



Office of the
Police Complaint Commissioner

British Columbia, Canada

RR: 2025-01
OPCC File: 2022-22761

NOTICE OF REVIEW ON THE RECORD

Pursuant to section 138(1) *Police Act*, R.S.B.C. 1996, c.267

**In the matter of the Review on the Record
into the Ordered Investigation against
Keiron McConnell formerly of the Vancouver Police Department**

To: Keiron McConnell (Former Member)
c/o Anila Srivastava, Counsel

And to: Inspector Steve Meaden (External Discipline Authority and
c/o Metro Vancouver Transit Police External Investigative Agency)
Professional Standards Section

And to: Chief Constable Steve Rai
c/o Vancouver Police Department
Professional Standards Section

SUMMARY

1. I have determined it is necessary in the public interest to arrange a review on the record in a matter involving Keiron McConnell, a former member of the Vancouver Police Department ("VPD") who retired in July of 2025 at the rank of Constable.
2. In May of 2025, when he was still a member, Former Constable McConnell admitted at a police discipline proceeding that he had committed misconduct under the *Police Act* ("Act") in relation to an adult female student who had recently taken a university class he taught ("Affected Person"). He admitted encountering her in a bar in 2005 while he was on duty, then having sex with her after his shift while aware she was under the influence of alcohol. He also admitted exchanging messages with inappropriate sexual content with the Affected Person, and failing to document his reason for querying the Affected Person's name in a

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police database. A police discipline authority accepted this was misconduct and endorsed joint submissions proposing discipline in the form of a 10-day unpaid suspension.

3. The only persons who had standing to participate at the discipline proceeding were Former Constable McConnell and a discipline representative appointed by the police discipline authority. Together, they made the joint submissions proposing a 10-day unpaid suspension. Neither my office nor I had standing to make submissions. Neither the joint submissions nor the discipline authority's decision mention whether the Affected Person was consulted on or made aware of the proposed resolution.
4. As explained further below, I believe that a 10-day unpaid suspension does not adequately reflect the seriousness of the admitted misconduct in this case, or the recent public hearing decision finding that Former Constable McConnell had engaged in *Discreditable Conduct* in the nature of sexual harassment with respect to five other women. Three of the five women were also university students taught by Former Constable McConnell.
5. I am further of the view that the police discipline authority erred by giving too much deference to the joint submissions made at the discipline proceeding. There is precedent saying adjudicators at public hearings should pay substantial deference to joint submissions. However, the discipline authority failed to consider key statutory differences between public hearings and discipline proceedings that arguably make a high degree of deference appropriate in the former but not the latter.
6. Sending this matter for a review on the record regarding the adequacy of the disciplinary and corrective measures imposed by the discipline authority will allow a retired judge as adjudicator to provide guidance on these important matters.

Terminology and Former Members

7. Former Constable McConnell was a VPD Sergeant when the investigation in this matter began. He had been demoted to Constable by the time the discipline authority issued the decision to be reviewed, and subsequently retired from the VPD. For ease of reference, this Notice will refer to him as Former Constable McConnell throughout.
8. Although Former Constable McConnell is now retired, the Act states that investigations, discipline proceedings, public hearings, and reviews on the record may proceed against former members. When a former member has committed misconduct, the Act calls on decision makers to impose the disciplinary or corrective measures that would have been taken if the former member had continued to be a member.

BACKGROUND

OPCC Order for Investigation

9. On October 27, 2022, the VPD advised the Office of the Police Complaint Commissioner (“OPCC”) that the Affected Person had provided information to a VPD officer about an interaction she had with Former Constable McConnell many years before. The VPD said the Affected Person had identified herself as a former student of Former Constable McConnell. She believed Former Constable McConnell had sexually assaulted her in her hotel room when she was intoxicated and after she encountered him at a Vancouver nightclub while he was on duty as a VPD Sergeant.
10. In addition to advising the OPCC, the VPD also reported the Affected Person’s allegation to the RCMP, which opened a criminal investigation.
11. On November 16, 2022, the former Commissioner ordered an investigation under s. 93 of the Act into whether Former Constable McConnell had committed *Discreditable Conduct*. The former Commissioner granted the VPD’s request to suspend the investigation, on the basis that continuing the proceedings could prejudice the ongoing criminal investigation.

The External Investigation

12. The RCMP closed its criminal investigation in August of 2023 without forwarding a report to Crown counsel to be considered for charges.
13. On January 23, 2024, at the VPD’s request, the former Commissioner issued a Notice that lifted the suspension of the investigation under the Act, assigned the Metro Vancouver Transit Police (“MVTP”) to conduct an external investigation, and designated the Chief Officer of the MVTP to act as an external discipline authority. The Chief Officer delegated the latter role to an inspector of the MVTP (“Discipline Authority”). A sergeant from the MVTP (“Investigating Officer”) was assigned to investigate the matter.
14. On April 30, 2024, based on information obtained during the investigation, I issued an Amended Order for Investigation that added a second allegation of *Discreditable Conduct* relating to sexual content in messages Former Constable McConnell exchanged with the Affected Person.
15. The Investigating Officer prepared a Final Investigation Report (“FIR”) dated September 5, 2024. The FIR identified a further allegation that Former Constable McConnell

had committed misconduct by failing to adequately document his reasons for conducting a police database query of the Affected Person.

Discipline Authority's Section 112 Decision

16. After reviewing the FIR, the Discipline Authority issued a decision on October 3, 2024, under s. 112 of the Act. The Discipline Authority found that the evidence appeared to substantiate two counts of *Discreditable Conduct* and one count of *Corrupt Practice*. He further said that the range of potential outcomes could be up to a 30-day unpaid suspension (for the sexual encounter), a three-day unpaid suspension (for the messages), and a written reprimand (for the failure to document reasons for making a query).
17. In his s. 112 decision, the Discipline Authority offered Former Constable McConnell the opportunity to attend a prehearing conference under s. 120 of the Act. A prehearing conference is a confidential, without prejudice, statutory process in which a member or former member who is prepared to admit misconduct meets with a prehearing conference authority. If the member or former member accepts disciplinary or corrective measures and the prehearing conference authority approves, the proposed measures are sent to the police complaint commissioner for approval or rejection.
18. No prehearing conference took place. Former Constable McConnell asked the Discipline Authority to direct further investigative steps. The Discipline Authority granted that request. The Investigating Officer conducted further investigation and recorded the results in a Supplementary Investigation Report (SIR) dated January 28, 2025. The SIR did not change the Discipline Authority's opinion that three counts of misconduct appeared to be substantiated.

Public Hearing into Separate Allegations

19. While the above-noted steps were underway in the current case, separate allegations against Former Constable McConnell ("Public Hearing Allegations") were being investigated under the Act and were sent to be resolved at a public hearing ("Public Hearing"). The Public Hearing Allegations consisted of seven allegations of *Discreditable Conduct* in the nature of sexual harassment. Each of the seven Public Hearing Allegations related to Former Constable McConnell's interactions with a different woman. Three related to female VPD officers and four related to women who had taken university classes taught by Former Constable McConnell.

20. The Public Hearing Allegations and my decision to arrange the Public Hearing are described in the Notice of Public Hearing I issued on June 19, 2024. The Notice of Public Hearing does not refer to the Affected Person or her interactions with Former Constable McConnell, which were still being actively investigated at that time.
21. The Act gives the following persons the right to submit evidence and make submissions at a public hearing: (i) an independent public hearing counsel, appointed under s. 138(7) of the Act to present to the adjudicator the case relative to each allegation of misconduct; (ii) the member or former member whose conduct is at issue; and (iii) commission counsel appearing on behalf of the police complaint commissioner.
22. At the Public Hearing held April 9, 2025, Former Constable McConnell admitted five of the seven Public Hearing Allegations. Public hearing counsel, Former Constable McConnell, and commission counsel then tendered joint submissions on disposition that proposed, among other things, a reduction in rank, a 20-day unpaid suspension, certain restrictions on duties, a period of working under close supervision, sexual harassment training, and psychological counselling.
23. In her decision dated May 6, 2025 ("PH Decision"), the adjudicator noted that the joint submission was made by counsel representing the public, the member, and the OPCC. Citing analogous case law from criminal and other legal contexts, she found that a joint submission made at a public hearing should be given substantial deference. Applying that approach, she approved the joint submission and imposed the proposed disciplinary and corrective measures. The adjudicator added that, "Given that the measures are just short of dismissal, the Member may be assured that a recurrence of similar behaviour will most certainly mean the end of his job."
24. Neither the record at the Public Hearing nor the PH Decision include any mention of the Affected Person or the allegations of misconduct against Former Constable McConnell that are at issue in the current matter.

The Discipline Proceeding in This Case

25. On May 23, 2025 – two and a half weeks after the release of the PH Decision – the Discipline Authority convened the evidentiary portion of a discipline proceeding into the current allegations involving the Affected Person.
26. The Discipline Authority had previously granted Former Constable McConnell's request under s. 119 of the Act to have the Affected Person appear as a witness. As a result, the

Discipline Authority had appointed a discipline representative pursuant to s. 121(1) of the Act (“Discipline Representative”). Similar to a public hearing counsel at a public hearing, the role of the discipline representative was to present the case relative to Former Constable McConnell’s alleged misconduct.

27. The Act sets out the persons who have standing to participate, make submissions, and/or attend at a discipline proceeding. Although entitled to attend as an observer, neither I nor my office had standing to make submissions to the Discipline Authority at the discipline proceeding.
28. Rather than call witnesses and proceed with a contested discipline proceeding, the Discipline Representative and Former Constable McConnell presented an Agreed Statement of Facts and tendered joint submissions (“Joint Submissions”) proposing discipline in the form of a 10-day unpaid suspension. In those documents, Former Constable McConnell agreed he taught the Affected Person in a post-secondary course in the Fall of 2004 and was in a position of power or influence over the Affected Person when he taught her. He admitted that:
- a) in January of 2005, he committed discreditable conduct when he encountered the Affected Person in a bar while he was on duty, then had sex with her after his shift while knowing she was under the influence of alcohol;
 - b) at times between 2005 and 2021, he committed discreditable conduct when he exchanged messages with the Affected Person that were of a sexual nature, including messages in 2018 about him causing trouble for one of her colleagues in exchange for a lap dance (although he took no such actions and neither he nor the Affected Person believed that he would); and
 - c) in May of 2023, he neglected his duty by querying the Affected Person’s name in a police database without documenting the reason for the query.
29. In decisions dated June 5 and 13, 2025, under ss. 125 and 128 of the Act, respectively (together, the “DA Decision”), the Discipline Authority endorsed the Joint Submission. He found that the circumstances in which he could refuse a joint submission from a discipline representative and member were limited. He noted that the measures recently imposed at the Public Hearing would be added to Former Constable McConnell’s service record, but did not describe them as an aggravating factor. Instead, he asserted that the allegations before him had initially been part of the investigation that led to the Public Hearing, and said that significant measures had already been imposed in that “related matter.” In all the

circumstances, the Discipline Authority found it appropriate to approve the 10-day unpaid suspension proposed in the Joint Submission. He noted that the total suspensions across the two matters would total 30 days, said to be the maximum available under the Act.

30. While the DA Decision refers to the PH Decision, it does not mention the adjudicator's comment about a recurrence of similar behaviour almost certainly meaning the end of Former Constable McConnell's job.

Events Since the Discipline Proceeding

31. On July 2, 2025, my office received a letter from legal counsel representing the Office of the Chief Constable of the VPD. I have not reviewed this letter but am advised by OPCC staff that it set out the Chief Constable's views on whether a public hearing or review on the record should be arranged in this matter. I understand OPCC staff gave Former Constable McConnell an opportunity to make submissions about whether they should give this letter to me for review, and that Former Constable McConnell did not make submissions. In the end, I have reached my decision to arrange a review on the record based solely and independently on the record of proceedings, without reading the letter sent on behalf of the Chief Constable.
32. I understand that Former Constable McConnell retired from the VPD effective July 15, 2025.
33. Under s. 136(1) of the Act, Former Constable McConnell had until July 28, 2025, to submit a written request for a public hearing or review on the record. He did not submit a request.

A REVIEW ON THE RECORD IS NECESSARY

34. Under s. 138 of the Act, the Commissioner must arrange a public hearing or review on the record if, after considering the factors referred to in s. 138(2), the Commissioner determines that a public hearing or review on the record is necessary in the public interest.
35. I have decided under s. 138 that it is necessary to arrange a review on the record regarding the adequacy of the disciplinary or corrective measures imposed by the Discipline Authority. This is for the following reasons.
36. First, the admitted misconduct is serious in nature and is likely to have caused the Affected Person physical, emotional, or psychological harm, and to have violated her dignity. It is also likely to undermine public confidence in the police. In these circumstances, it is in the public interest to ensure the outcomes of this process are commensurate with the seriousness of the admitted misconduct and its impacts.

37. Second, an arguable case can be made that the disciplinary or corrective measures imposed by the Discipline Authority are inadequate. The Discipline Authority should have conducted an independent assessment of the admitted misconduct, considering all the factors in s. 126(2) of the Act. Among other things, the Discipline Authority should have treated the misconduct found and measures imposed at the Public Hearing as aggravating factors under s. 126(2)(b) of the Act. Instead, the Discipline Authority appears to have considered the two cases to be related and interconnected, and to have effectively treated the Public Hearing outcomes as *narrowing* the available range in the present case.
38. Third, an arguable case can be made that the Discipline Authority incorrectly interpreted and applied the Act by giving substantial deference to the Joint Submissions made by Former Constable McConnell and the Discipline Representative.
39. In my view, the situation at a discipline proceeding is markedly different from a public hearing. When a case is sent to a discipline proceeding, the Act expressly provides for the possibility of a prehearing conference that can lead to a resolution based on admitted misconduct, subject to the approval of the police complaint commissioner. Given the existence of this statutory process, there is no need, nor would it be appropriate, at the discipline proceeding stage to borrow legal principles from other contexts around deference to joint submissions. The police complaint commissioner also has no standing to appear or make submissions at a discipline proceeding in the public interest.
40. Conversely, it is appropriate for an adjudicator to pay substantial deference to joint submissions made at a public hearing by a member, public hearing counsel, and commission counsel. Once a matter goes to a public hearing, the Act provides no other mechanism for a resolution based on a member's acceptance of responsibility akin to a prehearing conference. In addition, the Act allows the police complaint commissioner to participate fully at a public hearing. The police complaint commissioner is charged by the Legislature to represent the public interest; the involvement of the police complaint commissioner at a public hearing helps assure the adjudicator and the public that the proposed approach is in the public interest and furthers the purposes of the legislation.
41. Sending this matter for a review on the record will allow a retired judge as adjudicator to provide guidance on these important issues, and to make a fresh and independent decision on disciplinary and corrective measures, having regard for all relevant factors. It will be open to the adjudicator to consider the full range of disciplinary and corrective measures under s. 126(1) of the Act, up to and including dismissal.

A Public Hearing is Not Required

42. In making my decision to arrange a review on the record, I considered whether a full public hearing is required. I am satisfied that it is not.
43. The evidentiary record that was before the Discipline Authority is sufficient to allow a decision to be made regarding the appropriate disciplinary or corrective measures in this case. There is no need to examine or cross-examine witnesses. The adjudicator will be able to independently weigh the relevant issues based on the available evidence introduced at the Discipline Proceeding, including the Agreed Statement of Facts. The review on the record will be open to the public and the resulting decision will be posted to the OPCC website, subject to any orders the adjudicator may make under s. 150 of the Act. In the circumstances, a full public hearing is not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline.

Review on the Record – Procedures and Parties

44. The review on the record will consist of a review of whether the disciplinary and corrective measures set out in the DA Decision are an appropriate response to the admitted misconduct.
45. The record will consist of the materials described in s. 141(3) of the Act, which together make up the record of the DA Decision. If the adjudicator determines that special circumstances exist and it is appropriate or necessary to do so, the adjudicator may also decide under s. 141(4) of the Act to receive evidence that is not part of the record of the DA Decision or Former Constable McConnell's service record.
46. In arriving at my determination, I have considered that the adjudicator at the review on the record will be able to receive oral or written submissions from the following persons about the matters under review:
- a) Pursuant to s. 141(5), Former Constable McConnell or his agent or legal counsel may make submissions.
 - b) Pursuant to s. 141(6), the Commissioner or his commission counsel may make submissions.
 - c) Pursuant to s. 141(7)(b), the adjudicator may permit the Discipline Authority or the Discipline Representative to make submissions.

47. Section 144 of the Act allows a person to apply to become a participant at a public hearing. There is no similar provision in the Act for a review on the record. Despite this difference, I remain satisfied that a review on the record is appropriate in this case. If anyone with standing to make submissions believes another person has factual information that the adjudicator should consider, they can apply to the adjudicator to provide that information as evidence under s. 141(4) of the Act.

Confidentiality for the Affected Person

48. As this matter involves allegations of a serious and sensitive nature, the Affected Person's name and other identifying information has been withheld in this Notice. I expect to instruct commission counsel, once appointed, to seek an order pursuant to s. 150 of the Act to protect the Affected Person's anonymity and safety. I expect that Former Constable McConnell and any other person who has seen or obtained the Affected Person's personal information through the police discipline process will not disclose that information unless specifically authorized by the adjudicator.

APPOINTMENT OF RETIRED JUDGE

49. Section 142(1) of the Act requires the Commissioner to appoint an adjudicator for a review on the record. An appointment under s. 142(1) of the Act must be made pursuant to s. 177.2 of the Act.
50. Section 177.2 of the Act, in turn, requires the Commissioner to request the Associate Chief Justice of the Supreme Court of British Columbia to consult with retired judges of the Provincial Court, Supreme Court, and Court of Appeal and recommend retired judges who the Commissioner may include on a list of potential adjudicators. Appointments under the Act are to be made in accordance with published procedures established under s. 177.2(3).
51. I have published on the OPCC website the appointment procedures established under s. 177.2(3) of the Act (the "Appointment Procedures") and the list of retired judges who may be appointed for the purposes of, among other things, s. 142 of the Act.
52. In accordance with the Appointment Procedures, I have appointed Ms. Carol Baird Ellan, K.C., retired Provincial Court Judge, to preside as Adjudicator in this review on the record pursuant to ss. 142(1) and (2) of the Act. I have considered the factors as set out in the Appointment Procedures, namely:

- (a) the provision under which the appointment is being made;

- (b) the current workloads of the various retired judges;
- (c) the complexity of the matter and any prior experience with the Act; and
- (d) any specific expertise or experience of a retired judge with respect to a particular issue or sensitivity associated with the matter.

53. Retired Judge Baird Ellan has confirmed her availability to preside over this matter and reported no conflicts. She has significant experience and expertise with the provisions of Part 11 of the *Police Act*, including as an adjudicator appointed for the purposes of reviews on the record. In addition, as noted above, there may be an issue in this case about whether or how the allegations here are connected to the allegations that were addressed at the previous Public Hearing. As the adjudicator who presided over that Public Hearing, Retired Judge Baird Ellan is uniquely situated to determine whether the allegations and outcome in that matter relate to or impact the current case. Given this specific experience and expertise with respect to a particular issue associated with this matter, she is best placed to conduct this review on the record.

Inquiries with respect to this matter may be directed to the Office of the Police Complaint Commissioner:

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DATED at the City of Victoria, in the Province of British Columbia, this 10th day of September, 2025.



Prabhu Rajan
Police Complaint Commissioner