

## CONCLUSION OF PROCEEDINGS

Pursuant to s.133(6) of the *Police Act*, RSBC 1996 c.367

OPCC File 2022-21665  
December 5, 2023

To: Dr. [REDACTED] (Complainant)

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

And to: The Honourable Judge James Threlfall (Discipline Authority)  
Retired Judge of the Provincial Court of British Columbia

The Office of the Police Complaint Commissioner (OPCC) completed its review of the decision issued by the Discipline Authority pursuant to section 133 of the *Police Act* in this matter.

1. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*; specifically, the Member is alleged to have committed a disciplinary breach of public trust, neglect of duty, involving a failure to advise the Complainant of his right to counsel and a refusal to allow the Complainant to retain and instruct counsel without delay contrary to section 10(b) of the *Canadian Charter of Rights and Freedoms, s 8, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 (the "Charter")*.

### Discipline Proposed – Written Reprimand

Dr. [REDACTED] and Sergeant [REDACTED] were provided a copy of The Honourable Judge James Threlfall's findings in relation to each allegation of misconduct and determinations on appropriate disciplinary or corrective measures at the Discipline Proceeding. Dr. [REDACTED] and Sergeant [REDACTED] were informed that if they were aggrieved by either the findings or determinations, they could file a written request with the Police Complaint Commissioner to arrange a public hearing or review on the record.

To date, the OPCC has not received a request from Dr. [REDACTED] or Sergeant [REDACTED]

Based on a review of the discipline proceeding, we have determined that there is not a reasonable basis to believe the decision of the Discipline Authority is incorrect and that a Public Hearing or Review on the Record is not necessary in the public interest.

Therefore, there are insufficient grounds to arrange a public hearing or review on the record in the circumstances. The Police Complaint Commissioner's decision to conclude this matter is final and this office will take no further action.

In relation to the substantiated allegation, the disciplinary or corrective measure imposed is approved. Our file with respect to this matter will be concluded upon receipt of confirmation that in accordance with *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.



Investigative Analyst

cc: Inspector [REDACTED], Victoria Police Department  
Sergeant [REDACTED], Victoria Police Department