PH: 24-01
OPCC Files: 2022-21398
2023-25106
2023-25107

IN THE MATTER OF THE PUBLIC HEARING INTO THE CONDUCT OF SERGEANT KEIRON MCCONNELL OF THE VANCOUVER POLICE DEPARTMENT IN ACCORDANCE WITH THE *POLICE ACT*, RSBC 1996, C. 367 AS AMENDED

Note: There is a Section 150 Order in place that includes a publication ban on the names and other identifying information of the complainants and certain witnesses.

SUBMISSIONS OF THE POLICE COMPLAINT COMMISSIONER

Re Joint Submission on Misconduct and Disciplinary and Corrective Measures

Dated April 8, 2025

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OVERVIEW

1. This public hearing concerns the conduct of Sergeant Keiron McConnell, a 35-year regular member of the Vancouver Police Department (the "VPD"). At issue are allegations that Sergeant McConnell committed discreditable conduct by sexually harassing female VPD members and current or former female students he met while teaching at colleges and universities on topics relating to policing.

2. Sexual harassment is demeaning and injurious to dignity. It is fundamentally contrary to the high ethical standards expected of all police officers, and especially of senior officers having supervisory responsibilities. There is a growing awareness in society of the harmful impacts of inappropriate sexualized actions generally. There is also an inarguable need to denounce sexual misconduct in the field of policing specifically.

3. Mindful of these considerations, the Police Complaint Commissioner (the "Commissioner") took the unprecedented step of sending the allegations against Sergeant McConnell directly to this public hearing, without waiting for a confidential police discipline proceeding to run its course. A retired judge was assigned to act as the adjudicator, and independent public hearing counsel ("Public Hearing Counsel") was appointed to present the case relative to the allegations of misconduct.

4. After extensive discussions with Public Hearing Counsel and counsel for the Commissioner ("Commission Counsel"), Sergeant McConnell has accepted responsibility by admitting to certain allegations of discreditable conduct.[1] In light of this, Public Hearing Counsel and the Commissioner have agreed to make a joint submission with Sergeant McConnell asking the Adjudicator to approve a proposed resolution (the "Proposed Resolution").[2]

5. If the Adjudicator decides to approve it, the Proposed Resolution will impose significant disciplinary and corrective measures. Among other things, Sergeant

[1] The admissions are set out in the "Agreed Statement of Facts" tendered by Public Hearing Counsel.
[2] Details of the proposed resolution are set out in the "Proposed Terms of Resolution" tendered by Public Hearing Counsel.

McConnell will be demoted to First Class Constable. He will remain at that rank for at least one year. For that year and possibly longer at the discretion of the VPD, he will work under close supervision and not be able to supervise others. He will be suspended for 20 days without pay and required to undertake retraining and continue psychological counselling. He has offered to apologize to the affected women, although he recognizes they may not be interested in hearing from him.

6. The Supreme Court of Canada has recognized the many benefits that flow from resolving matters through joint submissions. Proposed resolutions are to be encouraged and are not to be rejected lightly. As a *Police Act*[3] adjudicator recently held, a joint submission should generally be approved unless reasonable and informed persons would view the outcome as a breakdown in the maintenance of high policing standards, the proper administration of police discipline, and the proper functioning of police as an integral part of the administration of justice.

7. In this case, the jointly proposed measures should be approved. They include extensive corrective measures as well as the most serious disciplinary measures an adjudicator can impose under the *Police Act*, short of dismissal. They reflect the nature and seriousness of the admitted misconduct and will send appropriate messages of denunciation and deterrence to the policing community and the public at large. At the same time, they acknowledge the importance of accepting responsibility and avoiding the costs that can be associated with lengthy contested hearings, including the potential emotional costs for complainants and witnesses who would otherwise have to testify and be cross-examined about highly personal and sensitive matters.

8. In addition to imposing these measures, the Commissioner also asks the Adjudicator to formally recommend to the Chief Constable of the VPD and Vancouver Police Board (the "Board") that they work with qualified experts to create and deliver standalone mandatory training on sexual harassment to all members and civilians employed by the Board. Sergeant McConnell never received any such training during his 35 years as a regular member of the VPD.

[3] *Police Act*, RSBC 1996, c. 367 ("*Police Act*")

BACKGROUND

I. The Statutory Scheme

(A) Police Discipline Generally

9. The *Police Act* is specialized legislation concerned with the employment of police officers and the protection of the public through oversight mechanisms provided by the statute. It establishes various processes for dealing with police misconduct that balance the interests of the public and the police officers whose conduct requires scrutiny. It is designed to discourage police misconduct and ensure the fair, timely, and efficient resolution of misconduct allegations.[4]

10. The Commissioner is an independent officer appointed by the Legislative Assembly. The Commissioner does not decide whether police officers have committed misconduct. Instead, the Commissioner provides civilian oversight and monitors complaints, investigations, and the administration of police discipline. In this regard, the Commissioner plays an executive role, deciding whether complaints are admissible, whether investigations should be ordered, to what stages processes should be pursued, and who should be appointed to decide the merits of misconduct allegations.[5]

11. The *Police Act* gives police discipline authorities key roles with respect to misconduct complaints and investigations. Other than in certain circumstances, a discipline authority is a chief constable of the relevant police department or their delegate.[6] If a matter is not resolved informally, it must be investigated by an investigating police officer.[7] Unless the Commissioner decides to discontinue an investigation, the investigating officer will produce a final investigation report.[8] If the discipline authority reviews a final investigation report and finds an appearance of misconduct, the discipline authority must convene and preside over a discipline

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[4] *British Columbia (Police Complaint Commissioner) v. Sandhu*, 2024 BCCA 17 at para 4 ("*Sandhu*")
[5] *Sandhu*, at para 7
[6] *Sandhu*, at para 11
[7] *Sandhu*, at para 12
[8] *Sandhu*, at paras 14 and 18

proceeding at which the subject officer is a competent but not compellable witness.[9] After a discipline proceeding, a discipline authority makes findings with respect to each allegation of misconduct and, if misconduct is found, proposes disciplinary and corrective measures.[10]

(B) Public Hearings

12. The *Police Act* requires the Commissioner to arrange a public hearing into allegations of misconduct if he determines it is necessary in the public interest, having regard for various factors.[11] Also, if a discipline proceeding was held and a discipline authority proposes dismissal or a reduction in rank, the Commissioner must arrange either a public hearing or review on the record if the member requests one.[12]

13. Public hearings are conducted before retired judges who act as adjudicators under the *Police Act*.[13] They are fresh hearings about the conduct of a member or former member that was the subject of an investigation or complaint under the *Police Act*.[14]

14. If the Commissioner calls a public hearing, an independent public hearing counsel is appointed to present to the adjudicator the case relative to each allegation of misconduct.[15] Public hearing counsel, the respondent member, and Commission Counsel all have rights to call evidence and make oral or written submissions to the adjudicator.[16] If the public hearing relates to a complaint, the complainant has the right to make oral or written submissions to the adjudicator after all the evidence has been called.[17] The adjudicator may also grant participatory rights to other participants in appropriate circumstances.[18]

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[9] *Sandhu*, at para 20
[10] *Sandhu*, at para 21
[11] *Police Act*, ss. 138(1) and (2)
[12] *Police Act*, s. 137
[13] *Police Act*, ss. 142 and 143(1)
[14] *Police Act*, s. 143(2)
[15] *Police Act*, s. 143(4)
[16] *Police Act*, s. 143(5)
[17] *Police Act*, s. 143(7)
[18] *Police Act*, ss. 144 and 145

15. The adjudicator's task at a public hearing is to (i) decide whether misconduct has been proven, (ii) determine the appropriate disciplinary or corrective measures to be taken in accordance with the *Police Act*, and (iii) recommend to a chief constable or the board of the municipal police department concerned "…any changes in policy or practice that the adjudicator considers advisable in respect of the matter."[19]

II. History of this Proceeding

(A) The VPD Investigation

16. In January 2022, a female member of the VPD because concerned about information that had come to her attention about Sergeant McConnell. To her credit, she conveyed her concerns to the VPD's Professional Standards Section. After reviewing information provided by the VPD, the Commissioner issued an order for investigation pursuant to s. 93(1) of the *Police Act*. The investigation was assigned to the VPD.[20]

17. The ordered investigation came to encompass seven allegations of discreditable conduct involving seven different women. Two of the women chose to become complainants, while the other five remained affected persons and witnesses. An investigation report was delivered.[21]

(B) The Commissioner Calls the Public Hearing

18. Until recently, the *Police Act* required that all cases go through the full confidential police discipline process before a public hearing could be held. This meant the Commissioner could only choose to call a public hearing after: (i) an investigating officer conducted an investigation and delivered a final investigation report; (ii) a police discipline authority decided there was an appearance of misconduct; (iii) a confidential police discipline proceeding was held before the discipline authority; and (iv) the discipline authority issued a decision.

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[19] *Police Act*, s. 143(9)
[20] Agreed Statement of Facts at paras 4-5
[21] Notice of Public Hearing (PH 2024-01) dated June 19, 2024 ("Notice of Public Hearing")

19. This changed in 2024 when the *Police Act* was amended to permit the Commissioner to send a case to a public hearing at any time after an investigating officer has delivered a final investigation report.[22]

20. The Commissioner decided to use this new power for the first time in this case, cancelling a pending discipline proceeding and appointing the Honourable Carol Baird Ellan, KC (the "Adjudicator"), retired Provincial Court judge, to conduct this public hearing. The background to and rationale for this decision and appointment are set out in the Notice of Public Hearing dated June 19, 2024.[23]

(C) The Section 150 Order

21. Public hearings are by default open to the public.[24] However, s. 150 of the *Police Act* allows an adjudicator to place limits on the openness of a public hearing in certain circumstances.[25] Recognizing the impact these proceedings could have on the privacy and dignity interests of the women whose allegations of misconduct are identified in the Notice of Public Hearing, the Commission applied for an order under s. 150 that would prohibit the release and publication of their names and other identifying information.

22. After hearing from all concerned, the Adjudicator agreed that a s. 150 order was appropriate to protect the privacy interests of the seven women. The Adjudicator's Section 150 Order is posted on the OPCC website[26], as are the corresponding Reasons.[27] The Commissioner has been careful to ensure these Submissions do not contain information protected under the Section 150 Order.

(D) Counsel Advise the Adjudicator of a Joint Submission

23. The public hearing was scheduled to take place over four non-consecutive weeks, starting in March and ending in May. In the lead-up to those dates, Public

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[22] *Police Act*, s. 138(2.2)
[23] Notice of Public Hearing
[24] *Police Act*, s. 143(8)
[25] *Police Act*, s. 150
[26] Amended Section 150 Order dated March 28, 2025
[27] Ruling on Section 150 Application dated March 24, 2025

Hearing Counsel, Member Counsel, and Commission Counsel engaged in extensive discussions regarding the possibility of a joint submission on disciplinary and corrective measures. At case conferences in the weeks before the planned start of the public hearing, Public Hearing Counsel advised the Adjudicator of an intention to proceed with agreed facts, admissions, and a proposed resolution that would be jointly supported by Sergeant McConnell and the Commissioner. As a result, the first week and a half of the scheduled public hearing was vacated and a date set for the presentation of the joint submission.

III. Agreed Facts and Admitted Misconduct

24. The joint submission is based on agreed facts and admissions that are set out in the Agreed Statement of Facts tendered by Public Hearing Counsel. The Commissioner will not repeat all the information here, and instead simply highlights the following.

25. Sergeant McConnell has admitted to discreditable conduct with respect to five of the seven allegations listed in the Notice of Public Hearing: two involving interactions with female VPD members; and three involving interactions with current or former female students.

26. With respect to the VPD members, Sergeant McConnell admits to sending unsolicited and unwelcome electronic messages that were sexual in nature or included sexual content. In one of the cases, the content included sexual remarks about the VPD member's underwear, her sexual preferences, and his sexual fantasies. The messages caused the VPD members to feel degraded and experience anxiety. Both had concerns about raising the issue with Sergeant McConnell because of his position within the VPD – although one member did eventually confront him and he apologized. Sergeant McConnell acknowledges he was senior to the VPD members in rank and in a position of authority at the VPD generally and in its Gang Crime Unit specifically. He admits his actions were unwanted and inappropriate in the circumstances and in each case amount to discreditable conduct.[28]

[28] Agreed Statement of Facts at paras 9-16

27. With respect to the students, all three were in their early to mid-20s at the time of their material interactions with Sergeant McConnell, then in his mid-40s.[29]

28. Student 1 was one of several former students that Sergeant McConnell invited to a social gathering at a pub. She had taken two of his classes within the past year. After the other students left, but while they were still in the pub, Sergeant McConnell sent Student 1 messages inquiring about the colour of her underwear. When leaving the pub, Student 1 flagged a taxi and Sergeant McConnell got in. When they reached her destination, Sergeant McConnell leaned in and tried to kiss her. She deflected him and got out of the taxi. Student 1 did not report the incident to her university until the following year, as she was afraid of the impact that reporting might have on her career prospects. Sergeant McConnell accepts that Student 1 saw him as someone in a position of authority and understands her perspective about his ability to affect her career. He admits his actions were unwanted and inappropriate in the circumstances and amount to discreditable conduct.[30]

29. Student 2 took a course taught by Sergeant McConnell. After he was no longer her instructor, he sent her unsolicited Facebook messages that included sexual content and innuendo. At the time of the messages, Student 2 wanted to be a police officer. She was concerned it would hurt her career prospects if she did not respond. She told Sergeant McConnell his communications made her uncomfortable and asked they keep the relationship professional. Sergeant McConnell then sent her additional messages containing sexual content and innuendo. Student 2 did not report the incident to her university until later that year, as she was afraid of the impact that reporting would have on her career prospects. Sergeant McConnell accepts that Student 2 saw him as someone in a position of authority and understands her perspective about his ability to affect her career. He admits his actions were unwanted and inappropriate in the circumstances and amount to discreditable conduct.[31]

[29] Agreed Statement of Facts at paras 1, 18, 26, and 34
[30] Agreed Statement of Facts at paras 17-25
[31] Agreed Statement of Facts at paras 26-30

30. Sergeant McConnell was Student 3's honours supervisor when he sent her unsolicited and unwelcome electronic messages that commented on her physical attractiveness. At the time of these messages, Student 3 aspired to become a police officer. Her experience with Sergeant McConnell was one factor in her decision not to pursue a career in policing. As her instructor and supervisor, and a senior member in the policing world, Sergeant McConnell accepts that Student 3 viewed him as being in a position of authority. He admits the messages he sent to Student 3 about her physical appearance were inappropriate and not consensual and amount to discreditable conduct.[32]

31. The VPD does not have a standalone policy on sexual harassment. Instead, sexual harassment is one of several subjects covered in a more general "Respectful Workplace Policy." Copies of current VPD policies are attached to the Agreed Statement of Facts, as are predecessor versions from 2016 and 2013.[33]

32. Sergeant McConnell undertook training on respectful workplaces in 2013 (two versions) and 2019.[34] The VPD has never provided him with a training course focused specifically on sexual harassment.[35]

ISSUES

33. The Commissioner submits the issues on this public hearing are as follows:

a) Should the Adjudicator follow a recent precedent under the *Police Act* and adopt a stringent public interest test that encourages the approval of joint submissions?

b) If so, should the Adjudicator approve the joint submission from Public Hearing Counsel, the Commissioner, and Sergeant McConnell in this case?

[32] Agreed Statement of Facts at paras 31-36
[33] Agreed Statement of Facts at paras 6-7
[34] Agreed Statement of Facts at para 3
[35] Agreed Statement of Facts at para 8

34. As explained in the balance of these Submissions, the Adjudicator should follow the modified joint submissions approach already adopted in a recent *Police Act* adjudication and approve the resolution jointly proposed here. A fully informed reasonable person, aware of all circumstances including the importance of promoting certainty in resolution discussions, would not find the substantial disciplinary and corrective measures jointly proposed to be contrary to the public interest.

SUBMISSIONS

I. Joint Submissions Generally

(A) Criminal Law Context

(i) Joint Submissions are to be Encouraged

35. In criminal proceedings, the Crown and defence may agree to propose a specific sentence to a judge in exchange for an accused's guilty plea. In such cases, a stringent public interest test applies to protect the joint submission. Under this test, a judge is not to depart from the joint submission unless the proposed sentence "…would bring the administration of justice into disrepute, or is otherwise contrary to the public interest."[36] This means judges should approve joint submissions unless they would be viewed by reasonable and informed persons as a "…breakdown in the proper functioning of the justice system."[37] On this approach, rejection would denote a joint submission "…so unhinged from the circumstances of the offence and offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down" (underlining added).[38]

36. The Supreme Court of Canada has stressed that the public interest test sets "…a very high bar by design,"[39] and that sentencing judges must not reject joint submissions

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[36] *R. v. Nahanee*, 2022 SCC 37 at para 1 ("*R. v Nahanee*"); *R. v. Anthony-Cook*, 2016 SCC 43 at para 32 ("*R. v. Anthony-Cook*")
[37] *R. v. Nahanee*, at para 1
[38] *R. v. Anthony-Cook*, at para 34
[39] *R. v. Nahanee*, at para 26

lightly.[40] Indeed, judges should only depart from joint submissions in the "rarest of cases."[41] This is because joint submissions provide numerous unique benefits that are worthy of protection:

- Accused persons benefit by having the Crown agree to recommend a sentence they are prepared to accept, thus achieving the comfort that can come with increased certainty. Joint submissions can also minimize stress and the legal costs associated with trials and contested sentencing hearings and provide an opportunity to begin making amends.[42]

- The Crown benefits from certainty and securing the desirable guarantee of conviction that comes with a guilty plea. This may be of benefit if there are difficulties with the Crown's case, for example in the form of unwilling witnesses or questions around the admissibility of evidence. The Crown may also consider it best to resolve a matter through joint submissions to spare victims or witnesses the emotional costs of a trial.[43]

- Victims may obtain some comfort from seeing an accused person plead guilty, which indicates some acknowledgment of responsibility and may amount to an expression of remorse.[44]

- The administration of justice at large also benefits from the joint submissions approach. By encouraging guilty pleas, joint submissions save precious time, resources, and expenses that can be channeled into other matters. In short, joint submissions play a vital role in contributing to the administration of justice at large, enabling the justice system to function.[45]

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[40] *R. v. Nahanee*, at para 1
[41] *R. v. Nahanee*, at para 37
[42] *R. v. Anthony-Cook*, at para 36
[43] *R. v. Anthony-Cook*, at paras 38-39
[44] *R. v. Anthony-Cook*, at para 39
[45] *R. v. Anthony-Cook*, at paras 2, 25, and 40

37. The stringent nature of the public interest test admittedly limits judicial discretion in the determination of sentences.[46] This is both necessary and appropriate. The Crown and defence are well-placed to arrive at resolutions that are fair and consistent with the public interest. They are highly knowledgeable about the relevant circumstances of the offender and the offence, including the strengths and weaknesses of their respective positions. The Crown is charged with respecting community interests, and the defence acts in the best interests of the accused and ensures any plea is voluntary and informed. All counsel have professional and ethical obligations not to mislead the court.[47]

(ii) Practical Considerations relating to Joint Submissions

38. Where the Crown and defence present a joint submission, judges "…must use a different methodology than the one they would use on a conventional sentencing hearing."[48] On a conventional approach, the judge would consider the circumstances of the offender and offence and relevant sentencing principles, then decide on an appropriate sentence. By contrast, a judge applying the public interest test to a joint submission considers different factors. The judge does not "reverse engineer" the matter by deciding what sentence might have been imposed after a trial and comparing it to the jointly proposed sentence. Instead, the judge considers the joint submission – including its important benefits for the administration of justice – and asks "…whether there is something apart from the length of the sentence that engages the public interest or repute of the justice system."[49]

39. Given the stringency of the public interest test, joint submission hearings are typically "expeditious and straightforward."[50] As the Supreme Court of Canada has explained, they generally take a fraction of the time and resources that would otherwise be needed for a trial and sentencing hearing. Such hearings usually consist of the Crown reading in an agreed statement of facts and setting out the joint position. This is

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[46] *R. v. Nahanee*, at para 41
[47] *R. v. Anthony-Cook*, at para 44
[48] *R. v. Murtagh*, 2024 BCCA 390 at para 33 ("*R. v. Murtagh*")
[49] *R. v. Murtagh*, at para 33 (citing *R. v. Cheema*, 2019 BCCA 268 at para 22)
[50] *R. v. Nahanee*, at para 2

usually done in short order, and a sentence may be imposed on the spot. Lengthy decisions are rarely required.[51]

(B) Application in Other Contexts

40. In the foundational case clarifying the public interest test described above, the Supreme Court of Canada said that joint submissions "…are commonplace and vitally important to the well-being of our criminal justice system, as well as our justice system at large" (emphasis added).[52] The Court thus expressly left the door open for the same or similar principles to be adopted in other legal contexts outside the criminal realm.

41. In this regard, many professional discipline regimes appear to have adopted the public interest approach to joint submissions. A comprehensive review of all such schemes is beyond the scope of these submissions. However, for just a few examples:

a. The Divisional Court of Ontario has confirmed that the criminal law jurisprudence described above is applied by disciplinary bodies overseeing a wide variety of professionals in Ontario, including teachers, lawyers, physicians, massage therapists, and nurses.[53]

b. The Law Society of BC has chosen to enact Rules that prohibit hearing panels from diverging from joint submissions unless the proposed penalty is contrary to the public interest in the administration of justice.[54] Hearing panels have confirmed that this limitation reflects the principles established by the Supreme Court of Canada in the criminal cases described above.[55]

c. In the police discipline context, conduct boards for the RCMP have cited the Supreme Court of Canada case law in confirming there are "very narrow circumstances" in which they may refuse to accept proposed measures set out in joint submissions. Among other things, they have acknowledged that the

[51] *R. v. Nahanee*, at paras 33-34
[52] *R. v. Anthony-Cook* at para 25
[53] *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 at para 9
[54] Law Society of BC, *Law Society Rules*, Rule 5-6.5(3)(b)
[55] For just one recent example, see: *Mills (Re)*, 2024 LSBC 35 at paras 12-15.

> acceptance of a joint proposal is not necessarily an endorsement that the measures are those that best serve the public. Rather, it is an acceptance of a compromise that does not offend the public interest.[56]

(C) Application under the *Police Act*

(i) Recent Decision Applies the Public Interest Test

42. BC courts have yet to rule on whether the public interest test for joint submissions applies in the context of *Police Act* adjudications. However, in a recent review on the record, Commission and member counsel made a joint submission to Adjudicator Arnold-Bailey about disciplinary and corrective measures based on admitted allegations of discreditable conduct.[57] After noting an absence of relevant precedents, Adjudicator Arnold-Bailey conducted a detailed review of the criminal case law outlined above and acknowledged its incorporation into some regulatory schemes, including professional regulation.[58] She found that the benefits to parties and the public identified by the Supreme Court of Canada would apply equally in the context of proceedings under the *Police Act*.[59] As a result, she found good reason for *Police Act* adjudicators to also be bound by a stringent public interest test protecting joint submissions.[60]

43. Considering the purposes and wording of the statute, Adjudicator Arnold-Bailey suggested the following formulation of a slightly modified public interest test under the *Police Act*:

> In disciplinary proceedings under the *Police Act* an adjudicator should accept a joint submission unless the proposed disposition would be viewed by reasonable and informed persons as a breakdown in the maintenance of high policing standards, the proper administration of police

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[56] For one recent example, see: *Designated Conduct Authority, "K" Division v. Constable Christopher Larsen*, 2024 CAD 16 at paras 37-39.
[57] *Constable Thaper (Re)*, Ruling by the Adjudicator (RR 23-202) (OPCC File 2022-22450) ("*Thaper Ruling*")
[58] *Thaper Ruling*, at para 39
[59] *Thaper Ruling*, at para 45
[60] *Thaper Ruling*, at para 46

discipline, and the proper functioning of the police as an integral part of the administration of justice.[61]

44. Adjudicator Arnold-Bailey stressed that the application of this test did not erode the final authority of an adjudicator to reject a joint submission if appropriate.[62] She also said that counsel would still be expected to address the aggravating and mitigating factors set out in s. 126(2) of the *Police Act*, to help adjudicators determine whether it would be contrary to the public interest to approve a proposed resolution.[63] In the case before her, Adjudicator Arnold-Bailey considered a number of factors, including that the member admitted misconduct and had no history of prior discipline, and that the proposed resolution was the product of extensive discussions between very experienced counsel.[64] She approved the proposed resolution, finding that reasonable and informed persons would not see it as a breakdown.[65]

(ii) The Hesitations expressed in RR 24-02 are Not Warranted

45. In a subsequent review on the record, Commission and member counsel initially proposed a joint submission before withdrawing from that position and making independent submissions.[66] Although his final ruling makes no findings on the issue, Adjudicator Frankel expressed reservations about the public interest test applied by Adjudicator Arnold-Bailey. He roots his concern in s. 141(9) of the *Police Act*, which calls on adjudicators to apply the correctness standard of review and reach their own conclusions on the appropriate disciplinary and corrective measures to be applied.[67]

46. With respect, this hesitation should not bar the adoption of the joint submission approach described above, whether at reviews on the record or public hearings. The concern appears to be that applying the strict public interest would limit an adjudicator's

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[61] *Thaper Ruling*, at para 58
[62] *Thaper Ruling*, at para 46
[63] *Thaper Ruling*, at para 47
[64] *Thaper Ruling*, at para 62
[65] *Thaper Ruling*, at para 63
[66] *Constable Cheung (Re)*, Reasons for Decision (RR 2024-02) (OPCC File 2022-22122) ("*Cheung Ruling*") at paras 24-28 and 32
[67] *Cheung Ruling*, at para 29

discretion in determining appropriate disciplinary and corrective measures. It is true that on this approach, adjudicators would only depart from a joint submission in the limited circumstances described by Adjudicator Arnold-Bailey. However, there is nothing improper about this. Adjudicators would always retain the ultimate responsibility to determine the appropriate measures. The applicable principles would simply require them to consider the public interest benefits associated with joint submissions alongside other relevant legal principles arising from the jurisprudence related to *Police Act* adjudications.

47. Indeed, the situation under the *Police Act* would be no different than it is in the criminal context. In that regime, sentencing judges have the ultimate responsibility under the *Criminal Code* to decide an appropriate sentence. Despite this, the Supreme Court of Canada has nevertheless found that the public interest test properly limits that discretion as a means of securing the important benefits uniquely associated with joint submissions.[68]

48. In any event, to the extent Adjudicator Frankel's concerns are connected to s. 141(9) of the *Police Act*, it should be noted that provision applies only to reviews on the record and has no equivalent in the context of a public hearing. If there are concerns that s. 141(9) somehow limits the applicability of the joint submissions approach at a review on the record, those concerns can be left to be addressed in a future review on the record under s. 141 of the *Police Act*.

(iii) Conclusion on Joint Submissions under the Police Act

49. As mentioned above, there are no binding precedents from the BC courts that discuss joint submissions in the *Police Act* context. The decisions discussed above from Adjudicators Arnold-Bailey and Frankel are not binding. However, the decision of Adjudicator Arnold-Bailey is persuasive and should be followed in cases where a joint submission is made in exchange for an admission of misconduct. It is consistent with the strong language from the Supreme Court of Canada emphasizing the benefits of

[68] *R. v. Nahanee*, at para 41

joint submissions, and with approaches taken in other professional discipline contexts, including for BC lawyers and the RCMP. As with the Crown and the defence in criminal cases, public hearing counsel, the Commissioner, and the member in a *Police Act* adjudication are knowledgeable about the case and well-placed to arrive at fair resolutions consistent with the public interest. As a result, adjudicators should only reject a joint submission in the rarest of cases where reasonable and informed persons would view the proposed resolution as a breakdown of the system.

II. The Joint Submission Should Be Approved

(A) Section 126 of the *Police Act*

50. Where there has been misconduct, an adjudicator must determine the appropriate disciplinary measures or corrective measures to be taken in relation to the member in accordance with s. 126 of the *Police Act*.

51. Section 126(1) sets out a list of potential measures, ranging from advice as to conduct (least punitive) up to dismissal (most punitive). Based on its placement within s. 126(1), a reduction in rank is the second most serious form discipline, behind only dismissal.

52. When thinking about what disciplinary or corrective measures are just and appropriate, s. 126(2) requires that decision makers consider aggravating and mitigating circumstances including:

a) the seriousness of the misconduct;

b) the member's record of employment as a member, including, without limitation, the member's service record of discipline, if any, and any other current record concerning past misconduct;

c) the impact of the proposed disciplinary or corrective measures on the member and on her or his family and career;

d) the likelihood of future misconduct by the member;

e) whether the member accepts responsibility for the misconduct and is willing to take steps to prevent its recurrence;

f) the degree to which the municipal department's policies, standing orders or internal procedures, or the actions of the member's supervisor, contributed to the misconduct;

g) the range of disciplinary or correctives measures taken in similar circumstances; and

h) other aggravating or mitigating factors.

53. If a decision maker believes disciplinary or corrective measures are needed, s. 126(3) of the *Police Act* says that an approach that seeks to correct and educate the member takes precedence – unless it is unworkable or would bring the administration of police discipline into disrepute.[69] When deciding whether a measure is "workable," an adjudicator can consider both the practicality and expected effectiveness of the measure. When considering whether a measure would bring the system into disrepute, an adjudicator should ask whether a reasonable person, dispassionate and fully informed of the circumstances of the case, would hold the system in lower regard if a different measure was not imposed.[70] As Adjudicator Arnold-Bailey recognized in the case described earlier, this component of s. 126(3) is very similar to the public interest test developed by the Supreme Court of Canada for joint submissions.[71]

(B) Application in the Present Case

54. As explained above, the Adjudicator should approach this case as a joint submission protected by the stringent public interest test. This means the Adjudicator should not reverse-engineer an outcome by taking the conventional approach to s. 126, then comparing the hypothetical outcome with that proposed in the joint submission. Instead, the Adjudicator should consider the s. 126 factors only for the purpose of determining whether reasonable and informed persons would see the jointly proposed resolution as a breakdown of the system.

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[69] *Police Act*, s. 126(3)
[70] *Constable Ludeman and Constable Logan (Re)*, Discipline Authority's Reasons on Disciplinary or Corrective Measures (PH 19-01) (OPCC File No. 2016-12210) at para 81 ("*Ludeman and Logan Ruling*")
[71] *Thaper Ruling*, at para 52

(i) Seriousness of the Misconduct

55. Sexual harassment is demeaning and injurious to dignity.[72] It is fundamentally contrary to the high ethical standards expected of all police officers, and especially of senior officers having supervisory responsibilities.[73] If a police officer engages in misconduct that meets the definition of sexual harassment, it is serious misconduct and its consequences can and should be addressed under the *Police Act*.[74]

56. As explained earlier, community expectations are relevant both under a conventional approach to s. 126(3) of the *Police Act*, and the stringent public interest test that encourages the approval of joint submissions. In this regard, there is a growing trend in society to recognize the harmful impacts of inappropriate sexualized actions generally.[75]

57. There is also an inarguable need to denounce sexual misconduct in the field of policing specifically.[76] Concerns about sexual harassment and toxic culture in police workplaces are widespread in the public domain and can properly be the subject of notice by decision makers. For example, concerns of harassment and discrimination within the RCMP based on sex and sexual orientation led to a federal class action lawsuit that was settled in the Federal Court of Canada. In his final report on implementation of the settlement agreement, the Honourable Michel Bastarache, C.C., Q.C., found that (i) RCMP workplace culture was toxic and tolerated misogynistic and homophobic attitudes that resulted in incalculable damage to female members and public servants, and (ii) RCMP leadership needed to acknowledge sexual misconduct

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[72] *Janzen v. Platy Enterprises Ltd.*, [1989] 1 S.C.R. 1252 at p 1284
[73] For a case acknowledging that officers are held to a high moral standard, see: *Montreal (City) v. Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48 at para 86 (per Charron J., dissenting though not on this point).
[74] *A Member of the New Westminster Police Department (Re)*, Adjudicator's Decision (RR 24-01) (OPCC File 2019-16234) ("*Member Ruling*") at para 63
[75] *Member Ruling*, at 93. See also *Inspector De Haas (Re)*, Adjudicator's Decision Regarding Disciplinary or Corrective Measures (PH 18-01) (OPCC File 2017-13492) at para 34 ("The Member's workplace training in matters of respect and harassment was dated, and it is clear from almost daily reports of harassment in the media that the public's views on such matters have changed significantly in recent years, becoming progressively less tolerant").
[76] *Member Ruling*, at para 96.

as a real and serious problem requiring direct and sustained attention.[77] An analogous proposed class action lawsuit has been launched in British Columbia, alleging the existence of a systemic culture in municipal police departments of harassment and discrimination based on gender and sexual-orientation.[78]

58. Against this backdrop, reasonable and informed persons would undoubtedly view the admitted misconduct in this case as serious and deserving of substantial disciplinary and corrective measures. While only one of the five admitted allegations involves an in-person attempt at unwanted physical contact (the attempted kiss of Student 1), all five involve unwanted sexualized comments made in the context of relationships characterized by substantial power imbalances. To borrow language from a prior adjudication, the admitted misconduct has "a clear complexion of grooming" and suggests Sergeant McConnell was "either oblivious to social boundaries, or contemptuous of them."[79]

59. Also significant is that Sergeant McConnell's admissions do not relate to one or even two instances of poor judgment but rather reveal what appears to have been a pattern of inappropriate behaviour with multiple women.

60. In addition to the above, the effects of the admitted misconduct on the recipients must also be considered under this factor.[80] It bears emphasizing that in matters of sexual harassment, the intent of the harasser is an irrelevant consideration.[81] What matters is whether they knew or ought to have known their conduct would be unwelcome (which is admitted in this case), and what impacts their conduct had on the persons who experienced the harassment. In this regard, Sergeant McConnell's actions made Members 1 and 2 feel degraded and caused them anxiety. Students 1 and 2 were afraid of the impacts that reporting their experiences could have on their career prospects. Student 3 was so affected that her negative experience with Sergeant

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[77] The Honourable Michel Bastarache, C.C., Q.C., *Broken Lives, Broken Dreams: The Devastating Effects of Sexual Harassment On Women in the RCMP* (November 11, 2020), "Executive Summary" at p I.
[78] Weeks et al. v. City of Abbotsford et al., BCSC Supreme Court No. SE236918.
[79] *Member Ruling*, at paras 69 and 73
[80] *Member Ruling*, at para 77
[81] *Robichaud v. Canada (Treasury Board)*, [1987] 2 SCR 84 at paras 10-11

McConnell contributed to her decision not to pursue a career in policing. These very real impacts underscore the seriousness of the misconduct in this case and properly call out for both disciplinary and corrective measures.

(ii) Record of Employment

61. There is no prior discipline on Sergeant McConnell's service record. Reasonable and informed persons would see this as a mitigating factor.

(iii) Impacts on the Member, Family, and Career

62. Although the *Police Act* does not use the terms "penalty" or "punishment," some of the available disciplinary measures are more punitive in character than others.[82] In this case, reasonable and informed persons would see that the Proposed Resolution includes impactful disciplinary measures that will provide specific and general deterrence and denounce the admitted misconduct.

63. For example, demotion has long-term financial consequences and affects assignments, opportunities, and stature within the department.[83] It is the most serious disciplinary measure available under the *Police Act*, short of dismissal. The statute makes this clear in several ways. For example, unless the Commissioner says otherwise, early resolutions via prehearing conferences are not available in cases where a discipline authority has identified dismissal or reduction in rank as potential outcomes.[84] Similarly, where a discipline authority finds misconduct, members generally do not have a right to a review on the record or public hearing – unless the discipline authority has proposed dismissal or a reduction in rank, in which case the Commissioner must convene a review or public hearing if requested.[85] Taking this into account, reasonable and informed persons would recognize that the demotion proposed here will appropriately have an impact on Sergeant McConnell and his career.

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[82] *Ludeman and Logan Ruling*, at para 82
[83] *Ludeman and Logan Ruling*, at para 38
[84] *Police Act*, ss. 120(3)(b)(i) and 120(4)
[85] *Police Act*, s. 137

64. Suspensions without pay have short-term financial impacts and are associated with some stigma.[86] The 20-day suspension proposed here is approaching the top of the scale (30 days) and will also be viewed as having an impact on Sergeant McConnell and his career.

(iv) Acceptance of Responsibility and Likelihood of Future Misconduct

65. At a previous public hearing, the Adjudicator found these two factors are best addressed together and in the above-noted order.[87]

66. By signing on to the joint submission, Sergeant McConnell has now accepted responsibility for the admitted misconduct. Reasonable and informed persons would see this as a significant mitigating factor when considering whether the Proposed Resolution is contrary to the public interest.

67. Sergeant McConnell did not admit his misconduct until after the Commissioner called the public hearing into the allegations of misconduct against him. This undercuts his acceptance of responsibility to some degree, as his admission did not come early enough to avoid some of the system costs associated with preparations for a public hearing, or to spare the seven women the stress and discomfort of having that process looming over their heads for many months. However, even a delayed admission is very significant as compared to the alternative of a contested adjudication.

68. It is also noteworthy that Sergeant McConnell has offered to apologize to the seven women whose allegations of misconduct were identified in the Notice of Public Hearing. It is not suggested that any orders be made in this regard, and some or all of the seven women may decide they are not interested in hearing from Sergeant McConnell or receiving his written apology. However, the willingness to offer an apology can be recognized as a potential mitigating factor.[88]

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[86] *Ludeman and Logan Ruling*, at para 38
[87] *Ludeman and Logan Ruling*, at para 40
[88] *Member Ruling*, at para 89

69. Reasonable and informed persons considering the joint submission would also recognize that it includes corrective measures aimed at preventing the recurrence of the admitted misconduct. These measures include demotion to a non-supervisory role, the withholding of supervisory opportunities, retraining, counselling, and working under close supervision. When considered alongside the acceptance of responsibility and offer to apologize described above, a reasonable and informed person would recognize that the Proposed Resolution includes measures that reduce the likelihood of future misconduct.

(v) Departmental Policies and Procedures

70. The VPD's respectful workplace policies did not induce, facilitate, endorse, or condone the admitted misconduct in this case. While the policies and related training could be more robust in their treatment of sexual harassment specifically, they cannot reasonably be said to have contributed to the misconduct. To the contrary, the fact the VPD has such policies and provided related training to Sergeant McConnell arguably highlights his past deficiencies in failing to adhere to the policies – and the challenges he might face, if called upon as a senior officer to apply them.

71. In the circumstances, reasonable and informed persons would recognize the propriety of (i) requiring Sergeant McConnell to undertake retraining and counselling, and (ii) requiring him to work under close supervision, and prohibiting him from exercising any supervisory responsibilities, during the 12-month period following his demotion (and for longer if VPD considers it appropriate).

(vi) Range of Measures in Similar Cases

72. In a conventional analysis under s. 126 of the *Police Act*, it is typical to compare proposed disciplinary and corrective measures with those awarded in other comparable cases, to the extent such cases can be identified. This helps to promote consistency, predictability, and fairness. In a joint submission case like this one, it may be less important to align the outcome with the dispositions from other cases that would not have factored in any of the benefits that flow from joint submission approach. However,

having a rough sense of the range from other cases may still be helpful in deciding whether a reasonable and informed person would view the Proposed Resolution as contrary to the public interest.

73. In a recent review on the record, dismissal was found to be the only possible outcome for a member who had engaged in a pattern of sexual predation that included an aggressive sexual assault, incidents with two other women that included physical contact, and further incidents with a fourth woman characterized as grooming and a lack of respect for boundaries.[89] While all occurrences of sexual harassment are serious, these incidents taken together were at the high end of that scale.

74. We have queried the term "sexual harassment" in the OPCC's Discipline Decisions Digest and included as "Appendix 1" to these Submissions a table that records the results. The Digest contains anonymized summaries only and it can be difficult to make detailed comparisons or identify cases having similar allegations or features. Overall, using the search term "sexual harassment" returned 15 cases with measures ranging from written reprimands to reduction in rank (two cases) and dismissal (two cases). Most cases appear to have included some combination of suspensions (all 15 days or less, with one at 30 days) and training or re-training.

75. The Proposed Resolution would be at the high end of the range revealed by the Digest. A reasonable and informed person, mindful of the benefits of joint submissions, would not see the Proposed Resolution here as being unhinged from past discipline cases or otherwise contrary to the public interest.

(C) Conclusion

76. As discussed earlier, the Adjudicator should adopt the joint submission approach and only depart from Proposed Resolution if its terms would cause reasonable and informed persons to perceive a breakdown in the system of the kind previously described by Adjudicator Arnold-Bailey. The Commissioner has reviewed the s. 126 factors above, not to speculate about what the proper outcome might have been if this

[89] *Member Ruling*, at paras 70-71 and 102

matter had gone to a contested adjudication – but rather to examine whether approving the Proposed Resolution would be inappropriate under this stringent public interest test.[90]

77. Taking all the foregoing into account, the jointly proposed measures should be approved. Reasonable and informed persons would recognize that they include extensive corrective measures as well as the most serious disciplinary measures an adjudicator can impose under the *Police Act*, short of dismissal. They reflect the nature and seriousness of the admitted misconduct and will send appropriate messages of denunciation and deterrence to the policing community and the public at large. At the same time, the Proposed Resolution properly acknowledges the importance of accepting responsibility and the benefits that flow from avoiding the emotional and other costs that can be associated with lengthy contested hearings.

78. The Commissioner acknowledges that s. 126(3) calls for an assessment of workability. Among other things, this requires consideration of whether a department will be able to successful implement the Proposed Resolution and safely reintegrate Sergeant McConnell into the workplace without causing harm to female co-workers. In a recent review on the record involving misconduct allegations linked to sexual harassment, the Chief of relatively small department gave affidavit evidence about the unworkability of a return, saying it would not be possible to assign duties that would avoid bringing the subject member into contact with employees who had been the focus of his actions. In that case, the Chief's evidence contributed to a finding of dismissal.[91] In this case, the VPD did not seek participant status or seek to provide evidence about the workability of any disciplinary or corrective measures that might be considered. It should therefore be inferred that the VPD is ready and prepared to implement whatever measures the Adjudicator may order. The VPD is the largest municipal department and should be able to assign Sergeant McConnell duties consistent with the Proposed

[90] However, if the Adjudicator rejects the submissions of counsel and finds the joint submission approach should not be incorporated under the *Police Act*, the Commissioner requests in the alternative that the Adjudicator treat this document as the Commissioner's submission about the fitness of the Proposed Resolution on a conventional analysis.
[91] *Member Ruling*, at paras 43-50, 99, and 102

Resolution and the VPD's obligation to provide all its members and employees with a safe environment free from discrimination and harassment.

III. Recommendation to the Chief Constable and the Board

79. As mentioned earlier, s. 143(9) of the *Police Act* authorizes an adjudicator at a public hearing to recommend to the chief constable or the board of the municipal police department any changes in policy or practice considered advisable.

80. In this case, the Adjudicator should recommend that the Chief of the VPD and the Board work with qualified experts to provide mandatory standalone training on sexual harassment to all the members and civilians employed with the Board. Ideally the training would be live and in-person with practical scenarios and examples, rather than an on-line exercise that participants can click through without meaningful engagement and participation.

81. In his 35 years as a regular member of the VPD, Sergeant McConnell has never received training focused specifically on sexual harassment. He has received three training sessions on respectful workplaces, including one session specific to supervisors. As is evident from the admissions of discreditable conduct in this case, these sessions failed to produce the desired results. In addition, as discussed above, there is an increasing general awareness of a need to take serious and sustained action to address sexual harassment in policing.

82. If they have not already done so, the VPD and the Board should work with qualified experts to develop and implement mandatory standalone training focused on the eradication of sexual harassment and associated workplace conflicts. Any such training should stress that those who violate sexual harassment policies or take reprisal actions against persons reporting harassment or participating in harassment investigations may face discipline up to and including dismissal. Providing such training is an important preventive measure. It would help to educate members and employees about their rights and responsibilities in these areas. It would also send a strong signal

that the VPD and the Board are committed to providing safe and healthy workplaces free from sexual harassment.

ORDER SOUGHT

83. For all the reasons set out above, the Commissioner respectfully asks that the Adjudicator (i) approve the Proposed Resolution and impose the corresponding disciplinary and corrective measures, and (ii) make the requested recommendation to the Chief Constable of the VPD and the Board.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Date: April 8, 2025

Brian Smith
General Counsel
Office of the Police Complaint Commissioner

LIST OF AUTHORITIES

Legislation

1. *Police Act*, RSBC 1996, c. 367,ss. 120(3)(b)(i) and 120(4), s. 126(3), s. 137, ss. 138(1) and (2), s. 138(2.2), ss. 142 and 143(1), s. 143(2), s. 143(4), s. 143(5), s. 143(7), s. 143(8), s. 143(9), ss. 144 and 145, s. 150

Court and Tribunal Decisions

1. *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303
2. *British Columbia (Police Complaint Commissioner) v. Sandhu*, 2024 BCCA 17
3. *Designated Conduct Authority, "K" Division v. Constable Christopher Larsen*, 2024 CAD 16
4. *Janzen v. Platy Enterprises Ltd.*, [1989] 1 S.C.R. 1252
5. *Mills (Re)*, 2024 LSBC 35
6. *Montreal (City) v. Quebec (Commission des droits de la personne et des droits de la jeunesse)*, 2008 SCC 48
7. *R. v. Anthony-Cook*, 2016 SCC 43
8. *R. v. Cheema*, 2019 BCCA 268
9. *R. v. Murtagh*, 2024 BCCA 390
10. *R. v. Nahanee*, 2022 SCC 37
11. *Robichaud v. Canada (Treasury Board)*, [1987] 2 SCR 84

Police Act Decisions

1. *Constable Cheung (Re)*, Reasons for Decision (RR 2024-02) (OPCC File 2022-22122)
2. *Constable Ludeman and Constable Logan (Re)*, Discipline Authority's Reasons on Disciplinary or Corrective Measures (PH 19-01) (OPCC File No. 2016-12210)
3. *Constable Thaper (Re)*, Ruling by the Adjudicator (RR 23-202) (OPCC File 2022-22450)
4. *A Member of the New Westminster Police Department (Re)*, Adjudicator's Decision (RR 24-01) (OPCC File 2019-16234)

Other Sources

1. The Honourable Michel Bastarache, C.C., Q.C., *Broken Lives, Broken Dreams: The Devastating Effects of Sexual Harassment On Women in the RCMP* (November 11, 2020), "Executive Summary"
2. Law Society of BC, *Law Society Rules*, Rule 5-6.5(3)(b)

Appendix 1

On April 8, 2025, Commission Counsel queried the term “sexual harassment” in the Discipline Decisions Digest available on the OPCC website. The query returned the results shown below. The Digest contains information from concluded files that were opened on or after April 1, 2010, and was last updated on August 31, 2024.

File	Concluded	Misconduct	Measures Taken
2019-17187 Central Saanich PS	Nov 2022	Discreditable. The member was in a supervisory position and made inappropriate comments and gestures of a sexual nature towards a junior colleague.	Reduction in rank. The member retired before the discipline proceeding and did not participate.
2019-16598 VPD	May 2022	Discreditable, corrupt practice, neglect of duty. While on duty, two members created and shared a video appearing to ridicule and minimize the severity of sexual harassment investigations taking place within the VPD.	Suspension (5 days). Training/re-training. Written reprimand.
2020-17355 VPD	March 2022	Discreditable. An off-duty member inappropriately touched a civilian co-worker at a social event.	Dismissal. The member retired before the discipline proceeding and did not participate.
2020-18809 MVTP	July 2021	Discreditable. The member was in a supervisory position and spoke to a female officer in a derogatory manner that contained sexual context, and referred to her in an inappropriate manner. Other employees overheard the comments and actions.	Suspension (15 days). Training/re-training. No acting supervisory positions for 5 years. The member had apologized and taken training courses in advance of the discipline measures.

2020-18455 Saanich PD	May 2021	Discreditable. The member inappropriately touched a female work colleague while off-duty at a work-sanctioned Christmas party.	Suspension (10 days). Training/re-training.
2019-16399 VPD	March 2021	Discreditable and Neglect of Duty. The member made sexual, harassing, and controlling comments to his female partner numerous times. He used vulgar and inappropriate language in the workplace that could be seen to denigrate his partners and women generally. He also disobeyed a supervisor's order not to contact his partner.	Training/re-training. Written reprimand. Verbal reprimand.
2019-16566 VPD	Nov 2020	Discreditable. A female civilian employee reported that two members engaged in numerous and repeated actions that were derogatory and included sexual innuendo that made her uncomfortable. She also reported jokes and inappropriate comments about a personal matter.	Training/re-training. Written reprimand (Member A). Suspension (1 day) (Member B). Resolved at a prehearing conference.
2019-15796 Stl'atl'imx TPS	April 2020	Discreditable. In the presence of subordinates, a supervisor passed gas, made frivolous sexual offers, simulated sex acts, and made negative comments about a subordinate to an RCMP officer.	Suspension (4 days). Training/re-training. Resolved at a prehearing conference.

2018-15244 VPD	Nov 2019	Discreditable. While off-duty, the member touched a female member on her buttock/crotch area without her consent. He also yelled to the female member that he had not washed his hand since the party, while in public and in front of other members.	Suspension (12 days). Training/re-training. Written reprimand.
2019-15908 Abbotsford PD	June 2019	Neglect of Duty (failure to comply with policy). Four constables complained that over a two-year period, their supervisor made derogatory and demeaning remarks, including homophobic and inappropriate sexual comments.	Reduction in rank. Transfer/re-assignment. Training/re-training. Advice to future conduct.
2018-14524 VPD 2018-15342 VPD	June 2019	Discreditable. The member grabbed a woman's buttocks twice without her consent. He pushed a woman at a party against a wall and grabbed her buttocks while trying to engage in a kiss. He inappropriate touched a woman at a party while she was asleep and continued to touch her after she told him to stop.	Dismissal. The member denied the allegations and resigned during the proceedings.
2018-14545 VPD	Dec 2018	Discreditable. While on duty, the member gave a civilian employee a one-armed hug and kissed her on the top of the head.	Training/re-training. Written reprimand. Resolved at a prehearing conference.
2015-11048-03 Victoria PD	Sept 2018	Discreditable. The (former) Chief Constable engaged in unwanted physical contact with two officers and made inappropriate remarks of a sexual nature to one of them.	Suspension (30 days). Training/re-training.

2017-13969 Delta PD	March 2018	Neglect of Duty (failure to comply with policy). Two members contravened the workplace sexual harassment policy by making inappropriate comments to one or more members. They also participated in harmful hazing and initiation practices, and one of them engaged in unorthodox field practices that created an intimidating environment.	Suspension (5 days) (Member A). Suspension (3 days) (Member B.) Transfer/re-assignment. Training/re-training.
2016-11801 Port Moody PD	Nov 2016	Discreditable. An off-duty member attended the police department while intoxicated and made inappropriate comments of a personal and sexual nature to another officer.	Suspension (2 days).