

# 2011 Year In Review

(January 1<sup>st</sup> to December 31<sup>st</sup>, 2011)

## Files Opened in 2011

Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data.

The files opened by the OPCC in 2011 can be broken down into the following categories:

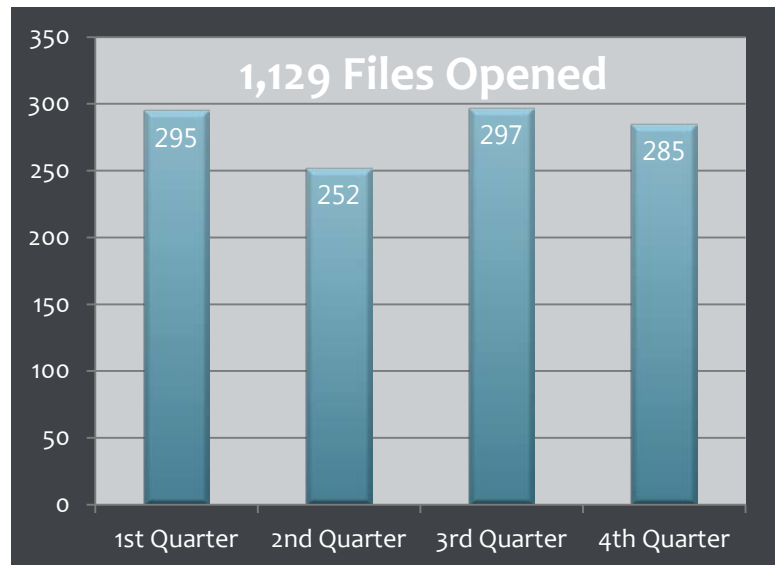
**Registered Complaints** are formal complaints by members of the public concerning the conduct of municipal police officers. This would include both Division 3 (public trust) and Division 5 (service or policy) complaints.

**Non-Registered Complaints** are any oral or written report by a member of the public that raises concerns or questions about the conduct of an officer, but that does not result in the making and registration of a formal complaint. If a non-registered complaint contains allegations of a serious nature, the department may request the Commissioner order an investigation or the Commissioner may order an investigation on his or her own initiative if it is deemed to be in the public interest. Under the previous legislation, these were referred to as "Non-Lodged" complaints.

**Ordered Investigations** Complaint investigations may be ordered by the Police Complaint Commissioner, whether it is upon the request of a department or as a result of information received from any source that raises concerns about officer misconduct. This also includes mandatory investigations pursuant to the new legislation.

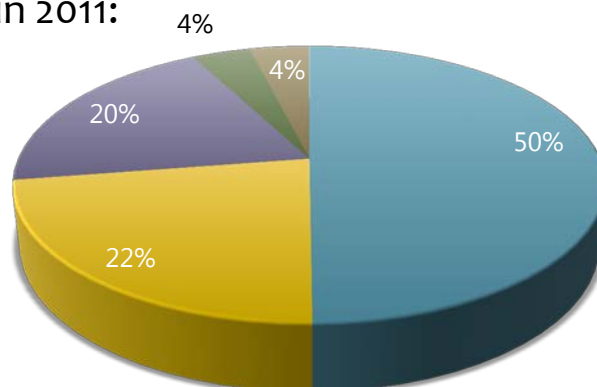
**Monitor Files** are opened when information is received by the OPCC from the police, including Reportable Injuries, or other sources such as media reports that *may* require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "Reviewed & Closed".

**Internal Discipline (Div. 6)** concern conduct issues between the member and the department and does not affect the public. The OPCC monitors and tracks the results under Division 6 of the *Police Act*.



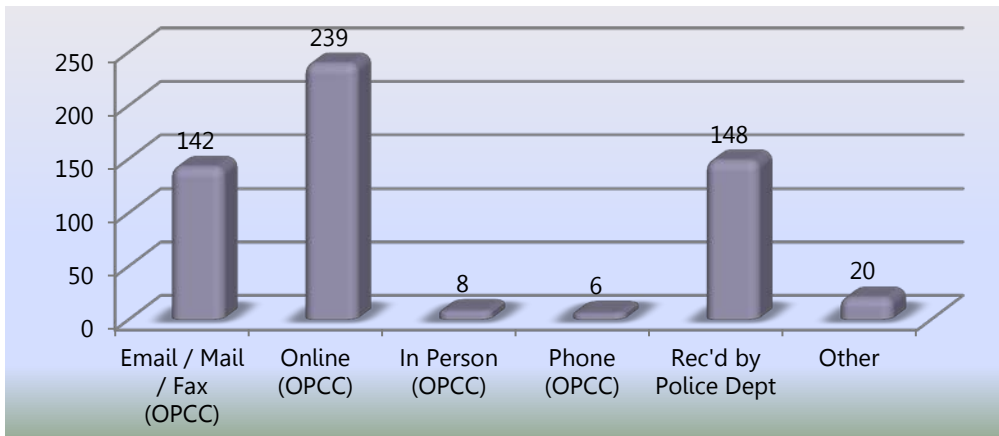
## Type of Files Opened in 2011:

- Registered/Police Act
- Non-Registered
- Monitor
- Ordered Investigations
- Internal Discipline



## By the numbers:

- 563 Registered Complaints
- 256 Non-Registered
- 223 Monitor Files
- 43 Ordered Investigations  
(1 Initiated by the PCC, 34 at the request of the dept, and 8 mandatory external investigations)
- 44 Internal Discipline Files



### How Public Complaints were Received in 2011

### Reportable Injuries & Mandatory External Investigations – s.89

The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a “**reportable injury**” that requires medical treatment. These “reportable injuries” are opened as Monitor Files until it is determined whether an investigation will be conducted. In 2011, the OPCC received **218** notifications of reportable injuries; **1** of which resulted in the department requesting an ordered investigation and in **13** incidents, the individuals involved filed registered complaints.

**50%** of the reportable injuries received in 2011 were as a result of Police Service Dog bites. Section 89 also states that there must be “**mandatory external investigations**” into incidents resulting in death or serious harm. In 2011, there have been **8** mandatory external investigation ordered.

Departments are also required to keep records of all concerns or questions they receive from members of the public, but do not result in formal registered complaints. These records are forwarded to the OPCC for review and tracking purposes. These are referred to as **Non-Registered** files. In 2011, municipal departments forwarded to the OPCC **256** Non-Registered files for review and auditing purposes. Out of these 256 files, **14** have subsequently become registered complaints.

### Non-Registered Records - s.85

### Admissibility of Complaints (s.82)

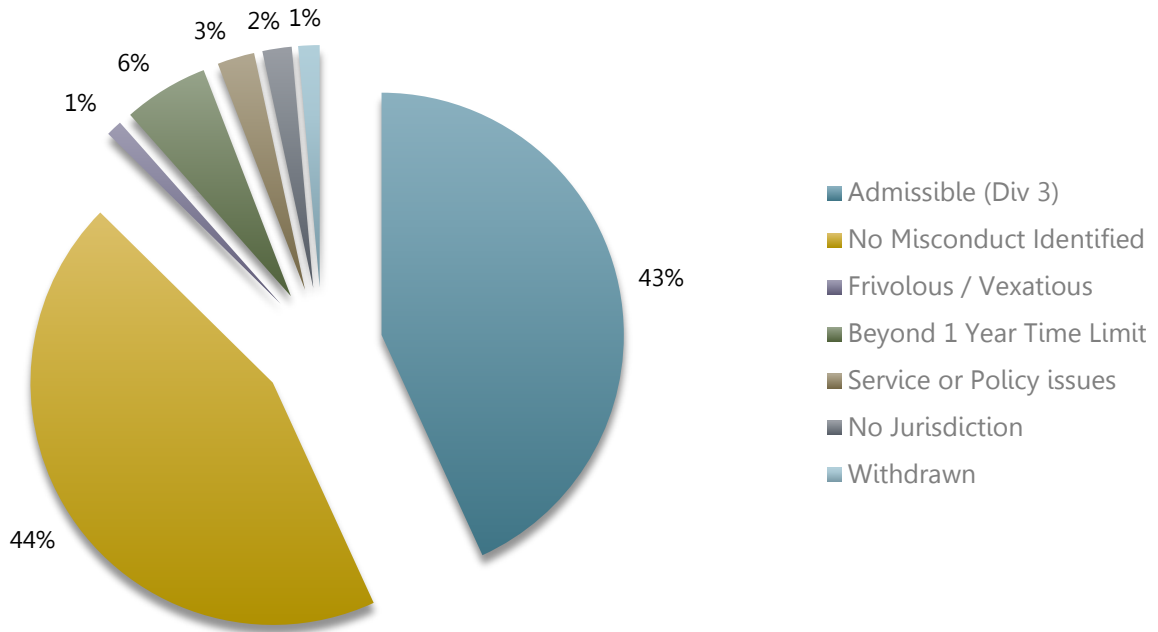
In British Columbia, ALL registered complaints received from the public must be reviewed by the OPCC to determine whether it is an “Admissible” complaint under the *Police Act*. In order for a complaint to be considered admissible, it must:

- Describe conduct that, if substantiated, would constitute misconduct as defined by the Act (section 77 sets out 13 separate categories of misconduct);
- Be filed within 12 months of when the alleged misconduct occurred; and
- Not be frivolous or vexatious in nature.

Between January 1<sup>st</sup> and December 31<sup>st</sup>, 2011, OPCC analysts have reviewed **563** registered complaints. **243** were determined to be admissible under Division 3 (public trust) and forwarded to the police department’s Professional Standards Section. **320** were not admissible for the following reasons:

- 249 Failed to identify any misconduct
- 32 Filed after the 12 month limit
- 6 Frivolous/vexatious
- 14 Deemed admissible under a different areas of the Act - Div 5 (Service or Policy) or Div 6 (Internal Discipline)
- 11 Involved agencies outside the jurisdiction of the OPCC
- 8 Withdrawn before a decision on admissibility was determined

## Breakdown of Admissibility of Registered Complaints



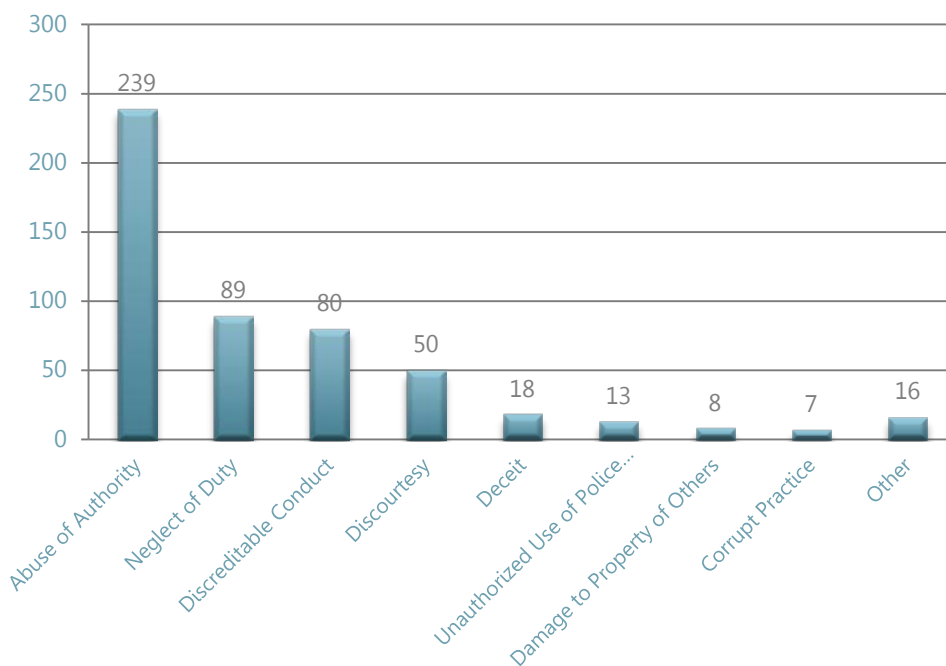
Once a complaint file is deemed admissible or an investigation initiated, the complaint is analyzed and broken down into the individual allegations of misconduct, against individual members. The *Police Act* identifies 13 separate categories of misconduct:

Abuse of Authority  
 Damage to Police Property  
 Discourtesy  
 Improper Off Duty Conduct  
 Neglect of Duty

Accessory to Misconduct  
 Damage to Property of Others  
 Discreditable Conduct  
 Improper Use or Care of Firearms

Corrupt Practice  
 Deceit  
 Improper Disclosure of Information  
 Misuse of Intoxicants

The chart below shows the most common misconduct that was alleged in 2011. Please note that these are only allegations received and do not reflect whether they were substantiated or not substantiated.



Currently, if a member conducts an unauthorized search of police databases for whatever reason, it falls under "Corrupt Practice". The term "corrupt practice" is very inflammatory and has strongly negative connotations that should be reserved for misconduct that is truly deserving of the term. The current definition of corrupt practice is extremely broad and captures misconduct that while still very serious in nature, does not warrant the significant designation of corruption – unless egregious circumstances exist. For ease of reporting and statistical purposes, the OPCC has designated this as a separate category.

## Files Closed in 2011

As stated earlier, all complaint files are reviewed and broken down into its individual allegations against individual officers, therefore a single complaint file will often contain multiple allegations against more than one officer. As a result, when referring to closed complaints, the figures relate to the *allegation*, not the complaint *file*. Therefore, the figures for files opened and allegations concluded cannot be directly compared.

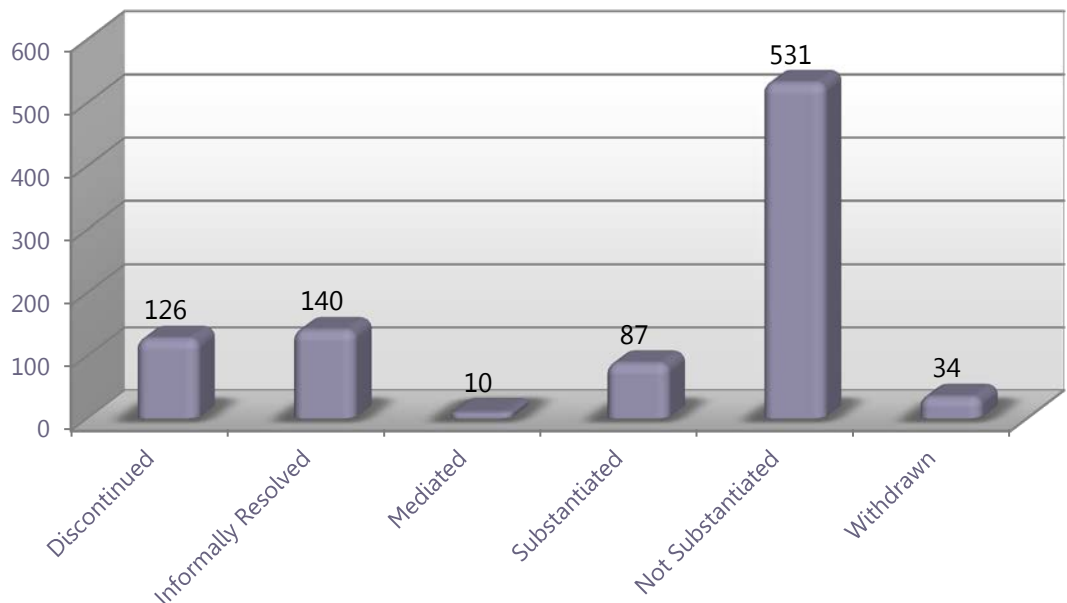
Also, files concluded in 2011 were not all opened in this period. Many of the files were opened in 2010 or earlier, but due to extended procedures, were not actually concluded until this time period.

Between January 1<sup>st</sup> and December 31<sup>st</sup>, 2011, OPCC analysts reviewed **989** allegations (not including Non-Registered allegations and Monitor files).

Allegations of misconduct against an officer that are processed pursuant to Divisions 3 & 4 of the *Police Act* may result in the following outcomes:

- Withdrawn** *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
- Informally Resolved** *A complaint may be informally resolved pursuant to Division 4 of the Police Act. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 business days in which to change their mind. The OPCC reviews all informal resolutions and if the Commissioner determines it is not appropriate or inadequate, the resolution is set aside and the investigation continues.*
- Mediated** *A complaint may be resolved through mediation, facilitated by a professional mediator. If no agreement can be reached, the investigation continues. Amendments to the legislation now give the Commissioner the authority to direct a Complainant to attend a mediation, and similarly, the Chief Constable may order the member to attend.*
- Discontinued** *The Commissioner may direct an investigation into allegations of misconduct be discontinued if it is determined that further investigation is neither necessary nor reasonably practical, or if it is found that the complaint is frivolous, vexatious or made knowing the allegations were false. Under the previous legislation, complaints that met any of these criteria were Summarily Dismissed.*
- Not Substantiated** *Following an investigation that may take up to 6 months, the Discipline Authority determines there is no evidence to support the allegation of misconduct.*
- Substantiated** *Following an investigation that may take up to 6 months, the Discipline Authority determines the allegation is supported by the evidence. The Discipline Authority must then decide on appropriate disciplinary and/or corrective measures to impose.*

Between January 1<sup>st</sup> and December 31<sup>st</sup>, the OPCC reviewed and concluded **928** allegations of misconduct against officers that were processed pursuant to Divisions 3 & 4 of the *Police Act*.



# Mediation & Informal Resolution of Police Complaints

In addition to conducting full investigations and having a third party arrive at a decision, the *Police Act* offers an alternative method of resolving the issues through formal mediation or an informal resolution process.

## Informal Resolution (s.157)

If the nature of the complaint is appropriate and both parties are willing to participate, the Discipline Authority may propose an informal resolution to the matter. Both the complainant and the member must agree in writing to the proposed resolution and both have ten business days in which they may reconsider their decision and revoke their consent. Before any proposed resolution is final, the OPCC reviews the complaint and proposed resolution to ensure it is appropriate to the circumstances.

In 2011, the OPCC reviewed and approved informal resolution agreements relating to **150** allegations of misconduct. This is a **45.6%** increase over the number of successfully resolved allegations in 2010 (103).

Mediation is a process for resolving disputes between a complainant and a member with the assistance of a neutral professional mediator. Complaints that are appropriate for mediation may contain issues more complicated or serious than those informally resolved and require the assistance of a professional mediator to settle the issues collaboratively and on their own terms. This may include the parties meeting face to face during or after the mediation, but is not necessary. The mediation takes place in a private, non-confrontational setting, where the parties participate in the design of the settlement agreement. The mediator is impartial and trained to help parties arrive at a resolution, but has no decision-making power. The dispute is settled only if all of the parties agree to the settlement.

## Mediation (Division 4)

Follow up surveys submitted by complainants, members and support persons who attended mediations, including those where no agreement could be reached, indicate that **90%** would be willing to attempt mediation for any future complaints.

In 2011, **19** files were approved by the Commissioner to proceed with attempts at formal mediation. Those 19 files contained **31** separate allegations, **10** of which were successfully mediated; 7 were discontinued; 4 were informally resolved; 9 were not substantiated and 1 was withdrawn.

## Adjudicative Reviews

Under the previous legislation, there was only one avenue for review – a public hearing. The new *Police Act* offers three avenues of review following a Discipline Authority's decision:

<p><b>Appointment of a New Discipline Authority</b> [s.117]</p>	<ul style="list-style-type: none"> <li>• If, on review of the Discipline Authority's decision, the Police Complaint Commissioner considers that there is a reasonable basis to believe that the decision is incorrect, the Commissioner may appoint a retired judge to act as a new Discipline Authority, review the matter and make a decision.</li> <li>• Between March 31st and December 31st, 2011, the Commissioner appointed a retired judge to act as a new Discipline Authority on <b>3</b> matters.</li> </ul>
<p><b>Review on the Record</b> [s.141]</p>	<ul style="list-style-type: none"> <li>• The Police Complaint Commissioner may arrange for a review on the record if there is a reasonable basis to believe:             <ul style="list-style-type: none"> <li>- the Discipline Authority's findings following a discipline proceeding are incorrect, or</li> <li>- the corrective and/or disciplinary measures proposed by the Discipline Authority are not in compliance with the Act, or</li> <li>- it is in the public interest to arrange a review on the record.</li> </ul> </li> </ul>

	<p>A retired judge is appointed as an adjudicator to review the disciplinary decision. Generally, a review on the record is a “paper” review without witnesses being called to testify.</p> <ul style="list-style-type: none"> <li>Between March 31st and December 31st, 2011, the Commissioner appointed a retired judge to conduct reviews on <b>2</b> matters.</li> </ul>
<b>Public Hearing [s.143]</b>	<ul style="list-style-type: none"> <li>The Police Complaint Commissioner may order a matter proceeds to a public hearing if it is determined that, in addition to the above considerations: <ul style="list-style-type: none"> <li>it is likely that evidence other than that admissible in at a reviewed on the record will be necessary to complete a review of the disciplinary decision on a standard of correctness; and</li> <li>a public hearing of the matter is necessary to preserve or restore public confidence in the investigation of misconduct or the administration of police discipline.</li> </ul> </li> </ul> <p>A retired judge is appointed as an adjudicator to preside over the hearing.</p> <ul style="list-style-type: none"> <li>Between January 1<sup>st</sup> and December 31, 2011, the Commissioner ordered <b>2</b> public hearings.</li> </ul>

All decisions from these three adjudicative avenues are available to the public through the OPCC website at [www.opcc.bc.ca](http://www.opcc.bc.ca). As well, there is a schedule of current public hearings indicating the date and place of the hearings. All public hearings are open to the public to attend.

## Substantiated Allegations (Concluded between January 1<sup>st</sup> and December 31<sup>st</sup>, 2011)

<b>Abbotsford</b>	
<p><i>The officer while off duty attended a common bawdy house and paid money for sex.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: June 25, 2010 Ordered Investigation – Request by Dept</p> <p>(OPCC File 2010-5659)</p>	<ul style="list-style-type: none"> <li>Attend and successfully complete an approved program designed to expose offenders to the impacts of exploiting females through prostitution;</li> <li>Attend and successfully complete approved ethics training;</li> <li>Suspended without pay for 2 days (20 hours); and</li> <li>Work under close supervision for a period of 1 year</li> </ul>
<p><i>The officer failed to act upon information related to a possible assault committed by another member of the department.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: September 2, 2009 Ordered Investigation – Initiated by PCC</p> <p>(OPCC File 2010-5050)</p>	<ul style="list-style-type: none"> <li>Attend and successfully complete supervisors training course Modules 1 &amp; 2; and</li> <li>Verbal Reprimand</li> </ul>
<p><i>The officer used excessive force (kick) to a handcuffed suspect.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: September 2, 2009 Ordered Investigation – Request by Dept</p> <p>(OPCC File 2009-4922T)</p>	<ul style="list-style-type: none"> <li>Transfer / Reassignment</li> <li>Attend and successfully complete supervisors training course Modules 1 &amp; 2; and</li> <li>Work under close supervision for a minimum 2 block module on the road</li> </ul>

<p><i>The officer issued the complainant Violation Tickets when he did not have reasonable grounds to believe an offence had been committed.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: April 28, 2010</p> <p>(OPCC File 2010-5208)</p>	<ul style="list-style-type: none"> <li>• Advice as to future conduct - re understanding the essential elements of the statutes being enforced; and requirement to complete appropriate notes relative to any enforcement action undertaken as a constable</li> <li>• Direction to undertake training - re Motor vehicle related statutes relevant to traffic enforcement</li> </ul>
<p><i>The officer submitted an inappropriate clothing allowance claim.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: Sept 2010 Internal Discipline</p> <p>(OPCC File 2010-5760)</p>	<ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>
<p><i>During a traffic stop, the officer threatened to use his baton to break the window of the complainant's vehicle.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: November 29, 2010</p> <p>(OPCC File 2011-6011)</p>	<ul style="list-style-type: none"> <li>• Training / Re-training</li> </ul>
<p><i>The officer had issued a Violation Ticket without grounds to believe the offence had been committed.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: April 19, 2010</p> <p>(OPCC File 2010-5709)</p>	<ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>

## Central Saanich

<p><i>The officer, while off duty, was pulled over and issued an Immediate Roadside Prohibition for being impaired and in a state of intoxication while driving.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: January 27, 2011 Ordered External Investigation – Request by Dept</p> <p>(OPCC File 2011-6092)</p>	<ul style="list-style-type: none"> <li>• Written Reprimand</li> <li>• 2 day suspension without pay</li> </ul>
<p><i>While being investigated for impaired driving, the off-duty officer displayed his police badge in an effort to gain preferential treatment. The officer also used profane and discourteous language towards the investigating officer.</i></p> <p>Misconduct: Corrupt Practice Improper Off-Duty Conduct (re intoxicated in public place) Improper Off-Duty Conduct (re profane &amp; discourteous language)</p>	<ul style="list-style-type: none"> <li>• Advice as to Future Conduct (re Corrupt Practice)</li> <li>• Written Reprimand (x2) (re Improper Off-Duty Conduct)</li> </ul> <p>* This complaint was the subject of a Public Hearing. For a complete copy of the Adjudicator's Reasons, please visit the OPCC website – Adjudications (PH 2011-01)</p>

Date of Incident: July 22, 2009

(OPCC File 2009-4966)

### CFSEU (Combined Forces Special Enforcement Unit)

*While off-duty, the officer was stopped for driving a motor vehicle while under the influence of alcohol and registered a "warn" on a roadside screening device. It was also found that the officer indicated he was a "member" in an effort to obtain favourable treatment.*

Misconduct: Discreditable Conduct (x2)  
Date of Incident: December 5, 2010  
Ordered Investigation – Request by Dept

(OPCC File 2010-5922)

- Verbal reprimand (re driving offence)
- Advice as to future conduct (re attempting to gain favour)

### Delta

*The officer had placed himself under pecuniary obligations to individuals suspected of major stock market fraud and continued the association despite being directed not to; used department email server for purposes unrelated to his duties as a police officer; and discredited the reputation of the department by his actions and repeated misrepresentations.*

Misconduct: Discreditable Conduct (x2)  
Corrupt Practice (x2)  
Date of Incident: 2004 – 2010 (Notified Jan 7, 2010)  
Ordered External Investigation – Request by Dept

(OPCC File 2010-5036)

Allegation #1 (Discreditable Conduct):

- Work under close supervision for a period to be determined by the employer

Allegation #2 (Corrupt Practice):

- Direction to attend psychological and financial counselling of a type and for a period to be determined by the employer

Allegation #3 (Corrupt Practice):

- Written reprimand

Allegation #4 (Discreditable Conduct):

- 2-day suspension without pay
- Written reprimand

*While off duty, the member had multiple encounters with female staff at a local restaurant that included unwanted physical contact, inappropriate comments and harassment.*

Misconduct: Discreditable Conduct  
Date of Incident: Between Jan 2007 and April 2010  
Ordered Investigation – Requested by dept.

(OPCC File 2010-5337)

- Written Reprimand
- Direction to undertake training – re gender sensitivity and workplace harassment
- Direction to undertake counselling – as required by the employer related to alcohol
- 2 days suspension without pay

*While off duty but identifying himself as a police officer, the member spoke in a threatening manner to an employee of Revenue Canada.*

Misconduct: Improper Off Duty Conduct  
Date of Incident: February 22, 2008  
Ordered Investigation – Requested by dept

(OPCC File 2010-5251)

- Written Reprimand
- Apology letter



<p><i>The member placed a drug exhibit (marihuana leaf) in the police vehicle of another officer without their knowledge.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: Sept 3, 2010 Internal</p> <p>(OPCC File 2010-5643)</p>	<ul style="list-style-type: none"> <li>• Advice as to Future Conduct</li> </ul>
<p><i>The officers entered the complainant's residence, without consent or warrant, and arrested the complainant's son without lawful authority.</i></p> <p>Misconduct: Abuse of Authority (x2) Date of Incident: January 22, 2008</p> <p>(OPCC File 2008-4083T)</p>	<ul style="list-style-type: none"> <li>• Training re: search &amp; seizure, entry into a private residence, the powers of arrest and circumstances when a warrant is required.</li> <li>• Counselling – the substance, nature and duration to be determined by the psychologist.</li> </ul> <p><i>* This complaint was the subject of a Public Hearing. For a complete copy of the Adjudicator's Reasons, please visit the OPCC website –Adjudications (PH 2009-02).</i></p>
<p><i>The member aided in the misconduct of another officer.</i></p> <p>Misconduct: Accessory to Misconduct Date of Incident: August 2010 Ordered Investigation – Requested by Dept</p> <p>(OPCC File 2011-6184)</p>	<ul style="list-style-type: none"> <li>• Training re: ethical decision making</li> <li>• Written Reprimand</li> </ul>
<p><i>Officers entered the complainant's residence, without consent or warrant, searched and seized marihuana plants without authority to do so.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: October 21, 2010</p> <p>(OPCC File 2010-5900)</p>	<ul style="list-style-type: none"> <li>• Verbal reprimand</li> </ul>
<p><i>While the complainant was handcuffed in the rear seat of the police vehicle, the officer used unnecessary force by holding him by the shoulders and shaking him.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: March 1, 2011</p> <p>(OPCC File 2011-6201)</p>	<ul style="list-style-type: none"> <li>• Written Reprimand</li> <li>• Training (as determined by the employer)</li> </ul>
<p><i>The officer drove a police vehicle for purposes unrelated to his duties as a police officer.</i></p> <p>Misconduct: Improper Off-Duty Conduct Date of Incident: March 30, 2011 Internal</p> <p>(OPCC File 2011-6414)</p>	<ul style="list-style-type: none"> <li>• Verbal Reprimand</li> </ul>

## Nelson

*The member disclosed the complainant's criminal record to a third party without lawful authority.*

Misconduct: Improper Disclosure of Information  
Date of Incident: June 2010

(OPCC File 2010-5445)

- Verbal reprimand

## New Westminster

*While off duty, the member used his police vehicle contrary to department policy*

Internal Discipline  
Date of Incident: January 22, 2009

(OPCC File 2009-4516T)

- Written Reprimand

*1. The officer distributed sexually explicit emails within and outside the department.*

*2. The officer accessed CPIC, PRIME and an ICBC salvage yard for purposes unrelated to his duties as a police officer.*

*3. The officer inappropriately disclosed police information relating to a motor vehicle accident investigation.*

Misconduct: Discreditable Conduct  
Corrupt Practice (Unauthorized Use of Police Facilities/Resources)  
Improper Disclosure of Information

Date of Incident: Between Nov 2006 and March 28, 2010

Ordered Investigation – Requested by dept

(OPCC File 2010-5679)

Count 1:

- Written Reprimand

Count 2:

- 5 days suspension without pay
- Transfer to administration division

Count 3:

- 5 days suspension without pay (to run concurrent with suspension in Count 2)
- Transfer to administration division

*While off-duty, the officer was observed with a known sex trade worker and checked by another police agency.*

Misconduct: Discreditable Conduct  
Date of Incident: April 29, 2011  
Ordered Investigation – Requested by dept

(OPCC File 2011-6357)

- 1 day suspension without pay
- Counselling

*While off duty, the officer attended uninvited at a residence and engaged in an altercation and confrontation with 3 individuals.*

Misconduct: Improper Off-Duty Conduct  
Date of Incident: July 26, 2008

As a result of this investigation, further misconduct was discovered:

*i. The officer had failed to properly notify his*

- Reduction in rank to pay and level of 2<sup>nd</sup> class constable for a period of 15 months
- Work under close supervision for a period of 15 months (the officer's working assignment is to be determined by the Chief Constable or his designate)
- Undertake training and re-training as directed by the Administration Division NCO's

*department of his change of address and information as required by departmental policy (Dealt with through the Internal Discipline stream)*

Misconduct: Discreditable Conduct

- ii. *The officer was in possession of his departmental firearm while off duty and without permission.*

Misconduct: Discreditable Conduct

- iii. *The officer had conducted unauthorized CPIC queries of his own licence plate for his personal vehicle.*

Misconduct: Discreditable Conduct

- iv. *The officer had lost a seized knife that he had failed to turn into property services as required.*

Misconduct: Neglect of Duty

(OPCC File 2008-4319 / 2009-4602)

- Undertake psychological counselling
- Review the department's policies
- With respect to the allegation of Discreditable Conduct handled through Internal Discipline:
- Advice as to future conduct (in conjunction with above measures)

*The officer had failed to properly turn in to property services 2 small bags believed to be hashish.*

Misconduct: Neglect of Duty  
Date of Incident: January 2009  
(Internal Discipline)

(OPCC File 2009-4596)

- Written Reprimand

## Port Moody

*The officer called in sick for her shift and was untruthful with respect to the reason for her absence.*

Misconduct: Discreditable Conduct  
Date of Incident: July 2010  
Internal

(OPCC File 2010-5499)

- Advice as to future conduct

*The member had his firearm in his holster while dealing with a prisoner in the cell block, against departmental policy and procedure.*

Misconduct: Discreditable Conduct  
Date of Incident: November 30, 2010  
(Internal Discipline)

(OPCC File 2011-6507)

- Advice as to future conduct

*The officer had defaced a photograph of a colleague displayed in the department and wrote an obscenity in close proximity to the defaced photograph.*

Misconduct: Discreditable Conduct  
Date of Incident: December 23, 2010  
Ordered Investigation – Requested by dept

(OPCC File 2011-6055)

- Written Reprimand
- Meaningful & appropriate letter of apology

## Saanich

*The member failed to adhere to normal accepted canine training practice that resulted in injury to the complainant.*

Misconduct: Neglect of Duty  
Date of Incident: May 13, 2010

(OPCC File 2010-5247)

- Advice as to future conduct

*The member used his police vehicle for a purpose unrelated to his duties as a police officer.*

Misconduct: Corrupt Practice  
Date of Incident: March 25, 2010  
Ordered Investigation – Request by Dept

(OPCC File 2010-5398)

- Advice as to future conduct

*The officer failed to attend scheduled traffic court, resulting in 3 of the 7 issued violation tickets being withdraw.*

Misconduct: Neglect of Duty  
Date of Incident: July 20, 2010  
Ordered Investigation – Requested by dept

(OPCC File 2010-5682)

- Advice as to future conduct

*The member accessed police databases to query associates of his estranged wife for purposes unrelated to the performance of his duties as a police officer. Further, the member disclosed to his estranged wife confidential information he had obtained from the queries.*

Misconduct: Unauthorized Use of Police Facilities/Resources (Corrupt Practice)  
Improper Disclosure of Information

(OPCC File 2011-6059)

- 2-day suspension without pay (re: unauthorized queries)
- 1-day suspension without pay, consecutive to the above suspension (re: disclosure of information)

*Relating to an investigation into a driving complaint, the officer failed to document his conversation with the suspect vehicle's registered owner and attempted to remove the registered owner's name and vehicle entities from the file.*

- 3 day suspension without pay (re Neglect of Duty)
- 7 day suspension without pay (re Deceit) (concurrent to 3 day suspension)

Misconduct: Neglect of Duty (inadequate documentation/notes)  
Deceit (altering official record)  
Date of Incident: August 2011  
Ordered Investigation – Requested by dept  
  
(OPCC File 2011-6637)

*The officer failed to attend court as a police witness.*

Misconduct: Neglect of Duty  
Date of Incident: Jan 7, 2011  
Internal  
  
(OPCC File 2011-6405-01)

- Advice as to future conduct

## SCBCTAPS

*The officer failed to provide assistance to a security guard restraining a suspect.*

Misconduct: Neglect of Duty  
Discreditable Conduct  
Date of Incident: February 20, 2010  
Ordered Investigation – Requested by Dept  
  
(OPCC File 2010-5108)

- Suspended without pay for 1 day
- Suspended without pay for 1 day

*The officer conducted an unauthorized search on police databases for purposes unrelated to his duties as a police officer.*

Misconduct: Unauthorized Use of Police Facilities/Resources (Corrupt Practice)  
Date of Incident: May 2010  
  
(OPCC File 2010-5741)

- Written Reprimand
- Letter of apology

*During the arrest of a young offender, the officer pointed and pressed the muzzle of his service pistol into the upper back area of the youth.*

Misconduct: Abuse of Authority  
Date of Incident: October 21, 2007  
  
(OPCC File 2008-4368T)

- Training re: use of force tactics and procedures

## Stl'at'imx Tribal Police

*After a prisoner was sprayed with Oleoresin Capsicum (pepper spray), the male was placed in a cell where he was left for over an hour without being decontaminated. Further, the officer failed to adequately report the incident as required by policy.*

Misconduct: Neglect of Duty (x2)  
Date of Incident: December 26, 2009  
  
(OPCC File 2010-5415)

- Written reprimand
- Training re: policies & practices in the usage and follow-up care required for the deployment of OC spray
- Work under close supervision

## Vancouver

*During a traffic stop, two officers unlawfully arrested the complainant. One officer used unnecessary force and searched the complainant's vehicle without lawful authority.*

Misconduct: Abuse of Authority (unlawful arrest)  
Abuse of Authority (unnecessary force)  
Discreditable Conduct (search of vehicle)

Date of Incident: February 16, 2009

(OPCC File 2009-4542)

- Advice as to future conduct
- Training/Re-Training in tactical communication

*The officer failed to promptly and diligently disclose pertinent information regarding a motor vehicle collision to the supervisor. The supervising officer in turn neglected to assign the investigation to other officers and ordered the member to continue with the investigation and to write a report in circumstances where he knew a conflict of interest existed.*

Misconduct: Neglect of Duty (x2)

Dated of Incident: November 8, 2008

Ordered Investigation – Requested by Dept

(OPCC File 2008-4427)

- Written Reprimand (x2)

*The members, while on duty, had an unauthorized passenger in the police vehicle and were involved in a motor vehicle accident.*

Misconduct: Discreditable Conduct

Date of Incident: November 25, 2007

Ordered Investigation – Request of Dept

(OPCC File 2008-4211)

- Advice as to future conduct
- Written Reprimand

*The member attended for duty while intoxicated.*

Default: Misuse of Intoxicants

Date of Incident: February 12, 2010

Ordered Investigation – Request of Dept

(OPCC File 2010-5064)

- Suspended without pay for 2 days

*While dealing with the complainant for a bylaw offence, the member conducted unlawful pat-down searches of the complainant and his 2 companions, as well as a search of the complainant's backpack. In addition, the officer's conduct was unnecessarily discourteous.*

Misconduct: Abuse of Authority  
Discourtesy

Date of Incident: April 18, 2010

(OPCC File 2010-5186)

- Advice as to future conduct – re authority to conduct searches
- Verbal Reprimand

<p><i>The member received information that a chronic offender was willing to provide information in exchange for consideration of a conditional sentence in lieu of facing a criminal trial. The subsequent actions by the member and promises he made to the information provider breached departmental policy and guidelines.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: February 10, 2009 "Internal Discipline"</p> <p>(OPCC File 2009-4625T)</p>	<ul style="list-style-type: none"> <li>• Written reprimand</li> <li>• Advice as to future conduct – the member is not permitted to handle or co-handle sources, agents or information for a period of 3 years</li> </ul>
<p><i>While off-duty and driving his personal vehicle, the member was pulled over for a Motor Vehicle Act traffic stop for having a broken rear tail light. The officer conducting the stop recognized the passenger as a local sex trade worker.</i></p> <p>Misconduct: Improper Off-Duty Conduct Date of Incident: April 27, 2009 Ordered Investigation – Requested by Dept</p> <p>(OPCC File 2009-4628T)</p>	<ul style="list-style-type: none"> <li>• Written reprimand</li> <li>• Counselling – Attend and participate in an assessment session with appointed psychologist and undertake any recommended counselling or treatment.</li> </ul>
<p><i>The member had accessed police databases to conduct personal queries unrelated to his duties as a police officer. It was further found the member had between 2006 and 2011 seized numerous items that were not diligently processed as required by departmental policy and procedures.</i></p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources (Corrupt Practice) Neglect of Duty</p> <p>(OPCC File 2010-5344)</p>	<ul style="list-style-type: none"> <li>• Verbal reprimand (re unauthorized queries)</li> <li>• 5 – day suspension without pay (re Neglect of Duty)</li> </ul>
<p><i>The officer, while off-duty, was found driving his personal motor vehicle while under the influence of alcohol. The officer was served with a 24 hour prohibition and an administrative driving prohibition for 90 days.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: August 21, 2010 Ordered Investigation – Requested by Dept</p> <p>(OPCC File 2010-5619)</p>	<ul style="list-style-type: none"> <li>• 1 – day suspension without pay</li> </ul>
<p><i>The officer unintentionally discharged his C-8 rifle while unloading it in the department gun room.</i></p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: Jan 2010 Internal</p> <p>(OPCC File 2010-5386)</p>	<ul style="list-style-type: none"> <li>• Transfer/Re-assignment</li> <li>• Work under Close Supervision for a period of 90 days</li> </ul>

<p><i>The officer circulated an email to neighbours containing police information which had not first been vetted and/or endorsed by the police department of jurisdiction for release.</i></p> <p>Misconduct: Improper Disclosure of Information Date of Incident: October 2010 Ordered Investigation – Request by Dept</p> <p>(OPCC File 2010-5880)</p>	<ul style="list-style-type: none"> <li>• Advice as to future conduct</li> </ul>
<p><i>The officer was at home practicing dry firing with her firearm and accidentally shot a bullet into a wall at her residence.</i></p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: December 1, 2010 Ordered Investigation – Requested by Dept</p> <p>(OPCC File 2010-5901)</p>	<ul style="list-style-type: none"> <li>• Written reprimand</li> </ul>
<p><i>The officer had operated a motor vehicle while under the influence of alcohol and received an IRP for 90 days. The officer also identified himself as a police member in an attempt to seek preferential treatment.</i></p> <p>Misconduct: Discreditable Conduct (x2) Date of Incident: April 18, 2011 Ordered Investigation – Requested by Dept</p> <p>(OPCC File 2011-6328)</p>	<ul style="list-style-type: none"> <li>• 2 – one day suspensions without pay</li> </ul>
<p><i>While attempting to disperse unruly crowds outside a bar after closing, the officer used unnecessary force on two individuals by pushing them to the ground.</i></p> <p>Misconduct: Abuse of Authority (x2) Date of Incident: August 23, 2009</p> <p>(OPCC File 2009-4856)</p>	<ul style="list-style-type: none"> <li>• Required to participate in a program or activity (develop and to participate in the delivery of a comprehensive training module to be delivered to all police supervisors, and potentially to all departmental police members, to convey the many valuable learning's that have been taken from this incident and its aftermath. The training module will be overseen by the department's Training Section.)</li> </ul>
<p><i>The member provided a confidential document to the media regarding the operational plan for crowd control during an event.</i></p> <p>Misconduct: Improper Disclosure of Information Date of Incident: June 2011 Internal</p> <p>(OPCC File 2011-6510)</p>	<ul style="list-style-type: none"> <li>• 4 – day suspension without pay</li> <li>• Reassignment to a different section for a period of 18 months</li> <li>• The member is also restricted on public order type callouts where an operational plan exists.</li> </ul>
<p><i>The member violated department policy by taking his personal vehicle through the City of Vancouver car wash.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: June 2011 Internal</p> <p>(OPCC File 2011-6612)</p>	<ul style="list-style-type: none"> <li>• Written Reprimand</li> </ul>



## Victoria

*Two members unlawfully detained, arrested, used unnecessary force and searched the complainant's vehicle. The officers also seized without authority the complainant's Firearms Possession & Acquisition License and used inappropriate language during the arrest.*

*One of the officers also was found to have written an inaccurate Report to Crown Counsel and failed to adequately prepare for Court.*

Misconduct: Abuse of Authority (arrest)  
Neglect of Duty (seizure of property)  
Discreditable Conduct (x2 – inappropriate language & inaccurate reporting and preparation for Court)

Date of Incident: February 6, 2008

(OPCC File 2009-4527)

Abuse of Authority:

- Suspended without pay for 1 day
- Training related to officer authority to conduct checks, arrest, search, seizure, use force, detention and articulation of grounds

Neglect of Duty:

- Advice as to future conduct

Discreditable Conduct (language):

- Written Reprimand

Discreditable Conduct (inaccurate reporting and preparation for Court)

- Suspended without pay for 4 days
- For a 12 month period, the officer will compile a log for each discretionary vehicle stop. The log will describe the grounds for the stop, action taken and responses. The Training NCO will review this process with the officer at regular intervals and may enlist the assistance of any subject matter experts as required.

The following misconduct, in part, arose from an incident resulting in a fatality that occurred in Victoria cells on June 27, 2009:

1. *The officer failed to properly monitor 2 prisoners in cells in terms of frequency and adequacy of the required physical checks and visual checks via cell block CCTV.*

Misconduct: Neglect of Duty

2. *The officer completed a jailer's log knowing that portions were inaccurate and misleading.*

Misconduct: Deceit (x2)

(OPCC File 2009-4724-03)

Neglect of Duty:

- Written Reprimand

Deceit:

- 5 – day suspension without pay
- Written Reprimand

*The member failed to account for property seized.*

Misconduct: Corrupt Practice  
Date of Incident: August 14, 1999 (disclosed October 2010)  
Ordered Investigation – Request of Dept

(OPCC File 2010-5698)

- Written Reprimand
- Transfer / Re-assignment (with no eligibility for supervisory assignments until January 2012)
- Repayment of \$20.00, with interest, to recognized charity

## West Vancouver

*The officer failed to make proper investigative notes during the course of a criminal investigation into a credit card fraud.*

Misconduct: Neglect of Duty  
Date of Incident: Between June 19 and Sept 3, 2008  
Ordered Investigation – Requested by dept

(OPCC File 2008-4390)

- 1 day suspension without pay
- Required to work under close supervision for a period of 6 months
- Required to submit his notebook for review at such intervals as his supervisor requires.

*Officer #1 breached WVPD policy by engaging in a police pursuit that did not meet the Pursuit Criteria to engage in a pursuit and failed to follow Pursuit Prohibitions by continuing on with the pursuit after a Pursuit Supervisor failed to identify himself and assume control of the pursuit.*

*Officer #2 breached WVPD policy by not assuming the role of a Pursuit Supervisor and failed to terminate a pursuit when it was clear that Pursuit Criteria had not been met.*

*Officer #3 breached WVPD policy by engaging in a police pursuit as the secondary unit, that did not meet the Pursuit Criteria to engage in a pursuit.*

Misconduct: Neglect of Duty  
Date of Incident: December 3, 2010  
Internal

(OPCC File 2011-6142)

Officer #1:

- Written Reprimand
- Training

Officer #2:

- Verbal Reprimand
- Training

Officer #3:

- Advice as to future conduct
- Direction to review departmental policy with respect to pursuit criteria.

*While off duty, the officer and two other off duty police officers assaulted a male who was delivering newspapers in downtown Vancouver. The officer was convicted of assault and sentenced to a 21 day jail sentence to be served in the community, with 6 months of probation to follow.*

Misconduct: Improper Off-Duty Conduct  
(behaviour discreditable to the department)  
Improper Off-Duty Conduct  
(asserted authority as police officer)  
Conduct Constituting an Offence\*  
(assault conviction)

Date of Incident: January 21, 2009  
Ordered Investigation – Requested by Dept

\* A discipline default under the previous legislation's Code of Professional Conduct Regulation.

(OPCC File 2009-4502)

- 30 day suspension without pay
- 1 year reduction in rank to 2<sup>nd</sup> class constable
- Work under close supervision for a 1 year period
- Undertake counseling as deemed necessary
- Quarterly reports be provided by the officer's supervisor

The officer is also to find opportunities to describe his experience to new recruits or those hoping to make a career in police service - to deliver the message that police have an inherent duty to lead positive and responsible personal lives.

\* This complaint was the subject of a Public Hearing. For a complete copy of the Adjudicator's Reasons, please visit the OPCC website – Adjudications (PH 2010-02)

*During an arrest of a young woman for being intoxicated in a public place, the officer used unnecessary force by recklessly pulling her, causing to fall into a doorframe/wall. During a subsequent conversation between another officer and a civilian police communications operation on a recorded telephone line, the officer had made a derogatory remark about the young woman arrested for intoxication in a public place.*

Misconduct: Abuse of Authority  
Discreditable Conduct  
Date of Incident: July 18, 2010

(OPCC File 2010-5486)

- Written Reprimand
- Training / Re-training with respect to the National Use of Force Model; officer safety & tactical considerations when encountering resistant subjects; and Use of Force soft physical control force options with specific attention to transport & escort techniques of resistant subjects.
- Advice as to future conduct (re Discreditable Conduct)

*The officer accidentally discharged his C8 patrol rifle in the police underground parking lot.*

Misconduct: Improper Use or Care of a Firearm  
Date of Incident: April 9, 2011  
Internal

(OPCC File 2011-6358)

- Advice as to future conduct
- Training re: safe & proper procedures to follow when loading/unloading the C8 patrol rifle

*The officer failed to comply with policy relating to dog bites when he failed to report that his dog had bitten an off-duty colleague at an after shift party.*

Misconduct: Neglect of Duty  
Date of Incident: April 2009  
Internal Discipline

(OPCC File 2011-7038)

- Training / Re-training
- Advice as to future conduct

*The officer left his Police Service dog unattended in an unsecured area.*

Misconduct: Discreditable Conduct  
Date of Incident: November 9, 2010  
Internal

(OPCC File 2010-5915)

- Verbal Reprimand

*Internal discipline investigation related to the member's conduct, attitude and ability or willingness to discharge his duties to the best of his ability. The officer had also made complaints against other officers he knew to be false.*

Misconduct: Neglect of Duty  
Discreditable Conduct  
Internal

(Internal Discipline)

(OPCC File 2011-6379 / 2011-6479)

- Dismissal