

## CONCLUSION OF PROCEEDINGS

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

OPCC File: 2022-21634

November 28, 2023

To: Mr. [REDACTED] (Complainant)

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

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

And to: Inspector [REDACTED] (Pre-Hearing Conference Authority)  
c/o Victoria Police Department  
Professional Standards Section

And to: Chief Constable Ian Lawson  
c/o Central Saanich Police Service  
Professional Standards Section

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

1. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*; specifically, failing to provide the complainant with his Charter rights after arresting him.

Discipline Proposed - Written Reprimand

2. *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the *Police Act*; specifically, failing to adequately investigate the assault allegation brought forward by the complainant.

Discipline Proposed - Verbal Reprimand

3. *Abuse of Authority*, pursuant to section 77(3)(a) of the *Police Act*; specifically, telling the complainant that he would go to jail if he did not sign an undertaking to appear and for not explaining the release conditions of the undertaking prior to telling the complainant to sign the undertaking or he would go to jail.

#### Discipline Proposed – Verbal Reprimand

Following the section 117 review, the appointed Discipline Authority determined the evidence appeared to substantiate two allegations of *Neglect of Duty* pursuant to section 77(3)(m)(ii) of the *Police Act* and one allegation of *Abuse of Authority* pursuant to section 77(3)(a) of the *Police Act* by Constable [REDACTED]

A prehearing conference was offered to Constable [REDACTED] and was held on November 16, 2023, before Inspector [REDACTED] as the Prehearing Conference Authority.

A report following the prehearing conference was received at our office on November 21, 2023. In reviewing the investigation conducted by Sergeant [REDACTED] and considering all the relevant factors in this case, the Prehearing Conference Authority has appropriately considered the aggravating and mitigating factors pursuant to section 126.

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

[REDACTED]

Investigative Analyst

cc. Sergeant [REDACTED], Saanich Police Department