

CONCLUSION OF PROCEEDINGS

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

OPCC File: 2022-22748

October 26, 2023

To: [REDACTED] (Complainant)

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

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

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

And to: Chief Constable Norm Lipinski
c/o Surrey Police Service
Professional Standards Section

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

1. *Discreditable Conduct*, pursuant to section 77(3)(h) of the *Police Act* which is, when on or off duty, conducting oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department, specifically, by being belligerent and disrespectful towards the complainant

Discipline Proposed:

- Written Reprimand,
- Written apology to the complainant

2. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*, which is, promptly and diligently do anything that it is one's duty as a member to do, specifically, by failing to comply with departmental policy prohibiting the production of a police badge when off duty

Discipline Proposed:

- Re-training in ethical standards and SPS policy related to conduct while off-duty

Following the section 117 review, the appointed Discipline Authority determined the evidence appeared to substantiate allegations of *Discreditable Conduct* pursuant to section 77(3)(h) of the *Police Act*, *Corrupt Practice* pursuant to section 77(3)(c)(ii) of the *Police Act*, and *Neglect of Duty* pursuant to section 77(3)(m)(ii) of the *Police Act* by Constable [REDACTED]. The Discipline Authority provided guidance related to the *Corrupt Practice* allegation if a prehearing conference was successful.

A prehearing conference was offered to Constable [REDACTED] and was held on October 5, 2023, before [REDACTED] as the Prehearing Conference Authority.

A report following the prehearing conference was received at our office on October 5, 2023. In reviewing the investigation conducted by Sergeant [REDACTED] and considering all the relevant factors in this case, the Prehearing Conference Authority has appropriately considered the aggravating and mitigating factors pursuant to section 126.

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

[REDACTED]

[REDACTED]

Investigative Analyst

cc. Sergeant [REDACTED], Surrey Police Service