



Office of the
Police Complaint Commissioner

British Columbia, Canada

RR 2026-02
OPCC File: 2023-25062
September 21, 2026

NOTICE OF REVIEW ON THE RECORD

Pursuant to section 139 *Police Act*, R.S.B.C. 1996, c.367

**In the matter of the Review on the Record into the Registered Complaints against
Constable Denis Belkin of the Victoria Police Department**

To: Constable Denis Belkin (#565) (Member)
c/o Kevin Westell (Counsel)

And to: Complainant #1 (Complainants)
Complainant #2

And to: Inspector Jennifer Ames (Discipline Authority)
c/o Victoria Police Department
Professional Standards Section

And to: Chief Constable Fiona Wilson
Victoria Police Department
c/o Professional Standards Section

OVERVIEW

1. At a discipline proceeding held under the *Police Act* (Act), Cst. Denis Belkin (Member) of the Victoria Police Department (VicPD) admitted various forms of police misconduct. He admitted intentionally or recklessly using excessive force when making an arrest, and neglecting his duties to account for the arrested person's property and file required use of force reports relating to the arrest and another incident a few days later involving the same person. The Member also admitted that he engaged in deceit by knowingly making false or misleading statements to an investigating officer (Investigator) about his uses of force during the first arrest.

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Police Complaint Commissioner

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2. A VicPD discipline authority found that Cst. Belkin's admitted deceit was serious and required that he be dismissed from the VicPD. The discipline authority said that imposing less onerous measures would undermine organizational effectiveness and bring the administration of police discipline into disrepute. The discipline authority also found that the Member's other admitted misconduct warranted suspensions without pay that together added up to 21 days.
3. Under the Act, a member who has been dismissed by a police discipline authority is entitled on request to have the matter considered by a retired judge acting as an adjudicator. The Member has exercised this right by asking that I appoint an adjudicator to conduct a review on the record. The Member has confirmed that he maintains his admissions of misconduct and seeks only to have an adjudicator make a fresh decision on the appropriate disciplinary or corrective measures that should flow from his admitted misconduct.
4. As the Member is entitled to an adjudication by virtue of his dismissal, my only role is to determine its form and scope. In this regard, I agree with the Member that it is appropriate in this case to arrange a review on the record that focuses solely on the appropriate disciplinary and corrective measures flowing from his admitted misconduct. A full public hearing is not required. It does not appear that witnesses need to be examined or cross-examined or that additional evidence is needed beyond what is in the existing record. Arranging a review on the record rather than a public hearing will be sufficient to maintain public confidence in the investigation of misconduct and the administration of police discipline.

BACKGROUND

Procedural History

5. On December 15, 2023, the Office of the Police Complaint Commissioner (OPCC) received a registered complaint from a woman who will be identified in this Notice as Complainant #1. She described her concerns with the conduct of two members of the VicPD related to the arrest of a male on December 7, 2023. Complainant #1 had witnessed the arrest and filmed portions of the incident using her cell phone.
6. Complainant #1's complaint against the VicPD officers was determined to be admissible. Accordingly, the complaint was forwarded to the Professional Standards Section of the VicPD for investigation, and a VicPD Professional Standards investigator (Investigator) was assigned to investigate the matter.

7. The Investigator identified two respondent VicPD members, one of whom was the Member.
8. The male who was the subject of the arrest on December 7, 2023, will be identified as Complainant #2 in this Notice. He submitted a registered complaint dated January 2, 2025, that was determined to be admissible. As a result, Complainant #2 was added as a complainant on the file.
9. On October 22, 2024, the presiding discipline authority decided under s. 110(1) of the Act to suspend the Member with pay. On November 5, 2024, the discipline authority determined under s. 110(3) of the Act that it was in the public interest to continue the suspension until the conclusion of this matter.
10. On January 10, 2025, the Investigator submitted a Final Investigation Report to the presiding discipline authority, recommending that a discipline authority find an appearance of misconduct with respect to multiple allegations against the Member.
11. On February 7, 2025, pursuant to s. 112 of the Act, the discipline authority found an appearance of misconduct for multiple misconduct allegations against the Member.
12. The Final Investigation Report and the s. 112 decision also included information, recommendations and/or findings with respect to allegations regarding another VicPD member that have been concluded separately and are not included in the scope of this Notice.

Misconduct Decision of the Discipline Authority

13. A VicPD discipline authority (Discipline Authority) held a discipline proceeding on December 2, 2025, regarding the allegations against the Member. As part of the discipline proceeding process, the Discipline Authority received evidence and submissions from the Member, who – as discussed further below – admitted all the allegations of misconduct against him.
14. On July 22, 2026, the Discipline Authority issued a decision finding misconduct. Among other things, the Discipline Authority found as follows:
 - a. On December 7, 2023, the Member was engaged in the lawful execution of his duty when he and another VicPD member decided to stop Complainant #2 for riding his mountain bike in a parking lot at night while not wearing a helmet or using a light.

- b. Complainant #2 twice turned away from the officers' attempts to stop him and then fled. The members then used force to arrest him for Obstructing a Police Officer.
- c. During the arrest, while Complainant #2 was on the ground with both members, the Member delivered approximately eight punches to Complainant #2 in rapid succession, then delivered two knee strikes to his back. There was no evidence Complainant #2 presented as a threat at this time and the use of force went past what would be subjectively and objectively reasonable and became reckless.
- d. This use of force was interrupted when Complainant #1, who was recording video footage of the incident on her cell phone (Arrest Video), yelled at them to stop. With the shout to stop, the Member suddenly ceased delivering strikes and started giving loud commands to Complainant #2 to "stop resisting."
- e. The investigating officer first interviewed the Member on August 20, 2024, nearly two months before Complainant #1 provided the Arrest Video. There were discrepancies between the Member's evidence and what could later be clearly seen in the Arrest Video. Among other things, the Member said during the interview that no force was used beyond pulling Complainant #2's arms into a handcuffing position, and that he did not strike or hit Complainant #2.
- f. When later asked about the discrepancies, the Member said that (among other things) he was unsure at the time of the initial interview what force he used, and that he did not inform the investigating officer of this because he wanted to sound confident.
- g. Consistent with provincial policing standards, applicable VicPD policies required that the Member complete a Subject Behaviour Officer Response Report (SBOR) regarding his use of force when arresting Complaint #2 on December 7, 2023. However, the Member did not complete an SBOR or document his use of force on Complainant #2 anywhere.
- h. During their arrest of Complainant #2 on December 7, 2023, the Member and the other VicPD officer seized a mobile phone from Complainant #2. Contrary to requirements imposed by the *Criminal Code of Canada* and VicPD policies, the Member did not take required steps to promptly and properly account for the seized mobile phone, which was lost and never returned to Complainant #2.
- i. A few days later, on December 9, 2023, the Member and another VicPD member encountered Complainant #2 and another male in connection with a report of an

attempted break-in to the underground parkade of a residential building. The other VicPD member used force to arrest Complainant #2. The Member used force to arrest the other male. Both men were released without charge. Contrary to requirements, the Member did not include information about the use of force on Complainant #2 in his PRIME report for the incident, nor did he complete an SBOR regarding his use of force on the second male.

- j. The Member did not have good or sufficient cause for neglecting his duties to properly account for the seizure of Complainant #2's property or to complete required use of force reporting for the incidents on December 7 or 9, 2023.

Discipline Authority Decision on Disciplinary or Corrective Measures

15. In a decision dated July 22, 2026, the Discipline Authority made the following determinations in relation to the allegations:

Allegation #1: *Abuse of Authority*, pursuant to section 77(3)(a)(ii)(A) of the Act, in relation to the force used against Complainant #2 on December 7, 2023.

Finding: Substantiated

Proposed Disciplinary Measure – 5 days suspension without pay

Allegation #2: *Deceit*, pursuant to 77(3)(f)(i)(A) of the Act, for the reporting on the use of force against Complainant #2 on December 7, 2023.

Finding: Substantiated

Proposed Disciplinary Measure – Dismissal

Allegation #3: *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the Act, specifically for the inadequate documentation for the use of force against Complainant #2 on December 7, 2023.

Finding: Substantiated

Proposed Disciplinary Measure – 4 days suspension without pay

Allegation #4: *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the Act, specifically for the improper reporting and handling of the property seized from Complainant #2 on December 7, 2023.

Finding: Substantiated

Proposed Disciplinary Measure – 8 days suspension without pay

Allegation #5: *Neglect of Duty*, pursuant to section 77(3)(m)(ii) of the Act, specifically for the inadequate documentation for the use of force against an affected person on December 9, 2023.

Finding: Substantiated

Proposed Disciplinary Measure – 4 days suspension without pay

16. The Discipline Authority recognized the Member's long and dedicated service, his admissions of misconduct, and expressions of support from co-workers and supervisors. However, she concluded that measures short of dismissal would be inappropriate in this case. Among other things, the Discipline Authority found that (i) the misconduct was serious, (ii) the Member had prior entries on his service record that showed a pattern of disregard for rules and procedures, and (iii) the finding of deceit would give rise to concerns about accepting the Member's evidence in court and hamper organizational effectiveness. In short, the Discipline Authority found that a reasonable person, fully apprised of the circumstances, would conclude that anything short of dismissing the Member would bring the administration of police discipline into disrepute.

Request for Public Hearing or Review on the Record

17. Section 137(1) of the Act says that where a discipline authority proposes a disciplinary measure of dismissal or reduction in rank, upon written request from the subject member, the Commissioner must promptly arrange a public hearing.
18. Section 137(2) of the Act says that the Commissioner may instead choose to arrange a review on the record if satisfied of two things. First, the Commissioner must be satisfied that it is unnecessary to examine or cross-examine witnesses, or receive evidence that is not part of the record of the disciplinary decision described in s. 141(3) of the Act or the service record of the member or former member. Second, the Commissioner must be satisfied that a public hearing is not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline.
19. On August 12, 2026, the Member sent a request asking me to arrange a review on the record (Request). In his Request, the Member states that he has accepted responsibility for all five substantiated allegations and does not challenge the misconduct findings or seek to contest the underlying facts. Rather than ask an adjudicator to examine what occurred, the Member will ask for an adjudication of the appropriate disposition. The Request says the anticipated grounds of review will include:
- a) whether the Discipline Authority correctly applied s. 126(3) of the Act in finding that measures short of dismissal were unworkable;
 - b) whether the measures proposed were proportionate having regard to the range of measures imposed in comparable cases;
 - c) whether the Discipline Authority erred in assessing the likelihood of future misconduct, including by giving too little weight to performance appraisals, citations, and reference letters;

- d) whether the Discipline Authority erred by mischaracterizing the deceit as an account deliberately maintained over time, rather than reckless overconfidence in filling gaps in a genuinely impaired memory; and
 - e) whether the Discipline Authority gave correct effect to the Member's complete acceptance of responsibility.
20. In his Request, the Member submits that the evidentiary record is complete, pointing out that he had testified under oath at the discipline proceeding and admitted to the misconduct allegations against him. He states that there are no evidentiary gaps that need to be filled at a public hearing and that a review on the record is the more effective, proportionate, and timely form of adjudication in this matter.

DECISION

21. Having considered the Member's Request and the record of proceedings in this matter, I have determined that a review on the record focused solely on disciplinary or corrective measures is appropriate in the circumstances instead of a public hearing.
22. In this matter, the investigative record appears to be thorough and complete. The Member participated fully in both the investigation and the discipline proceeding. Additionally, all material witnesses were interviewed, and all relevant documentary and video evidence appears to have been obtained related to this matter.
23. In the circumstances, I am satisfied that a public hearing is neither necessary nor required. Taking the above-noted factors into account, the evidentiary record is sufficient for the purposes of an effective review on the record. It is not necessary to examine or cross examine witnesses. I am also of the view that a public hearing is not required to preserve or restore public confidence in the investigation of misconduct and the administration of police discipline. Just like a public hearing, a review on the record is open to the public, subject to any orders that an adjudicator may make under s. 150 of the Act.
24. Accordingly, pursuant to ss. 137 and 141 of the Act, I am arranging a review on the record. The review on the record will be limited to a determination of the appropriate disciplinary or corrective measures based on the five allegations of misconduct admitted by the Member and substantiated by the Discipline Authority (as outlined above in para 15 of this Notice).

Review on the Record – Procedures and Parties

25. Pursuant to s. 141(2) of the Act, the record will consist of the materials described in s. 141(3) of the Act, which together make up the record of disciplinary decision. If the adjudicator determines that special circumstances exist and it is appropriate or necessary to do so, the adjudicator may also decide under s. 141(4) of the Act to receive evidence that is not part of the record of the DA Decision or the Member's service record.
26. Section 144 of the Act allows a person to apply to become a participant at a public hearing. There is no similar provision in the Act for a review on the record. Despite this difference, I remain satisfied that a review on the record is appropriate in this case. If someone believes there is more information the adjudicator should consider, they can apply to the adjudicator to provide that information as additional evidence under s. 141(4) of the Act.
27. The adjudicator will be able to receive oral and/or written submissions from the following persons about the matters under review:
- (a) Pursuant to s. 141(5) of the Act, the Member, or his agent or legal counsel, may make submissions.
 - (b) Pursuant to s. 141(6) of the Act, the Commissioner or his commission counsel may make submissions.
 - (c) Pursuant to s. 141(7)(a) of the Act, the adjudicator may permit the complainants, or the complainants' agents or legal counsel, to make submissions.
 - (d) Pursuant to s. 141(7)(b) of the Act, the Adjudicator may permit the Discipline Authority to make submissions.

APPOINTMENT OF RETIRED JUDGE

28. Section 142(1) of the Act requires the Commissioner to appoint an adjudicator for a review on the record. An appointment under s. 142(1) of the Act must be made pursuant to s. 177.2 of the Act.
29. Section 177.2 of the Act, in turn, requires the Commissioner to request the Associate Chief Justice of the Supreme Court of British Columbia to consult with retired judges of the Provincial Court, Supreme Court, and Court of Appeal and recommend retired judges who the Commissioner may include on a list of potential adjudicators.

Appointments under the Act are to be made in accordance with published procedures established under s. 177.2(3).

30. On June 13, 2024, I published the OPCC's appointment procedures under s. 177.2(3) of the Act (the "Appointment Procedures") and the list of retired judges who may be appointed for the purposes of ss. 117, 135, and 142.
31. In accordance with the Appointment Procedures, I have appointed the Honourable Elizabeth Bennett, retired Justice of the BC Court of Appeal, to preside as Adjudicator in these proceedings pursuant to ss. 142(1) and (2) of the Act. I have considered the factors as set out in the Appointment Procedures, namely:
- (a) the provision under which the appointment is made;
 - (b) the current workloads of the various retired judges;
 - (c) the complexity of the matter and any prior experience with the Police Act; and
 - (d) any specific expertise or experience of a retired judge with respect to a particular issue or sensitivity associated with the matter.
32. Retired Judge Bennett has confirmed their availability to preside over this matter and reported no conflicts.

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

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DATED at the City of Victoria, in the Province of British Columbia, this 21st day of September 2026.



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