



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

NEWS RELEASE

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PUBLIC HEARING CALLED IN NELSON POLICE DEPARTMENT 'WHATSAPP' CASE

Victoria - The Police Complaint Commissioner has called a public hearing into the conduct of three current and three former Nelson Police Department officers in a WhatsApp chat group allegedly containing racist, sexist, discriminatory and inappropriate posts. The public hearing will determine whether the officers committed discreditable conduct and neglect of duty for failing to report or shut the electronic chat down in support of a respectful workplace.

The decision to call a public hearing comes after delays largely related to constitutional issues raised by five of the police officers regarding the search of one of their personal cell phones. The officers argue that the court-ordered search was an unreasonable breach of their privacy rights. These legal questions were raised following a significant passage of time after the search was conducted.

"The residents of Nelson deserve answers and to know that their police officers are held to higher standards of behaviour to ensure their community's confidence," said Prabhu Rajan – BC's Police Complaint Commissioner. "Calling a public hearing now is the best way to get timely answers for questions raised by this case. There needs to be clarity for the officers involved in this case, and for policing more generally, about whether group chats between police officers are protected and when they bring discredit to their police department or undermine a respectful workplace culture."

It is expected the public hearing will first deal with the officers' constitutional challenge to the search that yielded the group chat messages and then deal with the specific misconduct allegations. Decisions from this hearing along with potential recommendations should help municipal police officers across British Columbia understand what is expected of police officers in their conversations both on and off the job.

The WhatsApp messages in question were exchanged over an almost two-year period. In December of 2021, the Nelson Police Department told the Office of the Police Complaint Commissioner it had been advised of the existence of a WhatsApp group chat where officers

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exchanged work-related information as well as inappropriate content. On February 2, 2022, the former Commissioner ordered the Vancouver Police Department to conduct an external investigation regarding the group chat and act as discipline authority.

A full chronology of the disciplinary process to date, and further details, can be found in the notice of public hearing [here](#).

The Commissioner has appointed Brent Hoy, formerly a Judge of the Provincial Court of BC, to preside as adjudicator in these proceedings. It will be his responsibility to determine the constitutional challenges, whether the officers committed discreditable conduct or neglect of duty, appropriate disciplinary or corrective measures, if necessary, and make recommendations, if appropriate.

Dates for the public hearing have not yet been determined. The public hearing will begin at the earliest practicable date and these will be posted to the Office of the Police Complaint Commissioner (OPCC) website.

This is the third Public Hearing called by Police Complaint Commissioner Rajan since his appointment in February 2024.

About the OPCC and Public Hearings:

- Prabhu Rajan is the Police Complaint Commissioner. He is a civilian, independent Officer of the Legislature overseeing complaints, investigations, and discipline involving municipal police in British Columbia.
- While the OPCC does not have a mandate to investigate or make determinations about police misconduct, it does act in the public interest to ensure allegations are fully investigated and fairly decided.
- Retired judges appointed under the *Police Act* are independent and operate at arm's length from the OPCC. They are appointed to sit as the adjudicator and review the evidence, hear sworn or affirmed testimony, and arrive at a decision as to whether there is misconduct and, if necessary, determine the corrective and/or disciplinary measures to be imposed.
- The appointed retired judge can also make recommendations to the chief constable or police board concerning any changes in policy or practice that the retired judge considers advisable.
- The Police Complaint Commissioner will appoint Commission Counsel to act on their behalf during public hearings. Independent public hearing counsel will present to the adjudicator the case relative to each allegation of misconduct against the member.

Note to media: The OPCC is unable to comment on this review while it is underway. For general queries related to the OPCC's role and processes, please contact:

A handwritten signature in black ink that reads "Andrea Spindler". The signature is written in a cursive, flowing style.

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