

Substantiated Allegations

Concluded between April 1, 2024 and March 31, 2025

Abbotsford Police Department

Ordered Investigation – Requested by Department OPCC 2021-20794

Upon request from the Abbotsford Police Department (APD), the Commissioner ordered an investigation into the conduct of an APD member. It was reported that the member failed to document a use of force incident that occurred during an arrest and did not complete a Subject Behaviour Officer Response Report (SBORR) required per policy.

Allegation 1

The member failed to document a use of force incident in the police file contrary to policy.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate documentation/notes/records
Date of Incident: November 2021

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that the member had no previous substantiated misconduct on their service record of discipline and was unlikely to repeat the misconduct. Additionally, the member admitted to the misconduct, took full responsibility for their actions, and fully cooperated throughout the investigation.

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 2023-24017

Upon request from the Abbotsford Police Department (APD), the Commissioner ordered an investigation into the conduct of a member. It was reported that the member had used police databases to query a university convocation guest speaker who had made remarks about a police incident that the speaker had been involved in. The member subsequently used the information they gained from the database query to contact a police member who was involved in the incident and advise them of the speaker's remarks.

The member retired before the *Police Act* investigation was finished.

Allegation 1

The member improperly utilized police databases to query an individual for a purpose unrelated to the performance of their duties.

MISCONDUCT

Corrupt Practice

Unauthorized use of police resources

Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE

Advice as to future conduct

Disciplinary Process – Prehearing Conference

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 retired member, which the member declined. As a result, the matter proceeded to a discipline proceeding which the member did not participate in.

In arriving at the appropriate disciplinary or corrective measure, the Discipline Authority noted that the scope of the member’s database query was limited, that the member had no previous substantiated misconduct on their service record of discipline, and that while the member did not participate in the discipline proceeding, they were fully cooperative during the investigation and took responsibility for their actions.

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 before the conclusion of this matter, their Service Record of Discipline will record the discipline imposed.

Central Saanich Police Service

Police Officer Complaint OPCC 2022-21634

The OPCC received a complaint describing concerns about an interaction with members of the Central Saanich Police Service (CSPS) where the attending members failed to investigate the complainant's report of an assault against them and instead arrested the complainant for obstruction. The complainant self-identified as Black and alleged that members made negative comments and treated them differently because of their race.

The OPCC reviewed the complaint and determined that an investigation into the incident was required. The Commissioner subsequently 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 Saanich Police Department (SPD) to conduct the investigation and designated the Chief Constable of the SPD as the Discipline Authority.

During the *Police Act* investigation it was determined that, among other things, the complainant was not provided with their Charter rights until approximately one hour and twenty-five minutes after their arrest and was advised they would go to jail if they did not sign an undertaking for release.

Allegation 1

The member who arrested the complainant failed to provide the complainant with their Charter rights after arresting them.

MISCONDUCT
<i>Neglect of Duty</i> Failure to provide Charter rights
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Allegation 2

The member who arrested the complainant failed to adequately investigate the assault allegation brought forward by the complainant.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate investigation
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Allegation 3

The member who arrested the complainant did not explain the release conditions of the undertaking before telling the complainant they would go to jail unless they signed it.

MISCONDUCT
<i>Abuse of Authority</i> Oppressive conduct
Date of Incident: March 2022

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Adjudicative Review – Section 117 Review

The Discipline Authority did not find that the members committed misconduct. The Commissioner reviewed this decision and determined there was a reasonable basis to disagree with some aspects of the Discipline Authority's decision. The Commissioner raised concerns regarding the conduct of two of the members at the scene. Specifically, the Commission was concerned that these members had not obtained the complainant's version of events, delayed in providing the complainant with their Charter rights, and did not adequately respond to the complainant's reasonable requests for clarification about the signing of the undertaking. The Commissioner also raised concerns the discipline authority had not adequately addressed the complainant's allegations regarding race-based comments.

As a result, the Commissioner appointed Mr. James Threlfall, retired Provincial Court Judge, to act as an adjudicator and to review the matter under section 117 of the *Police Act* and arrive at his own decision based on the evidence. Adjudicator Threlfall found an appearance that some, but not all, of the misconduct alleged against the two members appeared to be substantiated. Among other things, he found an appearance of misconduct relating to the allegations of inadequate investigation, the failure to provide Charter rights in a timely manner, and telling the complainant they would go to jail if they did not sign the undertaking without first having explained the release conditions. Adjudicator Threlfall did not find an appearance of misconduct relating to the allegations linked to the complainant's race.

Disciplinary Process – Prehearing Conference

In his section 117 decision, Adjudicator Threlfall offered the members a prehearing conference. One member declined the offer and proceeded to a discipline proceeding, where Adjudicator Threlfall found the allegations against that member were not substantiated. The other member accepted the offer and attended a prehearing conference that addressed two allegations of Neglect of Duty (inadequate investigation, and failure to provide Charter rights) and one allegation of Abuse of Authority (regarding the comments around the signing of the undertaking).

In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the member had accepted responsibility for their actions and had no substantiated misconduct on their Service Record of Discipline. The Prehearing Conference Authority further noted that the member had demonstrated their understanding of the shortcomings of their investigation and that this matter appeared to be an isolated mistake.

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/decisions/section-117-reviews/>

Internal Discipline OPCC 2023-24967

The department initiated an internal discipline investigation into the conduct of a senior Central Saanich Police Service (CSPS) member. It was alleged that the member used profanity in making demeaning comments toward a constable during a verbal exchange that occurred in the workplace.

Allegation 1

The member violated the CSPS respectful workplace policy.

MISCONDUCT

Neglect of Duty

Failure to comply with departmental policy/regulations

Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE

Written reprimand

Delta Police Department

Internal Discipline OPCC 2023-24136

The department initiated an internal discipline investigation into the conduct of a Delta Police Department (DPD) member. It was alleged that the member negligently discharged one round from their duty firearm into a table while conducting a function test of the firearm in the North Delta Public Safety Building firearm cleaning room. There were no injuries or significant property damage resulting from the discharge.

Allegation 1

The member unintentionally inserted a loaded magazine into their firearm while conducting a function test and activated the trigger, resulting in the negligent discharge of their firearm.

MISCONDUCT
<i>Improper Use or Care of Firearms</i> Negligent discharge of a firearm/weapon
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Metro Vancouver Transit Police

Serious Harm Investigation OPCC 2020-18785

The OPCC initiated a mandatory investigation following a review of injuries sustained by an affected person. It was reported that a member of the Metro Vancouver Transit Police (MVTP) was responding to an in-progress priority call in their unmarked police vehicle at a high rate of speed, with emergency equipment activated, when they collided with the affected person's vehicle. Both the member and the affected person sustained serious injuries that required treatment at hospital.

Due to the serious nature of the injuries, the Independent Investigations Office (IIO) investigated this matter for possible criminal charges. In addition, the *Police Act* requires that the OPCC initiate a misconduct investigation whenever death or serious harm results from an incident involving municipal police officers. These investigations are separate and distinct from investigations by the IIO and are not restricted to evidence gathered by the IIO. Under the *Police Act*, officers may be compelled to provide statements, answer questions, and otherwise account for their actions in an investigation into possible misconduct.

The IIO referred the matter to the BC Prosecution Service and a criminal charge was approved. The member ultimately pled guilty to an offence of operating a motor vehicle at excessive speeds relative to the conditions, contrary to section 144(1)(c) of the *Motor Vehicle Act*.

An investigation under the *Police Act* also found that the member committed misconduct.

Allegation 1

The member operated their police vehicle at a speed not consistent with reasonable care in the circumstances and the requirements set out in the *Emergency Vehicle Driving Regulation* and MVTP policy.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Operating a police vehicle in an unsafe manner	Verbal reprimand
Date of Incident: November 2020	

Disciplinary Process – Prehearing Conference

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. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the member accepted responsibility for their actions, had taken steps to prevent its recurrence by completing training and reviewing the applicable laws and policies respecting emergency vehicle operations, and had no past record of discipline. The Prehearing Conference Authority further noted that as a result of the incident, the member had been the subject of a criminal investigation, had received a fine pursuant to the *Motor Vehicle Act*, and had missed time due to their injury.

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 2024-25501

The Commissioner ordered an investigation after receiving information that a member of the Metro Vancouver Transit Police (MVTP) had discharged their department-issued firearm while practicing their "firearm draw" inside a department sub-office. It was reported that two other members were present at the time of the discharge and that minor damage to a concrete wall resulted from the incident.

Allegation 1

The member neglecting their duties regarding the safe handling of their service pistol and adherence to the Provincial and MVTP Firearms Safety Rules.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Negligent discharge of firearm/weapon	Verbal reprimand
Date of Incident: February 2024	

Disciplinary Process - Prehearing Conference

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. In arriving at the decision on discipline, the Prehearing Conference Authority noted that the member accepted responsibility for their actions and was proactive in reporting the incident to their supervisor. The Prehearing Conference Authority further noted that the member had taken steps to mitigate any future recurrence by reverting to a more familiar firearm setup.

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 2024-25688

Upon request from the Metro Vancouver Transit Police (MVTP), the Commissioner ordered an investigation into the conduct of a MVTP member. According to the MVTP, it was reported that the member, while off-duty and driving their personal vehicle, became involved in a driving incident with another driver. It was alleged that the member made inappropriate gestures towards the driver, yelled obscenities, and displayed their police badge. It was identified during the *Police Act* investigation that the member made a false and misleading statement to their supervisors.

Allegation 1

The member’s conduct and actions in relation to the off-duty driving incident.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Discreditable Conduct</i> Conduct that discredits the department	1-day suspension without pay
Date of Incident: April 2024	

Allegation 2

The Member knowingly made a false and misleading statement regarding their conduct and actions during the off-duty driving incident.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Deceit</i> False or misleading oral or written statement	7-day suspension without pay; extension of member’s Recruit Constable probation period for up to an additional 12 months
Date of Incident: April 2024	

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that a police officer knowingly giving a false or misleading statement is one of the most serious types of misconduct. However, the Prehearing Conference Authority also took into consideration that the member admitted making a false statement and accepted responsibility for the misconduct. Additionally, the member had taken a course on ethical decision making.

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

Internal Discipline OPCC 2022-21801

An internal investigation was initiated into the conduct of two Nelson Police Department (NPD) members. One of the members worked in a joint NPD/RCMP unit and was required to attend mandatory training. The member could not attend for medical reasons and obtained a doctor's note. The member was asked to provide the department with additional information about why they could not attend the training. The member submitted another doctor's medical note as well as submitted an overtime claim to the NPD for attending the medical appointment. The overtime claim was approved by the member's supervisor.

The overtime claim was denied by the NPD Chief Constable. Despite this, the member re-submitted the same overtime claim to their supervisor. The supervisor approved the overtime claim again and processed it through the RCMP.

Member A

Allegation 1

The member submitted an overtime slip to be processed through the RCMP after being denied by the NPD.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Member B

Allegation 1

The supervisor approved an overtime slip for the member to be processed through the RCMP after it was denied by the NPD.

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

DISCIPLINARY/CORRECTIVE MEASURE
Two-day suspension without pay

Ordered Investigation - Requested by Department OPCC 2023-25136

Upon request from the Nelson Police Department (NPD), the Commissioner ordered an investigation into the conduct of an NPD Special Municipal Constable (SMC). It was reported that the SMC attended a licensed establishment while off-duty and engaged in a confrontation that escalated to a physical altercation. After the SMC was removed from the establishment, they returned. When reminded they could not re-enter, the SMC displayed their police department identification to staff in an attempt to gain re-entry.

Allegation 1

The SMC engaged in a physical altercation with another patron in a licensed premise.

MISCONDUCT
<i>Discreditable Conduct</i> Physical altercation
Date of Incident: December 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Allegation 2

The SMC displayed their police department identification and SMC badge to staff.

MISCONDUCT
<i>Discreditable Conduct</i> Badging/Identifying as a police officer
Date of Incident: December 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority (PHCA) noted that the SMC openly acknowledged the impact of their actions and expressed sincere regret while committing to learning and growing from the experience.

While the SMC is no longer employed by the NPD, the PHCA also noted they continued to actively pursue roles in public safety, which demonstrates their dedication to serving the community.

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

Ordered Investigation – Requested by Department OPCC 2019-16234

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 in 2017 the member made unwanted sexual advances toward a female member which included inappropriate sexual comments and touching. It was further reported that in 2018 and 2019, the member made unwanted sexual advances toward another female member.

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 Vancouver Police Department (VPD) to conduct the investigation and appointed a senior member of the VPD as the Discipline Authority.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation into the conduct of the member. No charges were recommended at the conclusion of the criminal investigation.

During the course of the *Police Act* investigation, it was further reported that the member had engaged in additional instances of inappropriate conduct, including sexual advances and comments, toward additional female employees.

Allegation 1

The member made inappropriate sexual advances and comments toward a female member.

MISCONDUCT
Discreditable Conduct Sexualized harassment/touching/comments; workplace harassment/bullying/violation of respectful workplace policy
Date of Incident: 2017-2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 2

The member made inappropriate sexualized comments and/or advances toward two other members and a civilian employee.

MISCONDUCT
Discreditable Conduct Sexualized harassment/touching/comments; workplace harassment/bullying/violation of respectful workplace policy
Date of Incident: 2017-2019

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process – Discipline Proceeding

At the conclusion of the investigation, the Discipline Authority found that the member committed two counts of misconduct. No prehearing conference was offered to the member and as a result, the matter proceeded to a discipline proceeding where the member admitted misconduct with respect to some of their interactions with one of the affected persons.

The Discipline Authority found the allegations against the member were substantiated with respect to three members and one civilian employee. In arriving at the proposed disciplinary or corrective measure of reduction in rank, the Discipline Authority determined that the member's actions were "very serious" and "predatory in nature", that the member was in a position of authority, and that the affected persons were vulnerable relative to the member's position.

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 did not reflect the seriousness and circumstances of the misconduct. The Commissioner noted that the proposed disciplinary or corrective measures would potentially allow the member to re-enter the workplace, which could have the potential to bring the administration of police discipline into disrepute given the Discipline Authority had found the member used their rank, position, and seniority to facilitate a pattern of predatory behaviour.

Accordingly, the Commissioner appointed Ms. Carol Baird Ellan, K.C., retired BC Provincial Court Judge, to act as an adjudicator and arrive at her own decision on disciplinary or corrective measures, based on the evidence.

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

Adjudicator Baird Ellan noted that the misconduct in this case “might best be described as inappropriate sexual advances toward subordinates.” She further noted that discreditable conduct that meets the definition of workplace sexual harassment constitutes serious misconduct, and that three of the four recipients had experienced unwanted physical contact. Considering all the circumstances, Adjudicator Baird Ellan determined that no disciplinary or corrective measure short of dismissal would be appropriate in the circumstances. Adjudicator Baird Ellan found that the combination of incidents amounted to a pattern of predation by the member, that the member repeatedly violated the values they were expected to uphold as a superior officer, and that “confidence in the administration of police discipline would be irreparably damaged if...[the member] was permitted to resume his duties in any setting that placed him in proximity to female subordinate or colleagues.”

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

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

Ordered Investigation - Requested by Department OPCC 2024-25705

Upon request from the New Westminster Police Department (NWPDP), the Commissioner ordered an investigation into the conduct of an NWPDP member. It was reported that the member made multiple disparaging comments toward civilian employees who had tasked the member with correcting records in the police database, as required by department policies.

Allegation 1

The member made disparaging comments, including profanity, towards civilian employees at the department.

MISCONDUCT
Discreditable Conduct Violation of respectful workplace policy
Date of Incident: March 2024

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; training/retraining in respectful conduct in the workplace

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority assessed the seriousness of the misconduct to be “on the low end” of the scale and noted that the member had accepted responsibility and had no previous substantiated misconduct on their service record of discipline.

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.

Port Moody Police Department

Serious Harm Investigation OPCC 2021-20358

The OPCC initiated a mandatory investigation following a review of injuries sustained by an affected person. It was reported that a member of the Port Moody Police Department (PMPD) entered a residence to arrest the affected person on an outstanding warrant. The affected person fled to the upstairs, then jumped to the ground from an upper floor balcony. The affected person sustained serious injuries and was transported to hospital.

Due to the serious nature of the injuries, the Independent Investigations Office (IIO) investigated this matter for possible criminality. In addition, the *Police Act* requires the OPCC to initiate an investigation into possible misconduct whenever death or serious harm results from an incident involving municipal police officers. These investigations are separate and distinct from investigations by the IIO and are not restricted to evidence gathered by the IIO. Under the *Police Act* investigation into potential misconduct, officers may be compelled to provide statements, answer questions and otherwise account for their actions.

The IIO referred the matter to the BC Prosecution Service who did not approve charges.

An investigation under the *Police Act* determined that the member entered the residence without having first obtained a warrant authorizing police to enter a dwelling unit.

Allegation 1

The member neglected to obtain appropriate judicial authorization prior to entering a residence to arrest an individual on a Canada-wide warrant.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations	Written reprimand
Date of Incident: September 2021	

Disciplinary Process – Prehearing Conference

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. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the incident unfolded rapidly, the member had taken full responsibility and acknowledged their lapse in judgement, and that the member had no previous substantiated misconduct on their Service Record of Discipline.

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.

Police Officer Complaint OPCC 2023-24097

The OPCC received a complaint describing concerns with the force used by a member of the Port Moody Police Department (PMPD) on the complainant's teenaged child. The complainant reported that when the youth took a selfie-style photograph with a parked unattended police vehicle, the member shouted at the youth to leave the area and subsequently kicked him in the lower back.

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

Allegation 1

The member intentionally and unnecessarily kicked a member of the public.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – physical control - hard
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the member was apologetic and forthright in their acceptance of responsibility, had demonstrated their understanding that they should have used other means to move the youth along, and that the member had used this incident as an opportunity to teach others.

In reviewing the proposed disciplinary/corrective measures, the OPCC noted that the complainant had made submissions seeking additional restorative actions that did not appear to have been addressed. Accordingly, the OPCC conducted follow-up and encouraged the department to undertake the actions suggested by the complainant. The department and the member subsequently agreed to voluntarily engage in the additional restorative efforts that the complainant had requested.

Upon confirmation that the additional measures had been completed, the OPCC determined that further review was not required and that the discipline imposed was appropriate in the circumstances.

Saanich Police Department

Ordered Investigation – Requested by Department OPCC 2021-20297

Upon request from the Saanich Police Department (SPD), the Commissioner ordered an investigation into the off-duty conduct of an SPD member. The affected person reported that after a social interaction at a restaurant, the member entered the affected person's residence and bedroom without invitation or announcement and initiated sexual contact with the affected person without obtaining the affected person's consent.

The Commissioner determined that it was in the public interest that an external police agency conduct the investigation and designated an external Discipline Authority. The Commissioner directed the Vancouver Police Department (VPD) to conduct the investigation, and a senior VPD officer was designated as Discipline Authority.

The affected person filed a complaint with the OPCC and was added as a complainant.

The misconduct investigation was initially suspended as the RCMP had initiated a criminal investigation. The suspension was lifted after the RCMP investigation was concluded with no criminal charges recommended.

Allegation 1

The member entered the complainant's residence without consent and initiated sexual contact without identifying themselves or obtaining the complainant's consent.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process – Discipline Proceeding

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. No prehearing conference was offered, and the matter proceeded directly to a discipline proceeding. The member resigned before the conclusion of the discipline proceeding and made no submissions about whether the misconduct should be substantiated.

The Discipline Authority found on a balance of probabilities that the member had committed the alleged misconduct. The Discipline Authority further found this conduct was unprofessional, egregious, and amounted to the highest level of *Police Act* misconduct. The Discipline Authority determined that no disciplinary or corrective measure short of dismissal would be appropriate in the circumstances, noting the complainant had suffered significant on-going emotional trauma from the incident.

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.

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

Police Officer Complaint OPCC 2023-23866

The OPCC received a complaint describing concerns regarding a member of the Saanich Police Department (SPD) and the adequacy of a criminal investigation. The complainant reported being assaulted and was not satisfied with the investigation conducted by Member A.

During the investigation it was determined that Member B, who was in a supervisory position, closed the file prior to ensuring the investigation was completed according to police policy.

Member A - Allegation 1

Member A neglected their duty to fully investigate a criminal offence.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate investigation
Date of Incident: April 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Member B - Allegation 1

Member B's neglected their duty to properly supervise the investigation into the assault on the complainant.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate investigation
Date of Incident: April 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Disciplinary Process - Prehearing Conference

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. The Prehearing Conference Authority noted the members accepted responsibility for the misconduct and the proposed discipline has had a strong corrective impact on the members.

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 Officer Complaint OPCC 2024-24549

The OPCC received a complaint describing concerns regarding a member of the Saanich Police Department (SPD) who was speeding while providing the complainant a ride in a police vehicle. The complainant argued that the member engaged in the same behaviour which caused his vehicle to be towed. The OPCC reviewed the complaint and determined that an investigation into the incident was required.

Allegation 1

The member was speeding while transporting the complainant in a police vehicle.

MISCONDUCT

Neglect of Duty

Operating a vehicle in an unsafe manner

Date of Incident: September 2023

DISCIPLINARY/CORRECTIVE MEASURE

Advice as to future conduct

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on discipline or corrective measures, the Prehearing Conference Authority noted that the member had no substantiated misconduct on their Service Record of Discipline and that the member accepted responsibility.

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.

Stl’atl’imx Tribal Police Service

Ordered External Investigation - Requested by Department OPCC 2023-24196

Upon request from the Stl’atl’imx Tribal Police Service (STPS), the Commissioner ordered an investigation into the conduct of an STPS member. It was reported that the member conducted unaccompanied foot patrols by attending several local drinking establishments within the jurisdiction of another police agency, while off-duty but still in uniform. It was also reported that these activities were not within the member’s regular work assignments, nor did they notify the police of jurisdiction or their supervisor of this activity.

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 (MVTP) to conduct the investigation and a senior officer of the MVTP was designated as Discipline Authority.

Allegation 1

The member attended drinking establishments outside of jurisdiction while off-duty but still in uniform and carrying a loaded firearm.

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

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension

Allegation 2

The member failed to take any or adequate notes.

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

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Allegation 3

The Member failed and/or refused to provide witness information relevant to the *Police Act* investigation to the Investigator or Discipline Authority.

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

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension (to be served consecutively)

Disciplinary Process – Discipline Proceeding

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 to a discipline proceeding where the member denied having committed misconduct.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority determined that the member's actions had the potential to put both themselves as well as other police members at risk, specifically appearing in full uniform in a licensed establishment while off-duty and carrying a loaded firearm. While the Discipline Authority noted the member did admit to some of the details surrounding the incident, they did not admit to any of the allegations, did not accept responsibility, and was not fully cooperative when the investigator attempted to corroborate evidence the member was asked to provide.

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 left the STPS before the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

Police Officer Complaint OPCC 2021-20924

The OPCC received a registered complaint describing concerns with a member of the Stl'atl'imx Tribal Police Service (STPS). The complainant alleged that the member arrested them for stunt driving after the complainant slowly drove around the member's police vehicle and two other vehicles that were stopped at the roadside during a blizzard in an attempt to prevent an accident with the vehicles driving behind the complainant.

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

During the course of the investigation, 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 Vancouver Police Department (VPD) to conduct the investigation and a senior officer from the VPD was delegated as the Discipline Authority.

Allegation 1

The member arrested the complainant for stunting while driving during severe winter conditions.

MISCONDUCT
<i>Abuse of Authority</i> Unlawful arrest
Date of Incident: December 2021

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. In arriving at the appropriate disciplinary and corrective measures, the Prehearing Conference Authority noted that the member did not have sufficient grounds to make an arrest and that there are no powers to arrest for the offence of "stunting." However, the Prehearing Conference Authority also considered that the member relied on advice from an officer of another jurisdiction in making the decision to arrest the complainant, accepted responsibility and acknowledged they had made a mistake, and had no substantiated misconduct on their service record of discipline.

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 2023-24928

The Commissioner initiated an investigation after receiving information that a member of the Stl'at'imx Tribal Police Service (STPS) had breached confidentiality regarding an internal discipline matter and inappropriately made a request to a STPS civilian employee for police dispatch phone recordings. It was reported that the member had discussed an internal complaint made against them with two work colleagues and had requested telephone recordings that related to the internal discipline matter.

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 Vancouver Police Department (VPD) to conduct the investigation and designated a senior VPD officer as the Discipline Authority.

The member resigned from STPS before the conclusion of the investigation.

Allegation 1

The member communicated with a colleague regarding the details of an internal discipline investigation and solicited that colleague to write a statement on the member's behalf.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: August - September 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Allegation 2

The member communicated with a colleague in relation to an internal discipline investigation and attempted to elicit details after that colleague was interviewed.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: August - September 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Allegation 3

The member neglected to maintain confidentiality contrary to STPS *Respectful Workplace Policy* and internal discipline investigation confidentiality expectations that were outlined in a letter to the member.

MISCONDUCT
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations
Date of Incident: August - September 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; training or re-training in respectful workplace policy and confidentiality policies regarding internal discipline investigations

Allegation 4

The member contacted a STPS civilian employee to request telephone recordings between a police dispatcher and the complainant in the internal discipline investigation, which was unrelated to the member's duties as a police officer.

MISCONDUCT

Corrupt Practice

Using or attempting to use police authority for personal gain

Date of Incident: August - September 2023

DISCIPLINARY/CORRECTIVE MEASURE

Written reprimand; training in police ethics

Disciplinary Process – Discipline Proceeding

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.

The Discipline Authority found on a balance of probabilities that the alleged misconduct was substantiated. In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that the member's actions were a "significant breach" of the *Police Act* and "posed a risk of bringing 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.

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

Surrey Police Service

Ordered Investigation - Requested by Department OPCC 2023-23544

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member. According to SPS, the member provided guidance and advice regarding police investigative techniques to an individual who was actively being investigated by the police in another jurisdiction.

The member resigned from the SPS before the conclusion of the investigation.

Allegation 1

The member provided an individual, who the member knew to be involved in criminal activity, with information regarding counter surveillance techniques to defeat police surveillance methods.

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

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process – Discipline Proceeding

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 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 "extremely serious" and at conflict with the department's core values. The Discipline Authority further noted that the member's actions were "particularly egregious" as the member provided information to an individual who was actively under surveillance for serious criminal offences involving the exploitation of vulnerable and marginalized persons, and such information was provided to "thwart an active criminal investigation."

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 before the conclusion of this matter, their Service Record of Discipline will reflect the discipline imposed.

Police Officer Complaint OPCC 2023-23906

The OPCC received a complaint describing concerns regarding a member of the Surrey Police Service who grabbed, tripped, and pushed the teenaged complainant to the ground while escorting the complainant and other youths out of an event.

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

Allegation 1

Specifically, the member applied an unnecessary level of force to the complainant by taking them to the ground.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – empty hand
Date of Incident: May 2023

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation the Discipline Authority found that the member appeared to have committed misconduct by using a degree of force that was not objectively necessary, reasonable, or proportional to the circumstances. A prehearing conference was offered and accepted.

The Prehearing Conference Authority found that the member acknowledged their mistake and took responsibility. In addition, the member forwarded a written apology to the complainant on their own volition. The member self-initiated steps to prevent a recurrence by reviewing related departmental policies and making efforts to self-educate and make themselves a better police officer without having to be ordered or directed.

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 2023-24380

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the off-duty conduct of an SPS member. It was reported that BC Emergency Health Services (BCEHS) members were called to assess a person who was intoxicated in a public place. BCEHS crew in turn called the RCMP after the off-duty member became verbally abusive and aggressive. It was further reported that the RCMP detained the member after he continued to be verbally aggressive toward the attending RCMP members.

Allegation 1

The member, while off-duty, was intoxicated in a public place and behaved in a belligerent, verbally aggressive and confrontational manner towards BCEHS and RCMP members.

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

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand; a written apology to the BCEHS and RCMP members; transfer/re-assignment; and undertake and complete a specific treatment and counselling program.

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority (PHCA) noted that the seriousness of the misconduct was moderate in nature. The PHCA further commented that while the member expressed sincere remorse and acknowledged their mistake, they appeared to deny the contributing role that alcohol had played in this incident. In addition, the member expressed a desire to apologize to the impacted personnel.

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 2023-24402

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member. It was reported that while in the role of field trainer, the member made inappropriate comments to a female recruit constable, including about her physical appearance, interracial dating, and her thoughts about the propriety of field trainers dating recruits.

Allegation 1

The member, while in the position of field training officer, made an inappropriate and unwelcome comment to the complainant.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
Discreditable Conduct Workplace harassment/bullying/violation of respectful workplace policy	Written reprimand; training/re-training including respectful workplace training, effective communication training, ethical decision-making and accountability training; and inability to perform field training officer duties until the Leadership Development Unit has supported the member's return.
Date of Incident: Summer 2023	

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have made one comment to the complainant that amounted to discreditable conduct, when he said words to the effect of, "It must feel really nice to take your bra off after a shift."

A prehearing conference was offered and accepted. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that while the member took responsibility for their actions, behavior that breaches the maintenance of a respectful and safe work environment is a serious violation. The Prehearing Conference Authority further considered that the member's position of authority as a field trainer included an onus to take extra care to set boundaries for appropriate workplace commentary and be a role model in promoting a respectful work environment.

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 2023-24719

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of two SPS members. It was reported that while the members were responding to a high priority call in separate police vehicles, both were driving at high rates of speed, passing vehicles in heavy traffic, and failed to sufficiently slow to properly clear a red light. It was further reported that Member A was following too closely to Member B and collided with Member B's police vehicle.

Member A

Allegation 1

The member drove their police vehicle contrary to the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulations*, and departmental policy.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
Neglect of Duty Operating a police vehicle in an unsafe manner	Verbal reprimand and training/retraining (BC Emergency Vehicle Operation eLearning online course; review SPS policy and relevant materials in relation to emergency vehicle operation and the <i>Emergency Vehicle Driving Regulations</i> and section 122 of the <i>Motor Vehicle Act</i>)

Date of Incident: October 2023

Allegation 2

The member followed another vehicle more closely than was reasonable and prudent in the circumstances.

MISCONDUCT

Neglect of Duty

Vehicle pursuit/emergency driving

Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE

Written reprimand

Member B

Allegation 1

The member drove their police vehicle contrary to the *Motor Vehicle Act*, the *Emergency Vehicle Driving Regulations*, and departmental policy.

MISCONDUCT

Neglect of Duty

Operating a police vehicle in an unsafe manner

Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE

Verbal reprimand and training/retraining (BC Emergency Vehicle Operation eLearning online course; review SPS policy and relevant materials in relation to emergency vehicle operation and the *Emergency Vehicle Driving Regulations* and section 122 of the *Motor Vehicle Act*).

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority (PHCA) noted that both members acknowledged their mistake, took early responsibility for their actions, and had no other record of misconduct on their Service Records of Discipline. The PHCA also noted it was important to consider the circumstances and context in which this incident occurred, as the members were responding to a high priority call that involved a significant public safety threat.

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 2022-22450

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 off-duty member was stopped by a Delta Police Department (DPD) member and provided a breath sample that resulted in a “Fail” reading on an Approved Screen Device which resulted in a 90-day Immediate Roadside Prohibition being issued. The member was also driving with an expired driver’s license and identified themselves as a police officer to the investigating DPD member while making numerous requests to be released with a warning only.

Allegation 1

The member operated a motor vehicle while impaired.

MISCONDUCT
<i>Discreditable Conduct</i> Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
5-day suspension without pay

Allegation 2

The member operated a motor vehicle without a valid driver's license.

MISCONDUCT
<i>Discreditable Conduct</i> Driving offences
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Two-and-a-half-day suspension without pay (to be served consecutively)

Allegation 3

The member identified themselves as an SPS member and requested the investigating member give them preferential treatment by letting them off with a warning.

MISCONDUCT
<i>Corrupt Practice</i> Using or attempting to use police authority for personal gain
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Discipline Proceeding

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. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures as they were not considered to reflect the seriousness of the misconduct.

As a result, the matter proceeded to a discipline proceeding where the member admitted to the allegations. The Discipline Authority imposed a five-day suspension without pay in relation to driving while impaired, a written reprimand in relation to driving with an expired driver's license, and a three-day suspension without pay (to be served concurrently) in relation to seeking preferential treatment.

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 measures proposed by the Discipline Authority still did not reflect the seriousness of the misconduct. The Commissioner noted that the members' conduct included driving in a significant state of impairment and making repeated and direct requests for preferential treatment. Additionally, the Commissioner noted that the Discipline Authority did not appear to accord sufficient weight to the

aggravating factors, including the member’s own knowledge of the serious implications of impaired driving given the member’s certification as a Field Sobriety Test Operator.

The Commissioner appointed the Honourable Elizabeth Arnold-Bailey, retired BC Supreme Court Justice, to act as an adjudicator and arrive at her own decision on disciplinary and corrective measures based on the evidence.

At the review on the record, the Commissioner and the member made a joint submission on appropriate disciplinary or corrective measures. Adjudicator Arnold-Bailey accepted the joint submission and ordered the measures that had been jointly proposed. She found that joint submissions in this context should be accepted unless the proposed outcome would be viewed by reasonable and informed persons as a breakdown in the maintenance of high policing standards, the proper administration of police discipline, and the proper functioning of the police as an integral part of the administration of justice.

Adjudicator Arnold-Bailey added that while serious, this was not the most egregious case of this type of misconduct, noting that the member had admitted the misconduct and had no history of prior misconduct. She further found that while the member did seek preferential treatment, he appeared to have done so in a moment of panic.

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

Ordered Investigation - Requested by Department

OPCC 2024-25173

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member. According to the SPS, the member, while following a stolen vehicle and without the vehicle’s emergency equipment activated, drove through a red light without stopping and while exceeding the speed limit.

Allegation 1

The member violated the *Emergency Vehicle Driving Regulation (EVDR)* and SPS pursuit policy by exceeding the speed limit and disobeying the red light.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Operating a police vehicle in an unsafe manner	Verbal Reprimand; review EVDR legislation and SPS pursuit policy with the SPS Road Safety Inspector
Date of Incident: January 2024	

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member is experienced and must set an example in EVDR and SPS policy compliance. In addition, the Prehearing Conference Authority noted that the member admitted their error, accepted the Discipline Authority’s findings, and that no members of the public or other police officers were put at risk during 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 2024-25300

Upon request from the Surrey Police Service (SPS), the Commissioner ordered an investigation into the conduct of an SPS member. It was reported that while following a suspect vehicle for failing to stop, the member drove in excess of the posted speed limit without activating emergency equipment. Additionally, it was reported the member had been instructed to cease following the vehicle by a supervisor twice before stopping.

Allegation 1

The member did not comply with the *Emergency Vehicle Driving Regulations* (EVDR), SPS policy, and the direction of a supervisor.

MISCONDUCT
<i>Neglect of Duty</i> Operating a police vehicle in an unsafe manner, failure to comply with departmental policy/regulations
Date of Incident: December 2023

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that this was a matter of low seriousness and that the highway section the member was driving on was divided by a median, the member did not pass through any intersections or cross traffic, and there were no other reported traffic or pedestrians, making risk to the public, the suspect, and other officers minimal. Additionally, the member had no other disciplinary misconduct on their service record, had reviewed relevant legislation and policy prior to the prehearing conference, 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.

Internal Discipline OPCC 2024-25495

The Surrey Police Service (SPS) initiated an internal discipline investigation into the conduct of an SPS member. It was alleged that the member had requested to book sick leave for the day prior to their pre-planned vacation, due to a medical appointment, but was denied approval. The member attended the medical appointment and subsequently notified their employer that they were too sick to attend work after taking medication. A few hours later, the member was seen in an airport lounge prior to boarding a flight at a time that they were scheduled to be working.

Allegation 1

The member booked off sick and was seen at an airport lounge and later boarded a flight at a time the member was scheduled to be working.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: February 2024

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Internal Discipline
OPCC 2024-25824

The department initiated an internal discipline investigation into the conduct of a Surrey Police Service (SPS) member. It was alleged that the member signed out a Mobile Data Terminal (MDT) and took the MDT home to complete their police reports without authorization to do so, which contravened SPS policy.

Allegation 1

The member breached SPS policy when they removed SPS information technology resources from the workplace without receiving prior authorization from their supervisor.

MISCONDUCT
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations
Date of Incident: April 2024

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Vancouver Police Department

Police Officer Complaint OPCC 2018-14493

The OPCC received a complaint describing concerns with the behavior of a member of the Vancouver Police Department (VPD) while at a Provincial Courthouse, specifically, for attempting to physically and psychologically intimidate a Crown Prosecutor. This alleged interaction occurred while the member was off-duty and attending a criminal trial of a person related to the member's former work partner.

The OPCC reviewed the complaint and determined that an investigation into the incident was required. 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 RCMP to conduct the investigation and designated the Chief Constable of the Central Saanich Police Service as the Discipline Authority.

Additional allegations of misconduct were raised during the course of the investigation.

Allegation 1

The member attempted to physically and psychologically intimidate a Crown Prosecutor while off-duty and attending a criminal trial.

MISCONDUCT

Discreditable Conduct

Conduct that discredits the department

Date of incident withheld

DISCIPLINARY/CORRECTIVE MEASURE

Reduction in rank to Second Class Constable for a period of nine months, following which the member will return to their current rank.

Allegation 2

The member knowingly made a false or misleading statement in their duty report regarding their interaction with the Crown Prosecutor.

MISCONDUCT

Deceit

Knowingly making a false or misleading oral or written statement

Date of incident withheld

DISCIPLINARY/CORRECTIVE MEASURE

Reduction in rank to Second Class Constable for a period of nine months, following which the member will return to their current rank.

Allegation 3

The member knowingly made a false or misleading statement when describing their interaction with the Crown Prosecutor during their interview with investigators.

MISCONDUCT

Deceit

Knowingly making a false or misleading oral or written statement

Date of incident withheld

DISCIPLINARY/CORRECTIVE MEASURE

Reduction in rank to Second Class Constable for a period of nine months, following which the member will return to their current rank.

Disciplinary Process – Discipline Proceeding

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 the matter proceeded directly to a discipline proceeding where the member denied each of the allegations.

In arriving at the discipline or corrective measures, the Discipline Authority noted that deceit is one of the most serious acts of police misconduct and that the member made ongoing deceitful statements throughout the investigation. The Discipline Authority commented that the foundation of police legitimacy is that police officers will tell the truth regarding their actions and observations, particularly when under oath in a legal proceeding. Further, the Discipline Authority noted the member did not accept responsibility for their actions.

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 the Department OPCC 2022-22122

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the off-duty conduct of a VPD member. It was reported that while driving their personal vehicle, the member rear ended a civilian vehicle. The police of jurisdiction attended the collision scene. The member provided a breath sample and registered a “fail” on the Roadside Screening Device. Subsequently the member was issued a 24-hour Immediate Roadside Prohibition (IRP) and a 90-day administrative driving prohibition. The member also pled guilty to a *Motor Vehicle Act* offence.

During the ensuing *Police Act* investigation, it was reported that the member had attempted to conceal evidence that he had been drinking while driving.

Allegation 1

The member drove while impaired by alcohol and was issued an IRP.

MISCONDUCT
Discreditable Conduct Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: July 2022

DISCIPLINARY/CORRECTIVE MEASURE
10-day suspension without pay and complete eight hours of stress management and/or substance misuse counselling

Allegation 2

The member attempted to dispose of evidence at the scene of the collision.

MISCONDUCT
Discreditable Conduct Conduct that discredits the department
Date of Incident: July 2022

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay, to be served consecutively

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. After reviewing the prehearing conference report, the Commissioner did not approve the proposed disciplinary or corrective measures as they were not considered to reflect the seriousness of the misconduct.

As a result, the matter proceeded to a discipline proceeding where the member admitted to the allegations. The Discipline Authority imposed a 5-day suspension without pay for the admitted discreditable conduct.

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 measures proposed did not adequately address the seriousness of the member's conduct. The Commissioner noted that the member's conduct included driving in a significant state of impairment, causing a motor vehicle accident with an occupied vehicle containing multiple persons, including children, and attempting to conceal evidence they had been drinking while driving.

The Commissioner appointed the Honourable David Frankel, K.C., retired BC Court of Appeal Justice, to act as an adjudicator and arrive at their own independent decision on disciplinary and corrective measures based on the evidence.

In his decision, Adjudicator Frankel noted that drinking and driving is a serious matter deserving of denunciation. He found that the member's actions were reckless and dangerous, and showed a lack of judgement from someone sworn to uphold the law. In arriving at the disciplinary or corrective measures imposed, Adjudicator Frankel considered general deterrence and public denunciation to be of paramount importance.

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

Ordered Investigation – Requested by Department OPCC 2022-22331

Upon request from the Vancouver Police Department (VPD) the Commissioner ordered an investigation into the off-duty conduct of a member. According to the VPD, the off-duty member was identified as the registered owner of a vehicle being driven by a prohibited driver. Upon being pulled over by the RCMP, the member switched seats with the prohibited driver in an effort to portray themselves as driving. The member also identified themselves as a police officer during the traffic stop.

Allegation 1

Specifically, allowing a prohibited driver to drive their vehicle and switching seats in order to represent themselves as the driver.

MISCONDUCT
Discreditable Conduct Driving offences
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
9-day suspension without pay

Allegation 2

Specifically, identifying themselves as a police officer multiple times and asking RCMP officers to speak with their VPD partner in an attempt to gain favor.

MISCONDUCT
<i>Corrupt Practice</i> Using or attempting to use police authority for personal gain
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member took full responsibility for their actions, recognized they made a series of poor decisions, was genuinely apologetic, and expressed a high level of shame and regret.

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.

Serious Harm Investigation OPCC 2022-22575

The Commissioner initiated a mandatory investigation after receiving information from the Vancouver Police Department (VPD) that a VPD member, while responding to a call for service and driving a marked police vehicle, had struck a pedestrian who was on the roadway. The pedestrian sustained injuries including road rash and an orbital fracture requiring surgery.

As a result of the serious nature of the injuries, the Independent Investigations Office (IIO) investigated this matter. In addition, the *Police Act* requires the OPCC to initiate an investigation into potential misconduct whenever death or serious harm results from an incident involving municipal police officers. These investigations are separate and distinct from investigations by the IIO and are not restricted to evidence gathered by the IIO. In an investigation into potential misconduct under the *Police Act*, officers may be compelled to provide statements, answer questions and otherwise account for their actions.

The *Police Act* misconduct investigation was suspended pending the outcome of the IIO investigation. The matter was referred to the British Columbia Prosecution Service (BCPS), and charges were approved under the *Motor Vehicle Act* against the member, who pled guilty to one charge in May 2024.

Allegation 1

The Member drove their police vehicle over the speed limit in an area where they should have exercised more caution driving a motor vehicle.

MISCONDUCT
<i>Discreditable Conduct</i> Driving offences
Date of Incident: September 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that the member had no previous substantiated misconduct on their service record of discipline, undertook re-training in Emergency Vehicle Operations, and fully cooperated throughout the process, including accepting responsibility for their actions and showed deep remorse for what occurred.

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 2022-23068

The Commissioner ordered an investigation after receiving information from the Vancouver Police Department (VPD) regarding force used by members on an affected person. It was reported that the affected person was observed driving a vehicle through two intersections on solid red-light signals without stopping. Members attempted to conduct a traffic stop as well as a box and pin maneuver; however, this failed. The affected person was found outside their residence where members used force to make an arrest.

Allegation 1

The member unnecessarily kicked the affected person and then stood on their lower leg/calf.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – empty hand
Date of Incident: December 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that while the affected person was arrestable and had been non-compliant, the affected person had been taken to the ground and was being controlled by five members when the member ran up, kicked the affected person in the back, then stood on the affected person's lower legs. The Prehearing Conference Authority further noted that the member took responsibility for their actions and learned from the 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 2023-23290

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 attended a high school to provide a presentation on policing, following which the member exchanged emails with a female student regarding a career in policing. After the student had graduated high school, the two became engaged in an intimate relationship. The investigation showed that the member had lied to the female about their age and was verbally and emotionally abusive towards her.

Allegation 1

The member developed an inappropriate relationship with the female which included the member's behaviour towards the female during their relationship.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Date of Incident: 2018-2022

Disciplinary Process – Discipline Proceeding

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. No prehearing conference was offered and as a result, the matter proceeded to a discipline proceeding where the member admitted the allegation. The member resigned from the VPD before the conclusion of the discipline proceeding.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted the seriousness of the misconduct, that the member was in a clear position of trust, influence, and authority and would have significant influence over the female's career aspirations. The Discipline Authority also noted the abusive and demeaning behaviour was shown to be sustained throughout the relationship rather than limited to a single outburst, and that the member kept the relationship hidden, indicating he understood the relationship was inappropriate.

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 Officer Complaint OPCC 2023-23655

The OPCC received three complaints describing concerns with a member of the Vancouver Police Department (VPD) wearing a patch depicting the “thin blue line” symbol on their uniform while on duty.

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

Allegation 1

The member wore an unauthorized patch on their uniform in contravention of policy.

MISCONDUCT

Neglect of Duty

Failure to comply with departmental policy/regulations

Date of Incident: April 2023

DISCIPLINARY/CORRECTIVE MEASURE

Advice as 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 on the basis that the Discipline Authority incorrectly applied the test for *Neglect of Duty* by determining that there needed to be an element of willfulness on the member's part for there to be a finding of misconduct.

The Commissioner appointed the Honourable Wallace T. Oppal, K.C., retired BC Court of Appeal Judge, to act as an adjudicator and review the matter and arrive at his own decision based on the evidence.

In his decision, Adjudicator Oppal noted that intention is not a necessary ingredient of *Neglect of Duty*. He found that the VPD had policy that prohibited members from wearing unauthorized patches on their uniforms, and that the member had a duty to be aware of and follow the policy. Accordingly, Adjudicator Oppal found that the member appeared to have committed a minor instance of neglect of duty.

Disciplinary Process – Prehearing Conference

A prehearing conference was offered and accepted. The Prehearing Conference Authority noted that Adjudicator Oppal had placed the level of seriousness of the misconduct at the lower end of the scale. The Prehearing Conference Authority also noted the member had no other

substantiated misconduct on their service record of discipline, immediately removed the patch when asked to do so by their supervisor, and took 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.

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

Ordered Investigation – Requested by Department OPCC 2022-22434

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of two VPD members. It was reported that a VPD duty officer (Member A) received information about an incident that occurred during an off-duty team trip, including that a member had driven away while possibly impaired. Member A contacted the member to obtain their location and dispatched a VPD supervisor to attend the member's location. It was further reported that the supervisor (Member B) located the member and transported them back to their family home. Neither Member A nor Member B contacted the police of jurisdiction regarding the incident or the member's possible impaired operation of their vehicle.

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 Delta Police Department (DPD) to conduct the investigation and a senior officer of DPD was designated as Discipline Authority.

Member A

Allegation 1

The duty officer failed to notify the police of jurisdiction of an incident involving an off-duty member and a potential criminal offence and failed to ensure that anyone else had notified the police of jurisdiction.

MISCONDUCT
<i>Neglect of Duty</i> Failure to provide assistance
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Member B

Allegation 1

The supervisor failed to contact the police of jurisdiction upon attending the location where potential criminal offences had occurred or take steps to further engage the duty officer.

MISCONDUCT
<i>Neglect of Duty</i> Failure to provide assistance
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Disciplinary Process – Prehearing Conference

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 both members. In arriving at the decision in discipline, the Prehearing Conference Authority noted that neither member had any previous record of discipline, the members took full responsibility for their actions and that their actions/omissions occurred out of concern for member welfare, and they believed the members would not repeat the conduct.

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.

Police Officer Complaint OPCC 2023-23974

The OPCC received a complaint describing concerns regarding members of the Vancouver Police Department (VPD) in relation to the arrest of the complainant following traffic stop for suspected impaired driving. Among other things, the complainant alleged that excessive force was used, their property was taken and not returned, and they were treated differently because of their race (self-identified as South Asian). The OPCC reviewed the complaint and determined that an investigation into the incident was required.

During the *Police Act* investigation, it was reported that one of the members detained the complainant and transported him to the VPD jail where he was held for approximately two hours before being released with an Appearance Notice for court.

Allegation 1

The member transported and detained the complainant at the Vancouver Jail without sufficient justification.

MISCONDUCT
<i>Abuse of Authority</i> Unlawful detention
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand; training/retraining on police authorities on powers of arrest, justification for detention and release options.

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that only one of the members appeared to have committed misconduct, by detaining the complainant at the Vancouver jail without sufficient justification for doing so.

A prehearing conference was offered and accepted. 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 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 2023-24063

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of an off-duty VPD member. According to the VPD, the off-duty member was the subject of a traffic stop and was administered a sobriety check using an approved

screen device (ASD) which resulted in a “warn” reading twice. During the stop, the off-duty member presented their VPD identification card to police. Subsequently, the member was served a three-day Immediate Roadside Prohibition (IRP).

Allegation 1

The member drove their personal vehicle off-duty while impaired by alcohol.

MISCONDUCT
<i>Discreditable Conduct</i> Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

Allegation 2

The member identified themselves as a police officer while off-duty to gain preferential treatment.

MISCONDUCT
<i>Corrupt Practice</i> Using or attempting to use police authority for personal gain.
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
2-day suspension without pay

Disciplinary Process - Prehearing Conference

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. The Prehearing Conference Authority noted the while that the off-duty member took responsibility and expressed sincere regret and embarrassment for their actions, the operation of a motor vehicle while impaired is a serious offence with potentially devastating consequences.

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 2022-22407

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 while on a trip with colleagues, the member drove their personal motor vehicle after consuming several alcoholic beverages, despite their colleagues’ attempts to prevent them from driving, and was subsequently involved in a single motor vehicle collision. The member’s colleagues reported the member for driving while impaired to the police of jurisdiction.

The *Police Act* investigation was suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service where charges for impaired driving were approved. The charge was later stayed when the member pled guilty to the offence of *Driving Without Consideration* under section 144(1)(b) of the *Motor Vehicle Act* and was required to pay a monetary fine.

Allegation 1

The member drove their personal vehicle while under the influence of alcohol, did not listen to the advice of colleagues to not drive, and caused a single motor vehicle accident when their vehicle went off the roadway.

MISCONDUCT
<i>Discreditable Conduct</i> Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: August 2022

DISCIPLINARY/CORRECTIVE MEASURE
5-day suspension without pay

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member had no substantiated misconduct on their service record of discipline, took full responsibility and was remorseful for their actions, and acknowledged their poor judgement on the night in question.

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 2023-24035

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into a use of force incident during the arrest of a suspect in a break and enter in progress.

During the *Police Act* investigation, it was reported that while the affected person was seated on the ground in handcuffs, the member lifted the affected person into a standing position by the hood of their jacket.

Allegation 1

The member lifted the affected person off the ground by the hood of their jacket.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – physical control
Date of Incident: June 2023

DISCIPLINARY/CORRECTIVE MEASURE
One-day suspension without pay; direction to undertake re-training in use of force techniques during the escort of subjects with an emphasis on situation assessment and reassessment; direction to undertake a crisis intervention course

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member took responsibility and recognized that they could have taken different actions to assist the affected person to their feet/into the police wagon.

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.

Police Officer Complaint OPCC 2023-24145

The OPCC received a complaint describing concerns regarding the conduct of a member of the Vancouver Police Department (VPD). The complainant reported that the member engaged in a verbal altercation with member of the public and removed their duty vest while challenging the individual to a fight.

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

Allegation 1

Removing their duty vest and challenging the affected person to a fight.

MISCONDUCT
<i>Discreditable Conduct</i> Physical altercation
Date of Incident: July 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or correctives measures, the Prehearing Conference Authority noted that the behaviour exhibited by the member was unprofessional and the seriousness of the misconduct was moderate. Additionally, it was noted that the member accepted responsibility for their actions and had no previous substantiated misconduct allegations.

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 2023-24249

The Vancouver Police Department (VPD) initiated an internal discipline investigation into the conduct of a VPD member. It was alleged that the member installed a non-functioning camera in an equipment room without authorization after items went missing and did not immediately remove the camera after being directed to do so by a supervisor.

Allegation 1

The member violated the department's respectful workplace policy by creating a potential intimidating workplace for others. Further, the member did not immediately follow the direction of their supervisor.

MISCONDUCT
<i>Discreditable Conduct</i> Violation of respectful workplace policy
Date of Incident: July 2022-July 2023

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand; Re-take the VPD Respectful Workplace training

Ordered Investigation - Requested by Department OPCC 2023-24808

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member. It was reported that a civilian located a VPD member's firearm unattended in a washroom of a coffee shop. The firearm was recovered by the VPD shortly after the civilian reported it to police.

Allegation 1

The member left their department issued firearm with its holster in the washroom at a coffeeshop while on duty.

MISCONDUCT
<i>Improper Use or Care of Firearms</i> Unsafe storage of firearm
Date of Incident: November 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that the member had taken responsibility for their actions and that the firearm was returned to the member without any negative consequences. The Prehearing Conference Authority remarked they were satisfied that the impact this incident had on the member would be a significant incentive to not repeat this behaviour in the future.

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 Officer Complaint OPCC 2021-20921

The OPCC received a complaint describing concerns regarding members of the Vancouver Police Department (VPD) possessing/sharing text messages that contained information and negative commentary pertaining to the complainant's testimony in a criminal trial as the victim of a sexual assault, despite the existence of a court-imposed publication ban.

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

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 RCMP to conduct the investigation and appointed the Chief Constable of the New Westminster Police Department as Discipline Authority.

During the *Police Act* investigation, it was reported that the member had received a copy of the text messages and shared them with another VPD member.

Allegation 1

The member distributed disrespectful text messages about the complainant, a victim of sexual violence, to another member.

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

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; training/re-training in respectful workplace

Disciplinary Process – Discipline Proceeding

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

The Discipline Authority found that, while the member did not author the text messages, their distribution of the text messages which contained running commentary that was disrespectful of a victim of alleged sexual violence would likely discredit the reputation of the police force.

The Discipline Authority retired after making the finding of misconduct, but before making a decision on disciplinary and corrective measures. The Commissioner appointed a new external Discipline Authority to issue a disciplinary decision.

In arriving at the appropriate disciplinary or corrective measures, the Discipline Authority noted that while the misconduct was serious, the member was a long-serving police officer with no prior substantiated misconduct on their service record of discipline and their conduct appeared to be an isolated incident.

The complainant requested a public hearing into their allegations. 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 2022-21613

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, who was a supervisor and senior male member, was engaged in a sexual relationship with a junior female member and had not disclosed their relationship as required by VPD policy. During the *Police Act* investigation, additional allegations arose in relation to the member disobeying an order from a senior officer to cease contact with the female member and attempting to contact the female member specifically to obtain details about their *Police Act* interview.

During the course of the investigation, 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 Delta Police Department to conduct the investigation and designated a senior officer of the Saanich Police Department as Discipline Authority.

Allegation 1

The member did not disclose a personal relationship as required by VPD Personal Relationship Policy.

MISCONDUCT
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations
Date of Incident: 2019-2022

DISCIPLINARY/CORRECTIVE MEASURE
15-day suspension without pay

Allegation 2

The member failed to obey direct orders from a senior officer to not contact the female member.

MISCONDUCT
<i>Neglect of Duty</i> Failure to follow supervisor's lawful order - written
Date of Incident: 2019-2022

DISCIPLINARY/CORRECTIVE MEASURE
30-day suspension without pay (to be served consecutively)

Allegation 3

The member engaged in a sexual relationship with a subordinate member that included going to her residence and having sex on-duty.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: 2019-2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Allegation 4

The member sent multiple text messages to the female member to obtain details relating to her *Police Act* investigation interview.

MISCONDUCT
<i>Discreditable Conduct</i> Contravening a provision of the Act, regulation, rule, or guideline
Date of Incident: 2019-2022

DISCIPLINARY/CORRECTIVE MEASURE
Dismissal

Disciplinary Process – Discipline Proceeding

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. 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 (with some exceptions to Allegation 1). The member subsequently resigned from the VPD.

The Discipline Authority found on a balance of probabilities that all four allegations of misconduct were substantiated. In deciding the appropriate disciplinary or corrective measures, the Discipline Authority found that, while the member displayed remorse and took full responsibility for their actions, significant disciplinary measures were required given the member’s “egregious” conduct and prolonged commitment to pursuing their own self-interest at the expense of others. The Discipline Authority noted the member was an experienced member in a supervisory position, with power and influence within the department, and that a corrective approach would be insufficient to address the misconduct, deter others from committing similar misconduct, and safeguard public trust and confidence in the police disciplinary 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 resigned before the conclusion of this matter, their Service Record of Discipline will reflect that he was dismissed from the VPD.

Police Officer Complaint OPCC 2023-23724

The OPCC received a complaint describing concerns regarding members of the Vancouver Police Department (VPD). The complainant viewed a video clip online that depicted several members in the downtown eastside laughing over an Indigenous female who was on the ground in handcuffs crying out in pain after being hit by police with a less lethal beanbag shotgun round.

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

Member A

Allegation 1

Along with other members, the member laughed while standing over the handcuffed and prone affected person immediately after her arrest.

MISCONDUCT
<i>Discourtesy</i> Behavioural
Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; prepare and deliver an apology letter to the affected person; training and education with respect to policing in vulnerable communities.

Member B

Allegation 1

Along with other members, the member laughed while standing over the handcuffed and prone affected person immediately after her arrest.

MISCONDUCT
<i>Discourtesy</i> Behavioural
Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; prepare and deliver an apology letter to the affected person.

Member C

Allegation 1

Along with other members, the member laughed while standing over the handcuffed and prone affected person immediately after her arrest.

MISCONDUCT
<i>Discourtesy</i> Behavioural
Date of Incident: April 2022

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand; prepare and deliver an apology letter to the affected person.

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the members did not commit misconduct. The Commissioner reviewed this decision and determined that there was a reasonable basis to disagree with the Discipline Authority's decision. The Commissioner noted that the Discipline Authority's analysis was limited to an assessment of the specific reason for the members' laughter and failed to assess the impact of their laughter in the circumstances and how it could be perceived.

As a result, the Commissioner appointed Mr. Brian Neal, K.C., retired Provincial Court Judge, to act as an adjudicator and arrive at his own decision based on the evidence.

Adjudicator Neal determined that the allegation of *Discourtesy* appeared to be substantiated against all three members, noting that regardless of the reason for the members' laughter, their actions would appear to have been inappropriate and potentially seen as demeaning and dismissive of the affected person from the perspective of an objective observer.

Disciplinary Process – Discipline Proceeding

A prehearing conference was offered and the members declined the offer. As a result, the matter proceeded to a discipline proceeding with Adjudicator Neal as the Discipline Authority.

Adjudicator Neal found that the members' laughter arose from a shared private joke and was not focused on or related to the circumstances of the affected person. Despite this, he found that their behaviour was reckless and did not meet the expected standard of professionalism given the affected person and members of the public could reasonably assume they were treating the affected person with disrespect.

When arriving at the disciplinary or corrective measures, Adjudicator Neal noted the actions of the members raised a risk of reducing respect for policing, particularly in relation to vulnerable people, and that they bear responsibility for having created those negative perceptions.

Adjudicator Neal further noted that while Member B and Member C had genuinely accepted responsibility and demonstrated insight into their misconduct, Member A failed to demonstrate full acceptance of responsibility and insight and therefore required additional education and training.

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.

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

Ordered Investigation – Requested by Department OPCC 2023-24881

Upon request from the Vancouver Police Department (VPD), the Commissioner initiated an investigation into the conduct of a VPD member. It was reported that while driving an unmarked police vehicle at high speed, the member collided with another vehicle being operated by a member of the public.

Allegation 1

The member was driving an unmarked police vehicle at 96 km/hour in a 50 km/hour zone when they collided with a motorist.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Operating a police vehicle in an unsafe manner	Written reprimand; training/retraining including a review of department policy and relevant manuals in relation to the <i>Emergency Vehicle Driving Regulation</i> and section 122 of the <i>Motor Vehicle Act</i> and satisfy a supervisor designated by the department that the officer understands the intent and application of that information.
Date of Incident: October 2023	

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted the member took responsibility for their actions, had learned from this incident, and found that they will not repeat the behaviour.

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 2023-24992

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the off-duty conduct of a VPD member. According to the VPD, the off-duty member was driving their personal vehicle when they were stopped at an RCMP roadblock. Upon request, the member provided two breath samples that resulted in “warn” readings on an Approved Screening Device (ASD), leading to a three-day Immediate Roadside Prohibition (IRP) and the impounding of their vehicle.

Allegation 1

The member drove off-duty while impaired by alcohol.

MISCONDUCT
<i>Discreditable Conduct</i> Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: December 2023

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that although the misconduct was serious, the member was cooperative throughout the interaction with the RCMP, took responsibility for their actions, and had no previous record of discipline.

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 2024-25240

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 RCMP stopped the member and notified them that their vehicle would be impounded and they would be receiving a violation ticket for excessive speeding. It was further reported that during the traffic stop, the member identified themselves to the RCMP as a VPD member and attempted to use their position as a member for personal gain.

Allegation 1

The member requested discretion during their interaction with the Royal Canadian Mounted Police (RCMP) member who was issuing an impound notice and violation ticket.

MISCONDUCT
<i>Corrupt Practice</i> Using or attempting to use police authority for personal gain
Date of Incident: January 2024

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that the member accepted responsibility for the misconduct and was remorseful.

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 2024-25323

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 referenced their status as a police officer in a social media post that they had made to counter a defaming post about them that related to alleged fraudulent activity.

During the subsequent investigation it was determined that the member had utilized the 911 emergency system to report the initial post as a threat to the RCMP when there was no justification to do so. Additionally, the member identified themselves as a police officer, requested to speak with the RCMP Watch Commander, and requested that the RCMP take action to have the post removed.

Allegation 1

The member, while referencing themselves as a police officer, used social media as a platform to counter and defend claims made against them.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Discreditable Conduct</i> Badging/identifying as police officer	2-day suspension without pay
Date of Incident: January 2024	

Allegation 2

The member used 911 to report a social media post as a threat, requesting to speak with the RCMP Watch Commander, and using their position to request the RCMP to have the post removed when unjustified.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Discreditable Conduct</i> Badging/identifying as police officer	2-day suspension without pay (to be served concurrently)
Date of Incident: January 2024	

Disciplinary Process – Prehearing Conference

A prehearing conference was offered and accepted. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted that the member’s actions of using their position as a police officer to influence the public and a police investigation could significantly impact the reputation of the VPD. However, the Prehearing Conference also noted that the member had taken responsibility for their actions and that their actions were motivated by safety concerns.

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 2024-25405

The Commissioner ordered an investigation after receiving information that a member of the Vancouver Police Department (VPD), while preparing for their shift in the VPD locker room, had negligently discharged one round from their duty firearm into a locker while loading it. VPD policy on firearms storage requires that members must load their firearms at a designated loading and unloading station.

Allegation 1

The member failed to use a designated loading/unloading station as mandated by VPD policy.

MISCONDUCT
<i>Neglect of Duty</i> Negligent discharge of firearm/weapon
Date of Incident: February 2024

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that the member had no previous substantiated misconduct on their service record of discipline, took immediate responsibility for their actions, and attended training that reviewed VPD’s firearm loading/unloading policy. Additionally, the member voluntarily attended off-duty firearms training.

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 2024-25556

Upon request from the Vancouver Police Department (VPD), the Commissioner ordered an investigation into the conduct of a VPD member. Among other things, it was reported that the member, while assigned as a Field Training Officer, had improperly disposed of evidence that should have been seized and documented to conclude a file, utilized a “fine collection system” as a method of coaching that encouraged a recruit to buy beer for the squad to make amends for perceived mistakes, and used language when referring to South Asian people that could be interpreted as derogatory.

Allegation 1

The member improperly disposed of evidence that was collected during a criminal investigation.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate documentation/notes; failure to comply with departmental policy/regulations
Date of Incident: March 2024

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Allegation 2

The member used a “fine collection system” as a coaching method.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: March 2024

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Allegation 3

The member used language when referring to South Asian people that could be interpreted as derogatory.

MISCONDUCT
<i>Discreditable Conduct</i> Conduct that discredits the department
Date of Incident: March 2024

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted the member took full responsibility for their actions, had no previous substantiated misconduct on their Service Record of Discipline, and had been suspended from their duties for six months during the *Police Act* investigation.

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 2018-14528

The Commissioner ordered an investigation after receiving information from the Vancouver Police Department (VPD) about an incident involving two VPD members. It was reported that the affected person was stopped by police for crossing the street against a red light, refused to provide identification, and was subsequently arrested for Obstructing a Peace Officer. During the course of the arrest, members used significant force to take the affected person into custody, which included Member A deploying their Conducted Energy Weapon (CEW) three times and Member B delivering a kick while the affected person was lying on their back with members on top of them.

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 Victoria Police Department (VicPD) to conduct the investigation and a senior officer of the VicPD was designated to be the Discipline Authority.

The *Police Act* investigation was initially suspended pending the outcome of a criminal investigation. The matter was referred to the BC Prosecution Service by the OPCC and charges were approved against Member A and Member B. The charge against Member B was later stayed. Member A was convicted of *Assault with a Weapon Causing Bodily Harm* and received a conditional discharge with 18 months of probation and conditions.

Member A

Allegation 1

The member used a CEW three times on the affected person, for which they were criminally convicted of *Assault with a Weapon*.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary Force - CEW
Date of Incident: February 2018

DISCIPLINARY/CORRECTIVE MEASURE
3-day suspension without pay

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that Member A appeared to have committed misconduct. A prehearing conference was offered and accepted by Member A. In arriving at the decision on disciplinary or corrective measures, the Prehearing Conference Authority noted Member A had taken responsibility for their actions and had demonstrated significant remorse, utilizing their experience to help train other members on the importance of crisis intervention and de-escalation techniques. The Prehearing Conference Authority also noted that Member A had no prior substantiated misconduct on their service record of discipline and had regularly engaged in training using scenarios that reflected this incident to improve their skills and judgement.

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.

Member B

Allegation 1

The member used unnecessary force in kicking the affected person.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – empty hand
Date of Incident: February 2018

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay

Disciplinary Process – Prehearing Conference

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 disciplinary or corrective measures, the Prehearing Conference Authority noted Member B had accepted responsibility for their conduct, shown regret for their involvement, and demonstrated initiative to improve their abilities as a police officer, including by seeking mentorship and taking courses.

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.

Victoria Police Department

Ordered Investigation – Initiated by PCC OPCC 2023-23143

After receiving information from the Victoria Police Department (VicPD), the Commissioner initiated an investigation into a member who utilized a police vehicle to stop an individual who was riding an electric cycle. According to information received from the department, the driver of the electric cycle was observed committing a *Motor Vehicle Act* offence. The member attempted to initiate a traffic stop and used their police vehicle to make contact with the rear wheel of the individual's cycle.

Allegation 1

The member inappropriately used a police vehicle as an intermediate force option.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – police vehicle
Date of Incident: January 2023

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension

Allegation 2

The member failed to submit the appropriate administrative documentation in relation to use of force.

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

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority noted that while the member was in the lawful execution of their duties, the decision to use a police vehicle as an intermediate force option to take an individual into custody was not justified. The Prehearing Conference Authority also noted that the member's neglect of duty was at the lower end of misconduct, as they had neglected administrative aspects of their reporting but had recorded their use of force and been fulsome in describing their actions.

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

Ordered Investigation – Requested by Department OPCC 2023-24376

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into a report that a news media outlet was in possession of an un-redacted Final Investigation Report (FIR) from a historical *Police Act* investigation involving VicPD members. During the investigation, it was reported that the member allegedly responsible for disclosing the document to the media outlet had been identified.

Allegation 1

The Member contravened VPD policies by giving a reporter copies of documents from a confidential *Police Act* process that included protected personal information of other members and civilians.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations	Written reprimand
Date of Incident: February 2023	

Disciplinary Process – Discipline Proceeding

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 to a discipline proceeding.

The member resigned while the investigation was underway and did not make submissions at the discipline proceeding about misconduct or disciplinary or corrective measures.

The Discipline Authority determined that the member's actions were serious, reckless, and intentional, and had breached the trust of their colleagues by sharing information with the media that contained their personal information. The Discipline Authority imposed the disciplinary measure of reduction in rank.

Adjudicative Review – Review on the Record

Under section 137(1) of the *Police Act*, the Commissioner must arrange a Public Hearing on receiving a request from a member where the Discipline Authority has proposed as a disciplinary measure dismissal or reduction in rank.

However, pursuant to section 137(2) the Commissioner may arrange a Review on the Record instead of a Public Hearing if he is satisfied that certain conditions are met.

The member in this case requested a Public Hearing or Review on the Record pursuant to section 136(1) of the *Police Act*. The Commissioner concluded that a Public Hearing was not necessary as the investigative record was thorough and complete and the examination of witnesses was not necessary. Therefore, the Commissioner ordered a Review on the Record.

The Commissioner appointed Mr. James Threlfall, retired Provincial Court Judge, to act as an adjudicator and make his own decision about the matters in issue.

Adjudicator Threlfall issued an initial decision finding that a reasonable and informed person would have perceived the Discipline Authority to be biased against the member. He then issued a second decision making his own independent and unbiased findings about misconduct and disciplinary and corrective measures.

In determining disciplinary or corrective measures, Adjudicator Threlfall found that the release of sensitive, confidential information to the media is serious. He said that while the member perceived themselves to be a whistleblower attempting to effect necessary change within the department, it was not permissible to release confidential information, regardless of the motivation.

Adjudicator Threlfall also noted that the member had admitted the misconduct during the review on the record and apologized for their actions, and that the member had retired from active policing after “27 years of stellar service and significant contribution to his community.” In all the circumstances, Adjudicator Threlfall determined that a written reprimand was appropriate.

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

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

Police Officer Complaint OPCC 2023-23532

The OPCC received a complaint describing concerns regarding two members of the Victoria Police Department (VicPD) during a traffic stop in which the complainant was the passenger. The complainant reported they were, without reasonable grounds, arrested and searched on suspicion of drug possession for the purpose of trafficking.

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

Allegation 1

The member who arrested the complainant intentionally or recklessly did so without good and sufficient cause.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Abuse of Authority</i> Unlawful arrest	4-day suspension without pay; counselling and treatment as directed
Date of Incident: March 2023	

Allegation 2

The member who searched the complainant intentionally or recklessly did so without good and sufficient cause.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Abuse of Authority</i> Unlawful search of a person	1-day suspension without pay
Date of Incident: March 2023	

Adjudicative Review – Section 117 Review

At the conclusion of the investigation, the Discipline Authority found that the members did not commit misconduct. After reviewing the investigation and the Discipline Authority's decision, the Commissioner determined that there was a reasonable basis to believe that the decision of the Discipline Authority was incorrect in relation to the allegations of *Abuse of Authority*. The Commissioner appointed Mr. Mark Takahashi, retired Provincial Court Judge, to act as an adjudicator and to review the matter under section 117 of the *Police Act* and arrive at his own decision based on the evidence.

Adjudicator Takahashi found that one of the two members did not commit misconduct. However, he also found an appearance that the other member committed misconduct by arresting and searching the complainant without good and sufficient cause.

Disciplinary Process – Discipline Proceeding

A prehearing conference was offered to the member, which the member declined. As a result, the matter proceeded to a discipline proceeding with Adjudicator Takahashi as the Discipline Authority.

Adjudicator Takahashi found that a reasonable officer in the member's circumstances would have known there were no grounds to arrest the complainant, and that there was therefore no basis to search the complainant. He held that observations about the manner in which the vehicle was being driven, or the behaviour of the driver during the traffic stop, could not be imputed to the complainant as a passenger. In Adjudicator Takahashi's view, the mere fact that the complainant was a passenger in a car that had been at a place known for drug activity did not provide grounds to arrest and search.

When arriving at disciplinary or corrective measures, Adjudicator Takahashi noted that while the arrest and resulting detention were short in duration, the loss of liberty was serious misconduct, and the incidental search may have been embarrassing and was moderately serious

misconduct. He further held that the member did not offer any explanation as to why the misconduct occurred or what they would need to do to prevent a recurrence. While recognizing the member had no disciplinary record and exemplary performance evaluations, Adjudicator Takahashi found that failing to provide a significant consequence would bring the reputation of the police complaints process and bring the administration of justice into disrepute.

The member requested a Review on the Record pursuant to section 136(1) 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 Officer Complaint OPCC 2023-24579

The OPCC received a complaint describing concerns with a member of the Victoria Police Department (VicPD) providing the complainant with a food item at the jail to which the complainant had a severe allergy. The complainant reported that they subsequently consumed the food item and suffered an allergic reaction that required medical intervention.

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

Allegation 1

The member failed to take sufficient steps to ensure the complainant received an alternative meal to accommodate the complainant's allergies.

MISCONDUCT	DISCIPLINARY/CORRECTIVE MEASURE
<i>Neglect of Duty</i> Failure to comply with departmental policy/regulations	Verbal reprimand
Date of Incident: November 2022	

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct by failing to ensure the delivery of an appropriate alternate meal, despite knowing of the complainant's allergy. A prehearing conference was offered and accepted. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the member had accepted full responsibility, had used the incident as a learning opportunity, and had no prior record of discipline. The Prehearing Conference Authority also considered the submissions of the complainant wherein they wished to prioritize awareness and education over discipline for the member.

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 2023-24718

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into the conduct of an off-duty VicPD member. According to VicPD, the off-duty member was involved in a traffic incident and was subsequently pulled over by the RCMP. When asked, the off-duty member reportedly told the RCMP member that they had had "nothing" to drink then provided a breath sample that resulted in a "Fail" reading twice. The RCMP issued a 90-day Immediate Roadside Prohibition (IRP) and a 30-day vehicle impoundment to the member.

Allegation 1

The member operated a motor vehicle while impaired by alcohol.

MISCONDUCT
<i>Discreditable Conduct</i> Immediate Roadside Prohibition/Impaired operation of a motor vehicle
Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE
4-day suspension without pay

Allegation 2

The member provided false or misleading information to an on-duty RCMP member.

MISCONDUCT
<i>Discreditable Conduct</i> Providing a false or misleading statement
Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE
1-day suspension without pay (to be served consecutively)

Disciplinary Process – Prehearing Conference

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. In arriving at the appropriate disciplinary or corrective measures, the Prehearing Conference Authority noted that the member readily accepted responsibility early on, was cooperative, and did not waver in accepting responsibility.

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 Officer Complaint OPCC 2023-25006

The OPCC received a complaint describing concerns regarding an interaction with members of the Victoria Police Department (VicPD). The complainants alleged the members had barged into their home and arrested them both without explanation. The OPCC reviewed the complaint and determined that an investigation into the incident was required.

During the *Police Act* investigation, it was reported that one of the members had neglected their duty by failing to document actions taken during the interactions with the complainants.

Allegation 1

The member failed to document actions taken during the course of duty in an investigation.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate documentation/notes/records
Date of Incident: December 2023

DISCIPLINARY/CORRECTIVE MEASURE
Advice as to future conduct

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that none of the members committed misconduct by entering the dwelling or arresting the complainants. However, the Discipline Authority found that one member appeared to have committed misconduct by failing to properly document their actions in arresting, Chartering, and transporting one of the complainants to VicPD jail cells.

A prehearing conference was offered and accepted. In arriving at the decision on disciplinary or correctives measures, the Prehearing Conference Authority noted that the member proactively took responsibility for their actions at the start of the *Police Act* investigation, had undertaken a thorough review of policy and law in relation to proper note taking and documentation, 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.

Ordered Investigation - Requested by Department
OPCC 2024-25233

Upon request from the Victoria Police Department (VicPD), the Commissioner ordered an investigation into the conduct of a VicPD member. It was reported that after an affected person had been arrested and placed in handcuffs on the ground, the member used force and struck the affected person’s head against the ground.

Allegation 1

The member intentionally or recklessly used unnecessary force on the affected person in the performance of their duties.

MISCONDUCT
<i>Abuse of Authority</i> Unnecessary force – empty hand
Date of Incident: January 2024

DISCIPLINARY/CORRECTIVE MEASURE
Verbal reprimand

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that the member appeared to have committed misconduct. The Discipline Authority determined that that force used was unreasonable and disproportionate in the circumstances. A prehearing conference was offered and accepted. The Prehearing Conference Authority classified the misconduct as moderate, but noted the member expressed remorse and regret for their inappropriate actions.

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

Police Officer Complaint
OPCC 2023-24687

The OPCC received a complaint describing concerns that members of the Victoria Police Department (VicPD) had used excessive force in dealing with an individual believed to be committing a crime. The OPCC reviewed the complaint and determined that an investigation into the incident was required.

During the investigation, it was discovered that one of the members did not complete any notes or a report as required.

Allegation 1

The Member did not complete any notes or reports for this incident.

MISCONDUCT
<i>Neglect of Duty</i> Inadequate documentation/notes/records
Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

At the conclusion of the investigation, the Discipline Authority found that none of the members had committed misconduct in their interactions with the individual in relation to the force used. However, the Discipline Authority found one member appeared to have committed misconduct by failing to properly document their actions. A prehearing conference was offered and accepted. The Prehearing Conference Authority noted that the seriousness of the misconduct was low as no person was physically harmed and the failure to take notes did not result in the justice system being circumvented in any way. They also noted that the member took full responsibility for this incident, considered it a valuable learning experience, and was unlikely to repeat the 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.

West Vancouver Police Department

Ordered Investigation - Initiated by PCC OPCC 2023-24710

The Commissioner ordered an investigation after receiving information from the West Vancouver Police Department (WVPD) regarding the off-duty conduct of a WVPD member. The WVPD became aware of a video on social media depicting a member engaging in a confrontation with a civilian motorist regarding their driving behaviour. The video depicted the member using profanity, making inappropriate gestures, and displaying their police badge to the civilian.

Allegation 1

The member acted in a disorderly manner while off-duty that was prejudicial to the maintenance of discipline in the municipal police department.

MISCONDUCT
<i>Discreditable Conduct</i> Badging/identifying as police officer
Date of Incident: October 2023

DISCIPLINARY/CORRECTIVE MEASURE
Written reprimand

Disciplinary Process – Prehearing Conference

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. The Prehearing Conference Authority (PHCA) noted the misconduct was not serious in nature and the member had no previous 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.