

NEWS RELEASE

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RR: 26-01

Review to consider whether officers must provide an oral apology to an Indigenous grandfather and granddaughter arrested and handcuffed at a bank

Victoria – In the public interest, Police Complaint Commissioner, Prabhu Rajan, has appointed a retired judge to conduct a review on the record to determine whether Constable Canon Wong and Constable Mitchel Tong of the Vancouver Police Department should be required to provide an oral apology consistent with Indigenous law to a Heiltsuk Nation grandfather and his granddaughter who was 12 years old at the time of the incident (the Applicants).

Following a discipline proceeding, the officers were found to have committed misconduct by recklessly arresting and handcuffing the Applicants without good and sufficient cause outside a Vancouver bank on December 20, 2019. In March 2022, a retired judge acting as discipline authority ordered several disciplinary and corrective measures, including a requirement for the officers to offer to meet with the Applicants and provide oral apologies “at a time and in a manner agreeable to the parties”.

While the officers provided written apologies to the Applicants, they have not agreed to apologize in the way requested by the Applicants. New evidence submitted by the Applicants as part of their reconsideration application explains the importance of an apology ceremony under Heiltsuk law and the ongoing harm caused to the Applicants because of the lack of a culturally appropriate apology.

“The Discipline Authority’s apology order was well-intentioned in seeking to improve the relationship between the Applicants and the police. However, failed efforts between the officers and the Applicants to agree on how the apology should be made appears to have worsened the relationship between the parties,” said Commissioner Rajan. “A review on the record will provide an opportunity for an Adjudicator to determine, with the benefit of the new evidence and in the context of the *Declaration on the Rights of Indigenous Peoples Act*, whether the officers

Prabhu Rajan
Police Complaint Commissioner

2nd Floor, 947 Fort Street
PO Box 9895 Stn Prov Govt
Victoria, British Columbia V8W 9T8
Tel: (250) 356-7458 Fax: (250) 356-6503

Toll Free 1 877-999-8707  Website: www.opcc.bc.ca

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should be required to provide oral apologies to the Applicants, and if so, on what terms."

Further details are in the Notice of Review on the Record which can be found [here](#).

This is the first time the OPCC has used its reconsideration powers under s. 139 of the *Police Act*.

The Honourable Wally Oppal, K.C., retired BC Court of Appeal Justice, will preside as the Adjudicator for the Review on the Record, which has yet to be scheduled. Updates on the review will be shared on the OPCC website.

About the OPCC and Reviews on the Record:

- The Police Complaint Commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia.
- A review on the record is a form of adjudicative review in which the adjudicator, a retired judge, may consider evidence and submissions and come to a new decision about misconduct or disciplinary or corrective measures under the *Police Act*.

Note to media: The OPCC is unable to comment on this review while it is underway.

For general queries related to the OPCC's role and processes, please contact:

Media Contact: Rachel Huggins - Deputy Police Complaint Commissioner, Police Accountability, media@opcc.bc.ca

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