

Substantiated Allegations

Concluded between April 1, 2023 and March 31, 2024

Abbotsford Police Department

Ordered Investigation – Requested by Department (OPCC 2023-23625)

Upon request from the Abbotsford Police Department (APD), the Commissioner ordered an investigation into the off duty conduct of a member. According to the APD, the off-duty member was driving their personal vehicle when they were stopped at a Royal Canadian Mounted Police (RCMP) roadblock. The member subsequently provided two breath samples that resulted in “warn” readings on an Approved Screening Device (ASD) which resulted in a three-day Immediate Roadside Prohibition (IRP) being issued.

Allegation 1

The member drove a motor vehicle after having consumed alcohol and provided two "warn" breath samples on an ASD.

MISCONDUCT

Discreditable Conduct
(Immediate Roadside Prohibition)

Date of Incident: March 2023

DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member accepted full responsibility for their actions, was honest, forthcoming, and cooperative with the RCMP member, and diligently self-reported the incident to their supervisor on their own accord.

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

Ordered Investigation – Initiated by PCC (OPCC 2023-23908)

The Commissioner ordered an investigation after receiving information that a member of the Abbotsford Police Department (APD) had inappropriately used police databases. It was reported that the member had queried their spouse for reasons unrelated to the performance of the member’s duties.

Allegation 1

The member used equipment of the APD for purposes unrelated to the performance of duties as a member.

MISCONDUCT

Corrupt Practice
(Misuse of police database)

Date of Incident: January 2023

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had taken full responsibility and expressed remorse for the misconduct. The conduct was determined to be of lesser seriousness as it related to the member querying their spouse to ascertain the date of their birthday. The Prehearing Conference Authority further noted that the member had no prior substantiated misconduct on their Service Record of Discipline.

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

Ordered Investigation – Initiated by PCC (OPCC 2023-23815)

The Commissioner ordered an investigation after receiving information that a member of the Abbotsford Police Department (APD) discharged their less-lethal shotgun (LLSG) and struck an individual while they were attempting to make an arrest. The affected person was not the individual being sought by police, and it appeared the member had discharged their LLSG without a clear view of who they were shooting at.

Allegation 1

The member discharged their LLSG and struck an affected person who was not being sought by the police nor related to police attendance at the incident location.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive force – LLSG)
Date of Incident: May 2023

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay

Allegation 2

The member failed to follow departmental use of force training when they discharged their less lethal shotgun when they were not in a position to make sufficient observations and address the requirements in the departmental use of force policy, as they did not have a clear sight of their target or what was beyond.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy/regulations)
Date of Incident: May 2023

DISCIPLINARY/CORRECTIVE MEASURE
Training/Re-Training: specific to the lawful use of force as directed by departmental policy and the National Use of Force Framework, with specific attention to the use of intermediate weapons.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had taken full responsibility for their actions from the outset, had expressed remorse and sought out further training on their own initiative. The Prehearing Conference Authority further noted that the member had no prior substantiated misconduct on their Service Record of Discipline.

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

Police Complaint (OPCC 2023-23206)

The OPCC received a complaint describing concerns regarding a member of the Abbotsford Police Department (APD) failing to investigate the complainant's report of a threat made toward their spouse during a conflict with a neighbour. The complainant reported that the member failed to contact them, review their video evidence, or obtain any statements.

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

Allegation 1

The member failed to conduct an adequate investigation into the complainant's concerns.

MISCONDUCT
<i>Neglect of Duty</i> (Inadequate investigation)
Date of Incident: January 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. The Prehearing Conference Authority found that the member had neglected their duty by concluding the file without taking the required investigative steps. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had taken full responsibility for their actions, had demonstrated remorse, and had no prior substantiated misconduct on their Service Record of Discipline.

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

Central Saanich Police Department

Ordered Investigation – Requested by Department (OPCC 2019-16379)

Upon request from the Central Saanich Police Service (CSPS), the Commissioner ordered an investigation into the conduct of a CSPS member. It was reported that the member may have been in a conflict of interest by liaising with a person who was under investigation for a criminal offence. Additionally, the member continued to have supervisory oversight of a CSPS file directly related to the person.

The Commissioner determined it was in the public interest that an external police agency conduct the investigation and designated an external Discipline Authority. The Commissioner directed the Metro Vancouver Transit Police (formerly South Coast British Columbia Transportation Authority Police Service) to conduct the investigation, and a senior officer was designated as Discipline Authority.

Allegation 1

The member was in a conflict of interest in liaising with a person who was under investigation for a criminal offence.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: December 2018

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay (to be served concurrently)

Allegation 2

The member's review and supervisor approval of a police file directly related to a person that the member had a personal relationship with.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: December 2018

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay (to be served concurrently)

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding which the member did not attend. The discipline proceeding occurred in the member's absence.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

CFSEU

No substantiated misconduct in this reporting period.

Delta Police Department

Internal Discipline (OPCC 2022-22459)

The department initiated an internal discipline investigation into the conduct of a Delta Police Department (DPD) member. It was alleged that the member, during a police incident, did not follow directions or act in accordance with their department's training or best practices. The member also allegedly utilized the unauthorized assistance of a civilian to assist during a serious police incident.

Allegation 1

The member failed to follow policy and an established command structure during a serious police incident, which put themselves and others at risk. Further, the member disobeyed orders, contrary to best practices and policy.

MISCONDUCT

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

Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Police Complaint (OPCC 2022-21426)

The OPCC received a complaint describing concerns with a member of the Delta Police Department taking the complainant to the ground, during an attempted arrest of another person which resulted in injury to the complainant.

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

Allegation 1

The member applied a hard takedown to the complainant during an arrest attempt of another person.

MISCONDUCT

Abuse of Authority
(Excessive force - empty hand)

Date of Incident: March 2021

DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the appropriate disciplinary or corrective measure, the Prehearing Conference Authority noted that the member had no prior substantiated misconduct on their Service Record of Discipline, had undertaken further use of force training following the incident, and had taken full responsibility for their actions.

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

Ordered Investigation – Requested by Department (OPCC 2022-22884)

Upon request from the Delta Police Department (DPD), the Commissioner ordered an investigation into the conduct of three DPD members. It was reported that the three members attended an Advanced Police Training Intoximeter Certification course at the Justice Institute of British Columbia (JIBC). This course allowed the members to volunteer to be drinking subjects on a given day and all members were given instructions that they must get a ride home on the day they were drinking. Further, members were instructed to read and sign a waiver that stated they could not drive on the day they volunteer to be drinking subjects, even if they were at a Blood Alcohol Content of zero.

The three members volunteered to be drinking subjects and signed the waivers stating they understood and confirmed they had a ride home. At the end of the day, JIBC instructors observed one member (Member A) drive out of the JIBC parking lot with the other two members (Members B and C) in the vehicle as passengers.

Member A:

Allegation 1

The member failed to abide by the driving prohibition in the signed waiver and did not adhere to the rules established by the JIBC for the Intoximeter Certification course.

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

DISCIPLINARY/CORRECTIVE MEASURE
Training/Re-Training: Ethics in Policing

Allegation 2

The member failed to adhere to the rules established by the JIBC for the Intoximeter Certification course and the follow-up direction of course instructors and supervisors.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: November 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: Active Bystander for Law Enforcement (ABLE)
Apology letter to the Chief Constable and JIBC Administrator

Members B and C:

Allegation 1

The members failed to adhere to the rules established by the JIBC for the Intoximeter Certification course and failed to adhere to the follow-up direction of course instructors and supervisors.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: November 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: Active Bystander for Law Enforcement (ABLE)
Apology letter to the Chief Constable and JIBC Administrator

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the members appeared to have committed misconduct. A prehearing conference was offered and accepted by the members. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures and as a result, the matter proceeded to a discipline proceeding.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted the seriousness of impaired driving and the prevailing societal efforts to eliminate such from occurring. The Discipline Authority also noted that all three members acknowledged their errors in judgment, showed genuine regret, and apologized. None of the members had any prior substantiated misconduct on their Service Records of Discipline.

The members did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Metro Vancouver Transit Police

Police Complaint (OPCC 2022-21818)

The OPCC received a complaint describing concerns with a member of the Metro Vancouver Transit Police (MVTP). The complainant reported a member was speeding while operating a marked police vehicle and was not operating emergency equipment.

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

Allegation 1

The member operated a police vehicle above the applicable speed limits, both in a playground zone and in a 50 km zone.

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

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member was forthcoming about the incident and took responsibility for the driving behaviour.

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

Ordered Investigation – Requested by Department (OPCC 2022-22612)

Upon request from the Metro Vancouver Transit Police (MVTP), the Commissioner ordered an investigation into the conduct of a MVTP member. It was reported that a MVTP member was operating a police vehicle with emergency equipment activated and collided with the rear of a civilian vehicle in an intersection contrary to the *Motor Vehicle Act* and *Emergency Vehicle Driving Regulation*.

Allegation 1

The member drove into an intersection at a speed that was too great to avoid a collision with a civilian vehicle.

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

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that at the time of the collision the member was a recruit still in training, and the member took responsibility for the driving behaviour including retaking course training on emergency vehicle driving on their own initiative.

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

Ordered Investigation – Requested by Department (OPCC 2012-8138)

Upon request from the South Coast British Columbia Transportation Authority Police Services (SCBCTAPS), now Metro Vancouver Transit Police, the Commissioner ordered an investigation into the conduct of an SCBCTAPS member. It was reported that the member used force, including baton strikes, to arrest the affected person for failing to identify themselves and present proof of valid payment.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority. The Commissioner directed the New Westminster Police Department to conduct the investigation and Chief Constable Dave Jones was designated to be the Discipline Authority.

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

The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service by the New Westminster Police Department and charges were approved. The member pled guilty to Assault Causing Bodily Harm and received a suspended sentence and 12 months' probation.

Allegation 1

The member recklessly used unnecessary force in repeatedly striking the complainant with a baton.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive force – impact weapon)
Date of Incident: August 2011

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay

Disciplinary Process

The matter proceeded to a discipline proceeding where the member admitted to the allegation and the Discipline Authority imposed a five working-day suspension without pay and training on use of force techniques and policy applications.

Adjudicative Review – Public Hearing

The Commissioner reviewed the outcome of the discipline proceeding and determined that a Public Hearing was necessary as the disciplinary or corrective measure proposed by the Discipline Authority was not commensurate with the seriousness of the member's conduct or the injury caused to the complainant. The Commissioner appointed retired BC Supreme Court Judge, the Honourable Ronald McKinnon, to preside as the Adjudicator in these proceedings.

The Public Hearing commenced in February of 2018 and during the proceedings the member applied to the court to challenge the validity of the hearing. Following a decision by the BC Court of the Appeal in 2020, the Public Hearing resumed.

Mr. McKinnon found that the member's use of unnecessary force against the complainant was serious and the complainant did not conduct himself in manner that justified the member striking the complainant multiple times in the upper body area with the baton, resulting in significant injuries to the complainant. Mr. McKinnon noted the member's relatively junior status at the time, that the incident was brief and dynamic, and that the member accepted responsibility throughout the criminal and disciplinary proceedings and expressed remorse. In arriving at a disciplinary or corrective measure of a two-day suspension, Mr. McKinnon said a much longer suspension would have been proposed, but for the serious delays in the process. Mr. McKinnon further noted the member took additional training and worked under close supervision when returning to operational duties in 2019.

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

For the BC Court of Appeal decision, go to <https://opcc.bc.ca/wp-content/uploads/2020/07/2020-07-30-BC-Court-of-Appeal-Decision-Diaz-Rodriguez-v-OPCC.pdf>

Ordered Investigation – Requested by Department (OPCC 2023-23913)

Upon request from the Metro Vancouver Transit Police (MVTP), the Commissioner ordered an investigation into the conduct of a MVTP member. It was reported that while operating a police vehicle with emergency equipment activated, and responding to assist other officers, the member entered an intersection on a red traffic light colliding with a civilian vehicle.

Allegation 1

The member failed to clear the intersection prior to advancing through it which caused an accident, and overall posed a risk to other members of the public.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> (Operating a police vehicle in an unsafe manner)	Written Reprimand
Date of Incident: April 2023	

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member accepted responsibility for the misconduct and proactively took steps to prevent its recurrence. This included a review of applicable sections of the *Motor Vehicle Act* and emergency vehicle operational policies and educational materials.

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

Nelson Police Department

Police Complaint (OPCC 2023-23831)

The OPCC received a complaint describing concerns regarding a member of the Nelson Police Department (NPD) entering a residence without a warrant. The OPCC reviewed the complaint and determined that an investigation was required into the matter.

Allegation 1

The member, while in the performance of duties, intentionally or recklessly entered a residence without good and sufficient cause.

MISCONDUCT
<i>Abuse of Authority</i> (Unlawful entry)
Date of Incident: May 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member accepted responsibility for their actions, expressed remorse, had no prior Service Record of Discipline, and proactively undertook additional training related to police search and seizure following this incident.

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

Internal Discipline (OPCC 2022-21786)

The department initiated an internal discipline investigation into the conduct of a Nelson Police Department (NPD) member. It was alleged that the member did not attend mandatory training as directed by their Chief Constable and did not notify the Chief Constable, Deputy Chief Constable, or a supervisor that they would be absent from the training.

Allegation 1

The member breached NPD Attendance at Work and Fitness for Duty policies.

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

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct
A review of the NPD policies on <i>Attendance at Work</i> and <i>Fitness for Duty</i> , specifically sections I.B.150(5) and I.B.155(21)(iii)

Police Complaint (OPCC 2021-20156)

The OPCC received a complaint describing concerns with a member of the Nelson Police Department (NPD) alleging that the member intentionally locked the complainant alone in a seclusion room with a patient who had previously acted in an aggressive and hostile manner.

In addition, during the *Police Act* investigation, the member was alleged to have made false or misleading statements.

Upon request by the Nelson Police Department, the Commissioner directed the Vancouver Police Department to conduct the investigation.

Allegation 1

The member provided false or misleading statements during a *Police Act* investigation.

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

DISCIPLINARY/CORRECTIVE MEASURE
5-day suspension without pay

Allegation 2

The member locked the complainant in a seclusion room with a patient.

MISCONDUCT
<i>Discourtesy</i> (Discourteous conduct)
Date of Incident: August 2021

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed two allegations of misconduct. A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that the member displayed poor judgement and placed the complainant in an uncomfortable and potentially dangerous position. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member continued to provide a false narrative during the *Police Act* investigation and did not take responsibility for their actions.

Neither the member nor the complainant requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Ordered Investigation – Requested by Department (OPCC 2021-19408)

Upon request from the Nelson Police Department (NPD), the Commissioner ordered an investigation into the off duty conduct of an NPD member. It was reported that the member had consumed alcohol while being bound by a written agreement between themselves and the NPD which forbade the member from consuming alcohol while employed by the department.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation, and directed the Vancouver Police Department to conduct the investigation.

Allegation 1

The member consumed alcohol in contravention of the terms and conditions of a written agreement between themselves and the NPD.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to follow supervisor’s lawful order)
Date of Incident: March 2021

DISCIPLINARY/CORRECTIVE MEASURE
30-day suspension without pay

Disciplinary Process

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

The Discipline Authority determined that the member had previously signed an agreement that required them to abstain from consuming alcohol, even off-duty, while employed by the department and that this agreement was the culmination of ongoing issues related to alcohol use and previous discipline that seemed connected to that alcohol use. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member had been open and honest and had retired on their own accord. The Discipline Authority also expressed the opinion that alcohol abuse is an illness that had contributing impacts.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Even though the member retired prior to the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

Ordered Investigation – Requested by Department (OPCC 2022-22807)

Upon request from the Nelson Police Department (NPD), the Commissioner ordered an investigation into the conduct of an NPD member. It was reported that the member was assigned to externally investigate a serious and sensitive matter at the request of the Royal Canadian Mounted Police (RCMP). However, the member did not complete required investigative steps and did not request to have the file reassigned after going off duty for a period of time. It was further alleged that the member did not provide regular updates to the RCMP as requested and was unresponsive to communications from RCMP members.

Upon request by the Nelson Police Department, the Commissioner directed the Delta Police Department to conduct the investigation and designated Chief Constable Neil Dubord as the Discipline Authority.

Allegation 1

The member neglected to take investigative steps on an RCMP independent external investigation, including the failure to provide updates to the RCMP, respond to inquiries from the RCMP, and ensure the investigation was re-assigned.

MISCONDUCT
<i>Neglect of Duty</i> (Inadequate investigation)

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Date of Incident: March 2022

Disciplinary Process

At the conclusion of the investigation the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted the misconduct related to an external criminal investigation involving an RCMP member and impacted both the NPD and the RCMP. The Discipline Authority also noted the member had two separate substantiated matters on his current Service Record of Discipline, and drew an adverse inference from the member's failure to testify at the discipline proceeding process.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Even though the member retired prior to the conclusion of this matter, their Service Record of Discipline will record the discipline imposed.

Ordered Investigation – Requested by Department (OPCC 2022-22635)

Upon request from the Nelson Police Department (NPD), the Commissioner ordered an investigation into the conduct of an NPD member. It was reported that the member failed to respond to a report of discovered human remains. Consequently, the human remains were not located promptly. It was also determined that the human remains were that of a person who was previously reported missing to NPD.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and directed the Abbotsford Police Department to conduct the investigation. The sister of the deceased person in this matter filed a complaint and was added to the record and recognized as a complainant to the investigation.

Allegation 1

The member neglected to respond to a witness report of discovered human remains.

MISCONDUCT

Neglect of Duty
(Inadequate Investigation)

Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE

2-day suspension without pay

Training/Re-Training: related to the BC *Coroners Act* and police file review

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that it is expected that a police officer would investigate the death of a person without delay based on the value put on life and because the remains and surrounding area could contain evidence as to the cause of death and/or any element of criminality. The Prehearing Conference Authority also noted that the member had fully accepted responsibility for their actions, was remorseful, had no prior substantiated misconduct on their Service Record of Discipline, and had proactively undertaken and become a qualified facilitator for Fair and Impartial Policing training.

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

New Westminster Police Department

Internal Discipline (OPCC 2022-23056)

The department initiated an internal discipline investigation into the conduct of a New Westminster Police Department (NWP) member. It was alleged that the member, while a recruit at the Justice Institute of British Columbia (JIBC), wrote false or misleading information on JIBC reports regarding the reporting of academic demerits that they had received during training.

Allegation 1

The member knowingly entered false information on JIBC reports.

MISCONDUCT
<i>Deceit</i> (False or misleading entry in official document or record)
Date of Incident: September – December 2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The member failed to report an academic demerit to the NWP.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Internal Discipline (OPCC 2022-21397)

The department initiated an internal discipline investigation into the conduct of a New Westminster Police Department (NWP) member. It was alleged that after becoming a sworn member, the member produced Peace Officers Physical Aptitude Test (POPAT) scoresheets/times that were falsified.

Allegation 1

The member knowingly provided false information/documentation regarding the POPAT test results.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Ordered Investigation – Requested by the Department (OPCC 2022-21661)

Upon request from the New Westminster Police Department (NWPD), the Commissioner ordered an investigation into the off duty conduct of an NWPD member. According to the NWPD, police attended an incident where the member’s relative had been assaulted by an unknown male. It was reported that prior to police attendance, the member had approached a group of individuals to determine what had occurred which escalated the situation into a verbal and physical altercation. The member, who had been consuming alcohol, was transported to jail for Breach of the Peace and was subsequently released.

Allegation 1

The member, while intoxicated, engaged a group of individuals and escalated the situation to a verbal and physical altercation.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had found themselves in an unplanned situation that was traumatic and upsetting, had accepted responsibility for their actions, had immediately self-reported the incident to their supervisor, and had no substantiated misconduct on their Service Record of Discipline.

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

Ordered Investigation – Requested by Department (OPCC 2021-20264)

Upon request from the New Westminster Police Department (NWPD), the Commissioner ordered an investigation into the conduct of an NWPD member. It was reported that the member contacted several NWPD female employees while being subject to a condition placed on their employment by the NWPD, stemming from a separate *Police Act* matter, that the member not initiate contact of any form with any female employee or volunteer of the NWPD.

Three affected persons in this matter filed complaints and were added to the record and recognized as complainants to the investigation.

Allegation 1

The member breached the conditions imposed on them by the NWPD.

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

DISCIPLINARY/CORRECTIVE MEASURE
12-day suspension without pay
Training/Re-Training: in police ethical behaviour and respectful workplace conduct, prior to commencing any operational assignment

Transfer from, or not be reassigned to, the member's prior unit assignment.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding where the member denied the allegation.

The Discipline Authority determined that the member sent communications to several female NWPD employees seeking reference letters, in contravention of the conditions placed on the member's employment that were intended, at least in part, to protect female employees of the NWPD. The Discipline Authority further found that, at the time of contact, the member was aware of the conditions and believed the conditions to be valid and in force. While the member said he had relied on legal advice before sending the communications, the Discipline Authority found the member had given misleading information to a lawyer when obtaining the advice later sought to be relied on.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted the member had not accepted responsibility for his misconduct. The Discipline Authority commented that an officer of such rank and credentials as the member would be expected to understand the importance of following orders and/or conditions, particularly where they are imposed for the safety and security of their colleagues. The Discipline Authority also acknowledged, however, that the member had been under these conditions for a significant period and had not breached any of the conditions previously.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Police Complaint (OPCC 2023-23800)

The OPCC received a complaint describing concerns regarding an interaction with a member of the New Westminster Police Department (NWPD). The OPCC reviewed the complaint and determined that an investigation into the incident was required. During the subsequent investigation it was determined that the member failed to document the interaction with the complainant as per department policy.

Allegation 1

The member failed to complete a report and/or notes documenting the investigative detention of the complainant.

MISCONDUCT

Neglect of Duty
(Inadequate documentation/notes/records)

Date of Incident: May 2021

DISCIPLINARY/CORRECTIVE MEASURE

Verbal Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member accepted responsibility and the member had no prior substantiated misconduct on their Service Record of Discipline.

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

Oak Bay Police Department

No substantiated misconduct in this reporting period.

Port Moody Police Department

Ordered Investigation – Requested by Department (OPCC 2023-23356)

Upon request from the Port Moody Police Department (PMPD), the Commissioner ordered an investigation into the conduct of an on-duty PMPD member. It was reported that the member requested a colleague to query a particular license plate on a police database without disclosing the query was for a personal reason and unrelated to an investigation.

Allegation 1

The member requested another member to query a particular license plate knowing there was no investigational purpose.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: January 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member reported the incident to their supervisor prior to the end of their shift and took responsibility for their actions.

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

Saanich Police Department

Internal Discipline (OPCC 2022-22191)

The department initiated an internal discipline investigation into the conduct of a Saanich Police Department member. It was alleged that the member violated the departmental Respectful Workplace Policy by engaging in bullying behaviour towards subordinate members including yelling at and ridiculing other members which contributed to a toxic work environment.

Allegation 1

The member violated the Respectful Workplace Policy by having verbal outbursts of anger or aggression, overreacting to situations, and displaying excessive emotion at inappropriate times. Additionally, the member would address performance issues with members in public, making adverse assumptions and drawing negative conclusions about staff when the member only possessed partial information.

MISCONDUCT

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

Date of Incident: 2021-2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Stl'atl'imx Tribal Police Service

No substantiated misconduct in this reporting period.

Surrey Police Service

Ordered Investigation – Requested by Department (OPCC 2023-23752)

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member. It was reported that the member had failed to comply with departmental policy by failing to conduct a timely investigation or report and document an offence that resulted in property damage.

Allegation 1

The member failed to comply with departmental policy related to the attendance, investigative follow-up, and completion of necessary reporting and documentation.

MISCONDUCT

Neglect of Duty
(Inadequate documentation/notes/records)

Date of Incident: April 2023

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, Prehearing Conference Authority noted that the member had received good performance reports, accepted responsibility, had no substantiated misconduct on their Service Record of Discipline, and had taken steps to review relevant policies and training.

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

Police Complaint (OPCC 2022-22748)

The OPCC received a complaint describing concerns with an off-duty member of the Surrey Police Service (SPS). It was reported that the member consumed alcohol, showed signs of intoxication, and allegedly gave indication that they were going to drive a vehicle. Additionally, the member allegedly displayed their police badge and used belligerent and disrespectful language toward the complainant.

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

Allegation 1

The member was belligerent and disrespectful towards the complainant.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: October 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Written apology to the complainant

Allegation 2

The member failed to comply with departmental policy which prohibits the production of a police badge when off duty.

MISCONDUCT

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

Date of Incident: October 2022

DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-Training: in ethical standards and SPS policy related to conduct while off-duty

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority failed to properly consider the evidence corroborating the derogatory comments alleged by the complainant, including the member's own admission of demeaning comments and swearing towards the complainant. The Commissioner also expressed concern that the Discipline Authority failed to properly consider the purpose of the member's action of displaying their police badge off-duty and the member's failure to adhere to relevant SPS policy in this regard.

The Commissioner appointed retired BC Provincial Court Judge Carol Baird Ellan, K.C. to review the matter and arrive at her own decision based on the evidence.

Ms. Baird Ellan determined that the member's apparent (and admitted) treatment of the complainant, objectively considered, could be characterized as unjustified and unnecessarily demeaning. Ms. Baird Ellan further determined that the member appeared to have neglected to adhere to departmental standards pertaining to production of a police badge while off-duty.

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member took full responsibility for their actions, acknowledged that the conduct was a mistake, and had no substantiated misconduct on their Service Record of Discipline.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

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

Police Complaint (OPCC 2023-23260)

The OPCC received a complaint describing concerns regarding an interaction with members of the Surrey Police Service. The complainants reported being stopped by police while driving a motor vehicle. During the traffic stop, the complainants reported that police used inappropriate and unacceptable language.

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

Allegation 1

The member failed to behave with the courtesy due in the circumstances towards the complainants while conducting the traffic stop.

MISCONDUCT
<i>Discourtesy</i> (Discourteous conduct)
Date of Incident: January 2023

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority failed to properly consider the evidence corroborating the derogatory comments alleged by the complainant. Upon review of the matter, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed the retired BC Court of Appeal Judge, the Honourable David Frankel, K.C., to review the matter and arrive at his own decision based on the evidence.

Mr. Frankel determined that while the passenger of the vehicle was uncooperative and argumentative, the language and demeanor of the member was not appropriate in the circumstances. Accordingly, Mr. Frankel determined that the allegation of misconduct appeared to be substantiated.

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member had voluntarily offered to apologize for their actions, took full responsibility for their conduct, and recognized the impact of their manner of communication on the complainants.

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

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

Ordered Investigation – Requested by Department (OPCC 2023-23334)

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member who, while formerly employed by the New Westminster Police Department (NWPD), failed to properly secure, process, document, and account for a piece of evidence related to a criminal investigation involving intimate partner violence.

Upon request from the SPS, the Commissioner directed the New Westminster Police Department to conduct the investigation.

Allegation 1

The member failed to comply with departmental policies related to investigative documentation and the processing and securing of evidence.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: in the procedures and processes for proper evidence handling and investigative documentation to the satisfaction of the SPS Leadership Development Unit.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member's conduct could have adversely impacted a criminal justice process. The Prehearing Conference Authority further noted that while the member had acknowledged their mistake and accepted responsibility, they ought to have fully understood their duties and departmental policies as an experienced officer.

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

Vancouver Police Department

Ordered Investigation – Requested by Department (OPCC 2019-16527)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of two off-duty VPD members (Member A and Member B). It was reported that the members attended a licensed establishment, wherein Member A became the subject of a criminal investigation relating to an incident that occurred in the establishment. While in custody, Member A made several comments to an investigating member of another police agency suggesting that they should be afforded preferential treatment due to their position as a fellow police officer. It was also reported that Member B, during this incident, used a cellular phone to record police, refused to identify himself, and acted in a belligerent and unprofessional manner.

Member A - Allegation 1

The member directed comments at a member of another police agency suggesting that they should be afforded preferential treatment due to their position as a police officer.

MISCONDUCT

Corrupt Practice
(Using police authority for personal gain)

Date of Incident: June 2019

DISCIPLINARY/CORRECTIVE MEASURE

3-day suspension without pay

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that Member A appeared to have committed misconduct. A prehearing conference was offered to Member A; the member declined, and as a result the matter proceeded to a discipline proceeding where the Discipline Authority determined there was misconduct.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the Member A made comments that were intended to seek preferential treatment, the conduct was unprofessional and avoidable, and that Member A had not accepted responsibility for their actions. The Discipline Authority also noted that the Member A was intoxicated during the incident and was aware of circumstances and policy that would have required the member to identify as a police officer during the off-duty incident.

Member A resigned from the VPD prior to the conclusion of the discipline proceeding and did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Even though Member A resigned prior to the conclusion of this matter, their service record of discipline will reflect the discipline imposed.

Member B - Allegation 1

The member engaged in inappropriate off-duty actions, conduct, and words directed towards members of the public and police members responding pursuant to a criminal investigation.

MISCONDUCT

Discreditable Conduct
(Conduct that discredits the department)

Date of Incident: June 2019

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Disciplinary Process

A prehearing conference was offered and accepted by Member B. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures and as a result, the matter proceeded to a discipline proceeding where Member B admitted to the allegation of *Discreditable Conduct*.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that Member B appeared remorseful, admitted to the alleged misconduct, and had not interfered in the initial police investigation. However, the Discipline Authority also found Member B failed to show the level of maturity expected of a senior member and engaged in unhelpful conduct that conflicted with the VPD's Code of Ethics.

Member B did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Police Complaint (OPCC 2022-22012)

The OPCC received a complaint describing concerns with a member of the Vancouver Police Department (VPD) in relation to a series of text messages to the complainant that the complainant found to be uncomfortable and suggestive. In addition, it was alleged the member failed to complete a police report documenting the information being reported by the complainant.

Allegation 1

The member sent inappropriate text messages to the complainant that would bring discredit to the Vancouver Police Department.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Discreditable Conduct</i> (Violation of Respectful Workplace Policy)</p>	<p>1-day suspension without pay</p>
<p>Date of Incident: March 2022</p>	

Allegation 2

The member did not complete a General Occurrence Report in relation to an ongoing suspicious person investigation.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Neglect of Duty</i> (Inadequate documentation/notes/records)</p>	<p>Training/Re-Training: related to report writing policy</p>
<p>Date of Incident: March 2022</p>	<p>Direction to work under close supervision for a minimum period of 3 months</p>

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures and as a result, the matter proceeded to a discipline proceeding where the member admitted to the allegations of *Discreditable Conduct* and *Neglect of Duty*. In deciding the appropriate disciplinary or corrective measures, the Discipline Authority noted the member had apologized to the complainant and had no substantiated misconduct on their Service Record of Discipline.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Ordered Investigation – Requested by Department (OPCC 2022-22706)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of an off-duty VPD member. The member had been operating a motor vehicle and was subsequently stopped by police. Upon request, the member provided two breath samples that both resulted in a “fail” reading on an Approved Screening Device. The member was issued a Notice of Driving Prohibition, and their vehicle was impounded.

Allegation 1

The member, while off-duty, operated a motor vehicle while impaired by alcohol resulting in the issuance of a 90-day driving prohibition and vehicle impoundment in accordance with the provisions of the *BC Motor Vehicle Act*.

MISCONDUCT
<i>Discreditable Conduct</i> (Immediate Roadside Prohibition)
Date of Incident: October 2022

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member took responsibility for their actions, demonstrated remorse, made no attempt to minimize their actions, and had no substantiated misconduct on their Service Record of Discipline. The Prehearing Conference Authority also noted that the member self-reported the off-duty incident to their employer.

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

Police Complaint (OPCC 2020-18123)

The OPCC received a complaint describing concerns regarding the manner in which a member of the Vancouver Police Department (VPD) delivered a next-of-kin (NOK) notification to notify the complainant of the death of the complainant’s son. The NOK notification was alleged to lack courtesy, professionalism, and compassion.

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

Allegation 1

The member failed to adhere to police standards requiring compassion as an element of the next-of-kin notification.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Neglect of Duty</i> (Neglecting, without good or sufficient cause, to promptly and diligently do anything that it is one’s duty as a member to do)</p>	<p>(a) reassignment to the Missing Persons Unit for a period of three months</p>
<p>Date of Incident: June 2019</p>	<p>(b) retake the Justice Institute of BC training on next-of-kin notifications within the next year;</p>
	<p>(c) review specified on-line public materials about death notifications within three months;</p>
	<p>(d) complete at least two further courses, including online training, in sensitivity and cultural awareness with an emphasis on Indigenous matters, within the next two years;</p>
	<p>(e) not perform any NOK notifications until after confirmation of completion of the items in paragraphs (a) to (c) above (except as may occur under supervision while assigned to the Missing Persons Unit), and until after observing at least six NOK notifications conducted by at least three different officers with greater experience in conducting them; thereafter work under close supervision in conducting NOK notifications until six such notifications have been conducted;</p>
	<p>(f) provide three written apologies, with full acknowledgement of the nature of the misconduct, in a form approved by [the Discipline Authority], to the complainant and two of the complainant’s family members within three months.</p>

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority did not properly consider all the available evidence, particularly that of the complainant. Upon review of the matter, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed retired BC Provincial Court Judge Carol Baird Ellan, K.C., to review the matter and arrive at her own decision based on the evidence.

Ms. Baird Ellan determined that the evidence appeared sufficient to find that the manner in which the member delivered the death notification did not meet professional standards. In addition, Ms. Baird Ellan found that the evidence appeared to substantiate that the member neglected or declined, without good and sufficient cause, to perform their duty in relation to the NOK notification; and that the member’s attitude towards the incident appeared to raise the conduct over the threshold of objective discourtesy. Accordingly, Ms. Baird Ellan determined that the allegations of misconduct appeared to be substantiated.

Disciplinary Process

A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding with retired judge Ms. Baird Ellan as the Discipline Authority.

Because the complainant’s allegations pertained to a single transaction, Ms. Baird Ellan considered it fair and appropriate to characterize the misconduct as one allegation of *Neglect of Duty*. Ms. Baird Ellan found the member failed, without good and sufficient cause, to fulfill a departmental standard of compassion when performing an NOK notification. The misconduct of *Neglect of Duty* was therefore proven on the evidence.

When arriving at disciplinary or corrective measures, Ms. Baird Ellan noted the member had taken courses addressing the issues that arose, but had not made an early acceptance of responsibility. Ms. Baird Ellan found it appropriate to order measures that would underscore the need for diligence in relation to the member’s duties to vulnerable members of the public.

The member requested a Public Hearing, or in the alternative, a Review on the Record, pursuant to section 138 of the *Police Act*. The Commissioner reviewed the request and the disciplinary decision and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

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

Police Complaint (OPCC 2019-16855)

The OPCC received a complaint describing concerns regarding an interaction the complainant had with members of the Vancouver Police Department (VPD) where the complainant alleged police were trying to intimidate and harass them due to a previous complaint.

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

Upon request by the VPD, the Commissioner directed the New Westminster Police Department to conduct the investigation and appointed a senior officer at the Delta Police Department as the Discipline Authority.

Allegation 1

The member stopped to make comments to the complainant and friend while driving by them on patrolling duty.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: September 2019

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Advice to Future Conduct

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority did not properly consider the context in which the comments in question were made. Upon review of the matter, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority, related to the allegation of Discreditable Conduct, was incorrect and appointed retired BC Provincial Court Judge David Pendleton to review the matter and arrive at his own decision based on the evidence.

Mr. Pendleton determined that there were questions as to whether the member conducted themselves appropriately in carrying out their duties or whether their intention was to harass and intimidate the complainant. Mr. Pendleton commented that a reasonable expectation of the community

may be that a police officer will carry out their duties professionally and avoid, whenever possible, having contact with a person who has made a formal misconduct complaint against that officer. In addition, a reasonable member of the public may, given the member's conduct, question their training and understanding of police policies and practices, which in turn could reflect negatively on the department and could bring discredit to the VPD.

Accordingly, Mr. Pendleton determined that the allegation of misconduct appeared to be substantiated and offered a pre-hearing conference to the member.

Disciplinary Process

The member declined the offer of a pre-hearing conference. As a result, the matter proceeded to a discipline proceeding with retired judge Pendleton as the Discipline Authority.

The Discipline Authority was not persuaded that the evidence proved that member threatened or harassed the complainant. However, the Discipline Authority found that the evidence proved that the member recognized the complainant as someone who had filed a complaint against the member. Despite this, the member had a brief encounter with the complainant as the member drove by, spoke to the complainant and waved, and made comments to the complainant and a friend that referenced the prior allegations. The Discipline Authority found the member's conduct to be unnecessary, unprofessional, unwise, and ill advised.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Ordered Investigation – Requested by Department (OPCC 2022-22427)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a member. It was reported that the member had used a police database to query the license plate of a driver that had been involved in a traffic altercation with the member's spouse.

Allegation 1

The member queried and accessed information on a police database for purposes that were unrelated to their duties as a police officer.

MISCONDUCT
<i>Corrupt Practice</i> (Improper use of police databases)
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member did not take any further action based on the information they obtained and had taken responsibility for their actions.

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

Ordered Investigation – Requested by Department (OPCC 2021-19935)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member. It was reported that the member was being criminally investigated as a result of the member’s child disclosing to a school counselor that they had been slapped in the face by the member.

The *Police Act* investigation was suspended pending the outcome of the criminal investigation. The criminal process was concluded as the member participated in an Alternative Measures program.

Allegation 1

The member slapping their child once in the face.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member took responsibility for their actions and successfully completed a Restorative Justice Alternative Resolution Plan, which included counselling and apologizing to their child and family. The Discipline Authority also noted the member regularly attends a registered psychologist for long term support.

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

Ordered Investigation – Requested by Department (OPCC 2019-16842)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the off-duty conduct of a member. It was reported that the member was being investigated criminally for Sexual Assault.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority. The Commissioner directed the Royal Canadian Mounted Police to complete the investigation and Chief Constable Dave Jansen of the New Westminster Police Department was designated as the Discipline Authority.

The *Police Act* investigation was suspended pending the outcome of the criminal proceedings in which the member was convicted of Sexual Assault and received a one-year prison sentence.

The affected person in this matter filed a complaint and was added to the record and recognized as a complainant to the investigation. Prior to completion of the *Police Act* investigation the member resigned.

Allegation 1

The former member’s actions towards the affected person.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: July 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The former member’s Sexual Assault conviction and incarceration.

MISCONDUCT
<i>Public Trust Offence</i> (Conviction for an offence under an enactment of Canada which discredits the reputation of the member’s department)
Date of Incident: July 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 3

The former member’s deceit during the *Criminal Code* investigation and in the trial in Provincial Court

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: July 2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed three counts of misconduct. No prehearing conference was offered to the member and, as a result, the matter proceeded directly to a discipline proceeding where the former member did not participate.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority determined that the member’s actions were at the highest end of the misconduct scale. The Discipline Authority commented that short of taking another person’s life, invading another person’s physical safety is the most severe and troublesome action another human being can take. Additionally, the Discipline Authority noted that the level of professional misconduct and impact to organizational reputation was large.

Neither the complainant nor the member requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

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

Police Complaint (OPCC 2019-16853)

The OPCC received a complaint describing concerns regarding an interaction with a member of the Vancouver Police Department and a member of the public. The member of the public was filming members while they were conducting a stolen property investigation in the Downtown Eastside of Vancouver. It was alleged that the member stated “get away from me, take your shitty phone and go over there” during the interaction.

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

The Commissioner also determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority. The Commissioner directed the New Westminster Police Department to conduct the investigation and Chief Constable Neil Dubord of the Delta Police Department was designated as the Discipline Authority.

Allegation 1

The member used a profanity towards a member of the public.

MISCONDUCT
<i>Discourtesy</i> (Discourteous conduct)
Date of Incident: June 2019

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct
Written Apology to be approved by a member of the VPD Professional Standards Section.

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority failed to properly assess the available evidence. Upon review of the matter, the Commissioner determined there was a reasonable basis to disagree with the Discipline Authority. As a result, the Commissioner appointed retired BC Provincial Court Judge Carol Baird Ellan, K.C. to review the matter and arrive at her own decision based on the evidence.

Ms. Baird Ellan determined the member appeared to have committed misconduct during the incident.

Disciplinary Process

A prehearing conference was offered to the member which the member declined. As a result, the matter proceeded to a discipline proceeding with retired judge Ms. Baird Ellan as the Discipline Authority.

Ms. Baird Ellan found the available video and other evidence demonstrated that the response was not an inadvertent slip but rather was said in exasperation or irritation. Ms. Baird Ellan determined that, regardless of the circumstances, the member should not have used street language that amounted to mistreatment of a member of the public.

Neither the member nor the complainant requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Ordered Investigation – Requested by Department (OPCC 2022-21206)

Upon request from the Vancouver Police Department, the Commissioner ordered an investigation into the conduct of a Vancouver Police Department member. It was reported that a member was responding to a robbery call and proceeded into an intersection against a red light without emergency equipment activated and struck a civilian vehicle.

Allegation 1

The member failed to stop before entering an intersection on a red light without emergency equipment activated and struck a civilian vehicle.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted the member accepted responsibility for their actions and that recurrence of the misconduct was not likely as the member had engaged in an additional review of their obligations for emergency driving. It was also noted that the member had no prior substantiated misconduct on their Service Record of Discipline.

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

Police Complaint (OPCC 2022-22601)

The OPCC received a complaint describing concerns regarding a member of the Vancouver Police Department (VPD) said to have used excessive force and kicked the complainant in a jail cell. The OPCC reviewed the complaint and determined that an investigation into the incident was required.

Allegation 1

The member unnecessarily kicked the complainant.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive force – empty hand)
Date of Incident: September 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand
Training/Re-Training: on police authority in relation to use of force

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member accepted responsibility for the misconduct and had no prior substantiated misconduct on their Service Record of Discipline.

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

Police Complaint (OPCC 2022-22042)

The OPCC received a complaint describing concerns regarding the adequacy of an investigation into an assault by a member of the Vancouver Police Department (VPD).

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

Allegation 1

The member failed to adhere to investigative best practices, specifically relating to note taking and obtaining a written or audio statement from the complainant.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Neglect of Duty</i> (Inadequate investigation)</p>	<p>Advice to Future Conduct: specific to the member's investigative missteps in response to the complainant's allegation of assault</p>
<p>Date of Incident: January 2022</p>	<p>Training/Re-Training: participate and complete the Investigators Development Program (IDP) administered by the VPD training branch</p>

Adjudicative Review – s. 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority accorded undue weight to the member's statement and improperly applied the legal test for determining a *Neglect of Duty* allegation. Upon review of the matter, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed retired BC Provincial Court Judge David Pendleton to review the matter and arrive at his own decision based on the evidence.

Mr. Pendleton determined there were questions as to whether the member neglected their duty by failing to meet the complainant in person and take a statement, or by failing to provide full written details of the results of their investigation, including the dates, times, and locations of their efforts to contact the suspect.

Disciplinary Process

A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had accepted responsibility, acknowledged their investigative missteps, and had no current or prior substantiated misconduct on their Service Record of Discipline. The Prehearing Conference Authority further noted that at the time, the member was a junior officer assessing an allegation of assault with limited corroborative evidence.

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

For further information on this decision, [go to https://opcc.bc.ca/adjudications/section-117-reviews/](https://opcc.bc.ca/adjudications/section-117-reviews/)

Police Complaint (OPCC 2022-22437)

The OPCC received a complaint describing concerns regarding the adequacy of an investigation by a member of the Vancouver Police Department (VPD). The complaint related to an investigation into their report of an assault and robbery by a known associate, and their subsequent disclosure

that they had been sexually assaulted. The complainant reported that they provided the member with a significant amount of information, including photographic evidence, however the member advised that there was insufficient evidence and the file would be closed.

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

Allegation 1

The member failed to conduct a thorough investigation, document actions taken by the police, and failed to complete the investigative report.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Neglect of Duty</i> (Inadequate investigation)</p>	<p>Written Reprimand</p>
<p>Date of Incident: January 2022</p>	<p>Training/Re-Training: assignment to the VPD Sexual Investigation Section (SIS) and participation in the VPD’s Sex Crimes Unit and/or Intimate Partner Violence & Risk Assessment Unit mentorship protocols in consultation with the VPD’s Human Resource Section, VPD PSS, and the Inspector in charge of VPD SIS</p>
	<p>Consideration by the member to provide a letter of apology to the complainant</p>

Disciplinary Process

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

The Discipline Authority found that, had the member followed proper policy and procedure, evidence related to this matter should have become available. The Discipline Authority held the member’s conduct revealed a lack of understanding as to the existence of investigative policy and procedure, and/or a lack of understanding as to how to apply policy, procedure and resources in a complex investigation. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member had accepted full responsibility for their actions, had not attempted to minimize their conduct, and that there was evidence to suggest that the complainant’s availability and a lack of clarity regarding this incident had made it challenging for the member to investigate.

Neither the member nor the complainant requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Police Complaint (OPCC 2021-19722)

The OPCC received a complaint describing concerns with the force used by a member of the Vancouver Police Department (VPD) during a traffic stop involving a group of motorcyclists. The complainant reported that, during the traffic stop, the member approached the complainant, told them to put their phone down, and then forcefully took them to the ground.

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

Allegation 1

The member intentionally or recklessly used unnecessary force on the complainant.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p>Abuse of Authority (Excessive force – empty hand)</p>	<p>3-day suspension without pay</p>
<p>Date of Incident: May 2021</p>	<p>Training/Re-Training: with a use of force instructor with an emphasis on use of force techniques, situational assessment, reassessment, and de-escalation</p>

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member; the member declined the offer and as a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found the allegation of abuse was unproven on the basis the member was executing policing duties during the traffic stop and had reasonable grounds to believe the use of force applied to the complainant was reasonable.

Adjudicative Review – Review on the Record

The Commissioner received a request from the complainant for further adjudicative review. The Commissioner determined that a Review on the Record was necessary in the public interest as there was a reasonable basis to believe the decision of the Discipline Authority was incorrect. In part, the Commissioner noted that the evidentiary record, including video evidence, did not support the Discipline Authority’s finding that the force used was required and proportionate to the circumstances. Specifically, the Commissioner noted concerns in relation to the member’s inconsistent statements regarding the perceived threat posed by the complainant and the member’s rapid deployment of force without effective verbal communication.

The Commissioner appointed retired BC Provincial Court Judge Mark Takahashi to review the matter and arrive at his own decision based on the evidence.

Mr. Takahashi found that the member’s decision to use force was unreasonable and that the evidence did not support the member’s submission that the situation was “out of control” or that the complainant was an “immediate flight risk.” Mr. Takahashi found that the member’s approach, conversation, and take-down occurred as one continuous action, which did not allow the complainant time to comply with the member’s directive, and that the complainant did not resist being handcuffed. Mr. Takahashi further found that the member had embellished evidence to justify their actions.

In arriving at the appropriate disciplinary or corrective measures, Mr. Takahashi found that the context of this incident, which involved one member confronting multiple offenders, would have engaged serious concerns about officer safety. Mr. Takahashi further noted that the member’s use of force was not gratuitous, and rather arose from a misapprehension of the proper criteria to be used in assessing the complainant. He also noted that the member’s clean service record suggested that this misconduct was an anomaly.

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

Ordered Investigation – Requested by Department (OPCC 2023-23360)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member having used an unmarked VPD police vehicle while off-duty without authorization.

Allegation 1

The member took home a VPD police vehicle without authorization.

MISCONDUCT
Corrupt Practice (Unauthorized use of equipment unrelated to performance of duties)
Date of Incident: February 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had accepted responsibility for their actions during the investigation, was apologetic, had no substantiated misconduct on their Service Record of Discipline, and had reviewed related department policies.

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

Ordered Investigation – Initiated by PCC (OPCC 2021-20210)

The Commissioner ordered an investigation after receiving information from the Vancouver Police Department (VPD) relating to a video circulating on social media depicting a VPD member (Member A) using force on an affected person. During the course of the investigation, it was revealed that Member A did not document the incident appropriately, and another VPD member (Member B) may have unlawfully searched the affected person.

The Commissioner determined it was in the public interest that an external police agency conduct this investigation and designated an external Discipline Authority. The Commissioner directed the New Westminster Police Department to conduct the investigation and Chief Constable Dave Jansen was designated as the Discipline Authority.

Member A:

Allegation 1

The use of force on the affected person.

MISCONDUCT
Abuse of Authority (Excessive force – empty hand)
Date of Incident: August 2017

DISCIPLINARY/CORRECTIVE MEASURE
Training/Re-Training: with a focus on the appropriate time to use force and the use of discretion and de-escalation techniques

Allegation 2

The member neglected to take notes documenting their use of force on the affected person.

MISCONDUCT

Neglect of Duty
(Inadequate documentation/notes/records)

Date of Incident: August 2017

DISCIPLINARY/CORRECTIVE MEASURE

Training/Re-training: on note taking with a focus on VPD Policy related to when to make notes.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that Member A appeared to have committed misconduct. A prehearing conference was offered to the member which the member declined. As a result, the matter proceeded to a discipline proceeding.

The Discipline Authority found that Member A was speaking to the affected person in follow-up to a call for service when Member A struck the affected person’s hand. Member A reportedly believed the affected person may have been holding an illegal substance. The Discipline Authority determined that the force used was unnecessary and unreasonable. The Discipline Authority also determined that Member A failed to complete any notes or contemporaneous documentation regarding the use of force against the affected person without good or sufficient cause not to submit notes. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted the seriousness of the misconduct was on the lower end of the scale, and that Member A has been a VPD member for over 20 years with no prior substantiated misconduct on their Service Record of Discipline.

Member A did not request a review of the disciplinary decision. The OPCC reviewed the findings for Member A and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Member B:

Allegation 1

The member searched the affected person without good and sufficient cause.

MISCONDUCT

Abuse of Authority
(Unlawful search of a person)

Date of Incident: August 2017

DISCIPLINARY/CORRECTIVE MEASURE

Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that Member B appeared to have committed misconduct. A prehearing conference was offered and accepted by Member B. In arriving at the decision on discipline, the Prehearing Conference Authority noted Member accepted responsibility for their misconduct and had no prior substantiated misconduct on their Service Record of Discipline.

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

Ordered Investigation – Initiated by PCC (OPCC 2020-17764)

The Commissioner ordered an investigation after receiving information that a seconded member of the Vancouver Police Department (VPD) had engaged in ongoing harassment toward a co-worker, which included mocking the co-worker about their clothing, their weight, and making discriminatory comments in relation to the co-worker’s name and ethnicity.

Allegation 1

The member’s ongoing harassment and discriminatory comments directed at a co-worker.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Discreditable Conduct</i> (Violation of respectful workplace policy)</p>	<p>3-day suspension without pay</p>
<p>Date of Incident: January 2020</p>	<p>Not to perform in any acting supervisory capacity for a period of three months</p>

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member which the member declined. As a result, the matter proceeded to a discipline proceeding where the member denied the allegation.

The Discipline Authority determined that over the course of a one-month period, the member had made repeated and persistent racialized, disparaging, and harassing comments toward the co-worker. The Discipline Authority further found that there was no evidence to suggest such comments were welcome by the co-worker, despite the member’s assertion that they were “banter” and mutual in nature.

In arriving at the decision on discipline, the Discipline Authority noted that, although the member had completed mandatory respectful workplace training after this incident, the member’s actions were “unprofessional, avoidable and...culpable in their nature,” had caused the co-worker mental and emotional distress, and the member had not apologized to the co-worker or fully accepted responsibility for their actions.

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

Ordered Investigation – Requested by Department (OPCC 2023-23806)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member. It was reported that the member sent images pertaining to their police duties to a civilian with whom they were in a relationship.

Allegation 1

The member sent a photo of a Computer Aided Dispatch (CAD) call message and two photos of subjects being dealt with by police.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<p><i>Improper Disclosure of Information</i> (Disclosing information acquired as a police officer)</p>	<p>Written Reprimand</p>
<p>Date of Incident: November 2022</p>	<p>Training/ Re-Training: in regard to policies on disclosure of police designated and classified information.</p>

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority determined that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that while the member believed the recipient would have understood the information was confidential, the recipient was not a police officer and had no confidentiality requirements. However, the Prehearing Conference Authority also noted the member accepted responsibility for their actions, that sending the images had not impeded or interfered with any serious or ongoing police investigations, and that the member was a long-serving officer who had no prior substantiated misconduct on their Service Record of Discipline and had received a number of commendations and awards.

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

Ordered Investigation – Requested by Department (OPCC 2020-18945)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member. It was reported that during the arrest of an affected person, the member struck the affected person across the face with their hand.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation in which the member pled guilty to Assault and received a Conditional Discharge with a period of a six-month probation with conditions.

Allegation 1

The member slapped a male suspect in the face immediately after being pricked with a hypodermic needle during the course of a Breach of Probation arrest.

MISCONDUCT
<i>Abuse of Authority</i> (Excessive force – empty hand)
Date of Incident: November 2019

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. The member agreed to the proposed discipline. After review, the Commissioner did not approve the disciplinary or corrective measure as it did not reflect the seriousness of the conduct.

As a result, the matter proceeded to a discipline proceeding where the member admitted the allegation and the Discipline Authority imposed a verbal reprimand.

Adjudicative Review – Review on the Record

The Commissioner reviewed the outcome of the discipline proceeding and determined that a Review on the Record was necessary in the public interest as the disciplinary or corrective measure proposed by the Discipline Authority still did not reflect the seriousness of the misconduct. The Commissioner noted that the member’s conduct included an unprovoked assault on a person in their custody to which the member pled guilty on a subsequent Assault charge. Additionally, the Commissioner noted that the Discipline Authority did not appear to accord sufficient weight to the

aggravating factors, including that the member made a physically threatening comment toward the affected person after the assault and that the member only self-reported the incident one year later after they became aware that this incident had been videotaped and was being circulated on social media.

The Commissioner appointed retired BC Supreme Court Judge, the Honourable Elizabeth Arnold-Bailey, to review the matter and arrive at her own decision based on the evidence.

Ms. Arnold-Bailey found that while the member's actions were serious in nature, it was an understandable if illegal reaction to being poked with a sharp object in the affected person's pocket after the affected person indicated he did not have anything sharp on his person. Ms. Arnold-Bailey further found that, while the member followed-up with threatening words toward the affected person, they were just words expressed in frustration and anger, and the member did not intend to carry out the threat. In addition, Ms. Arnold-Bailey held that while it would have been better for the member to report the incident before the video surfaced, the member did the right and proper thing by reporting themselves once the video surfaced.

In arriving at the appropriate disciplinary or corrective measures, Ms. Arnold-Bailey determined that a reasonable member of the public, fully apprised of the circumstances and disposition of the criminal charge, the member's admission of misconduct, the member's exemplary record of service, and the member's workplace reputation, would not find the disposition of a verbal reprimand to bring the administration of police discipline into disrepute.

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

Ordered Investigation – Initiated by PCC (OPCC 2022-22408)

The Commissioner ordered an investigation after receiving information that a member of the Vancouver Police Department (VPD) had left their department issued firearm in an unattended backpack at a coffee shop. It was reported that a civilian had located the firearm and alerted police.

Allegation 1

The member failed to comply with VPD policy in relation to safe carrying and transport of departmental firearms.

MISCONDUCT
<i>Improper Care of Use of Firearms</i> (Unsafe storage of firearm)
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member's misconduct was an honest mistake, and that the member had taken responsibility for their actions, had no substantiated misconduct on their Service Record of Discipline, and had refamiliarized themselves with the relevant policy and laws regarding the use and storage of departmental issued firearms.

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

Police Complaint (OPCC 2022-22063)

The OPCC received a complaint describing concerns regarding a member of the Vancouver Police Department (VPD) not completing a police report in relation to a motor vehicle incident.

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

Allegation 1

The member failed to complete and submit a MV 6020 report as required by VPD policy.

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

DISCIPLINARY/CORRECTIVE MEASURE
Verbal Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member accepted responsibility for their actions and was apologetic, had no prior substantiated misconduct on their Service Record of Discipline, and had come to understand the relevant policy after numerous reviews of it following this incident.

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

Ordered Investigation – Requested by Department (OPCC 2022-21412)

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the off duty conduct of a VPD member. It was reported that the off-duty member was arrested at a retail establishment for switching bar codes on merchandise and paying a reduced price for the merchandise.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation in which the member admitted to one count of *Fraud*; the criminal matter was concluded through alternative measures. During the investigation, an additional allegation arose in relation to the member identifying themselves as a VPD member to the arresting officers and requesting that they not proceed with criminal charges.

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

Allegation 1

The member switched prices on products in a store in order to reduce the retail purchase price, and thus committed fraud.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The member used their position as a police officer to gain favour from the arresting officers.

MISCONDUCT
<i>Corrupt Practice</i> (Using police authority for personal gain)
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

Disciplinary Process

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

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority determined that the member's actions were "serious and egregious in nature." Specifically, the Discipline Authority noted that the member's "fraudulent offence" of switching price barcodes was premeditated, done for the member's personal financial gain, and precipitated a costly police investigation. The Discipline Authority also noted that during the member's arrest, the member attempted to use their status as an officer to mitigate an investigation and/or the ramifications of their own conduct.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

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

Victoria Police Department

Ordered Investigation – Requested by Department (OPCC 2023-23622)

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into the conduct of a VicPD member. It was reported that the member had been operating a motor vehicle while off-duty and was stopped by police from another municipal police department for a traffic offence. The member was alleged to have directed inappropriate comments including profanity at the on-duty members conducting the traffic stop.

Allegation 1

The member's inappropriate interaction and dialogue with members from another municipal police department.

MISCONDUCT
<i>Discreditable Conduct</i> (Conduct that discredits the department)
Date of Incident: March 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered to the member which the member declined. As a result, the matter proceeded to a discipline proceeding.

At the discipline proceeding, the member admitted to directing profanity and sarcasm towards the other members amounting to discreditable conduct.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member has fully accepted responsibility for their actions and reflected on their behaviour during this incident and the conduct occurred over a short period of time. The Discipline Authority also noted that no members of the public observed the incident, and that the member had no substantiated misconduct on his Service Record of Discipline.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Police Complaint (OPCC 2022-21665)

The OPCC received a complaint describing concerns regarding a Victoria Police Department member failing to grant access for the complainant to contact a lawyer while in jail.

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

Allegation 1

The member failed to advise the complainant of their right to counsel and refused to allow the complainant to access counsel without delay.

MISCONDUCT

Neglect of Duty
(Failure to provide Charter Rights)

Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE

Written Reprimand

Adjudicative Review – s. 117 Review

At the conclusion of the investigation, the Discipline Authority found that the member did not commit misconduct. The Commissioner disagreed as he was of the view that the Discipline Authority did not properly assess the available objective evidence. Upon review of the matter, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect and appointed retired BC Provincial Court Judge James Threlfall to review the matter and arrive at his own decision based on the evidence.

Mr. Threlfall determined that that the evidence appeared to substantiate the allegation of misconduct in relation to denying the complainant access to counsel.

Disciplinary Process

No prehearing conference was offered to the member and as a result, the matter proceeded directly to a discipline proceeding with retired judge Mr. Threlfall as the Discipline Authority.

Mr. Threlfall substantiated the allegation of *Neglect of Duty*. Mr. Threlfall found that the member was well-aware of the responsibility to provide *Charter* rights with respect to access to counsel and that the objective evidence did not show the complainant was potentially violent, too intoxicated to communicate with counsel, or that there were any other reasons for the member to deny the complainant's right to access to counsel. In arriving at the appropriate disciplinary or corrective measure, Mr. Threlfall noted that while the member had accepted responsibility somewhat late in the day, the misconduct was properly characterized as a one-off error in judgement in an otherwise stellar career.

Neither the member nor the complainant requested a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

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

Ordered Investigation – Requested by Department (OPCC 2021-20838)

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into the conduct of a VicPD member. It was reported the member showed a colleague unsolicited video footage of a person engaged in intimate relations. During the course of the investigation, it was reported that the member video recorded a prisoner in VicPD cells purportedly masturbating and showed the video to co-workers and the member was not truthful in *Police Act* interviews about these matters.

Allegation 1

The member took a video of themselves on duty with a male prisoner in the background purportedly masturbating and shared it with work colleagues.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The member gave repeated untrue and misleading oral responses to the Investigator during 2022 in relation to the sharing of the video of a person engaged in intimate relations.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 3

The member gave repeated untrue and misleading oral responses to the Investigator during 2022 concerning the taking of the prisoner video and the subsequent sharing of that video with co-workers.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct in relation to all three of the allegations listed above. The matter proceeded to a Discipline Proceeding where the member admitted taking and sharing the prisoner video but denied any deceit in the investigation process.

Following the Discipline Proceeding, the Discipline Authority found that the member did not commit any acts of deceit. In relation to the taking and sharing of the prisoner video, the Discipline Authority found that the member committed misconduct and imposed a two-day suspension without pay.

Adjudicative Review – Review on the Record

The Commissioner reviewed the outcome of the Discipline Proceeding and determined that a Review on the Record was necessary in the public interest. Among other things, the Commissioner determined there was a reasonable basis to believe that the Discipline Authority’s decision to dismiss the allegations of deceit was incorrect. The Commissioner also determined that a Review on Record was necessary as the disciplinary or corrective measure proposed by the Discipline Authority for the misconduct relating to taking and sharing the video did not reflect the seriousness of the misconduct, and the position of trust which the member held in relation to the person in their custody.

The Commissioner appointed retired BC Provincial Court Judge Brian Neal, K.C. to review the matter and arrive at his own decision based on the evidence.

During the course of the Review on the Record, the member resigned from the VicPD.

In respect of the prisoner video, Mr. Neal found that the member clearly breached his duty of care owed to the subject of the recording and that the misconduct was done for the apparent amusement of the member. While acknowledging that the member admitted to the misconduct, Mr. Neal determined that it was not at all clear that the member understood why such actions were wrong and that the member consistently minimized and equivocated on the scope, nature, and importance of such issues. Mr. Neal further noted that the member demonstrated a disturbing indifference to basic standards of trust, care, and professionalism applicable to all officers.

In addition, Mr. Neal found that the member committed two acts of misconduct by way of *Deceit* as the member intentionally and unequivocally made deceitful statements in interviews with the *Police Act* investigator, knowing they were misleading and untrue. Mr. Neal noted that this misconduct was the highest level of seriousness, and that the member completely lacked the foundational standards of honesty and integrity as evidenced by the member’s attempts to deflect blame and efforts to cast other coworkers as blameworthy to avoid personal responsibility.

In arriving at the disciplinary measure of dismissal, Mr. Neal emphasized the seriousness of the misconduct and the need to denounce the misconduct and deter others from engaging in similar behaviours.

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

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

Ordered Investigation – Requested by Department (OPCC 2022-21414)

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into the conduct of a VicPD member. It was reported that the member had worn several military medal ribbons on his VicPD uniform, and that the member’s supervisor was suspicious of the member’s account of how he had earned one of those medals.

The Commissioner determined it was necessary in the public interest that an external Discipline Authority be designated. A senior officer at the New Westminster Police Department was designated as the Discipline Authority.

Allegation 1

The member claimed to have received a Meritorious Service Medal, wore a military ribbon on their police uniform indicating same, and told their supervisor they had been awarded the medal when in fact they had not been.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The member provided Professional Standards investigators with statements indicating they had been the recipient of the Meritorious Service Medal and other medals, while knowing those statements to be false and misleading.

MISCONDUCT
<i>Deceit</i> (False or misleading oral or written statement)
Date of Incident: 2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 3

The member provided Professional Standards investigators with a forged record of their military service.

MISCONDUCT
<i>Deceit</i> (False or misleading oral or written statement)
Date of Incident: 2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed three counts of misconduct. No prehearing conference was offered and as a result, the matter proceeded directly to a discipline proceeding. The member did not attend the proceeding, which continued in their absence.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that that any course of action other than dismissal would bring the administration of police discipline into disrepute.

The member did not request a review of the disciplinary decision. The OPCC reviewed these findings and determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

During the course of the disciplinary process, the member resigned from the VicPD. Even though the member resigned prior to the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

West Vancouver Police Department

Ordered Investigation – Requested by Department (OPCC 2022-22263)

Upon request from the West Vancouver Police Department (WVPD), the Commissioner ordered an investigation into the conduct of a WVPD member. It was reported that the member had spoken in a manner that staff members at a First Nations child and family services agency found offensive and/or culturally insensitive.

Allegation 1

The member suggested to individuals that he had a suspicion early on that a young person had been untruthful about a report of sexual assault.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Discreditable Conduct</i> (Conduct that discredits the department)	Advice to Future Conduct
Date of Incident: July 2022	Training/Re-Training: with respect to using a trauma-informed approach (Introduction to Trauma and Sexual Assault Investigations) as well as an Indigenous Awareness education through the Canadian Police Knowledge Network.

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member had accepted responsibility for their actions, was genuinely remorseful, and acknowledged how their misconduct had impacted their relationship with the First Nation. The Prehearing Conference Authority further noted that the member had made themselves available for opportunities to enhance their cultural awareness as it relates to the history, language, culture, and spiritual aspects of the First Nation and had demonstrated a commitment to strengthening their relationship with the First Nation and repairing any damage to public confidence.

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

Ordered Investigation – Initiated by PCC (OPCC 2021-20567)

The Commissioner ordered an investigation after receiving information that a member of the West Vancouver Police Department (WVPD) had reportedly left police information on a personal home computer and had shared information, obtained in the course of their duties, with their former spouse.

Upon request by the WVPD, the Commissioner directed the New Westminster Police Department to conduct the investigation and a senior officer at the Metro Vancouver Transit Police was designated as Discipline Authority.

Allegation 1

The member failed to keep sensitive information pertaining to WVPD operations safe by storing and not removing police documents from their former spouse's computer.

MISCONDUCT
<i>Neglect of Duty</i> (Failure to comply with departmental policy)
Date of Incident: 2014-2020

DISCIPLINARY/CORRECTIVE MEASURE
Advice to Future Conduct

Allegation 2

The member disclosed personal and confidential information acquired through their duties to their former spouse during the course of their relationship.

MISCONDUCT
<i>Improper Disclosure of Information</i> (Disclosing information acquired as a police officer)
Date of Incident: 2014-2020

DISCIPLINARY/CORRECTIVE MEASURE
Written Reprimand

Disciplinary Process

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. A prehearing conference was offered and accepted by the member. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member had accepted responsibility for their conduct and had a lengthy career in policing with no prior substantiated misconduct on their Service Record of Discipline.

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