



Office of the  
Police Complaint Commissioner

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British Columbia, Canada

**CONCLUSION OF PROCEEDINGS**

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

OPCC File 2022-21634  
April 24, 2024

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 (ret'd) (Discipline Authority)  
Retired Judge of the Provincial Court of British Columbia

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 Discipline Authority pursuant to section 133 of the *Police Act* in this matter.

The complainant and the member were provided a copy of the Discipline Authority's findings in relation to each allegation of misconduct and were informed that, if they disagreed with the Discipline Authority's decision, they could file a written request with the Police Complaint Commissioner to arrange a Public Hearing or Review on the Record. Pursuant to section 136(1) of the *Police Act*, such a request must be filed within 20 business days of receipt of the section 133 report.

On March 12, 2024, my Office received a request from the complainant that the Police Complaint Commissioner exercise his authority to arrange a Public Hearing or Review on the Record pursuant to the *Police Act*.

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

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Prabhu Rajan  
Police Complaint Commissioner

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I am satisfied that the Discipline Authority appropriately determined that the allegations of *Neglect of Duty* and *Deceit* do not appear to be substantiated on the basis of the reasoning provided. As such, there is no reasonable basis to believe the Discipline Authority's findings under section 125 are incorrect.

Specifically, the Discipline Authority provided a comprehensive review and analysis of the evidentiary record in reaching their decision and such decision appears reasonable in the circumstances. While the member might have done well to clarify the complainant's wishes regarding access to counsel, the complainant was released from the scene shortly following the interaction and no statements were obtained from the complainant after he expressed his desire to contact his counsel. I further note that the evidence does not appear to support a finding that the member intended to make a false or misleading statement when he documented that the complainant did not wish to consult counsel; his explanation that his documentation reflected his belief that the complainant did not wish to consult his counsel while on scene, is reasonable in the circumstances.

Additionally, with respect to the public interest, I have considered that this matter has proceeded through an investigation conducted by an external police department and a review by a retired judge, and it is unlikely that any further review would yield additional relevant information.

Based on the foregoing, I have determined that a public hearing or a review on the record is not required in this case. The decision to conclude this matter is final and my office will take no further action.



Prabhu Rajan  
Police Complaint Commissioner