using his position of authority to commit the theft of the lottery tickets (without any documentation or adherence to VPD policy), and Theft under \$5,000 in connection to Canadian currency that was stolen during an integrity test. The member received a probationary sentence of three years with conditions.

During the investigation, the member was dismissed in relation to a separate matter under the *Police Act*.

Allegation 1

The theft of Fentanyl from a member of the public.

MISCONDUCT

Corrupt Practice
(Misappropriation of property or money received in course of duty)

Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE

Dismissal

Allegation 2

The theft of three lotto tickets from a member of the public.

MISCONDUCT
<i>Corrupt Practice</i> (Misappropriation of property or money received in course of duty)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 3

The theft of Fentanyl resulting in the member's inability/failure to uphold the VPD's Code of Ethics and discharge their duties as a sworn municipal police officer in a just, impartial, and reasonable manner.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 4

The theft of three lotto tickets resulting in the member's inability/failure to uphold the VPD's Code of Ethics and discharge their duties as a sworn municipal police officer in a just, impartial, and reasonable manner.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 5

The member failed to investigate and/or return found property to the lawful owner, which included: a wallet, \$402.00 Canadian currency, identification, a \$60.00 gift card, inert OxyContin pills and other miscellaneous items.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: October 2020

DISCIPLINARY/CORRECTIVE MEASURE
20-day suspension without pay

Allegation 6

The member's use of illicit drugs while on duty.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Reduction in rank
20-day suspension without pay
Undertake and complete a specific drug treatment and counselling program as approved by the VPD's Personnel Services Section
Work under the close supervisions of a senior constable as selected by the VPD's Personnel Services Section for a period of one year

Allegation 7

Possession of a Schedule I substance as defined by the *Controlled Drugs and Substances Act*.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: May 2020

DISCIPLINARY/CORRECTIVE MEASURE
Reduction in rank
20-day suspension without pay
Undertake and complete a specific drug treatment and counselling program as approved by the VPD's Personnel Services Section
Work under the close supervisions of a senior constable as selected by the VPD's Personnel Services Section for a period of one year

Allegation 8

The member's guilty plea and conviction pertaining to two counts of Theft Under \$5,000, contrary to section 334(b) of the *Criminal Code*; two counts of Breach of Trust contrary to section 122 of the *Criminal Code*; and one count of Unlawfully Possessing a Controlled Substance contrary to section 4(1) of the *Controlled Drugs and Substances Act*.

MISCONDUCT
<i>Public Trust Offence</i> (Conviction for an offence under an enactment of Canada which discredits the reputation of the member's department)
Date of Incident: October 2021

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the former member committed eight counts of misconduct. No prehearing conference was offered to the former member and as a result, the matter proceeded to a discipline proceeding without the former member's participation.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the former member’s actions were serious, if not egregious, in nature, that the conduct was “an affront to the reasonable expectations of a police officer as defined by the community” and that the former member ought to have known their actions and related criminal convictions “would erode the public’s confidence in the VPD and the profession of policing in general.” The Discipline Authority further noted that the former member’s conduct engaged substantial medical intervention and spawned a complex and costly police investigation.

The former 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 2020-18058)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member. It was alleged that the member abused his former spouse and attempted to use his position as a VPD member for personal gain in communications relating to child custody. In addition, it was reported that the member suggested that his former spouse obtain a fraudulent doctor’s note to have marriage counselling fees paid for by a third party.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service and charges were approved; however, the criminal charges were later stayed.

During the investigation, the member was dismissed in relation to another matter under the *Police Act*.

Allegation 1

Causing his former spouse to have reasonable grounds to fear that he would cause her personal injury when he uttered threats and assaulted her in March 2014 and for the former member attempting to counsel her to commit fraud.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: March 2014

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

Using his position of authority as a police officer to attempt to influence and/or gain personal advantage for matters relating to his personal life; namely the co-parenting of his child, which is unrelated to the performance of his duties as a police officer.

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

DISCIPLINARY/CORRECTIVE MEASURE
5-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the former member committed two counts of misconduct. No prehearing conference was offered to the former member and as a result, the matter proceeded to a discipline proceeding without the former member’s participation.

The Discipline Authority determined that the former member’s actions were “serious” and “troubling” with respect to the assault and threatening of his former spouse, and that serious consequences were required to denounce the misconduct. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the former member’s conduct of using his position as a police officer in communications with his former spouse and others was “calculated and designed to establish a power imbalance and/or intimidate” and was an extension of intimate partner violence in seeking to cause emotional and mental harm to his former spouse.

The former 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 2020-18132)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member. It was reported that the member conducted a traffic stop with three males which resulted in a physical altercation. One of the males was arrested and charged with Assaulting Peace Officer Causing Bodily Harm. The matter went to trial where the Honourable Judge acquitted the male, citing that there was no basis for the member to have arrested the male for assault, and that the male’s response was proportionate and occurred while the member was violently engaging him.

Allegation 1

Arresting a member of the public in a reckless manner during a routine traffic stop.

MISCONDUCT
<i>Abuse of Authority</i> (Unlawful Arrest)
Date of Incident: October 2018

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

Allegation 2

Intentionally or recklessly applying unnecessary force and striking a member of the public.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive Force – Empty Hand)
Date of Incident: October 2018

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

Adjudicative Review – Section 117

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority had failed to properly consider the applicable jurisprudence related to factual findings and determinations made by the Honourable Judge during the criminal proceedings, and that those findings were binding. The Commissioner appointed retired BC Court of Appeal Judge, the Honourable Mr. Wallace T. Oppal, K.C. to review the matter and arrive at his own decision based on the evidence.

Mr. Oppal issued his decision where he determined that the Discipline Authority's findings were at odds with the video evidence and the reasons relied on by the Honourable Judge during the criminal proceedings, and that the Honourable Judge's reasoning on the question of the lawfulness of the member's arrest of the male was "compelling." Mr. Oppal found that the member had neither the subjective or objective reasonable and probable grounds to arrest the male, and that the member recklessly used unnecessary force on the male without reasonable grounds to do so.

Disciplinary Process – Section 117

A prehearing conference was offered but was not accepted by the member. As a result, the matter proceeded to a discipline proceeding before Mr. Oppal as the Discipline Authority, where the member admitted to the allegations of *Abuse of Authority*.

In arriving at the appropriate disciplinary or corrective measures, Mr. Oppal noted that the member was faced with disproportionate provocation on behalf of the males that were involved in the traffic stop and suffered serious injuries because of this incident, and considered the member's testimony regarding how this matter has affected their personal and professional life.

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 2020-18524)

The Commissioner ordered an investigation after receiving information that a Police Service Dog (PSD) had bitten an individual (the affected person) after Vancouver Police Department (VPD) members stopped a stolen vehicle. It was reported that the PSD was deployed into the vehicle, through the passenger door, when the affected person did not comply with commands to exit the car, resulting in the affected person exiting through the driver's door and attempting to flee. The PSD pursued the affected person and bit their leg. The Commissioner considered that independent civilian video appeared to indicate that the affected person was not given an opportunity to surrender before the deployment of the PSD.

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

Allegation 1

The use of force in deploying the PSD a second time after the affected person exited the vehicle which was unnecessary.

MISCONDUCT

Abuse of Authority
(Excessive Force – Police Service Dog)

Date of Incident: September 2020

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Adjudicative Review – Section 117

After reviewing the Final Investigation Report and the Discipline Authority's decision, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed the Honourable David Pendleton, retired BC Provincial Court judge, to review the matter and arrive at his own decision based on the evidence.

In his decision, Mr. Pendleton determined that while the member subjectively believed it was necessary to prevent the affected person from fleeing, there were questions about whether it was objectively reasonable for the member to conclude that the affected person was not surrendering and continued to pose a serious enough risk to justify the force used.

Disciplinary Process – Section 117

A prehearing conference was offered to the member which was declined. As a result, the matter proceeded to a discipline proceeding.

Mr. Pendleton, as the Discipline Authority, found that it was not necessary for the member to have deployed the PSD a second time after the affected person fled the vehicle. Specifically, he found that the affected person no longer posed a risk to members or the public, and there were other members waiting nearby who would have had no difficulty apprehending the affected person. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority agreed with member's counsel that the overall seriousness of the misconduct was mitigated as police had sufficient grounds to lawfully arrest the affected person using some level of force. Additionally, Mr. Pendleton was satisfied that the incident was isolated and unlikely to recur.

The member requested a Review on the Record pursuant to section 136(1) of the *Police Act*. The Commissioner reviewed the request and the disciplinary decision 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/>

Police Complaint (OPCC 2020-18635)

The OPCC received a complaint describing concerns regarding a Vancouver Police Department (VPD) member posting harassing and defamatory comments as well as personal information on a social media platform.

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

Allegation 1

The member posted inappropriate messages on social media.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: October 2020

DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by the member. The member agreed to the proposed discipline. After review, the Commissioner did not approve the disciplinary or corrective measures. As a result, the matter proceeded to a discipline proceeding where the member admitted the allegation of *Discreditable Conduct*.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the complainant and witness were aware that the member was employed as a member of the VPD and that the member should have known that their actions would be a reflection on their profession. The Discipline Authority further considered that the member accepted responsibility and acknowledged the conduct was a mistake.

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 2021-20136)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a Vancouver Police Department member. The member had been working a shift alongside a civilian clinician under a partnership between the VPD and Vancouver Coastal Health (VCH) which enabled VCH clinicians to provide in-site assessments and intervention for individuals in mental health and substance abuse crisis. While working together the member made concerning remarks and other behaviour that made the civilian feel uncomfortable. The concerning remarks and behaviours included comparing the use of the word “Cops” to the “N-Word” and displaying a video with themes that included inappropriate racial stereotypes. The investigation also included an allegation that the member had queried the name of the civilian on a police database for a purpose unrelated to the member’s duties.

Allegation 1

Inappropriate and improper behaviour and comments made throughout a Car 88 shift to a VCH nurse.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: August 2021

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Program/Activity: review of Respectful Workplace Policy

Allegation 2

The member queried the name of the VCH nurse on a police database for a purpose unrelated to the member’s duties.

MISCONDUCT
<i>Corrupt Practice</i> (Improper use of police databases)
Date of Incident: August 2021

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Adjudicative Review – Section 117

The Discipline Authority determined that the allegations of misconduct were not substantiated. Upon review of the matter, the Commissioner determined there was a reasonable basis to disagree with the Discipline Authority as the member’s comments and showing of a video depicting inappropriate racial stereotypes in its totality was not simply “poor judgement” and ought to have been considered objectively against the reasonable expectations of the community. In addition, the Commissioner was of the view that the member’s comparison of the word “Cops” to the “N-word” inappropriately diminished the historical context and discrimination faced by Black persons. The Commissioner appointed the Honourable Mark Takahashi, retired Judge of the Provincial Court of British Columbia, to review the matter and arrive at their own decision based on the evidence.

Mr. Takahashi issued their decision and determined that the member’s conduct appeared to constitute misconduct, set out a range of discipline, and offered the member a prehearing conference.

Disciplinary Process – Section 117

The offer of a prehearing conference was accepted by the member. In arriving at the appropriate disciplinary or corrective measure, the external Prehearing Conference Authority noted that the member’s comments were insensitive and that the conduct was serious. The Prehearing Conference Authority noted that the member’s use of police databases to query the civilian was serious as it undermined the public’s expectations that information contained in PRIME and other databases be used only for legitimate police purposes.

The OPCC reviewed the proposed disciplinary/corrective measures that was within the range of proposed discipline set out by the retired judge and determined that further review was not required in the public interest.

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

Internal Discipline (OPCC 2021-20328)

The department initiated an internal discipline investigation into the conduct of a Vancouver Police Department (VPD) member. According to the VPD, concerns were raised regarding a member’s inappropriate comments in the workplace including providing unsolicited relationship advice to a co-worker in front of other colleagues.

Allegation 1

The member contravened the VPD’s Respectful Workplace Policy by making inappropriate comments and giving unsolicited relationship advice in front of co-workers.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training or re-training in workplace harassment/respectful workplace

Ordered Investigation – Requested by Department (OPCC 2021-20507)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation in relation to a VPD member who used a police database to query the residence of a relative who was under criminal investigation. The VPD Professional Standards Section conducted a review of CPIC and PRIME activity associated to the member and discovered the query. According to information provided by the VPD, the member accessed a police database for purposes unrelated to their duties as a member.

Allegation 1

The member accessed the police databases for a personal purpose and unrelated to their duties as a member.

MISCONDUCT
<i>Corrupt Practice</i> (Improper use of police databases)
Date of Incident: August 2019

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

Disciplinary Process

Following an investigation, the Discipline Authority determined that the member committed misconduct and offered them a prehearing conference. In arriving at the decision on discipline, the Prehearing Conference Authority noted that while the member did not report this query to their supervisor, the member was forthcoming about accessing this information during the investigation. The Prehearing Conference Authority determined that the member had no prior substantiated misconduct on their Service Record of Discipline, and that there was no evidence supporting that any of the information queried had been disclosed or otherwise used for any purpose.

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 2021-20518)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a member for failing to properly secure their firearm. It was reported that the member’s personal vehicle had been broken into and two duffel bags were removed from the vehicle. The member’s firearm and other pieces of police issued equipment were subsequently recovered because of a police investigation into the theft.

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

Allegation 1

The member failed to properly care for and store their VPD issue firearm in a manner that was consistent with VPD policy and standards.

MISCONDUCT
<i>Improper Use or Care of Firearms</i> (Unsafe storage of firearm)
Date of Incident: October 2021

DISCIPLINARY/CORRECTIVE MEASURE
10-day suspension without pay

Allegation 2

The member failed to uphold the VPD’s Code of Ethics and failed to adhere to the VPD’s regulations pursuant to the safe storage of their VPD issue firearm.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: October 2021

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the former member appeared to have committed misconduct. A prehearing conference was offered to the former member which the former member did not respond to. As a result, the matter proceeded to a discipline proceeding; the former member did not attend the proceedings which commenced in their absence.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority found that the actions of the former member demonstrated a lack of situational awareness, noting that the former member was uncertain about the location of their firearm, had stored their firearm in the trunk of their insecure and unattended vehicle in an area associated with high rates of property crime offences, and had stored the keys to the “trigger locking device” and lock-box in the padlock of the lock-box itself. Additionally, with respect to public safety, the Discipline Authority noted that the former member’s firearm fell into the hands of an unauthorized person.

The former 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 former member resigned prior to the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

Internal Discipline (OPCC 2021-20757)

The department initiated an internal discipline investigation into the conduct of a Vancouver Police Department (VPD) member for a breach of their Respectful Workplace Policy. It was reported that, while off-duty and engaged in a police team function, the member engaged in an instance of unwanted physical contact toward a member of the opposite sex.

Allegation 1

The member contravened VPD’s Respectful Workplace Policy by unwanted and unwelcome touching contrary to the *B.C. Human Rights Code* and by causing a detrimental effect on the work environment for a member of the opposite sex.

MISCONDUCT

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

Date of Incident: September 2021

DISCIPLINARY/CORRECTIVE MEASURE

7-Day suspension without pay

Training or re-Training: workplace harassment/respectful workplace

Ordered Investigation – Initiated by PCC (OPCC 2022-21117)

The OPCC ordered an investigation after receiving a report of a collision involving a Vancouver Police Department (VPD) vehicle and another vehicle. The member was operating an unmarked police vehicle and activated the emergency lights with the intention of making a U-turn on the roadway for the purpose of delivering property when they collided with another vehicle. The actions of member, in the described circumstances, appeared inconsistent with the *Motor Vehicle Act* (MVA) and *Emergency Vehicle Driving Regulation* (EVDR).

Allegation 1

The member neglected to properly and diligently operate a police vehicle in a safe manner and meet the requirements of the *Emergency Vehicle Driving Regulation* and the *Motor Vehicle Act*.

MISCONDUCT

Neglect of Duty
(Operating police vehicle in an unsafe manner)

Date of Incident: January 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Training/retraining including a review of department policy and relevant manuals in relation to EVDR and section 122 of the MVA and satisfy a supervisor designated by the department that the officer understands the intent and application of that information

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the civilian driver was uninjured in this collision, the member accepted responsibility for their mistake and that future misconduct was unlikely as the member resigned from the VPD.

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.

Police Complaint (OPCC 2022-21219)

The OPCC received a complaint describing concerns with the force used by members of the Vancouver Police Department (VPD) against the complainant during an investigation into an armed robbery. The OPCC reviewed the complaint and determined that an investigation into the incident was required. During the *Police Act* investigation, it was discovered that the member did not complete a use of force report (Subject Behaviour Officer Response Report) as required by the VPD.

Allegation 1

The member failed to complete and submit a Subject Behaviour Officer Response Report documenting the member's use of force in this incident.

MISCONDUCT

Neglect of Duty
(Inadequate documentation/notes/records)

Date of Incident: February 2022

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member accepted responsibility for their actions, took remedial action by completing the required report once aware of their error and was unlikely to commit the same misconduct in the future.

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 2022-21306)

The department initiated an internal discipline investigation into the conduct of a Vancouver Police Department (VPD) member for breach of the VPD's Conflict of Interest, and the Email and Internet Security policies. According to the VPD, the member sent an email of a political nature, to an external agency from the member's VPD email address. The email included the member's signature, rank, and departmental crest.

Allegation 1

The member neglected to comply with VPD policies regarding conflict of interest and departmental emails.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: February 2022

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Direction to Training: A review of the VPD Conflict of Interest policy and Email and Internet Security policy, specifically, sections 4.1.4 and 2.9.2.

Police Complaint (OPCC 2022-21618)

The OPCC received a complaint regarding concerns with members of the Vancouver Police Department (VPD) during the complainant's detention and arrest, including the force used. It was reported that police attempted to conduct a traffic stop when the suspect vehicle drove away at a high rate of speed. The vehicle was located two kilometers away and the driver was no longer inside the vehicle. Police used force including Oleoresin Capsicum (OC) spray and strikes to remove the remaining occupants from the vehicle. The complainant alleged that VPD members arrested them without lawful authority, used excessive force during the arrest, used derogatory language and failed to provide medical aid as a result of being OC sprayed.

The OPCC reviewed the complaint and determined that an investigation into the incident was required. During the investigation it was determined that a member failed to complete the proper documentation for their use of force during the incident.

Allegation 1

The member failed to complete the proper reports and/or notes documenting their use of force.

MISCONDUCT
<i>Neglect of Duty</i> (Inadequate documentation/notes/records)
Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Adjudicative Review – Section 117

The Discipline Authority determined the allegations related to the arrest and force were not substantiated but that the allegation concerning the lack of documentation of a member's use of the OC spray did appear to constitute misconduct (see Disciplinary Process below).

Upon review of the matter, the Commissioner determined there was a reasonable basis to disagree with the Discipline Authority as the evidence reasonably supported that the force used by police was excessive and disproportionate to the behaviours of the occupants of the vehicle and that police did not sufficiently consider that at least one of the members was close enough to hear that there was a child in the vehicle. The Commissioner appointed the Honourable Elizabeth Arnold-Bailey, retired Judge of the Supreme Court of British Columbia, to review the matter and arrive at their own decision based on the evidence.

Ms. Arnold-Bailey reviewed the matter and determined that police did not commit any misconduct as it related to their conduct in arresting and using force on the complainants.

Disciplinary Process

As noted earlier, at the conclusion of the investigation the Discipline Authority found that the member appeared to have committed misconduct as it related to a lack of documentation for the force used. A prehearing conference was offered to the member which the member did not accept. As a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that the member had a duty according to department policy to document their use of force within their written reports and that documentation of all use of force interactions involving the police is necessary to maintain public trust and confidence. The Discipline Authority determined that the member did not complete and/or submit any notes in relation to the incident and there was no evidence to suggest that the member had good or sufficient cause for failing to document their force used.

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

Ordered Investigation – Requested by Department (OPCC 2022-22167)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member which occurred during a shoplifting investigation. It was reported that the member, after dealing with the details of the theft report, engaged in a conversation with a store employee about employee discounts and obtained the employee's contact information. The member subsequently began contacting the employee for the purpose of purchasing store merchandise using the employee's discount, despite this being a violation of store policy.

Allegation 1

The member contacted the store employee to receive discounts on merchandise which was in violation of the staff discount policy.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: June 2022

DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority found that, based on the circumstances, the member ought to have known the employee's offer was contrary to store policy. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member never actually received any discounts on merchandise and ceased making requests once the employee advised they could no longer offer any discount on merchandise to the member.

The OPCC reviewed and approved 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 2022-22311)

Upon request from the Vancouver Police Department (VPD), the OPCC ordered an investigation into the conduct of a VPD member. It was reported that a member of the public requested the member's badge number when the member was providing security for an ongoing critical incident. The badge number on the member's uniform had not been visible. After repeated inquiries for the badge number, the member yelled and swore when responding to the request.

Allegation 1

The member swore at a member of the public when asked for their badge number.

MISCONDUCT

Discourtesy
(Discourteous conduct)

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the call the member attended to included challenging circumstances and that the member took responsibility for their behaviour.

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

Internal Discipline (OPCC 2022-22673)

The department initiated an internal discipline investigation into the conduct of a Vancouver Police Department (VPD) member for breach of the VPD Respectful Workplace Policy. According to the VPD, the member made comments about a colleague's jewelry and made unwanted physical contact with the colleague by placing their arm around them. This incident occurred in front of a group of peers and caused the colleague to feel embarrassed and humiliated.

Allegation 1

The member made inappropriate comments and physical contact in contravention of VPD Respectful Workplace Policy.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: September 2021

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Internal Discipline (OPCC 2022-22809)

The department initiated an internal discipline investigation into the conduct of a Vancouver Police Department (VPD) member. It was alleged that the member inappropriately spoke to a colleague and referred to them as “authoritative and pushy.”

Allegation 1

The member contravened the VPD Respectful Workplace Policy by making inappropriate comments regarding a colleague.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: December 2021

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand
Re-take Respectful Workplace Training

Internal Discipline (OPCC 2022-22917)

The department initiated an internal discipline investigation into the conduct of Vancouver Police Department (VPD) members. According to the VPD, three members organized an internal job competition and improperly assessed the scoring which led to adverse job-related consequences for an applicant. Additionally, in response to a complaint from the applicant about the hiring process, members failed to provide a safe working environment for the applicant and made inappropriate comments about the applicant’s suitability for the position.

Allegation 1

The members contravened the VPD’s Respectful Workplace Policy by improperly assessing/scoring applicants for an internal job competition which led to adverse job-related consequences for an applicant.

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

DISCIPLINARY/CORRECTIVE MEASURE – FOR ALLEGATIONS #1 – 2
Written Reprimand
Transfer and re-assignment to an assignment determined at the discretion of the VPD HR Section
Additional Respectful Workplace Policy training

Allegation 2

The members contravened the VPD's Respectful Workplace Policy by failing to provide a safe working environment for the applicant.

MISCONDUCT

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

Date of Incident: December 2020

DISCIPLINARY/CORRECTIVE MEASURE

See Above

Victoria Police Department

Ordered Investigation – Requested by Department (OPCC 2018-14861)

Upon request from the Victoria Police Department (VicPD), the OPCC ordered an investigation into the conduct of a member for an off-duty incident involving a sexual act which was reported to have been nonconsensual and was alleged to have taken place in the City of Vancouver.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and additionally designated an external Discipline Authority. The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service; charges were not approved.

The affected person in this matter filed a complaint and was added to the record and recognized as a complainant to the investigation.

Allegation 1

Unwanted sexual activity where the complainant was intoxicated and lack the capacity to consent.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: May 2018

DISCIPLINARY/CORRECTIVE MEASURE

30-day suspension without pay

Adjudicative Review – Public Hearing

The Discipline Authority determined the member did not commit misconduct. Upon review of the matter, the Commissioner determined there was a reasonable basis to disagree with the Discipline Authority and Retired Provincial Court Judge James Threlfall was appointed to conduct a review of this decision. Mr. Threlfall ultimately determined that there was insufficient evidence to conclude that a sexual assault had taken place and therefore found “in the absence of a finding of sexual assault the member’s actions are not sufficient to establish the allegation of misconduct as alleged.”

The complainant in this case requested a Public Hearing pursuant to section 136(1) of the *Police Act*. The Commissioner determined that a Public Hearing was required and necessary in the public interest as the Commissioner was of the view that the allegation of Discreditable Conduct could not be restricted to the discrete question of whether a sexual assault occurred. The Commissioner appointed the Honourable Mr. Wally Oppal, K.C., retired British Columbia Court of Appeal Judge, to preside as an Adjudicator in these proceedings.

Adjudicator Oppal issued his decision where he determined that the member “was, at the very least, reckless as to whether the complainant consented to the sexual act” and that it must have been “apparent to him, as an experienced officer, that she was clearly vulnerable.” Adjudicator Oppal found that the member did not have an honest but mistaken belief that the complainant consented to the sexual contact and noted that “an honest belief in consent cannot be based on a guess or assumption.”

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

Ordered Investigation – Requested by Department (OPCC 2018-15338)

Upon request from the Victoria Police Department (VicPD), the OPCC ordered an investigation into the conduct of VicPD members. According to the VicPD, a member (‘Member A’) failed to control a police service dog which bit and caused injury to a member of the public who had approached the PSD handler’s vehicle in an animated state. Member A also failed to accurately document the

incident and had missing pages from their notebook. In addition, the supervising member ('Member B') who attended the incident failed to obtain all pertinent details from the involved member.

Member A:

Allegation 1

The member neglected to properly and diligently maintain control the police service dog contrary to police policy and BC Provincial Policing Standards.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy or regulation)
Date of Incident: September 2018

DISCIPLINARY/CORRECTIVE MEASURE
Transfer/ Re-Assignment

Allegation 2

The member neglected to properly and diligently document the incident, and pages were missing from their notebook.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation the Discipline Authority found that Member A committed two allegations of misconduct and the matter proceeded to a discipline proceeding.

The Discipline Authority found that Member A had a duty to “control” the police service dog regardless of whether it was intentionally or accidentally deployed. The police service dog bit a member of the public twice, once on the hand and a second time in the hip area. Member A was required to deploy the police service dog in accordance with provincial, and police use of force policies. The evidence presented throughout the investigation indicated that there was no valid reason to deploy the police service dog.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the evidence indicated that the initial police report submitted by Member A was later changed and that Member A’s notebook was missing pages.

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.

Member B:

Allegation 3

The member neglected to ensure details and information regarding the incident involving Member A were adequately obtained.

MISCONDUCT

Neglect of Duty
(Inadequate documentation/ notes or records)

Date of Incident: September 2018

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

The Discipline Authority found that Member B who was the supervisor, committed one allegation of misconduct; the matter proceeded to a discipline proceeding. The Discipline Authority determine that the member had a duty as a supervisor to ensure that basic information and details were obtained, including what had occurred and why. While not responsible for investigating the incident, the member did have a duty to gather available and essential information, particularly as this incident included the use of force by a police K9 unit and that there were injuries to the affected person.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority did not classify the misconduct as serious and noted that the issue of concern was how the member responded as a supervisor and what information, if any, was obtained after attending the scene. The Discipline Authority also noted that the member did not have a Service Record of Discipline and that the member’s performance over the years had been exemplary.

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

**Ordered Investigation – Requested by Department
(OPCC 2021-19193)**

Upon request from the Victoria Police Department (VicPD), the OPCC ordered an investigation into the conduct of a VicPD member. The allegations concerned the member’s reason for requesting the start of their scheduled shift off as well as relieving themselves from duty early against field trainer orders and without supervisor approval.

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

The member did not provide his supervisor(s) with the reasons for a time off request and not reporting for duty when expected as arranged.

MISCONDUCT

Neglect of Duty
(Absent/Late for Duty)

Date of Incident: January 2021

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Allegation 2

The member failed to complete his scheduled work shift without a supervisor’s approval.

MISCONDUCT

Neglect of Duty
(Absent/Late for Duty)

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority considered that the member had misinterpreted an instruction from their supervisor with respect to leaving work.

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 2021-20377)**

The department initiated an internal discipline investigation into the conduct of a Victoria Police Department (VicPD) member for breach of their Respectful Workplace Policy. It was reported that, while on duty, the member engaged in several instances of unwanted physical contact with a junior officer and directed sexualized comments toward that junior officer and a Special Municipal Constable.

Allegation 1

The member breached VicPD’s Workplace Harassment and Improper Activity policy.

MISCONDUCT

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

Date of Incident: June 2021 – August 2021

DISCIPLINARY/CORRECTIVE MEASURE

Reassignment of the member

Training/Re-Training with respect to VicPD policy and expectations in maintaining a respectful workplace

Written Reprimand

**Ordered Investigation – Requested by Department
(OPCC 2022-21107)**

Upon request from the Victoria Police Department (VicPD), the OPCC ordered an investigation into the off duty conduct of a member. According to VicPD, the off-duty member provided information to an RCMP member at an impaired driving roadblock that their last alcoholic beverage was a “glass of wine” that was consumed “yesterday.” The member subsequently provided a breath sample that resulted in a “warn” reading on an Approved Screening Device (ASD), resulting in a three-day Immediate Roadside Prohibition being issued.

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

The Member provided a “Warn” breath sample on an ASD.

MISCONDUCT

Discreditable Conduct
(Immediate Roadside Prohibition/Impaired operation of a motor vehicle)

DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension without pay

Allegation 2

The Member was dishonest upon questioning when advising the RCMP member that their last alcoholic beverage was consumed “yesterday” and consisted of “a glass of wine.”

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: January 2022

DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member self-reported the incident to their employer, and that the member had accepted responsibility for their actions, demonstrated remorse, and made no attempt to minimize their actions. The Prehearing Conference Authority also considered that the member had sought out counselling independently to address their actions.

The OPCC reviewed and approved 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 2022-21932)

Upon request from the Victoria Police Department (VicPD), the OPCC ordered an investigation into the conduct of a member for negligently firing a live handgun round during a training exercise. The member had believed they were holding a training firearm with non-lethal training rounds.

Allegation 1

The member negligently fired a live handgun round during a training exercise.

MISCONDUCT

Neglect of Duty
(Accidental/Negligent discharge of a firearm)

Date of Incident: May 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

Following an investigation, the Discipline Authority determined that the member committed misconduct and offered them a prehearing conference. In arriving at the decision on disciplinary or correctives measures, the Pre-Hearing Conference Authority noted that the negligent discharge occurred at a training facility which had no public access, resulted in no injuries, and the member accepted responsibility for the misconduct. It was also noted that the member had an unblemished Service Record of Discipline and had undergone further advanced level firearms training since 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.

West Vancouver Police Department

Internal Discipline (OPCC 2021-19566)

The department initiated an internal investigation into the conduct of a West Vancouver Police Department (WVPD) member for breach of their Respectful Workplace Policy. According to the WVPD, the member, who was in a supervisory position, discussed performance issues regarding a member with others without consulting with them first, singled that member out and made critical comments in front of peers, displayed negative body language and ignored input from them, and failed to sufficiently support their development.

It was also reported the member, while in a supervisory position, held a meeting to confront a different member about an alleged comment. The member failed to hold the meeting in a sufficiently private setting, was antagonistic, and used an inappropriate tone towards them.

Allegation 1

The member created a “poisoned work environment” for a member, engaged in three specific acts of bullying and harassment towards another member, and shunned, isolated, or excluded them from instructing opportunities and mentoring.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE – FOR ALLEGATIONS #1 - 2
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)	Completion of a Conflict Resolution Course, as directed by WVPD Human Resources
Date of Incident: 2017 - 2021	Completion of a Respectful Workplace Course, as directed by WVPD Human Resources
	Completion of either the Field Trainer's Course or other Supervisory Course, as directed by WVPD Human Resources
	Not to perform any Acting Corporal or Field Training duties until they have completed and passed the above courses
	Ineligibility to compete for the rank of Corporal until they have completed and passed the above courses and must complete all other requirements as set out in any promotional competition
	Not to perform instructor duties for two years

Allegation 2

The member engaged in bullying and harassment towards another member during a meeting.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)	See Above

Ordered Investigation - Initiated by PCC (OPCC 2022-21448)

The OPCC ordered an investigation after receiving information about a West Vancouver Police Department (WVPD) member. The member was reportedly involved in a confrontation with another police colleague. The colleague was called a derogatory term and pushed by the member, causing the colleague to fall backward into a desk. The member engaged in disorderly conduct which was prejudicial to the maintenance of discipline in the department.

Allegation 1

The member's use of derogatory comments and physical force in the workplace.

MISCONDUCT
<i>Discreditable Conduct</i> (Disorderly conduct prejudicial to the maintenance of discipline in the department)
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay
Four individual counselling sessions with a professional specializing in anger management and emotional regulation.
Review the West Vancouver Police Department's Respectful Workplace Policy AC0325.

Disciplinary Process

At the conclusion of the investigation the Discipline Authority found that the member committed one allegation of misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the misconduct of the member was of a serious nature due to the multiple derogatory comments made and the use of physical force. In addition, the Prehearing Conference Authority found that the breaches of the department's Respectful Workplace Policy diminished efforts made to build camaraderie within the department.

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 2022-21734)

The OPCC initiated an investigation into an improper firearm discharge which took place during the West Vancouver Police Department's (WVPD) annual firearms qualifications. While the discharge was toward a populated area, there were no injuries, and no damage was located.

According to the WVPD, the member committed misconduct by firing a service firearm outside of the strictly controlled firearm course of fire.

Allegation 1

The member neglected to handle their firearm in a safe manner when there was an unintentional discharge.

MISCONDUCT

Neglect of Duty
(Accidental/Negligent discharge of firearm)

Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member immediately accepted responsibility for their action, pointed the firearm in a safe direction at all times in accordance with safety rules and voluntarily sought remedial training regarding firearms following this incident. It was also noted that the member had an 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.