

IN THE MATTER OF THE *POLICE ACT*, R.S.B.C. 1996 c. 367

AND

IN THE MATTER OF A REVIEW OF ALLEGATIONS OF MISCONDUCT AGAINST
CERTAIN OFFICERS OF THE VANCOUVER POLICE DEPARTMENT

NOTICE OF ADJUDICATOR'S DECISION

TO: [REDACTED] (the "Complainant")

AND TO: Constable [REDACTED] (Cst. [REDACTED])
Vancouver Police Department

AND TO Constable [REDACTED] (Cst. [REDACTED])
Vancouver Police Department
(Hereinafter collectively called the "Members")

c/o Vancouver Police Department ("VPD")
Professional Standards Section

AND TO: Sgt. [REDACTED], Investigator (the "Investigator")
Vancouver Police Department
Professional Standards Department

AND TO: Mr. Clayton Pecknold (the "Commissioner")
Police Complaint Commissioner

**DECISION
AND NOTIFICATION OF NEXT STEPS**

***PURSUANT TO SECTION 117(7)
OF THE POLICE ACT, R.S.B.C. 1996,
c.367 AND AMENDMENTS THERETO***

I- Section 117(7) Police Act - Decision Summary

1. This is a decision made pursuant to section 117(7) of the *Police Act* relating to certain complaints of misconduct concerning the Members alleged to have taken place July 17, 2021 in Vancouver, B.C.
2. I have been appointed Adjudicator in connection with this matter as a result of the Commissioner's order of August 17, 2022 made in accordance with section 117(4) of the *Police Act*.
3. As set out below, in accordance with my appointment as Adjudicator, I have considered the evidence available in a comprehensive Final Investigation Report dated July 7, 2022 and supplements thereto (collectively, the "FIR").
4. The Investigator conducted a review of the facts, policy and law that he considered relevant to this case and ultimately concluded that no misconduct had been substantiated for either Member.
5. The Commissioner's appointment letter, noted above, confirms that the FIR was subsequently reviewed by an appointed Discipline Authority, Insp. [REDACTED], VPD, Professional Standards Section (the "Discipline Authority"), pursuant to section 112 of the *Police Act*. The review by the Discipline Authority resulted in a similar conclusion to that of the Investigator. Specifically, a finding that no misconduct on the part of the Members had been substantiated.

6. My review of the FIR in accordance with section 117 of the *Police Act* has brought me to a different conclusion, in part. Specifically, I have identified the following specific allegations of misconduct that appear to be applicable to Cst. ■ as disciplinary breaches of trust, namely that:

On July 17, 2021, Cst. ■ appears to have committed a disciplinary breach of public trust by:

(i) Abuse of Authority as a result of oppressive conduct pursuant to section 77(3)a(ii)A of the Police Act by recklessly using unnecessary force on the Complainant through the application of handcuffs without good and sufficient cause (“Misconduct Allegation #1”); and

((ii) Oppressive conduct towards members of the public, pursuant to section 77(3) (a) of the Police Act, as a result of Cst. ■ order for the suspension of the Complainant’s drivers license for 90 days and seizure of her motor vehicle without apparent authority, or good and sufficient cause; (“Misconduct Allegation # 2”)

7. With respect to Cst. ■ the misconduct allegation that was considered in this review was an allegation that Cst. ■ may have committed a disciplinary breach of public trust by

(iii) Oppressive conduct towards members of the public, pursuant to section 77(3) (a) of the Police Act, as a result of Cst. ■ order for the Complainant’s passengers to exit the vehicle and his subsequent visual search of the vehicle without good or sufficient cause. (“Misconduct Allegation # 3)

8. Misconduct Allegations 1, 2 & 3 are collectively called the Misconduct Allegations.

9. My conclusions reached as a result of a review of the FIR are set out in detail below, but can be summarized as follows:

- (a) With respect to Misconduct Allegations # 1, and #2 the evidence considered appears sufficient to substantiate the alleged misconduct, potentially requiring consideration of disciplinary or corrective measures against Cst. ■ and
- (b) With respect to Cst. ■ the evidence appears insufficient to substantiate Misconduct Allegation # 3, or any other allegation of misconduct, potentially requiring consideration of disciplinary or corrective measures against that member.

10. The next steps are set out below, and include the offer of a prehearing conference for Cst. ■ on Misconduct Allegations 1 & 2.
11. In the event the prehearing conference offer is rejected by Cst. ■ or does not result in an approved resolution of the two misconduct allegations, a new disciplinary proceeding on the outstanding matters that appear to have been substantiated will commence on **October 7, 2022** by teleconference. The purpose of that hearing is to establish a time frame for the calling of evidence and hearing of submissions from Cst. ■ in a Discipline Proceeding.
12. The Registrar will advise the parties of the relevant conference call details.

II History of Proceedings and details of the Complaint - Section 117(8)a

13. On July 17, 2021 a traffic stop took place at in Vancouver relating to a vehicle driven by the Complainant. The stop appears to have arisen out of report of a possible impaired driver resulting in the detention and handcuffing of the Complainant.
14. The traffic stop did not appear to result in the arrest of the Complainant, however, an Immediate Roadside Prohibition order was issued along with the impoundment of the Complainant's vehicle for 30 days.
15. On September 14, 2021 the OPCC received a complaint (the "Complaint") from Counsel acting on behalf of the Complainant. The Complaint appears to have set out misconduct allegations relating to several members of the VPD, including the Members.
16. The Commissioner accepted the Complaint as admissible and ordered an investigation into the conduct of several VPD officers, including the Members.
17. As noted in the Complaint, the misconduct alleged appears to have related to the authority of the various officers to stop the Complainant's vehicle using a "box and pin" maneuver, Cst. ■ detention and handcuffing of the Complainant and Cst. ■ order for the Complainant's two passengers to leave the vehicle to facilitate a visual search.
18. Counsel on behalf of the Complainant also appears to have specifically argued that in the context of impaired driving investigations, what happened to the Complainant was not the norm, and would not have happened but for her African heritage.
19. On July 7, 2022 the Investigator submitted the final version of the FIR to the Discipline Authority and the OPCC.

20. On July, 21, 2022 the Discipline Authority issued her decision pursuant to section 112 of the *Police Act*. The decision confirmed that the allegations of misconduct against the various VPD members did not appear to be substantiated.
21. The Commissioner reviewed the decision of the Discipline Authority August 17, 2022 and determined, pursuant to section 117 of the *Police Act*, that the decision was, in part, incorrect.
22. Specifically, the Commissioner expressed the view that the Discipline Authority:

“..erred in finding that Cst. ■■■ conduct in handcuffing the Complainant did not constitute misconduct”

And further that the Discipline Authority :

“..erred in failing to adequately consider whether the actions of Cst. ■■■ in removing the passengers from the Complainant’s vehicle and conducting a vehicle search was oppressive, such that it constituted Abuse of Authority”

23. The Commissioner does not appear to have taken issue with the decision of the Discipline Authority with respect to the other VPD officers affected by the Complaint. As such, the dismissal of any misconduct allegations relating to those officers is final and conclusive in accordance with section 112(5) of the *Police Act*.
24. This review has focused on analysis of the conduct of the Members in the context of the FIR.

III Section 117

25. The statutory authority governing this review is found in section 117 of the *Police Act*.
26. Specifically, subsection 117(6) of the *Police Act* imposes a duty on the Commissioner to provide the Adjudicator with copies of all reports under section 98, 115 and 132 that may have been filed prior to the Adjudicator’s appointment in relation to the allegations of misconduct.
27. The central role of the Adjudicator as set out in subsections 117 (8) and 117(9) of the *Police Act* is to independently review the material delivered under subsection 117(6), and to determine whether or not the conduct of either of the Members appears sufficient to substantiate misconduct within the meaning of Part 11 of the *Police Act*, potentially requiring disciplinary or corrective action.

28. The law is clear that a review under section 117 is a paper based process of the record provided by the Commissioner. It takes place without live witnesses, additional evidence or submissions from any of the parties involved. The review is not an appeal of earlier decisions concerning misconduct nor is it a redetermination in any manner of other proceedings, including court proceedings, that may have a connection to the misconduct alleged. Nor is the Adjudicator's role to decide the facts concerning the matters in issue at this stage in the process. Rather, the adjudicative role in this part of the process is to determine whether or not the evidence appears to substantiate potential misconduct requiring some form of sanction or corrective measures.
29. The duty of an Adjudicator under subsection 117(1)b is to reach their own conclusions based on the materials submitted for review without submissions or further evidence adduced by way of a hearing.
30. In *Scott v. British Columbia (The Police Complaint Commissioner)*, 2016 BCSC 1970, the Honourable Mr. Justice Affleck considered an earlier Adjudicator decision provided under section 117, noting as follows:

[27] *There are two troubling aspects to the approach to his task taken by the retired judge.*

[28] *The first is his implicit interpretation of s. 117(9) of the Act that it permitted him at an early stage of his inquiries to reach conclusions about the petitioner's conduct.*

[29] *In Florkow v. British Columbia (Police Complaint Commissioner), 2013 BCCA 92, Newbury J.A. observed that part XI of the Act, where s. 117 is found, "is not a model of clarity". Section 117(9) fits that description, but in my opinion it is clear that it authorized the retired judge to do no more than express a view that the petitioner's conduct on April 22, 2016 "appears" to have been misconduct. To have gone beyond an expression of a preliminary review by giving extensive reasons using conclusory language, such as asserting that the petitioner's "conduct was a marked and serious departure from the standard reasonably expected of a police officer" is not consistent with the scheme and object of the Act and the intention of the legislature (see Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 S.C.R. 27 at para. 21.*

[30] *In my opinion the legislature did not intend the retired judge, whose ultimate role could include presiding over a disciplinary hearing involving the very person whose conduct he had already determined was improper, nevertheless could use language, before a hearing had taken place, that on any reasonable reading left no doubt in the mind of the petitioner that the retired judge had already made up his mind that the petitioner was guilty of the misconduct alleged.*

[37] *In my opinion, the retired judge improperly conflated the issue of whether the petitioner was in the course of his lawful duties when he entered the complainant's home and arrested her, with the other issue of whether the petitioner was guilty of*

misconduct by abusing his authority as defined in the [Police Act](#). That conflation is apparent from the retired judge's conclusion that:

It follows, therefore, that the question of whether A/S Scott abused his authority must be determined according respect for the factual findings of the trial judge. Respect for those findings of fact would result in the conclusion that A/S Scott had abused his authority. ...

[39] Section 117 of the [Police Act](#) is unfortunately worded in some respects. On one possible interpretation a retired judge appointed pursuant to the [Act](#) is directed to reach conclusions about the conduct of a member of a police force before a disciplinary hearing has been conducted by the retired judge in respect of that conduct. I do not accept the legislature intended such an approach to be taken. If that was the appropriate interpretation it would inevitably raise a serious issue of an apprehension of bias when the retired judge made preliminary findings adverse to the petitioner and was then required to conduct a disciplinary hearing. I conclude that the retired Judge adopted an interpretation which has now led to that unfortunate outcome.

31. This review has been undertaken in accordance with the foregoing principles and law.

IV Records submitted for review

32. In accordance with subsection 117(6) of the *Police Act*, the Commissioner has provided the FIR for my review which was prepared by the Investigator. Also included was a flash drive providing electronic copies of certain FIR documents.

33. The FIR, dated July 7, 2022, comprises 73 pages of narrative, plus related attachments. The report details the evidence of relevant parties concerning the conduct of the Members on the date in question. The FIR also provides background on law considered relevant by the Investigator, VPD policies and procedures.

34. The FIR and related materials were delivered to me August 24, 2022. Section 117(9) of the *Police Act* confirms that my review must be completed within 10 business days with notice thereafter to the relevant parties of my decision and next steps, if any.

V Misconduct and the Police Act— Section 117(8)c Police Act

35. The evidence set out in the FIR outlines the perspective of the Complainant, the Members, certain VPD officers, civilian witnesses and others concerning the unfolding events involving the Complainant, her passengers and the Members.

36. Turning to the specifics of possible misconduct that may be relevant to the actions of the Members, section 77 of the *Police Act* provides, in part, as follows:

77(1) In this Part, "misconduct" means

(a) conduct that constitutes a public trust offence described in subsection (2), or

(b) conduct that constitutes

(i) an offence under section 86 [offence to harass, coerce or intimidate anyone questioning or reporting police conduct or making complaint] or 106 [offence to hinder, delay, obstruct or interfere with investigating officer], or

(ii) a disciplinary breach of public trust described in subsection (3) of this section.

(3) Subject to subsection (4), any of the conduct described in the following paragraphs constitutes a disciplinary breach of public trust, when committed by a member:

(a) "abuse of authority", which is oppressive conduct towards a member of the public, including, without limitation,

(ii) in the performance, or purported performance, of duties, intentionally or recklessly

(A) using unnecessary force on any person

37. An important overall limitation to the definitions of misconduct in section 77 of the *Police Act* is found in subsection 77(4) as follows:

77(4) It is not a disciplinary breach of public trust for a member to engage in conduct that is necessary in the proper performance of authorized police work.

38. This review must independently assess the circumstances of each Member's interactions with Complainant, the actions of the various parties and the totality of the circumstances relating to the same as set out in the FIR. This includes consideration of the subjective and objective rationale behind the Cst. ■■■ use of force by handcuffing the Complainant and Cst. ■■■ conduct in removing the two passengers from the Complainant's car to conduct a visual search.

VI The Evidence arising from the Final Investigation Report

39. My review of the FIR and the evidence and records referenced in it discloses the following evidence, which if proven, may have relevance to the questions of misconduct raised in this review.

40. I note, of course, that identifying the facts that appear to form the basis of evidence relevant to the allegations does not result in the conclusion that such facts will ultimately be proven.
41. The evidence in the FIR that I have considered relevant to the matters in issue appears to confirm the following general evolution of events:

The initial Observations of CS [REDACTED] (“[REDACTED]”)

- (a) It appears that July 17, 2021 the Complainant, a resident of Vancouver, was driving her red Mazda southbound on Clark St at approximately 22:45;
- (b) [REDACTED] also appeared to be travelling southbound on Clark following the Complainant’s vehicle in his Community Safety Unit;
- (c) [REDACTED] appears to have noticed the Complainant’s vehicle veering off to the side of the road, not centered in its lane;
- (d) [REDACTED] also appears to have observed the vehicle driving very close to the center barricade, later moving closer to the right side of the travel lane;
- (e) [REDACTED] appears to have continued to follow the Complainant’s car until it reached the intersection with Kingsway. At that point it appears that [REDACTED] observed the vehicle come to a complete stop at the red light. [REDACTED] appears to have noted that the Complainant’s vehicle “lurched” forward coming to a stop just past the white stop line, almost entering the crosswalk;
- (f) [REDACTED] further appears to have noted that when the light turned green, the Complainant’s car entered the intersection remaining briefly even after northbound traffic had cleared before continuing eastbound on Kingsway;
- (g) It was at this point, at 22:50:03, where [REDACTED] appears to have first broadcast his observation of a “possible impaired driver” drifting all of the “number one lane”;
- (h) At 22:51:03 [REDACTED] appears to have broadcast that the Complainant’s vehicle had travelled past Nanaimo Street;
- (i) At 22:50:36 , several block further along Kingsway at the intersection with Gladstone, [REDACTED] appears to have reported that the Complainant’s car had driven through a stale red light. At that point it appears that [REDACTED] lost visual contact with the Complainant’s car as it continued further east, re-establishing contact approximately eight blocks later near the intersection with Earles Street;
- (j) As the Complainant’s vehicle approached the intersection with Tyne Street, approximately 10 blocks further along Kingsway, [REDACTED] observed the Complainant’s vehicle turn right down Tyne, barely slowing at a red light;

Assignment of Cst. [REDACTED] and [REDACTED] to report of impaired driver

- (k) It appears that the VPD dispatcher broadcast a call for “any units to assist” at 22:50:41. It also appears to Cst. [REDACTED] passenger in an unmarked police car driven by Cst. [REDACTED] responded to the dispatch call at 22:50:44 “from Grandview and Renfrew”, approximately 20 blocks from the Complainant’s last reported position;

- (l) At 22:51:25 while en-route to meet [REDACTED] position, Cst. [REDACTED] appears to have broadcast that “we’re going to be treating it (indiscernible) gross impaired because they’re running red lights”. Cst. [REDACTED] appears to have further elaborated in his broadcast that “call it gross impaired driving. They’re going through lights and swerving”;
- (m) At 22:51:41 Cst. [REDACTED] appears to have broadcast a decision to stop the Complainant’s vehicle using a “Box and Pin” strategy when he appears to have said “ Can we get another unit for a front pin?” A positive response appears to have been received from another unit operated by officers [REDACTED] and [REDACTED]
- (n) At 22:52:08, it appears that Sgt. [REDACTED] broadcast that he had been monitoring the radio traffic and that “In the event we get the opportunity, box or pin is authorized”;
- (o) It appears that the Members had jointly decided en route to the interception of the Complainant’s vehicle that a controlled stop by way of “Box and Pin” was necessary to reduce the potential for an uncontrolled escape of a possible impaired driver;
- (p) At 22:52:14 it appears that Cst. [REDACTED] broadcast that the unit driven by Cst. [REDACTED] had just caught up to the Complainant’s car. Cst. [REDACTED] appears to have asked for confirmation of the license plate of the Complainant’s car at 22:52:54 which was immediately provided;
- (q) Cst. [REDACTED] and [REDACTED] appear to have been following immediately behind the Complainant’s car. Further discussion appears to have taken place between the two VPD vehicles then in pursuit on the strategy to perform the box or pin maneuver;
- (r) At 22:53:22 Sgt. [REDACTED] appears to have broadcast a warning not try to pull over the Complainant’s care until resources were available at the front of the stop.
- (s) At 22:53:35 Cst. [REDACTED] appears to have next broadcast that the Complainant’s vehicle was signaling a right turn southbound at Tyne off Kingsway where there was a stale red light;
- (t) The police units appear to have followed the right turn south on Tyne;
- (u) None of the police observers appear to have witnessed any erratic driving of the Complainant’s car beyond the roll through right turn on Tyne at the stale red light;
- (v) Furthermore, there do not appear to be any reports of speeding by the Complainant’s vehicle;
- (w) It further appears that the three police units, including that driven by Cst. [REDACTED] continued to follow the Complainant’s vehicle until it stopped at Tyne and 49th. At that point, at 22:55:54 it appears that the vehicle with Cst. [REDACTED] and [REDACTED] moved to block the front of the Complainant’s vehicle, the vehicle operated by Cst. [REDACTED] blocked the driver’s side, and that operated by Cst. [REDACTED] blocked the rear;
- (x) The elapsed time from first observation of the Complainant’s vehicle to the roadside stop appears to have been approximately six minutes;
- (y) It appears that the Complainant and her adult male passenger disagree that her pattern of driving was in any way unusual or improper. As well, both appear to deny that the Complainant was either impaired, or had consumed alcohol before driving;

Interaction with the Complainant and Passengers

- (z) It appears that just before the Complainant's vehicle was boxed in, the officers present became aware of a child in the back of the Complainant's car;
- (aa) There does not appear to be any evidence that the officers, including Cst. ■ and Cst. ■ were aware of the descriptors relevant to the driver of the subject vehicle prior to approaching the driver's door. Indeed, it appears from the radio transmissions that the all of the officers assumed that they were dealing with a suspected male impaired driver;
- (bb) Immediately after the Complainant's vehicle was stopped, it appears that Cst. ■ exited the passenger side door of his police car. He appears to have noted at that point that the driver of the subject vehicle was female;
- (cc) The next precise actions and words of Cst. ■ appear to be in issue. Cst. ■ appears to maintain that through hand gestures and polite verbal commands, he instructed the Complainant to leave her vehicle;
- (dd) The Complainant appears to recall that on stopping at Tyne and East 49th, she saw several unmarked police vehicles box her in. It appears that she did hear someone yelling to get out of the car, however, the Complainant appears to report that she did not initially realize that the demands were being made of her;
- (ee) The nature of the Complainant's exit from her vehicle also appears to be in issue. Cst. ■ appears to have reported observing the Complainant exit and move with difficulty. Cst. ■ does not appear to have made any such observations;
- (ff) It appears that immediately after exiting her vehicle as instructed, the Complainant was handcuffed by Cst. ■ and advised that she was being detained for the investigation of the impaired operation of a motor vehicle. It further appears that Cst. ■ also held onto the Complainant while Cst. ■ cleared the vehicle;
- (gg) Cst. ■ appears to have reported that he decided to handcuff the Complainant because she was unknown to him, the two were on a public street and was suspected of impaired driving. It further appears that Cst. ■ believed that the convergence of those facts could potentially make the Complainant's future behaviour unpredictable;
- (hh) It appears that the Complainant fully complied with Cst. ■ instructions and submitted to handcuffing without resistance. It further appears that no additional use of force was required to control the Complainant throughout her dealings with officers on scene;

Cst. ■ Roadside

- (ii) It appears that as Cst. ■ was dealing with the Complainant, Cst. ■ left the driver's side of the police vehicle and made his way around to the passenger side of the Complainant's car;
- (jj) Cst. ■ appears to have noted two persons remaining in the car, an adult male in the front passenger seat, and a child in the rear;

- (kk) The specific actions of Cst. █ in accomplishing removal of the two passengers from the Complainant's vehicle appears to be in doubt. Cst. █ appears to have reported that he politely advised the two that the police were conducting an investigation into possible impaired driving and asked the passengers to exit the vehicle. Again, it appears to be unclear from the FIR as to specifically why the two passengers had been asked to leave the vehicle;
- (ll) Cst. █ appears to have reported in his General Occurrence Report that he "cleared" the Complainant's vehicle immediately after the passengers had left although the details of that process are not provided. It appears that once the clearance was completed by Cst. █ he immediately approached Cst. █ and recommended that the handcuffs be removed from the Complainant;
- (mm) It appears that the Complainant was in handcuffs for approximately five minutes;
- (nn) Cst. █ also appears to have reported seeing an open bottle of wine within the Complainant's vehicle, and noted what he believed to be glassy eyes impaired motor function and slurred speech on the part of the Complainant. However, where and when the bottle of wine was found and under what circumstances does not appear to be recorded in the FIR. Nor does it appear that Cst. █ reported either his observations of the Complainant's demeanor, nor the open wine bottle to Cst. █ during the roadside investigation;
- (oo) It appears that after approaching Cst. █ concerning the handcuffs, Cst. █ returned to engage the passenger and child in conversation in an attempt to explain the process that was taking place with the Complainant;

Cst. █ dealings with the Complainant Roadside

- (pp) It appears that once the handcuffs were removed at approximately 22:59, Cst. █ informed the Complainant that she was being detained for the investigation of "*Impaired Operation of a Motor Vehicle*". It appears that Cst. █ next read a demand for the Complainant to undertake a roadside screening device ("ASD") test. The details of this demand appear to be less than clear in the FIR;
- (qq) It appears that Cst. █ at some point requested a driver's license from the Complainant, which was provided, however, when and under what circumstances appear unclear;
- (rr) It appears that from the moment of her detention, the Complainant was questioning why the police had stopped her vehicle and asking for explanations for what was taking place;
- (ss) Cst. █ appears to have attempted to explain to the Complainant that he needed to determine when the Complainant had last had an alcoholic drink or chewed gum to ensure ASD operational accuracy. It appears that Cst. █ also attempted to explain how the ASD functioned, without apparent success;
- (tt) The FIR appears to detail how other members, including a female officer, came on scene to engage the Complainant to explain the ASD process, again without apparent success. Cst. █ also appears to have attempted to encourage the

Complainant to complete the ASD test, without success, explaining why completing an ASD was, in his view, a better option than a refusal, based on potential consequences;

- (uu) In the final result, it appears that Cst. ■ ultimately took the Complainant's apparent lack of cooperation as a refusal to comply with an ASD demand. At 23:45 Cst. ■ appears to have served the Complainant with a 90 day Immediate Roadside Prohibition from driving (the "IRP") and a 30 day impoundment order for the Complainant's vehicle;
- (vv) Csts. ■ and ■ appear to have assisted the Complainant in removing personal items from her vehicle prior to the tow. Cst. ■ also appears to have personally paid for a taxi to take the Complainant and her passengers home;
- (ww) Cst. ■ appears to have reported that he went to such great lengths to explain the ASD process to the Complainant because he did not observe any overt signs of impairment at any point;
- (xx) Cst. ■ appears to have believed that he needed some explanation from the Complainant for the driving behaviour allegedly noted by ■

Review of the IRP

- (yy) The Complainant appears to have challenged the IRP issued by Cst. ■
- (zz) In a decision rendered August 5, 2021, an Adjudicator appointed by the Superintendent of Motor Vehicles revoked the IRP, the vehicle impoundment and financial penalties that had been imposed on the Complainant; and
- (aaa) The grounds on which the order was made appear to rest on the conclusion that the Complainant had never in fact refused to undertake an ASD.

VIII Potential Misconduct arising from the facts set out in the FIR

- 42. As noted above, the Commissioner has taken a certain view of the evidence in the FIR and possible areas of misconduct relevant to the Members.
- 43. Having reviewed the FIR, it appears that several possible issues of misconduct could arise from the report, namely, whether or not:
 - (a) The "Box and Pin" maneuver by Csts. ■ and ■ involving the Complainant's vehicle was oppressive;
 - (b) The Complainant's African heritage may have influenced the actions of the Members;
 - (c) The handcuffing of the Complainant was an oppressive act not reasonably supported by the facts;
 - (d) The order for the Complainant's passengers to exit her vehicle and subsequent visual search was an oppressive act; and
 - (e) The issuance of an IRP to the Complainant and seizure of her vehicle was an oppressive act.

44. Having reviewed the FIR, it appears that item (a) was examined in detail by the Investigator. It also appears from the evidence that the decision to move to the “Box and Pin” strategy was shared by both Members and the supervising Sergeant monitoring the incident. Both Members appear to have formed the view that a more forceful stop was required given the driving pattern than had been reported to ensure public safety.
45. It appears that the decision to stop the Complainant’s vehicle using the “Box and Pin” strategy was, in all of the circumstances, a reasonable policing decision and not indicative of possible oppressive misconduct worthy of further review.
46. With respect to item (b), issues of possible discriminatory misconduct are always a serious matter. Based on a review of the FIR, it appears evident that none of the attending members were aware of the Complainant’s ethnicity prior to the forceful stop on Tyne Street. The Members appear to have denied that ethnicity had any bearing on decisions taken with respect to the Complainant.
47. The Complainant appears to take the position that her ethnicity was indeed key to her perception of the unfairness of her treatment by the Members. The evidence on this point appears, therefore, to be very much in issue.
48. Noting the foregoing, I am satisfied that consideration of this issue appears to be best dealt with as a potential aggravating factor relevant to any allegations of misconduct that appear to be substantiated.
49. With respect to items (c), (d) and (e), it appears that those issues are worthy of more detailed consideration as potential allegations of misconduct relevant to the Members. Having considered all of the foregoing, it appears that the specific misconduct allegations that should be considered in this review, therefore, are as follows:

On July 17, 2021, Cst. ■ appears to have committed a disciplinary breach of public trust by:

(i) Abuse of Authority as a result of oppressive conduct pursuant to section 77(3)a(ii)A of the Police Act by recklessly using unnecessary force on the Complainant through the application of handcuffs without good and sufficient cause (“Misconduct Allegation #1”); and

((ii) Oppressive conduct towards members of the public, pursuant to section 77(3) (a) of the Police Act, as a result of Cst. ■ order for the suspension of the Complainant’s driver’s license for 90 days and seizure of her motor vehicle for 30 days without apparent authority, or good and sufficient cause; (“Misconduct Allegation # 2”)

On July 17, 2021, Cst. ■ may have committed a disciplinary breach of public trust by:

(iii) Oppressive conduct towards members of the public, pursuant to section 77(3) (a) of the Police Act, as a result of Cst. ■ order for the Complainant's passengers to exit the vehicle and his subsequent visual search of the vehicle without good or sufficient cause. ("Misconduct Allegation # 3)

(collectively called the "Misconduct Allegations")

IX Analysis of the Misconduct Allegations- Sections 117(8)(d) & (i) of the Police Act
Does the evidence appear sufficient to substantiate the Misconduct Allegations?

50. I now turn to an analysis of the evidence considering each of the Misconduct Allegations in turn.
51. At this stage I must consider whether or not the evidence adduced in the FIR that is summarized above appears sufficient to substantiate some, or all, of the Misconduct Allegations.
52. This stage of analysis under section 117 of the *Police Act* does not result in findings of fact on any alleged misconduct beyond analysis of whether or not the misconduct allegations appear substantiated against any of the Members based on analysis of the facts set out in the FIR.

Misconduct Allegation (1)

53. The first misconduct allegation relates to the actions of Cst. ■ Specifically, the allegation to be reviewed is as follows:

On July 17, 2021, Cst. ■ appears to have committed a disciplinary breach of public trust by Abuse of Authority as a result of oppressive conduct pursuant to section 77(3)a(ii)A of the Police Act by recklessly using unnecessary force on the Complainant through the application of handcuffs without good and sufficient cause.

54. Section 77(3)(a)(i) provides as follows:

77 (1) In this Part, "misconduct" means

(b) conduct that constitutes

(ii) a disciplinary breach of public trust described in subsection (3) of this section.

(3) Subject to subsection (4), any of the conduct described in the following paragraphs constitutes a disciplinary breach of public trust, when committed by a member:

(a) "abuse of authority", which is oppressive conduct towards a member of the public, including, without limitation,

(ii) in the performance, or purported performance, of duties, intentionally or recklessly

(A) using unnecessary force on any person,

55. The essential elements to be reviewed in connection with Misconduct Allegation # 1 appear to be whether or not:

- (a) Force was used;
- (b) The Member was in the performance of his duties;
- (c) The force was unnecessary; and
- (d) The Member intended to use unnecessary force, or were reckless about it.

56. I would add that it appears evident that any analysis of the use of force appears to require consideration of whether or not the use of force was justifiable for good and sufficient cause.

57. It appears that section 25 of the Criminal Code may also have relevance to this review. Section 25 provides as follows:

"25 (1) Everyone who is required or authorized by law to do anything in the administration or enforcement of the law

(b) as a peace officer or public officer,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose."

58. I have noted the apparent relevance of the Supreme Court of Canada decision concerning the use of force, *R. v Nasogalauk* reported at [2010] 1 S.C.R. 206 at paragraphs 32, 34 AND 35 as follows:

[32] The Crown emphasized the issue of excessive force in its submissions to this Court, arguing strenuously that the police officers had not abused their authority or inflicted unnecessary injuries on Mr. Nasogalauk. But police officers do not have an unlimited power to inflict harm on a person in the course of their duties. While, at times, the police may have to resort to force in order to complete an arrest or prevent an offender from escaping police custody, the allowable degree of force to be used remains constrained by the principles of proportionality, necessity and reasonableness. Courts must guard against the illegitimate use of power by the police against members of our society, given its grave consequences.

*[34] Section 25(1) essentially provides that a police officer is justified in using force to effect a lawful arrest, provided that he or she acted on reasonable and probable grounds and used only as much force as was necessary in the circumstances. That is not the end of the matter. Section 25(3) also prohibits a police officer from using a greater degree of force, i.e. that which is intended or likely to cause death or grievous bodily harm, unless he or she believes that it is necessary to protect him- or herself, or another person under his or her protection, from death or grievous bodily harm. The officer's belief must be objectively reasonable. This means that the use of force under s. 25(3) is to be judged on a subjective-objective basis (*Chartier v. Greaves*, [2001] O.J. No. 634 (QL) (S.C.J.), at para. 59). If force of that degree is used to prevent a suspect from fleeing to avoid a lawful arrest, then it is justified under s. 25(4), subject to the limitations described above and to the requirement that the flight could not reasonably have been prevented in a less violent manner.*

*[35] Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances. As Anderson J.A. explained in *R. v. Bottrell* (1981), 60 C.C.C. (2d) 211 (B.C.C.A.):*

In determining whether the amount of force used by the officer was necessary the jury must have regard to the circumstances as they existed at the time the force was used. They should have been directed that the appellant could not be expected to measure the force used with exactitude. [p. 218]

59. I have also noted that in considering the lawfulness of the actions of Cst. ■ I must be mindful of the context. In *Berntt* [*Berntt v. Vancouver (City)*, 1999 BCCA 345] and *Anderson v. Smith*, 2000 BCSC 1194 the relevant law is summarized as follows at para 51:

[51] Consideration must be given to the circumstances as they existed at the time. Allowance must be made for the exigencies of the moment, keeping in mind that the police officer cannot be expected to measure the force with exactitude: Wackett v. Calder (1965), 51 D.L.R. (2d) 598 at 602 (B.C.C.A.); R. v. Botrell, supra at 218; Allrie v. Victoria (City), [1993] 1 W.W.R. 655 at para 20 (B.C.S.C.); Levesque v. Sudbury Regional Police Force, [1992] O.J. No.512 (QL) (Ont. Gen. Div); Breen v. Saunders (1986), 39 C.C.L.T. 273 at 277 (N.B.Q.B.); Berntt v. Vancouver (City), supra at 217. This may include the aura of potential and unpredictable danger: Schell v. Truba (1990), 89 Sask. R. 137 at 140 (Sask. C.A.) (in dissent). There is no requirement to use the least amount of force because this may expose the officer to unnecessary danger to himself: Levesque v. Sudbury Regional Police Force, supra.

60. Adjudicator Pitfield said the following about the relevance of exigencies at paragraph 37 of the *Dickhout* decision [*Re: Dickhout*, OPCC PH 2010-03]:

... The assessment of an officer's conduct must respect the fact that his or her job is a difficult one and, in the heat of the moment, frequently does not allow for detached reflection when deciding to act: R. v. Nasogaluak, [cited earlier, paragraph 35] and In the Matter of Constable Smith, Victoria, January 28, 2009, p. 21.

61. The Investigator notes the *National Use of Force Framework* provisions relevant to handcuff decisions, including training modules on the same subject made available to Cst. █

62. As Adjudicator, my review of a member's actions must:

- (a) Take account the exigencies and immediacy of the moment;
- (b) Consider the fact that members are often required to make decisions quickly in the course of an evolving incident, without the detached reflection that is available to those looking back on an incident; and
- (c) Consider that at law, there is no requirement that a member perfectly calibrate his or her actions to the perceived threat.

63. It appears from a review of the FIR that there is no issue that Cst. █ was engaged in the lawful execution of his duties as he began his dealings with the Complainant. Cst. █ appears to have been following up on a report of a possible impaired driver.

64. There also appears to be no dispute that Cst. ■ used force on the Complainant as he applied handcuffs to the Complainant immediately after she exited her vehicle and held her arm as he waited for the vehicle to be cleared by Cst. ■
65. The remaining issues, therefore, appear to be:
- (a) Did Cst. ■ subjectively believe that the force used, handcuffing, was necessary? and
 - (b) Would a reasonable officer placed in the position of Cst. ■ objectively conclude that there were reasonable grounds to handcuff the Complainant?
66. The Investigator appears to have concluded that the actions of Cst. ■ were both necessary and reasonable in all of the circumstances.
67. With respect to the first issue, it is difficult to know exactly what Cst. ■ subjective beliefs were before applying handcuffs onto the wrists of the Complainant. The FIR appears to indicate that Cst. ■ immediately moved to handcuffs for safety as he was conducting an impaired driving investigation on a city street, and did not know the Complainant.
68. Taking the information in the FIR, it appears that subjectively Cst. ■ believed that the use of force in handcuffing the Complainants was necessary.
69. On the next issue, it appears doubtful whether or not an officer of equivalent experience and training to Cst. ■ facing the circumstances existing as the Complainant left her vehicle would feel compelled to immediately place her in handcuffs.
70. It does not appear to be the law that all persons under detention must be handcuffed. Police officers have the power to do so, however, they are also provided ample discretion in deciding to use force, such as the application of handcuffs. As well, it appears that the VPD in effect at the time of the incident in question required members to consider their lawful authority for the use of restraints such as handcuffs.
71. As noted above, the Supreme Court of Canada outlined the limits of force that may be used by police at paragraph 32 of the decision in *R. v Nasogalauk supra*:
- [32] While, at times, the police may have to resort to force in order to complete an arrest or prevent an offender from escaping police custody, the allowable degree of force to be used remains constrained by the principles of proportionality, necessity and reasonableness. Courts must guard against the illegitimate use of power by the police against members of our society, given its grave consequences.*
72. On the facts as set out in the FIR, it appears that both Cst. ■ and Cst. ■ were dealing with the following circumstances:

- (a) The Complainant appeared to be the driver of a vehicle that had been reported to have swerved within its lane several times, run a red light and turned right without stopping at another red light;
- (b) There does not appear to have been any report of the Complainant's vehicle speeding, colliding with any other vehicle or otherwise not complying with stop lights, signs and traffic rules;
- (c) There does not appear to have been any search of the Complainant's vehicle's license plate to search for possible risks arising from motor vehicle records prior to the detention of the Complainant;
- (d) The Complainant appears to have lawfully stopped at the intersection where she was detained;
- (e) The Complainant appears to have complied Cst. ■ direction to exit her vehicle and submitted to handcuffing without apparent resistance;
- (f) There does not appear to have been any report of weapons or risk of flight relating to the Complainant; and
- (g) It appears unclear that any other reasonable areas of risk to either members or the public existed before the handcuffing of the Complainant took place.

73. In terms of risk assessment, it appears difficult to see that the Complainant posed any risk to the Members, or any other person at the time of her handcuffing.

74. It appears, therefore, that any reasonable police officer with experience and training equivalent to that of Cst. ■ would complete a basic risk assessment and conclude that the risk posed by the Complainant was extremely low. Such a person would also appear to have recognized that the Complainant was not exhibiting any risk creating behaviour, including any possible risk of flight, and generally complying with police directions.

75. It appears, therefore, that the Cst. ■ recklessly used unnecessary force on the Complainant through the immediate application of handcuffs following her detention without reasonable grounds to do so and, therefore, without good or sufficient cause.

76. In the result, it appears that considering the totality of the circumstances relevant to the Complainant, the evidence referenced in the FIR appears sufficient to substantiate Misconduct Allegation # 1 in relation to Cst. ■ potentially requiring the taking of disciplinary or corrective measures.

Misconduct Allegation # 2

77. The second allegation of misconduct by Cst. ■ relates to possible oppressive acts by virtue of Cst. ■ issuing the Complainant an IRP and ordering the impoundment of her vehicle.
78. It would appear that similar considerations to those reviewed with respect to Misconduct Allegation # 1 are relevant to this second issue.
79. It appears evident that Cst. ■ was engaged in his lawful duty to complete an impaired driving investigation. It also appears evident that Cst. ■ subjectively believed it was appropriate, and indeed lawful, to issue the IRP and order the vehicle impoundment . Cst. ■ appears to have believed that the Complainant had in fact refused to take the ASD test.
80. On the issue of the objective reasonableness of Cst. ■ decision in this regard, the facts before the Member appear to have been as follows:
- (a) The Complainant denied having consumed any alcohol before being detained;
 - (b) The Complainant had cooperated with Cst. ■ however, repeatedly questioned his actions and the need to complete an Approved Screening Device test;
 - (c) Cst. ■ did not note any indicia of impairment, slurred speech or glazed eyes in his lengthy dealings with the Complainant. Cst. ■ did appear to have reports of erratic driving from ■ however, did not appear to have observed any problematic driving by the Complainant himself;
 - (d) Cst. ■ had noted some indicia of impairment, such as impaired motor skills, glazed eyes and slurred speech, however, it does not appear that he had conveyed those observations to Cst. ■
 - (e) Although a partial bottle of wine had been located by Cst. ■ in the Complainant's vehicle, once again, there does not appear to have been any transfer of that information to Cst. ■ nor does there appear to be any indication where in the vehicle the bottle was found or it's possible relevance, if any, to the issue of the Complainant's state of impairment;
 - (f) Finally, although an IRP and impoundment order were issued to the Complainant by Cst. ■ it appears that a subsequent appeal of those orders resulted in the revocation of those orders by officials acting under the Motor Vehicle Act.
81. In the circumstances, it appears that at a minimum, Cst. ■ was having doubts as to whether or not the Complainant was in fact impaired, or simply a poor driver.
82. Ultimately, it appears that after having dealt with the Complainant for almost fifty minutes, Cst. ■ decided to resolve his uncertainty by issuing an IRP and vehicle impoundment order based on his belief that the Complainant had refused to complete an ASD test.
83. Cst. ■ appears to have reported that his decision to issue the IRP was taken to ensure that if actually impaired, the Complainant would not be left to drive away with a child in the car creating a potential risk.

84. As noted, it appears that the issue of the Complainant's refusal was challenged resulting in an order from an appointed Adjudicator to vacate the IRP and vehicle impoundment orders.
85. It appears that the lawful authority for Cst. ■ to issue an IRP did not exist.
86. It appears that a reasonable officer of equivalent training and experience to Cst. ■ would be aware that the Complainant had not in fact refused to complete the ASD and further, that the Complainant was not exhibiting indicia of impairment. Furthermore, it appears that such an officer would not reasonably conclude that the Complainant was in fact impaired, creating a risk to the public, and her child, if left to drive away.
87. Furthermore, it appears that such an officer would not reasonably conclude that lawful authority existed to impound the Complainant's vehicle and suspend her driving license. Although it appears tickets for possible poor driving may have been appropriately considered, even the details supporting that choice appears to have been disputed by the Complainant and her adult passenger.
88. It appears, therefore, that Cst. ■ actions in issuing the IRP and vehicle impoundment orders in the circumstances noted above was an oppressive act taken recklessly, without good and sufficient cause.
89. In the result, it appears that considering the totality of the circumstances relevant to the Complainant, the evidence referenced in the FIR appears sufficient to substantiate Misconduct Allegation # 2 in relation to Cst. ■ potentially requiring the taking of disciplinary or corrective measures.

Misconduct Allegation # 3

90. The third misconduct allegation that I have reviewed is characterized as follows:

*Cst. ■ may have committed a disciplinary breach of public trust by oppressive conduct towards members of the public, pursuant to section 77(3) (a) of the Police Act, as a result of Cst. ■ order for the Complainant's passengers to exit the vehicle and his subsequent visual search of the vehicle without good or sufficient cause.
("Misconduct Allegation # 3)*

91. As noted in the consideration of Misconduct Allegation # 2, it appears that the appropriate standard of review requires consideration of the subjective and objective issues. I must also consider whether or not it appears that Cst. ■ acted recklessly or intentionally without good and sufficient cause.

92. It appears evident that Cst. ■ was acting in the course of his duty providing backup to Cst. ■ as he conducted an impaired driving investigation focused on the Complainant.
93. It also appears that as he left the driver's side of the police vehicle, Cst. ■ was aware of the following:
- (a) An impaired driving investigation was underway;
 - (b) The investigation arose as result of reports from ■ of a vehicle being driven in an erratic manner;
 - (c) The driver of the subject vehicle had been ordered by Cst. ■ to exit her vehicle and was in the process of doing so as directed;
 - (d) A male adult and child appeared to remain in the Complainant's vehicle; and
 - (e) Neither officer knew the Complainant or had had prior dealings with the subject vehicle.
94. Subjectively, it appears that Cst. ■ believed that he needed to clear the Complainant's vehicle for officer safety. It appears that Cst. ■ also believed that to clear the vehicle, an external visual search of the vehicle interior was required to eliminate any possibility of threats or weapons.
95. It also appears that Cst. ■ subjectively believed that to do a proper external visual search, the passengers in the Complainant's vehicle needed to exit.
96. There appear to be conflicting reports on how the passengers were asked to leave the Complainant's vehicle. However, it appears that the adult male passenger simply reported being ordered to exit along with the child.
97. The FIR does not appear to provide details of the external visual search that might have been done by Cst. ■ It does appear, however, that very shortly after the two passengers left the vehicle, Cst. ■ returned to Cst. ■ advised him that there were no safety concerns and suggested that the Complainant could be removed from handcuffs.
98. It further appears that thereafter, Cst. ■ moved back to speak with the two passengers, to explain what was taking place and attempt to calm the fears of the child.
99. Objectively, it appears evident that a reasonable officer with equivalent training and experience to Cst. ■ would, in the circumstances presented, take the same decisions as Cst. ■ Clearance of the vehicle for officer safety would appear to have been a reasonable course of action. Although risks to the officers would appear to have been minimal, it

would appear evident that a reasonable officer would act with prudence in the time available to conduct a brief safety survey of the area adjacent to the Complainant and Cst. ■

100. Furthermore, it appears evident that removing the two passengers to the adjacent sidewalk would facilitate a simple external visual search. Although the authority for such a removal order would appear to be uncertain, it appears that the intrusion on the rights of the two passengers would have been minimal in all of the circumstances. It appears evident that a reasonable officer would recognize those facts, and proceed as Cst. ■ had done.
101. It appears that the actions of Cst. ■ were not reckless, nor taken without good and sufficient cause.
102. In such circumstances, it appears that the actions of Cst. ■ would not properly be considered to be oppressive, nor an abuse of Cst. ■ authority.
103. As such, considering all of the evidence, it would not appear that the evidence in the FIR is sufficient to substantiate any allegations of misconduct with respect to the actions of Cst. ■ on the date in question.

IX Conclusion

104. Applying the standard of review at this stage of the proceedings, pursuant to Section 117(9) and 117(8)(d)(i) of the *Police Act*, I find that there appears to be evidence set out in the FIR which, if proven, could substantiate Misconduct Allegations # 1 and # 2 with respect to Cst. ■ and potentially require the taking of disciplinary or corrective measures.
105. I further find that applying the same test, pursuant to Section 117(9) and 117(8)(d)(i) of the *Police Act*, that there does not appear to be evidence set out in the FIR which, if proven, could substantiate Misconduct Allegation # 3, or any other issue of possible misconduct, with respect to Cst. ■ potentially require the taking of disciplinary or corrective measures.
106. Section 117(11) provides that having concluded that the evidence available does not appear sufficient to substantiate any allegations of misconduct relating to Cst. ■ such a conclusion is:
 - (a) not open to question or review by a court on any ground, and
 - (b) final and conclusive.

X **Next Steps**

107. I hereby notify Cst. █ of the next steps in this proceeding, pursuant to subsections 117(7) and (8) of the *Police Act*.

108. Considering the factors in section 120 of the *Police Act*, and in particular section 120(3), I am willing to offer a prehearing conference to Cst. █ with respect to Misconduct Allegations 1 & 2.

109. I am directing Cst. █ to advise the Registrar within 5 days once a decision has been made on whether or not to accept the offer of a prehearing conference.

110. The range of disciplinary and corrective measures set out in the *Police Act* which I would consider appropriate in the current case includes:

- a. a suspension from service without pay for a duration to be determined on consideration of section 126(2) Police Act factors (Section 126(1)(c));*
- b. requiring Cst. █ to engage in and complete training, or retraining, in the areas of arrest and handcuffing and in particular, VPD's amended policy on handcuffing (Section 126(1)(f); and*
- c. requiring Cst. █ to provide the Complainant with a written apology (Section 126(1)(h).*

pursuant to subsections **126(1)** of the *Police Act*.

111. Pursuant to section 119, but subject to the provisions of section 120 (4) of the Police Act, Cst. █ may request permission to question witnesses at a Discipline Proceeding if the member does not accept the offer of a pre-hearing conference. Such a request must be made within 10 business days of this notification. Any such request will be directed to my attention through the Registrar.

112. Section 118(1) of the *Police Act* provides that a Discipline Proceeding concerning the substantiated misconduct allegations must be convened within 40 business days of notice of this decision. That date is **November 7, 2022**.

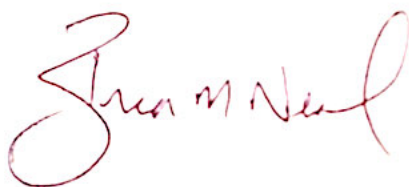
113. In the event that a resolution of Misconduct Allegations 1 & 2 is achieved in the pre-hearing conference process, and approved by the Commissioner, a Discipline Proceeding will not be required.

114. However, if the offer of a prehearing conference is not accepted by the Member, or if a resolution accepted at a Prehearing Conference is rejected by the Commissioner, a Discipline Proceeding will then take place.

115. Subject to earlier advice that Misconduct Allegation 1 & 2 have been fully resolved, or that the offer of a pre hearing conference has been rejected by the Member, the technical start to the Discipline Proceeding will be convened by teleconference **October 7, 2022 at 9:00 am** with the Member, or counsel on his behalf. At that time, dates will be canvassed that are convenient to commence the full Disciplinary Proceeding.
116. The Registrar will advise the relevant parties as soon as possible of the conference call details.
117. In the event the October 7, 2022 date is unsuitable to the Member, or their designated counsel, such party will advise the Registrar immediately and provide an indication of available dates and times for a conference call to be convened before November 7, 2022.

XI Notice to the Complainant

118. Pursuant to s 113 of the *Police Act*, the Complainant has the right to make submissions:
- (a) at a discipline proceeding (as *per* section 117(8)(b)) or,
 - (b) if Cst. ■ accepts a prehearing conference, pursuant section 120(6) of the *Police Act*, oral or written submissions.
119. The Complainant is advised that pursuant to section 113(1) of the *Police Act*, submissions in relation to a discipline proceeding must be made not less than 10 business days before the commencement of such proceeding. In the case of a pre hearing conference, submissions must be made not more than 10 days after receiving notification of this decision.



Brian M. Neal, Q.C.(rt)
Discipline Authority
Retired Judge
September 8, 2022
Victoria, B.C.
