

2014/2015 Year in Review

(April 1st, 2014 to March 31st, 2015)

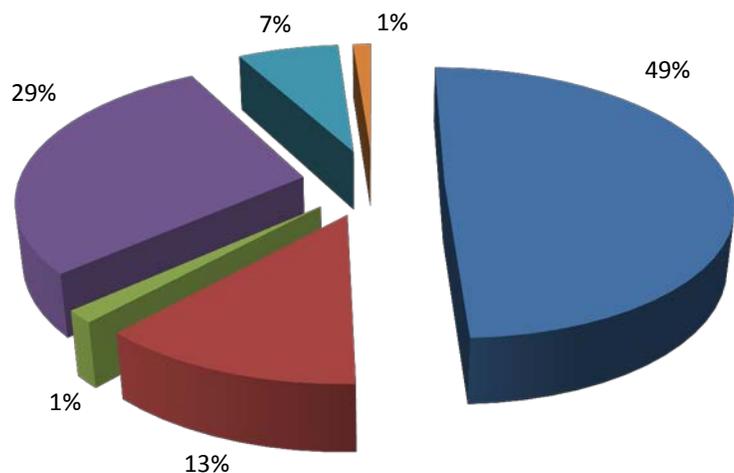
Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data.

The files opened by the OPCC between April 1st, 2014 and March 31st, 2015 can be broken down into the following categories:

- Registered Complaints** Registered Complaints are public trust complaints about a police officer's conduct or actions that affect a member of the public personally or that he or she has witnessed (Part 11, Division 3 of the *Police Act*).
- Questions or Concerns** If a member of the public has a question or concern about a municipal police officer's conduct, but does not wish to file a registered complaint he/she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern, and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review.
- Ordered Investigations & Mandatory 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. The legislation also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death.
- Monitor Files** 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** Internal Discipline files involve performance management issues or employer/ employee concerns that do not affect members of the public (Part 11, Division 6 of the *Police Act*).
- Service or Policy** Service or Policy complaints are those regarding the quality of a police department's service to the community or regarding their operating policies (Part 11, Division 5 of the *Police Act*).

1,081 Files Opened between April 1, 2014 and March 31, 2015

- 534 ■ Registered Complaints
- 135 ■ Questions or Concerns
- 16 ■ Internal Discipline
- 310 ■ Monitor
- 73 ■ Ordered Investigations
- 13 ■ Service or Policy



Admissibility of Registered Complaints Received between April 1, 2014 and March 31, 2015

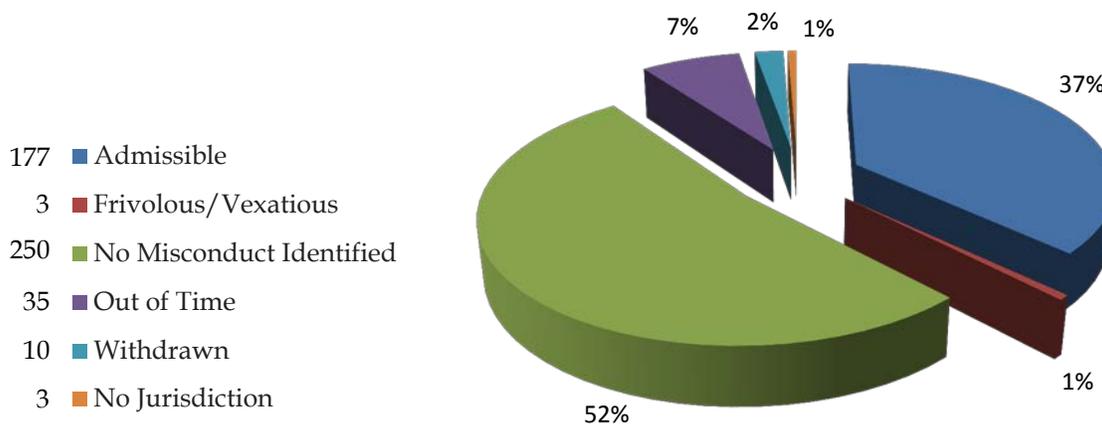
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

In order for a complaint to be deemed admissible, it must:

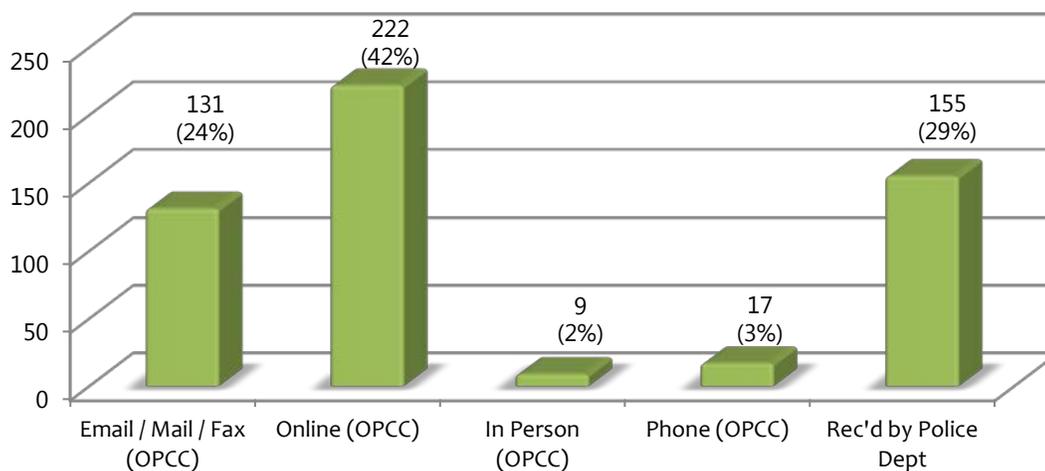
- Contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- The complaint must be filed within one year of when it occurred; and
- Not be frivolous or vexatious

Only admissible registered complaints are forwarded to the Professional Standards Section of the originating department for investigation.

Breakdown of Admissibility of Registered Complaints ¹



How Registered Complaints were received between April 1, 2014 and March 31, 2015



¹ When this report was generated, 56 registered complaints were undergoing an admissibility review and a determination had not yet been made.

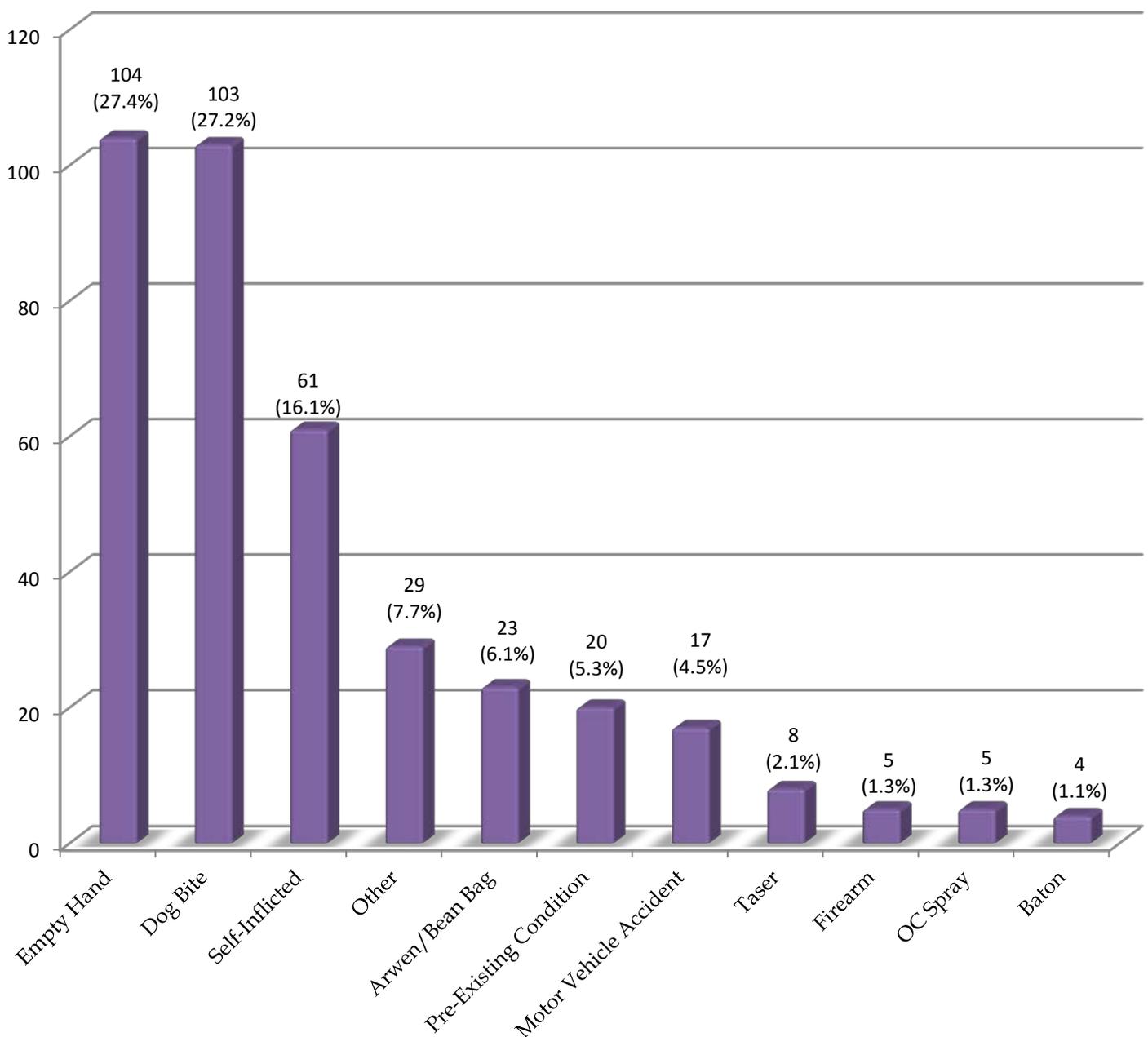
Files Opened between April 1, 2014 and March 31, 2015– By Department

Department	TOTAL	Inadmissible Registered	Admissible Registered	Admissibility Decision Pending	Mandatory Investigation	Ordered Investigation (Dept. Request)	Ordered Investigation (PCC Initiated)	Monitor	Question or Concern	Internal Discipline	Service or Policy
Abbotsford	83	18	10	6	2	1	12	23	6	4	1
Central Saanich	10	4	1	0	1	1	1	0	2	0	0
CFSEU	3	1	0	0	1	1	0	0	0	0	0
Delta	59	15	9	3	0	6	1	14	10	0	1
Nelson	14	4	5	1	1	1	0	2	0	0	0
New Westminster	74	16	4	3	2	4	0	29	15	1	0
Oak Bay	7	4	0	0	0	0	0	1	2	0	0
Port Moody	24	6	2	1	0	0	1	0	13	1	0
Saanich	77	28	8	5	0	1	0	8	25	2	0
SCBCTAPS	46	7	8	0	2	4	0	17	4	4	0
Stl'atl'imx	4	2	0	1	0	0	0	1	0	0	0
Vancouver	533	142	108	28	14	7	5	187	33	1	8
Victoria	113	46	18	7	1	2	0	25	11	0	3
West Vancouver	34	8	4	1	0	1	0	3	14	3	0
TOTAL:	1081	301	177	56	24	29	20	310	135	16	13

Reportable Injury Notifications s. 89 Received between April 1, 2014 and March 31, 2015 ²

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. Between April 1, 2014 and March 31, 2015 the OPCC received **311** notifications of reportable injuries involving **379** uses of force.

- 22 which resulted in a mandatory external investigation;
- 04 which resulted in the Commissioner initiating an investigation; and
- 06 involved an individual filing a registered complaint.

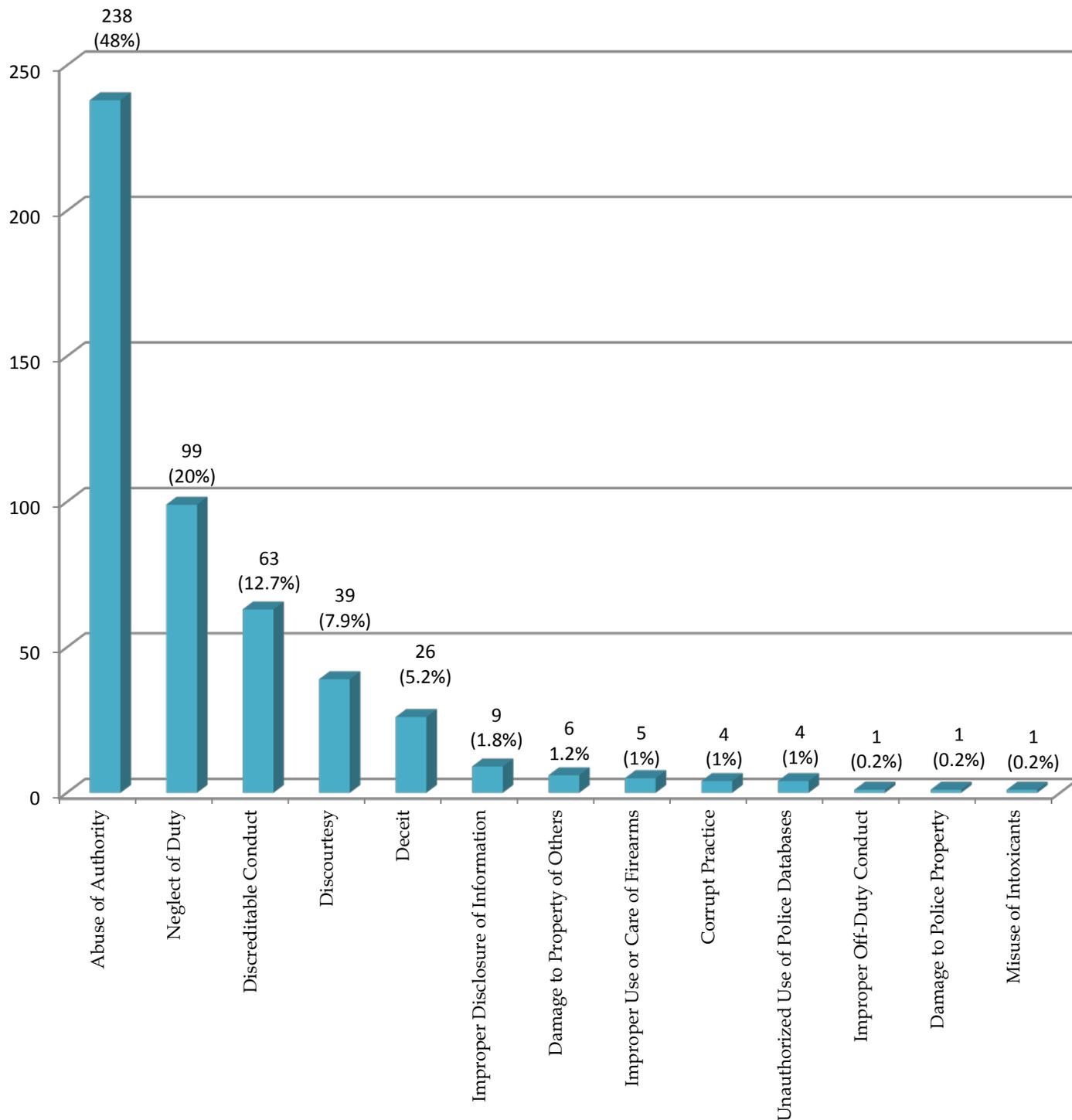


² 'Other' are incidents where a person is in medical distress with the cause being unknown.

Allegations Forwarded on for Investigation between April 1, 2014 and March 31, 2015

Once a complaint file is deemed admissible or an investigation is initiated, allegations of misconduct are identified against individual members. The *Police Act* identifies 13 public trust allegations. Between April 1, 2014, and March 31, 2015, the OPCC identified **496** public trust allegations and forwarded them to the member(s) department for investigation.

Please note that these are only allegations and do not reflect whether they were substantiated or not substantiated.



Allegations Concluded between April 1, 2014 and March 31, 2015

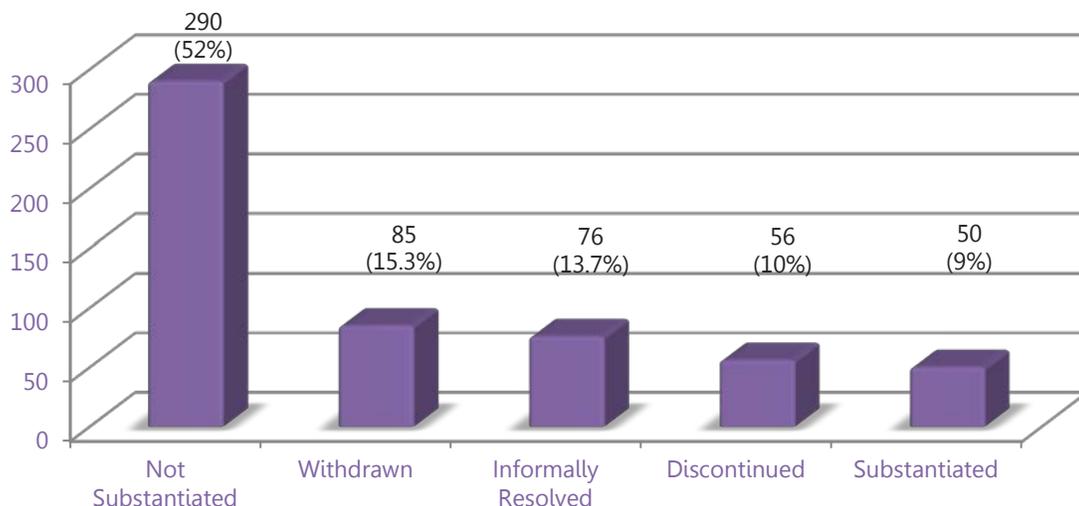
As stated earlier, all *Police Act* (Division 3 – Public Trust) complaint files are reviewed and separate allegations of misconduct are identified as they relate to each officer involved. A single complaint file may contain multiple allegations against more than one officer. When referring to concluded allegations the figures relate to the allegation, not the complaint file. The figures for files opened and allegations concluded are independent.

Files concluded in between April 1, 2014 and March 31, 2015 may include files opened in 2013 or earlier. This may occur in cases of adjudicative review.

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	<i>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.</i>
Informally Resolved	<i>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.</i>
Mediated	<i>Division 4 also permits a complaint to 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 mediation, and similarly, the Chief Constable may order the member to attend.</i>
Discontinued	<i>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.</i>
Not Substantiated	<i>Following an investigation conducted pursuant to Division 3, the Discipline Authority determines there is no evidence to support the allegation of misconduct and the OPCC determines an adjudicative review is not necessary.</i>
Substantiated	<i>Following an investigation conducted pursuant to Division 3, 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.</i>

Between April 1st, 2014 and March 31st, 2015, the OPCC concluded 557 public trust allegations in the following manner:



Mediation & Informal Resolution of *Police Act* Complaints

Informal Resolution (s.157)

Our experience has shown that there are a large number of police complaints that are better suited to be resolved through alternative dispute resolution than undergoing a formal investigation. By directly participating in the solution to the dispute, the majority of complainants and members come away from the process with a more meaningful and positive level of satisfaction. The Police Complaint Commissioner has identified alternative dispute resolution as a priority for this office.

Under the *Police Act*, there are two avenues of alternative dispute resolution: Informal Resolution which is facilitated by a Professional Standards Investigator at the police department; and Mediation which is conducted by an independent and neutral mediator.

Based on the nature and seriousness of the allegations, an attempt at informal resolution may be recommended by the OPCC to the police department. It is up to the police department to determine whether an attempt at resolving a complaint through ADR will be undertaken. Both the complainant and the respondent member must agree in writing to the proposed resolution and both have ten business days to revoke their consent to informally resolve. The OPCC reviews all informal resolution agreements to ensure the resolution is appropriate and adequate.

Between April 1, 2014 and March 31, 2015, the OPCC reviewed and approved informal resolution agreements relating to **76 (17%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for alternative dispute resolution.

2014/2015 (Fiscal Year April 1, 2014 to March 31, 2015)	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Allegations Informally Resolved	19 (11%)	23 (19%)	19 (24%)	15 (18%)
Total Allegations Concluded	171	123	79	83

Mediation is a process for resolving disputes between a complainant and a member with the assistance of a neutral professional mediator.

There were no mediations held in 2014.

Mediation (Division 4)

Adjudicator Reviews between April 1, 2014 and March 31, 2015

The *Police Act* offers three avenues of review following a Discipline Authority's decision:

Appointment of a New Discipline Authority [s.117]

If, following an investigation, the discipline authority determines that the conduct of the member did not constitute misconduct, and the Commissioner believes there is a reasonable basis to believe the decision is incorrect, the Commissioner may appoint a retired judge to review the matter.

Between April 1, 2014 and March 31, 2015 the Commissioner appointed a retired judge to act as a new Discipline Authority in **3** matters.

Review on the Record [s.141]

Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter.

Between April 1, 2014 and March 31, 2015 the Commissioner appointed a retired judge to conduct a review on the record in relation to **1** matter.

Public Hearing [s.143]

Public hearings remain an option for the Commissioner if he believes such a review of a *Police Act* matter is required in the public interest. Public hearings are conducted by retired judges, are open to the public and evidence is presented under oath.

Between April 1, 2014 and March 31, 2015 the Commissioner ordered **2** public hearings. One of the hearings was mandatory because of the proposed discipline and one was initiated by the Commissioner.

All decisions from these three adjudicative avenues are available to the public through the OPCC website at 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 April 1st, 2014 and March 31st, 2015)

Abbotsford

The police member failed to comply with an order, given both verbally and in writing, to have no contact with an individual.

Misconduct: Neglect of Duty
Date of Incident: November 8, 2013
Ordered Investigation (request by department)

(OPCC File 2013-8793)

Re Neglect of Duty
(failure to follow a supervisor's lawful order)

- Verbal reprimand

The police member was working with an undercover team collecting evidence on a licensed premise. At the conclusion of the operation, the police member's firearm was returned to him by the member assigned to hold all of the undercover members' firearms during the operation.

The police member removed the firearm from its holster to conduct a safety check. In doing so, the muzzle of the firearm was pointed in an unsafe direction in a room full of police officers for a few seconds.

Misconduct: Improper Use or Care of Firearms
Date of Incident: July 12, 2013
Ordered Investigation (request by department)

(OPCC File 2013-8948-01)

Re Improper Use or Care of Firearms
(failure to use a firearm in accordance with the law)

- Training in the correct handling of firearms in locations such as staff locker rooms, the office and any other settings where people may be around while a firearm is being handled.

The police member became involved in a motor vehicle accident when he attempted to perform a low speed U-turn at an intersection. No one was injured as a result of the low-speed collision.

Misconduct: Neglect of Duty
Date of Incident: August 28, 2013
Internal Discipline

(OPCC File 2013-9033-01)

Re Neglect of Duty
(dangerous driving)

- Written reprimand
- Mandatory driver training was occurring for all APD police members in 2014. If this were not planned, the police member would have been assigned to participate in driver training from another source. Human Resources was to confirm that the police member was scheduled to participate in the first offering of this training, and to confirm that the training content addressed the driving issues identified in this review.

The police member was responding to a call that could justify an emergency response; however, the police member failed to take all the steps required when exercising the privileges of a code 3 emergency response, resulting in a single-vehicle accident. No one was injured as a result of the accident, but the member was unable to attend the call.

Misconduct: Neglect of Duty
Date of Incident: March 17, 2013
Internal Discipline

(OPCC File 2013-9033-02)

Re Neglect of Duty
(dangerous driving)

- Written reprimand
- Mandatory driver training was occurring for all APD police members in 2014. If this were not planned, the police member would have been assigned to participate in driver training from another source. Human Resources was to confirm that the police member was scheduled to participate in the first offering of this training, and to confirm that the training content addressed the driving issues identified in this review.

<p>On November 17, 2011, the police member attended a single motor vehicle accident. It was subsequently determined that the police member failed to complete an MV6020 (British Columbia Motor Vehicle Traffic Accident Police Investigation Report); failed to make proper notes regarding the accident and/or injuries sustained by the driver; and failed to include important details regarding the accident in the PRIME report.</p> <p>Members are required to respond to citizens' reasonable requests for information about a police incident as part of their service to the public. Failing to respond to a single message can often be a simple error. However in this matter, the member failed to respond to numerous requests for a return call from both a member of the public and a professional in another agency.</p> <p>Misconduct: Neglect of Duty x 2 Date of Incident: November 17, 2011 Ordered Investigation (request by department)</p> <p>(OPCC File 2013-9280)</p>	<p>Re Neglect of Duty (inadequate investigation)</p> <ul style="list-style-type: none"> • Verbal reprimand <p>Re Neglect of Duty (failure to provide assistance (general))</p> <ul style="list-style-type: none"> • 1 day suspension without pay
<p>The police member became involved in a relationship with another individual, with whom he was assessing in terms of their suitability for employment with the department.</p> <p>The police member used his police issued cell phone for a purpose unrelated to his duties as a police officer.</p> <p>During the course of his duties at a restaurant, the police member acted in an unprofessional manner with female staff members.</p> <p>Misconduct: Discreditable Conduct x 2 Corrupt Practice Date of Incident: Various Ordered Investigation (request by department)</p> <p>(OPCC File 2014-9447)</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • One year reduction in rank, with supervisory and mentorship conditions for the first three months and further conditions to apply throughout the year • Ethics-based training, including training around power imbalances and issues around gender equality <p>Re Corrupt Practice (using or attempting to use any equipment or facilities of a municipal police department, or any other police force or law enforcement agency, for purposes unrelated to the performance of duties as a member)</p> <ul style="list-style-type: none"> • 2 day suspension without pay <p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 6 day suspension without pay (to be served consecutively to the 2 day suspension)
<p>The police member failed to wear the required WorkSafe BC high visibility vest while on duty as a Bike Squad member.</p> <p>Misconduct: Neglect of Duty Date of Incident: April 23, 2014 Internal Discipline</p> <p>(OPCC File 2014-9765)</p>	<p>Re Neglect of Duty (failure to comply with departmental policy/regulations)</p> <ul style="list-style-type: none"> • Verbal reprimand • Although this incident most likely served as a reminder of the high-visibility vest requirement, the Bike Squad NCO was to ensure that all police members received another reminder as a result of this incident.
<p>On July 20, 2014, two police members wrote an Increment Exam which they needed to pass to become First Class Constables. During the exam the members discussed some of the questions and answers.</p> <p>Misconduct: Discreditable Conduct Date of Incident: July 20, 2014 Internal Discipline</p>	<p>Re Discreditable Conduct (disorderly conduct prejudicial to the maintenance of discipline in the department)</p> <p>Police Member 1</p> <ul style="list-style-type: none"> • Verbal reprimand

<p>(OPCC File 2014-9798)</p>	<p>Police Member 2</p> <ul style="list-style-type: none"> • Verbal reprimand <p>The Discipline Authority determined that the circumstances that surrounded the writing of the Increment Exam were relevant to what flowed from the finding of substantiated. Although the HR Branch viewed the Increment Exam as an important part of the process for developing a new member, many members had come to see it as more of a review that was not taken seriously.</p> <p>The Discipline Authority tasked the HR Branch to bring a proposal to the management table that changed how this exam was treated within the APD so that this type of situation was not repeated. Further, the Discipline Authority would be putting members on notice that this behaviour would be treated very seriously if it were to occur in the future.</p>
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<p>The police member was disrespectful to a supervisor.</p> <p>Misconduct: Discreditable Conduct Date of Incident: March 27, 2014 Internal Discipline</p> <p>(OPCC File 2014-9904)</p>	<p>Re Discreditable Conduct (disorderly conduct prejudicial to the maintenance of discipline in the department)</p> <ul style="list-style-type: none"> • Verbal reprimand
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Central Saanich

No substantiated misconduct in this reporting period

CFSEU (Combined Forces Special Enforcement Unit)

No substantiated misconduct in this reporting period

Delta

<p>On September 17, 2011, the complainant and his friend were stopped by two police members for not wearing bicycle helmets. The complainant subsequently filed a registered complaint in relation to the conduct of the officers during the incident. (This complaint became the subject of Public Hearing 2013-03. The decision can be found at www.opcc.bc.ca.)</p> <p>During the <i>Police Act</i> investigation into the complaint, the Office of the Police Complaint Commissioner raised concern about the two members' lack of reporting in this matter and an allegation of Neglect of Duty was added to the investigation.</p> <p>Misconduct: Neglect of Duty Date of Incident: September 17, 2011 Registered Complaint</p> <p>(OPCC File 2011-6804)</p>	<p>Re Neglect of Duty (inadequate documentation/notes/records)</p> <p>Police Member 1</p> <ul style="list-style-type: none"> • Written reprimand <p>Police Member 2</p> <ul style="list-style-type: none"> • Written reprimand
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<p>It was reported that between January 2012 and August 2012 there were several occasions when the police member, while acting in a supervisory position, acted in an inappropriate manner with female volunteers from the North Delta Community Police Station.</p> <p>Misconduct: Discreditable Conduct x 3 Date of Incident: Various Ordered Investigation (request by department)</p> <p>(OPCC File 2012-7970)</p>	<p>Re Discreditable Conduct x 3 (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 4 day suspension without pay for each count (to be served consecutively for a total of 12 day suspension) • Direction to counselling • Direction to attend a course related to workplace harassment
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<p>The police member was part of a plainclothes surveillance detail. The police member left the surveillance detail for a washroom break at a service station. At the time, the police member was carrying a shoulder bag which contained his firearm, other police equipment and personal property. The police member subsequently left his shoulder bag, with the firearm in the washroom and drove away. The property was later recovered by police.</p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: January 3, 2014 Ordered Investigation (request by department)</p> <p>(OPCC File 2014-9326)</p>	<p>Re Improper Use or Care of Firearms (unsafe storage of a firearm)</p> <ul style="list-style-type: none"> • Written reprimand
<p>The police member disclosed to his supervisor that he accessed the PRIME database for personal reasons.</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: Between 2013 and 2014 Ordered Investigation (request by department)</p> <p>(OPCC File 2014-9331)</p>	<p>Re Unauthorized Use of Police Facilities/Resources (unauthorized search of CPIC/PRIME)</p> <ul style="list-style-type: none"> • Written reprimand
<p>The police department installed the software program on police vehicles that disabled the keyboard and touch screen feature of the mobile data terminal (MDT) at pre-determined speeds. The software program was designed to prevent incidents of distracted driving thereby protecting the officer and members of the public.</p> <p>It was reported that various police members either modified the program, were present when it was modified, or were aware of the modifications by another member to a patrol vehicle for which he/she was responsible.</p> <p>Misconduct: Damage to Police Property Date of Incident: Between November, 2013 and February, 2014 Internal Discipline</p> <p>(OPCC File 2014-9492)</p>	<p>Re Damage to Police Property</p> <p>Police Member 1</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 2</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 3</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 4</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 5</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 6</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 7</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 8</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 9</p> <ul style="list-style-type: none"> • Advice to future conduct <p>Police Member 10</p> <ul style="list-style-type: none"> • Advice to future conduct <p>The Discipline Authority also recommended that the members review and sign off on related police policy and that the department develop policy specific to the software and its operation with consideration to allowing the modification of settings in a two person patrol car where the passenger would operate the MDT.</p>

On May 10, 2012, the police member attended a call of an intoxicated female and, subsequent to the police investigation, placed the female under arrest for being intoxicated in a public place. While the female was being escorted from the premises, the female kicked out and struck the police member with her foot. The police member responded by striking the female with a closed fist to the facial area, while she was handcuffed.

Misconduct: Abuse of Authority
Date of Incident: May 10, 2012
Ordered Investigation (request by department)

(OPCC File 2012-7482)

Re Abuse of Authority
(excessive force - empty hand)

- Advice to future conduct
- Review of Use of Force and Arrest Policy with a trained use of force instructor

The department conducted a review of the member's investigations and found one investigation to be lacking and two others to have not been completed in a timely manner.

The police member failed to conduct a theft investigation in a timely manner.

The police member neglected to comply with department policy regarding exhibit handling.

The police member neglected to locate a possible spousal assault victim in a prompt manner.

Misconduct: Neglect of Duty x 3
Date of Incident: Varied
Internal Discipline

(OPCC File 2013-9131)

Re Neglect of Duty - Count 1
(inadequate investigation)

- Verbal reprimand
- Letter of Expectation as to future performance.

Re Neglect of Duty - Count 2
(failure to comply with departmental policy)

- Verbal reprimand
- Letter of Expectation as to future performance.

Re Neglect of Duty - Count 3
(inadequate investigation)

- Verbal reprimand
- Letter of Expectation as to future performance.

A police member responded to a report of a residential audible alarm. The police member found the front door unlocked and no one home. After searching the entire residence and finding nothing disturbed, the police member concluded that the matter was one of user error. The police member left the residence without ensuring the front door lock was engaged.

Misconduct: Neglect of Duty
Date of Incident: August 13, 2013
Ordered Investigation (request by department)

(OPCC File 2013-9166)

Re Neglect of Duty
(inadequate investigation)

- Written reprimand

On January 5, 2014, a police member was off duty and out for an evening with friends in another police department's jurisdiction. The off-duty police member and members of his party became involved in a physical altercation with other individuals. During the altercation the off-duty member identified himself as a police officer.

Police attended to the location and diffused the matter. The off-duty police officer left the scene prior to giving any additional information to the on duty members, but he did notify his supervisor at his department. When later contacted by the other jurisdiction's members, he was cooperative in regards to the investigation.

Misconduct: Discreditable Conduct
Date of Incident: January 5, 2014
Ordered Investigation (request by department)

(OPCC File 2014-9330)

Re Discreditable Conduct
(conduct that discredits the department)

- 2 day suspension without pay

The police department received a request for assistance in relation to an altercation between several intoxicated people.

Member 1 responded "code 3" with her police vehicle's emergency lights and siren activated. During her response, Member 1 lost control of her police vehicle, striking a guard rail on the roadway. No one was injured as a result of the accident.

It was determined that Member 1 failed to comply with section 122(1) of the *Motor Vehicle Act* and Emergency Vehicle Driving Regulation, which, as a member, was her duty to do.

Misconduct: Neglect of Duty

Member 2 responded "code 3" to the same incident. A review of GPS records determined that Member 2 operated his police vehicle in a manner that was not compliant with section 122(1) of the *Motor Vehicle Act* and Emergency Vehicle Driving Regulation, which as a member, was his duty to do.

Misconduct: Neglect of Duty
Date of Incident: June 2, 2013
Internal Discipline

(OPCC File 2014-9409)

Member 1

Re Neglect of Duty
(dangerous driving)

- 1 day suspension without pay
- Requirement to review with a Training Supervisor the provisions of the *Motor Vehicle Act* as it pertains to Emergency Vehicle Operations.

Member 2

Re Neglect of Duty
(dangerous driving)

- Written reprimand
- Requirement to review with a Training Supervisor the provisions of the *Motor Vehicle Act* as it pertains to Emergency Vehicle Operations

On October 13, 2014, the police member, while off duty and under the influence of alcohol, attended a female's residence uninvited, causing the female concern.

Misconduct: Discreditable Conduct
Date of Incident: October 13, 2014
Ordered Investigation (request by department)

(OPCC File 2014-10068)

Re Discreditable Conduct
(conduct that discredits the department)

- A reduction in rank for a period of 8 months
- Required to undertake professional counselling and/or medical treatment as deemed necessary and the member was to submit any updates to the Chief Constable upon request over a period of 18 months.
- Work under close supervision
- Member's work assignment to be at the discretion of the Chief Constable or his designate.

Oak Bay

No substantiated misconduct in this reporting period

Port Moody

No substantiated misconduct in this reporting period

Saanich

An off-duty member was arrested in relation to a domestic dispute. Although the member's wife later recanted her version of events, the Discipline Authority found that the member's behaviour towards the investigating officers fell well short of both organizational expectations and those of the public.

Misconduct: Discreditable Conduct
Date of Incident: March 10, 2014
Ordered Investigation (request by department)

(OPCC File 2014-9491)

Re Discreditable Conduct
(conduct that discredits the department)

- Written reprimand

<p>The member failed to attend traffic court and as a result, a stay of proceedings was entered into the matter.</p> <p>Misconduct: Neglect of Duty Date of Incident: January 13, 2014 Internal Discipline</p> <p>(OPCC File 2014-9588)</p>	<p>Re Neglect of Duty (failure to attend court)</p> <ul style="list-style-type: none"> • Advice to future conduct
<p>The police member behaved in a discourteous manner while attending a call for service regarding a noise complaint.</p> <p>Misconduct: Discourtesy Date of Incident: May 24, 2014 Registered Complaint</p> <p>(OPCC File 2014-9762)</p>	<p>Re Discourtesy (discourteous conduct)</p> <ul style="list-style-type: none"> • Written reprimand
SCBCTAPS	
<p>On September 18, 2011, a police member placed an elderly woman in handcuffs in a manner that caused concern. The woman was not manhandled or injured but was emotionally upset.</p> <p>Misconduct: Abuse of Authority Date of Incident: September 18, 2011 Ordered Investigation (request by department)</p> <p>(OPCC File 2011-6930)</p>	<p>Re Abuse of Authority (excessive force – handcuffs)</p> <ul style="list-style-type: none"> • 1 day suspension without pay
<p>An off-duty member was stopped at a roadblock. The off-duty member provided two breath samples into two separate Approved Screening Devices, both of which produced a Fail result. The off-duty member was issued an Immediate Roadside 90-day Prohibition and his vehicle was impounded for 30 days.</p> <p>Misconduct: Discreditable Conduct Date of Incident: September 22, 2013</p> <p>During the course of the traffic stop, the off-duty member identified himself as a police officer in an effort to get the investigating officers to use their discretion.</p> <p>Misconduct: Discreditable Conduct Date of Incident: September 22, 2013 Ordered Investigation (request by department)</p> <p>(OPCC File 2013-9070)</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 5 day suspension without pay <p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 2 day suspension without pay (to be served consecutively with the 5 day suspension)
<p>On April 8, 2014, the police member left her duty belt and firearm in a police department washroom unattended for approximately one half hour before it was found by cleaning staff.</p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: April 8, 2014 Ordered Investigation (request by department)</p> <p>(OPCC File 2014-9574)</p>	<p>Re Improper Use and Care of Firearms (unsafe storage of firearm)</p> <ul style="list-style-type: none"> • Written reprimand
<p>Three police members breached the department’s Respectful Workplace Policy by making offensive and derogatory remarks during a squad briefing that caused awkwardness, embarrassment and humiliation to a female police member.</p>	<p>Re Discreditable Conduct (disorderly conduct prejudicial to the maintenance of discipline in the department)</p> <p>Police Members 1, 2, 3</p> <ul style="list-style-type: none"> • 2 day suspension without pay • Further training with respect to the department’s Respectful Workplace Policy. One on one meeting with the Chief and/or Deputy Chiefs after the training to ensure that the police members gained an understanding of the policy.

The police members' supervisor breached the department's Respectful Workplace Policy in two ways: failing to create and maintain a workplace that was free from discrimination by treating all employees with dignity and respect; and, as the supervisor in charge, failing to stop the behavior as soon as it started.

Misconduct: Discreditable Conduct

Date of Incident: January 2, 2013

Internal Discipline

(OPCC File 2014-9579)

Police Member 4

- 2 day suspension without pay
- Further training with respect to the department's Respectful Workplace Policy. One on one meeting with the Chief and/or Deputy Chiefs after the training to ensure that the police member gained an understanding of the policy.

In the course of investigating an unrelated matter, it was determined that two police members' emails on their computers contained images and "jokes" that contravened the employer's Acceptable Use of Corporate Computing Systems and Respectful Workplace policies.

Misconduct: Discreditable Conduct

Date of Incident: 2013 - 2014

Internal Discipline

(OPCC File 2014-9583)

Re Discreditable Conduct
(conduct that discredits the department)

Police Member 1

- Written reprimand

Police Member 2

- 1 day suspension without pay

St'at'l'imx Tribal Police

No substantiated misconduct in this reporting period

Vancouver

The Office of the Police Complaint Commissioner received a registered complaint reporting, in part, that a police member pushed a woman with cerebral palsy to the ground and walked away without apologizing or offering assistance.

The Discipline Authority determined that the investigation into the matter appeared to support the allegations of Abuse of Authority and Neglect of Duty and offered the member a Pre-hearing Conference. The OPCC rejected the Prehearing Conference Agreement noting that the proposed discipline of one to one Use of Force training and a one day suspension was inadequate in the circumstances.

The matter was remitted to a Discipline Hearing wherein Discipline Authority substantiated the allegations of Abuse of Authority and Neglect of Duty and proposed a one day suspension for each substantiation.

The Police Complaint Commissioner determined that a Public Hearing into this matter was required as he was of the view that proposed discipline at both the Prehearing Conference and the Discipline Proceedings was inadequate to address the seriousness of the incident.

As a result of a Public Hearing, the Adjudicator determined that one count of Abuse of Authority and one count of Neglect of Duty had been proven.

(The Adjudicator's Reasons for Decision in relation to Public Hearing 2013-05 can be found at www.opcc.bc.ca)

Misconduct: Abuse of Authority

Neglect of Duty

Date of Incident: June 9, 2010

Registered Complaint

(OPCC File 2010-5401)

Re Abuse of Authority)
(excessive force - empty hand)

- 3 day suspension without pay

Re Neglect of Duty
(failure to provide assistance (general))

- 3 day suspension without pay (to be served consecutively with other 3 day suspension for a total of 6 day suspension)

<p>The Office of the Police Complaint Commissioner received a registered complaint reporting, in part, that excessive force was used during a traffic stop. The complainant subsequently withdrew his complaint.</p> <p>Subject to section 94 of the <i>Police Act</i>, the Police Complaint Commissioner must accept a withdrawal by a complainant, but may order that the investigation into the allegations proceed if to do so is in the public interest.</p> <p>After reviewing the allegations contained in the complaint and the investigation materials provided to date the Police Complaint Commissioner determined that it was in the public interest that the investigation into the matter continues through to conclusion.</p> <p>At the end of the investigation, the Discipline Authority at that time, recommended that the evidence appeared to substantiate allegations of Abuse of Authority (unnecessary force and search without good and sufficient cause), and Damage to the Property of Others and the matter was directed to a Discipline Proceeding.</p> <p>After considering the available evidence and submissions at the Discipline Proceeding, a new Discipline Authority found that the allegations against the two members had not been proven.</p> <p>Having reviewed the investigation and Discipline Proceedings into this matter, pursuant to section 138(1)(c) of the <i>Police Act</i>, the Police Complaint Commissioner determined that a Public Hearing into this matter was required as he was of the view that there was a reasonable basis to believe that the Discipline Authority's findings were incorrect.</p> <p>As a result of a Public Hearing, the Adjudicator determined that one allegation of Abuse of Authority had been proven against one of the members.</p> <p>(The Adjudicator's Reasons for Decision in relation to Public Hearing 2013-06 can be found at www.opcc.bc.ca)</p> <p>Misconduct: Abuse of Authority Date of Incident: June 22, 2012 Ordered Investigation (initiated by PCC)</p> <p>(OPCC File 2012-7650)</p>	<p>Re Abuse of Authority) (excessive force – empty hand)</p> <ul style="list-style-type: none"> • 1 day suspension without pay • Training or retraining from the Force Options Training Unit on the law regarding use of force; appropriate situation assessment and de-escalation techniques' and best practices when use of force is required.
<p>On March 15, 2013, the off-duty police member was observed to be driving without any rear lights active on his vehicle and a traffic stop was initiated. When the investigating officer approached the off-duty member's vehicle, he noticed that the off-duty member had his police badge displayed.</p> <p>The traffic investigation determined that the off-duty member had consumed alcohol and he was provided with the approved screening device (ASD) breath demand. The off-duty officer registered two "warn" readings and was issued a 3 day Immediate Roadside Prohibition (IRP).</p> <p>Misconduct: Discreditable Conduct x 2 Date of Incident: March 15, 2013 Ordered Investigation (request by department)</p> <p>(OPCC File 2013-8484)</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 1 day suspension without pay <p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • 2 day suspension without pay
<p>The police department reported this matter to the Office of the Police Complaint Commissioner as a Reportable Injury subject to section 89 of the <i>Police Act</i>. The circumstances of the event were that a male subject left a restaurant without paying his bill. Police attempted to stop the male and a brief struggle ensued wherein the male was taken to the ground. The male sustained a bloody nose and a bump to the left side of his forehead. Members of the public who witnessed the event subsequently filed registered complaints. These complaints were deemed to be admissible.</p> <p>At the end of the investigation the Police Complaint Commissioner identified investigative avenues that had not been explored, rejected the final investigation report, and ordered further investigation be conducted by an outside agency. The Police Complaint Commissioner also designated an external Discipline Authority.</p>	<p>Re Abuse of Authority (excessive force – empty hand)</p> <ul style="list-style-type: none"> • Written reprimand • Required to undertake specified training or retraining, to wit: a review of tactical communication skills (verbal judo) as it relates to use of force training.

Upon completion of the further investigation the external Discipline Authority determined that one count of Abuse of Authority had been substantiated and the member was offered a Prehearing Conference wherein an agreement was reached with respect to the appropriate disciplinary/corrective measures in the circumstances.

Misconduct: Abuse of Authority

Date of Incident: April 1, 2013

Registered Complaint

(OPCC File 2013-8548)

The police member was involved in an inappropriate relationship with an individual while assigned as the primary investigator of a police file.

The police member failed to follow procedure in relation to maintaining adequate documentation.

The police member accessed police databases for a purpose unrelated to his duties as a police officer and used his department issued cell phone for personal reasons.

The police member failed to comply with departmental policy/regulations in relation to the handling of monies.

Misconduct: Discreditable Conduct; Neglect of Duty (x2); and Unauthorized Use of Police Facilities and Resources.

Date of Incident: Varied

Ordered Investigation (request by department)

(OPCC File 2013-8915)

Re Discreditable Conduct
(conduct that discredits the department)

Re Neglect of Duty
(inadequate documentation/notes/records)

Re Unauthorized Use of Police Facilities and Resources.

Re Neglect of Duty
(failure to comply with departmental policy/regulations)

- Dismissal on all counts

The police member attended work on his day off and discovered his firearm was missing from his unsecured locker. It was later determined that another police member, who was working a call-out the previous night, saw that the locker was unsecured and decided to secure the firearm.

Misconduct: Improper Use or Care of Firearms

Date of Incident: July 21, 2013

Ordered Investigation (request by department)

(OPCC File 2013-8992)

Re Improper Use or Care of Firearms
(unsafe storage of firearm)

- Verbal reprimand

On December 8, 2013, the off-duty police member was on his way home when he was stopped at a roadblock. The traffic investigation determined that the off-duty member had consumed alcohol and an Approved Screening Device demand was issued which resulted in a "fail" reading. The off-duty member was arrested for impaired operation of a motor vehicle and operating a motor vehicle with more than 80 milligrams of alcohol in 100 millilitres of blood.

During the traffic investigation the off-duty member disclosed that he was a police officer in hopes of receiving favourable treatment.

The off-duty member later pled guilty to Driving Without Reasonable Consideration for Others under s. 144(1)(b) MVA in Provincial Court and was given a \$2,000.00 fine in addition to a 90 day Driving Prohibition.

Misconduct: Discreditable Conduct x 2

Date of Incident: December 8, 2013

Ordered Investigation (request by department)

(OPCC File 2013-9264)

Re Discreditable Conduct
(conduct that discredits the department)

- 1 day suspension without pay

Re Discreditable Conduct
(conduct that discredits the department)

- 2 day suspension without pay

The Office of the Police Complaint Commissioner received a request for an ordered investigation into the conduct of an off-duty member while at a casino.

Following an investigation the Discipline Authority determined that the member had behaved in a discreditable manner in that when the member was approached by security staff he identified himself as a police officer. The member was offered a Prehearing Conference where he accepted a one day suspension. After review, the Police Complaint Commissioner found that the Discipline Authority's decision to substantiate the allegation and the disciplinary measures imposed were both correct

Re Discreditable Conduct
(conduct that discredits the department)

- 1 day suspension without pay

and appropriate with respect to the circumstances.

However, the Discipline Authority did not substantiate two further allegations.

Pursuant to section 117 of the *Police Act*, the Police Complaint Commissioner appointed a retired judge to review the evidence and come to his own decision with respect to those allegations. Based on his review of the record, the retired judge found that the evidence available in relation to the two outstanding allegations appeared to be insufficient to substantiate either allegation.

(The retired judge’s Reasons for Decision in relation to Section 117 Review 2013-9281 can be found at www.opcc.bc.ca)

Misconduct: Discreditable Conduct
Date of Incident: December 12, 2013
Ordered Investigation (request by department)

(OPCC File 2013-9281)

On December 22, 2013, the off-duty police member’s driving pattern drew the attention of an on-duty police officer who proceeded to initiate a traffic stop.

The traffic investigation determined that the off-duty member had consumed alcohol and a breath demand was given. The off-duty member provided two samples into an Approved Screening Device (ASD) both indicating a “fail”. The off-duty member was issued a ninety day driving prohibition pursuant to the *Motor Vehicle Act* and his vehicle was impounded and held for thirty days.

Misconduct: Discreditable Conduct
Date of Incident: December 22, 2013
Ordered Investigation (request by department)

(OPCC File 2014-9325)

Re Discreditable Conduct
(conduct that discredits the department)

- 1 day suspension without pay

On April 8, 2014, a male suspect grabbed two bottles of spirits from a liquor store and ran out without paying. The police member observed the male running from the area of the store. The officer determined that the male running with the two bottles of spirits had just committed a criminal offence and pursued the suspect by driving his police vehicle down a set of stairs at the front doors of a hotel and eventually took the suspect into custody.

In driving his police vehicle down the set of stairs, significant damage was caused to the police vehicle as well as to the cement stairs of the hotel.

Misconduct: Damage to Police Property
Damage to the Property of Others
Date of Incident: April 8, 2014
Ordered Investigation (request by department)

(OPCC File 2014-9631)

Re Damage to Police Property
(misusing/losing/damaging police property)

- Verbal reprimand

Re Damage to the Property of Others
(damages property belonging to a member of the public)

- Verbal reprimand

A police member, while off duty, was the subject of a traffic stop following a driving complaint from a citizen. The police member provided a breath sample into an Alcohol Screening Device (ASD), which resulted in a "fail" reading. The police member received a 90 day Immediate Roadside Prohibition (IRP) and his vehicle was impounded for 30 days.

Prior to providing the breath sample, the police member displayed his police badge and identified himself as a police officer.

Misconduct: Discreditable Conduct x2
Date of Incident: November 6, 2014
Ordered Investigation (request by department)

(OPCC File 2014-10100)

Re Discreditable Conduct
(conduct that discredits the department)

- 4 day suspension without pay

Re Discreditable Conduct
(conduct that discredits the department)

- 3 day suspension without pay (to be served consecutively with 4 day suspension)

Victoria

The police member was assigned to guard a prisoner who had been transported to hospital for assessment. The prisoner was placed in a room, on a gurney, without restraints or handcuffs. The police member experienced radio transmission problems and advised hospital staff that he was going outside to broadcast on his radio. The prisoner fled the hospital. The prisoner was subsequently located and taken back into custody.

Misconduct: Neglect of Duty
 Date of Incident: September 30, 2013
 Ordered Investigation (request by department)

 (OPCC File 2013-9104-02)

Re Neglect of Duty
 (failure to comply with departmental policy/regulations)

- Written reprimand

A RESPOND inspection was ordered on a property either owned, or associated to three police members. A RESPOND team's mandate is to inspect buildings that are the subject of complaints relating to noise, health concerns, police calls for service, other public nuisance issues or questionable living conditions.

Police Member 1

The police member approached a constable, from his department, involved in the RESPOND inspection and requested a delay.

Police Member 2

The police member, while in uniform, attended the City of Victoria bylaw office and requested a delay of the RESPOND inspection.

Police Member 3

The police member accessed the PRIME report documenting the RESPOND inspection of the rental property.

Misconduct: Discreditable Conduct x2
 Unauthorized Use of Police Facilities/Resources
 Date of Incident: Various
 Ordered Investigation (request by department)

(OPCC File 2014-9458)

Re Discreditable Conduct
 (conduct that discredits the department)

- Advice to future conduct

Re Discreditable Conduct
 (conduct that discredits the department)

- Advice to future conduct

RE Unauthorized Use of Police
 Facilities/Resources
 (Unauthorized search of CPIC/PRIME)

- Written reprimand

West Vancouver

The police member accessed CPIC and PRIME for purposes unrelated to the performance of his duties on multiple occasions.

Misconduct: Unauthorized Use of Police Facilities/Resources
 Date of Incident: Between June 8, 2013 and July 31, 2013
 Ordered Investigation (request by department)

The police member disclosed CPIC and PRIME information to another person for purposes unrelated to the performance of his duties.

Misconduct: Improper Disclosure of Information

(OPCC File 2013-9017)

Re Unauthorized Use of Police Facilities/Resources
 (unauthorized search of CPIC / PRIME)

- Verbal reprimand
- An order to participate in a review of departmental policy and relevant manuals in relation to accessing PRIME and CPIC information under the direct supervision of a superior.

Re Improper Disclosure of Information
 (disclosing information acquired as police officer)

- Written reprimand
- An order to participate in a review of departmental policy and relevant manuals in relation to the use and disclosure of PRIME and CPIC information under the direct supervision of a superior

On November 22, 2013, a civilian accompanied a police member on an approved ride-along. Subsequent to this event, the police department became aware of a photograph posted on "Instagram" that appeared to have been taken in the police parking lot. The photograph was of a young male holding a police issued weapon.

Misconduct: Improper Use or Care of Firearms
Date of Incident: November 23, 2013
Ordered Investigation (request by department)

(OPCC File 2014-9372)

Re Improper Use or Care of Firearms
(failure to use a firearm in accordance with law)

- Advice to future conduct
- An order to review departmental policy and relevant manuals in relation to familiarization, use and care of firearms; and an order to review provisions of the Criminal Code and other Federal Statutes (e.g. Firearms Act), specific to the possession, handling and transportation of restricted and prohibited weapons.

A member disagreed with his Performance Management Report and provided a detailed response. Included in the member's response were allegations that his supervisor acted in an unprofessional manner during some of their interactions. After reviewing the member's response the Chief Constable identified a potential breach of the Harassment in the Work Place Policy.

Misconduct: Discreditable Conduct
Date of Incident: Not applicable
Internal Discipline

(OPCC File 2014-9683)

Re Discreditable Conduct
(Disorderly conduct prejudicial to the maintenance of discipline in the department)

- Although this matter was found to be substantiated no discipline was imposed. However, the member received an apology.