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Gaming Policy and Enforcement Branch
Compliance Division**

REPORT OF FINDINGS

CONFIDENTIAL

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Complaint:

Incidents of Non-Reporting
River Rock Casino Resort
Great Canadian Casinos Inc.
GBC ID: 164798
Address: 8811 River Road, Richmond, BC
Project ICARUS (Paladin File)
GPEB File # 98827

BACKGROUND:

On 2018 03 19, the British Columbia Lottery Corporation (BCLC) forwards a letter to Gaming Policy and Enforcement Branch Assistant Deputy Minister concerning allegations regarding Great Canadian Gaming Corporation's (GCGC) operations at the River Rock Casino Resort (RRCR). As per the letter (see [Appendix A](#)), in October of 2017, the Attorney General directed BCLC to investigate said aforementioned allegations with specific attention paid to the following:

- QUOTE -

1. Whether or not there have been reported and unreported incidents of sexual harassment and/or sexual assaults on floor staff and if so, what actions were taken by the service provider and BCLC.
2. Whether or not BCLC or River Rock have required staff to sign some kind of non-disclosure agreement, and if so, what the text of that agreement is and the legal basis for it; and
3. Whether management at River Rock is failing to report assaults on their staff to BCLC.

- END QUOTE -

As a means of complying with the Minister's direction to address the allegation, BCLC engaged the services of Paladin Security to undertake the workplace review of the RRCR. The received letter further advised that Paladin has completed their work and pursuant to s.86(2) of the Gaming Control Act (GCA), BCLC is writing to inform that the possibility exists "GCGC and/or its employees have failed to meet their reporting responsibilities as set out in s.86(2) of the GCA and s.34 of the Gaming Control Regulations".

On 2018 03 22, GPEB Investigators review a copy of the Paladin Security Summary report (provided to GPEB by BCLC on 2018 03 19) concerning the preliminary overview of Paladin Security's workplace review of the RRCR (the summary report has been saved to file). The document outlines the methodology undertaken by Paladin Security, the investigative thresholds and parameters utilized by Paladin staff, and the preliminary summary findings of the workplace review.

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On 2018 03 23, an encompassing 86(1) Demand is sent to BCLC requesting information pertaining to the Paladin Security workplace review (Investigator's note – via conversation with BCLC on 2018 04 06, it is agreed that the initial 86(1) Demand will stand for the duration of the investigation and additional demands could be made directly to the BCLC Manager of Investigations).

On 2018 05 02, GPEB Investigators receive the final report from Paladin Security via BCLC (saved to file). Examination and assessment of the report by GPEB Investigators reveal that Paladin Security has concluded, based on their findings concerning the three priority questions posed to them by BCLC (see beginning of document for the specific questions), that thirty-two (32) incidents of reported and seventeen (17) incidents of unreported sexual assault, assault, assault with a weapon, and sexual harassment have occurred. In addition, Paladin Security concluded that managers at the River Rock Casino Resort (RRCR) may have been aware of serious assaults and may not have reported them appropriately. Finally, Paladin Security has concluded that members of the Human Resources Department at the RRCR may have asked numerous staff members to sign a document that appears to be a form of non-disclosure agreement (referred to as a "confidentiality statement"). Requests made by Paladin Security to obtain a copy of the "confidentiality statement" and any supporting documentation / files were denied by the RRCR.

Please note, the investigative actions discussed in this Report of Findings are regulatory in nature, with focus on the nexus to Integrity of Gaming and the reporting processes adhered to by the River Rock Casino Resort (RRCR) and BCLC. While the RRCR is the focus of the report herein, any recommendations provided are intended to apply globally to all Service Providers including BCLC where applicable. Please note that, where possible, names have been removed to protect the anonymity and privacy of all participant parties.

GPEB INVESTIGATIVE FOCUS

GPEB LMD Compliance Investigations commenced Project ICARUS on 2018 03 23 in response to allegation that the River Rock Casino Resort (RRCR) may not be meeting reporting obligations as set out in s.86(2) of the GCA and s.34 of the Gaming Control Regulations. More specifically, GPEB Investigators were tasked with investigating the findings of the workplace review conducted by Paladin Security at the behest of the British Columbia Lottery Corporation (BCLC).

GPEB Investigators investigative priority focused on the following:

- Determine if any unreported incidents as identified in the Paladin Security final report necessitated immediate police of jurisdiction notification.
- Determine if the Service Provider and/or BCLC adhered to reporting standards identified by the General Manager – GPEB under Section 86 (2) – Gaming Control Act and 34 (1) (t) – Gaming Control Regulation.
 - Confirm whether reported and unreported incidents as identified in the Paladin Security final report were reported to GPEB as required.
 - Where necessary, interview witnesses, involved gaming staff, and management/HR personnel.
 - Identify historical evidence (statements, documentation, video etc.) and secure said evidence, if found, pertaining to unreported incidents from all stakeholders.
 - Determine what applicable Service Provider policies and procedures were in place at the time of unreported incidents under review.
- Determine the use and purpose of any non-disclosure agreement (NDA) / confidentiality statement possibly in use at the RRCR and what effect, if any, the NDA / confidentiality statement had on the reporting process to GPEB.
- Identify any systemic issues that may be at play within the reporting process to GPEB.

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GPEB Investigators determined reportable incidents by reference to letters issued by the GPEB General Manager wherein it outlines to BCLC and all registered Gaming and eGaming Service Providers the reporting and notification requirements expected by the General Manager (see [Appendix B](#)). The following is an excerpt from the 2015 07 17 letter (most recent letter still in place) which outlines pertinent reporting / notification requirements:

- QUOTE –

The reporting/notification requirements under Section 86(2) and 34(t) includes **but is not limited to**, the following conduct, activities or incidents:

- a) Cheating at Play which includes collusion between players, or dealers;
- b) Thefts, meaning included theft affecting the integrity of the game; thefts from the house or a lottery retailer site; thefts by a registered gaming worker; thefts of IVS tickets; and thefts committed against charitable gaming;
- c) Money Laundering including Suspicious Currency transaction or suspicious Electronic fund transfers;
- d) Loan Sharking;
- e) Robbery which involves a gaming facility or a patron leaving the gaming facility;
- f) Threats by or of a Registered Gaming Worker;
- g) Assault by or of a Registered Gaming Worker;
- h) Conducting unauthorized lottery schemes;
- i) Counterfeit Gaming Chips;
- j) Minors found in or participating in gaming activities in a gaming facility;
- k) Minors playing Play Now;
- l) Persons legally prohibited from gaming facilities;
- m) Unregistered gaming service providers;
- n) Fraud including passing counterfeit lotto tickets, casino chips or involving a lottery scheme; and
- o) Personation or False Identification incidents which include attempts to claim prizes or payouts.

- END QUOTE –

GPEB Investigators requested copies of all available General Manager letters sent to Service Providers for the time period of which incidents as identified by Paladin Security spanned (approximately 2009 to present) and utilized the letter in place at the time when reviewing incidents for whether it could be deemed reportable. It is of note that in all General Manager letters provided to Service Providers reviewed (saved to file), all list Assault and Threats by or of a registered gaming worker as a reportable incident to GPEB. While harassment (including sexual) and bullying are not specifically outlined in any General Manger letter, it is of note that all letters have the clause "but not limited to" included in the letter body; as such, incidents of harassment and bullying involving registered gaming workers could be considered reportable to GPEB in certain circumstances.

When determining incidents requiring investigative follow-up, GPEB Investigators focused on the seventeen (17) "unreported" incidents identified in the Paladin Security final report. All incidents were reviewed for information that presented the greatest avenues for investigative follow-up. RRCR gaming workers were identified from unreported incidents as interview candidates based on the level of detail provided on the incident to Paladin Security, the recency of the account, and the likelihood of corroboration. Findings related to reported and unreported incidents will be discussed later in this document.

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In total, GPEB Investigators reviewed approximately 7600 documents (submitted by Paladin Security, BCLC, and the RRCR), conducted several interviews (15+ hours of interview footage) with registered gaming workers ranging from front line RRCR gaming staff to RRCR HR personnel to RRCR/GCGC management, made numerous follow-up inquires, and provided various stakeholders with updates regarding progress throughout the investigative process.

Investigative Challenges

The timeliness of the investigation has been primarily impacted by the large volume of information requiring investigative review. As indicated above, GPEB Investigators reviewed more than 7600 documents which often consisted of vague or unclear information. Each alleged reported and unreported incident as identified in the Paladin Security final report in addition to additional incident information received from BCLC's corresponding review required detailed analysis and assessment in order to determine if the incident in question required an 86(2) Report be provided to GPEB and, if so, determine if, in fact, an 86(2) Report was received by GPEB.

In addition, some individuals identified for potential interview by GPEB investigators demonstrated reluctance to participate in GPEB's investigation. GPEB investigators had difficulty contacting, and in some cases were unable to contact, potential interview candidates due to outdated or inaccurate contact information. While GPEB has regulatory authority to compel cooperation, this power is traditionally used to compel gaming workers who are the subject of complaint and / or witness to an incident involving alleged gaming worker misconduct. While efforts were made to contact said individuals (including liaising with RRCR HR), if an interview candidate denied or did not respond to repeated GPEB requests for interview, GPEB investigators did not exercise their power to compel participation as a means of respecting the rights of the victim.

Criminal Code of Canada

The following Criminal Code sections and definitions were utilized when reviewing identified unreported incidents for whether the incidents in question met the elements of an offense.

Criminal Code Section 264 – Criminal Harassment¹

Definition:

264 (1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

Prohibited conduct

- (2)** The conduct mentioned in subsection (1) consists of
- (a)** repeatedly following from place to place the other person or anyone known to them;
 - (b)** repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
 - (c)** besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
 - (d)** engaging in threatening conduct directed at the other person or any member of their family.

¹ <http://laws-lois.justice.gc.ca/eng/acts/c-46/page-61.html#docCont>

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Criminal Code Section 264.1 – Uttering Threats ²

Definition:

264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat

- (a) to cause death or bodily harm to any person;
- (b) to burn, destroy or damage real or personal property; or
- (c) to kill, poison or injure an animal or bird that is the property of any person.

Criminal Code Section 266 – Assault ³

Definition:

265 (1) A person commits assault when

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Criminal Code Section 267 – Assault with a Weapon or causing bodily harm ⁴

Definition:

See above definition of assault in addition to:

267 Every one who, in committing an assault,

- (a) carries, uses or threatens to use a weapon or an imitation thereof, or
- (b) causes bodily harm to the complainant,

Criminal Code Section 271 – Sexual Assault ⁵

Definition:

Sexual Assault occurs when a person commits an Assault (see definition for Assault above – Section 265 CCC) in circumstances of a sexual nature that violates the sexual integrity of the complainant.

Non-Criminal Misconduct:

Canada Labour Code Section 247.1 - Sexual Harassment⁶

Definition:

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature

- (a) that is likely to cause offence or humiliation to any employee; or
- (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

² <http://laws-lois.justice.gc.ca/eng/acts/c-46/page-61.html#docCont>

³ <http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont>

⁴ <http://laws-lois.justice.gc.ca/eng/acts/c-46/page-62.html#docCont>

⁵ <http://laws-lois.justice.gc.ca/eng/acts/c-46/page-63.html#docCont>

⁶ <http://laws-lois.justice.gc.ca/eng/acts/L-2/page-46.html#h-100>

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Bullying and Harassment⁷

Definitions (taking from the collective agreement between GCGC and the BCGEU – See [Appendix C](#))

Harassment is defined as conduct or comment which is known or ought reasonably to be known as objectionable or unwelcome, that serves no legitimate work-related purpose, and that is based on a Prohibited Ground, and which also has one or more of the following attributes: (a) it detrimentally affects an employee in the work environment, or (b) it has adverse job-related consequences such as reduced job security, or a negative impact on career advancement. Harassment includes sexual harassment.

Bullying behavior is defined as persistent, unwanted, offensive, humiliating or intimidating behavior (verbal comments actions or gestures) that affects an employee's self-confidence, dignity or psychological or physical integrity, and which results in a harmful work environment. Bullying tends to be a large number of incidents over a long period of time, but a single serious incident of such behavior may also constitute bullying.

ASSOCIATED POLICY (GPEB)

The following are pertinent sections of the Gaming Control Act and Gaming Control Regulations related to the Report of Findings discussed herein:

Gaming Control Act Section 86 (2) – The lottery corporation, a registrant and a licensee must notify the general manager immediately about any conduct, activity or incident occurring in connection with a lottery scheme or horse racing, if the conduct, activity or incident involves or involved

- (a) the commission of an offense under a provision of the Criminal Code that is relevant to a lottery scheme or horse racing, or
- (b) the commission of an offense under this Act

Gaming Control Regulations 34 (1) – Subject to subsection (2), it is a condition of registration of a gaming worker

- (t) unless the gaming services provider is a lottery retailer to which subsection (2) (a) applies or is a hospitality retailer to which subsection (2) (b) applies, immediately report to the general manager any conduct or activity at or near a gaming facility that is or may be contrary to the *Criminal Code*, the Act or any regulation under the Act.

Gaming Control Act Section 97 (2.1) – A registrant, a licensee or an eligible organization who contravenes section 86(1) or (2) commits an offense.

Gaming Control Act Section 98 (2) – A person who commits an offense under section 97 (2) (b) or (c) or (2.1) is liable,

- (a) in the case of the corporation on a first conviction, to a fine or not more than \$100 000 and on each subsequent conviction, to a fine of not more than \$200 000, and
- (b) in the case of an individual
 - (i) on a first conviction, to a fine of not more than \$100 000 or to imprisonment for not more than 6 months or to both, and
 - (ii) on each subsequent conviction, to a fine of not more than \$200 000 or to imprisonment for not more than 12 months or to both.

⁷ <http://former.bcgeu.ca/sites/default/files/collective-agreements/17033221.pdf>

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SCOPE OF INVESTIGATION:

As mentioned previously, GPEB Investigator priority focused on three (3) main areas of investigation:

- 1) Determine if any unreported incidents as identified in the Paladin Final report necessitated police of jurisdiction notification.
- 2) Determine if the Service Provider and/or BCLC adhered to reporting standards identified by the General Manager – GPEB under Section 86 (2) – Gaming Control Act and 34 (1) (t) – Gaming Control Regulation.
- 3) Determine the use and purpose of any non-disclosure agreement (NDA) / confidentiality statement possibly in use at the RRRCR and what effect, if any, the NDA / confidentiality statement had on the reporting process to GPEB.

While each avenue of investigation will be discussed in detail below, it is first necessary to discuss the responsibility the Service Provider and BCLC has to report incidents of concern and, specifically report incidents to GPEB.

The Reporting Process

Section 86(2) of the Gaming Control Act (GCA) clearly states that the lottery corporation (BCLC), a registrant (the Service Provider / registered gaming workers) and a licensee must notify the general manager (GPEB) immediately about any conduct, activity, and/or incident involving the commission of an offense under a provision of the Criminal Code relevant to a lottery scheme or horse racing in addition to the commission of an offense under the GCA. This reporting requirement is further stated in Section 34 (t) of the Gaming Control Regulations (GCR) wherein a condition of registration of a gaming worker is to immediately report to the general manager (GPEB) any conduct or activity at or near a gaming facility that is or may be contrary to the Criminal Code, the Act, or any regulation under the Act.

BCLC Policy and Procedures

Service Providers have additional policies and procedures regarding the reporting process that are outlined in the following section of the *BCLC Casino and Community Gaming Centre Standards, Policies and Procedures Section 1-10.1 General – Incident Reporting and Escalation* (see [Appendix D](#)). Please note that relevant sections as it relates herein have been highlighted:

- QUOTE –

1 INCIDENT REPORTS – GENERAL

1.1 An Incident Report in the Casino Reporting System (CRS) shall be completed for any:

1.1.1 Breach of BCLC Casino and Community Gaming Centre Standards, Policies and Procedures;

1.1.2 Incidents of theft, cheating at play, unattended children or other criminal code violation;

1.1.3

;

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1.1.4

1.1.5

1.1.6 Damage to property belonging to the Service Provider or BCLC;

1.1.7 Situations that could cause concern for the safety or well-being of casino or community gaming centre patrons, staff, or BCLC employees;

1.1.8 Police, Fire Department, or other emergency services attendance;

1.1.9

1.1.10

1.1.11 Other unusual/irregular circumstances of a significant nature; and

1.1.12 Where required by BCLC Casino and Community Gaming Centre Standards, Policies and Procedures.

1.2 See ESCALATION OF INCIDENTS for required notification protocols.

2 INCIDENT REPORTS - STANDARDS AND PROCEDURES

2.1 Incident Reports shall include all relevant information. This includes but is not limited to:

2.1.1

2.1.2

2.1.3

2.1.3.a

2.1.4

2.1.5

2.1.6

2.1.7 Confirmation that GPEB has been notified (if applicable).

2.2 Incident Reports shall be created by:

2.2.1

2.2.2

2.3

2.4

2.4.1

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2.4.1.a

3 **REPORTING TO GPEB**

3.1 The Service Provider has a legal obligation to prepare and send the "Section 86 GC Act Report" to GPEB Investigation Division immediately as per GPEB instructions.

[...]

3.2

3.3 At casinos: a copy of the report shall also be emailed to

3.4 At community gaming centres: a copy of the report shall also be emailed to

3.5 At facilities with manned surveillance, the Surveillance department shall compile and submit the Section 86 GC Act Report to GPEB and BCLC.

3.6

4 **ESCALATION OF INCIDENTS – SERIOUS/URGENT**

4.1 **If a serious incident occurs that has caused or could cause substantial concern for the well-being of site staff or patrons** (including but not limited to armed robbery, bomb threat, fire, evacuation, serious criminal activity involving police) or impact the ability to provide gaming (including but not limited to natural disaster or system-wide/ site-wide technical failure), including , the Service Provider shall complete the following:

4.1.1 **Ensure Police, Fire Department, Ambulance or other Emergency Services are contacted if warranted by the incident and/or emergency plan;**

4.1.2 Email:

4.1.2.a

;

4.1.2.b GPEB as described in REPORTING TO GPEB above.

4.1.2.c

4.1.3

- END QUOTE -

GCGC / RRCR Policy

Site policies and procedures in place at the RRCR regarding the reporting process and what constitutes a reportable offense (specifically referenced to Workplace Violence) can be found in the River Rock Employee Handbook (Section 2.13 – Preventing Violence in the Workplace – See [Appendix E](#)) and the Great Canadian – Human Resources Policies and Procedures (Section 9.0 – Violence in the Workplace – See [Appendix F](#)). The River Rock Employee Handbook states

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that “All employees shall follow the procedures implemented for their protection, and immediately report all instances of violence. If you notice or are advised of any aggressive or threatening behavior, immediately contact the nearest Security Officer to report it”. The Great Canadian – Human Resources Policies and Procedures document contains the following excerpt regarding Workplace Violence:

- QUOTE –

2 Workplace Violence Defined

BC’s *Operational Health and Safety Regulations* define “violence” in the workplace as the attempted or actual exercise by a person, **other than a co-worker**, of any physical force so as to cause injury to a worker, and includes any threatening statement or behavior which gives a worker reasonable cause to believe that he or she is at risk of injury.

Workplace violence includes:

- **threatening behavior** – such as shaking of fists, destroying property or throwing objects
- **verbal or written threats** – any expression of an intent to inflict harm
- **verbal abuse or harassing behavior** – when it includes threats or behavior which give the worker reasonable cause to believe that the worker is at risk of injury
- **verbal abuse** – swearing, insults or condescending language
- **physical attacks** – hitting, shoving, pushing or kicking

- END QUOTE -

It is of note that all workplace violence scenarios as described above would constitute a reportable offense to GPEB as per the Gaming Control Act and Gaming Control Regulations.

GPEB investigation further revealed that RRCR has a Whistle Blower Policy in place that employees at all levels can utilize. The following excerpt is contained in the Whistle Blower Policy section of the GCGC Corporate Ethics & Conduct Manual (see [Appendix G - pg.10](#)):

- QUOTE -

Employees are required to inform the Compliance Officer immediately and directly of any actual, perceived, or potential breaches of company policies and applicable Federal and Provincial laws. Reports should normally be made through the reporting chain of command. However, if you feel uncomfortable reporting to your immediate supervisor, you can raise the matter with the Compliance Officer directly.

You are required to raise any concerns about accounting matters, internal accounting controls, auditing matters, or related questionable practices with your immediate supervisor or the person you normally report to. However, if you are uncomfortable with reporting a particular matter to your supervisor, you may report it to any other member of the Corporation's management team or to the Compliance Officer directly.

All disclosures of perceived breaches of any company policies and applicable Federal and Provincial laws or other genuine concerns regarding accounting matters, internal accounting controls, auditing matters, or related questionable practices will be held in confidence.

The management team has been specifically instructed to deal with any reports received in a timely, effective way and to maintain confidentiality.

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You will not be subject to any disciplinary action if you report an instance of actual or suspected wrongdoing in accordance with this, Whistle Blower Policy, provide information, or participate in an investigation.

Any attempt to intimidate or threaten employees to discourage them from reporting under this Whistle Blower Policy, or any retaliation against them, will not be tolerated and will result in appropriate disciplinary action.

- END QUOTE -

GPEB Investigators spent considerable time eliciting information from several RRRCR / GCGC staff members as to the process that is adhered to regarding what needs to be reported and how this information is communicated to front line gaming staff. In all instances, employees referred to the "Report It Up" process wherein all employees are told to report incidents of concern up to their respective managers/supervisors or, in some instances, to Human Resources directly. The term "Report It Up", or similar reference, was used by all individuals interviewed by GPEB during investigation, including management from HR, Security, and Surveillance as well as front line gaming workers (dealers, dealer supervisors, gaming managers, etc). Two slides of an onboarding presentation (provided by the RRRCR on 2018 09 21) includes a "Report It Up" reference and further states that employees should report to their manager, HR, and / or Senior GCGC Compliance management (see [Appendix H](#) for slides).

GPEB investigation revealed that if an incident were to occur, the standing operating procedure is for the worker (i.e. dealer) who experienced or witnessed an incident of concern (i.e. an assault) to report the incident to their supervisor (i.e. dealer supervisor) who would then, in turn, report the incident to their manager (i.e. Gaming Manager and / or VIP Manager). Upon the incident being reported to the manager, the manager would then be responsible to further investigate and review the incident in question while notifying Security and Surveillance that an incident has occurred.

. Once Surveillance had been notified, an incident report would be created in the CRS iTrak system.

Interviews held with various RRRCR managers (Table Games, Security, HR) revealed that any written witness statements obtained would be forwarded to either HR or Security.

. If the incident in question met the criteria as a reportable offense to GPEB, the Surveillance department holds the responsibility to forward an 86(2) Report to GPEB for GPEB review.

Police of Jurisdiction Involvement

GPEB Investigators were tasked with determining if any unreported incidents as identified in the Paladin Security final report necessitated immediate Police of Jurisdiction (POJ) notification. GPEB reviewed all information provided by Paladin Security in relation to the identified unreported incidents. Based on GPEB review of incidents, review of the Criminal Code, and consultation with retired law enforcement personnel (current GPEB Investigators), it was assessed that unreported incidents as identified in the Paladin Security final report did not meet the criteria necessitating POJ notification. It is of note that no interview subject spoken to in relation to unreported incidents identified for investigative follow-up stated the incident experienced necessitated POJ involvement.

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GPEB investigation revealed that the RRRCR does not have a specific policy in place informing as to when it would be necessary from a corporate standpoint to inform the POJ of an incident. Interviews conducted with Surveillance and Security personnel revealed that the perspective of the RRRCR as an employer is that the onus to contact the POJ rests with the victim of the incident in question. The option to inform the POJ will be provided to the victim; however, if the victim states that they do not wish to do so, the victim's decision would be respected. RRRCR personnel did indicate that if a situation arose where an "immediate danger" was posed (i.e. a physical altercation breaks out), the RRRCR would call the POJ.

While assessing unreported incidents for the possible need to inform the POJ was a focus for investigators, all incidents as identified in the Paladin Security final report were reviewed. On several occasions, it was noted by GPEB investigators that information pertaining to whether the POJ were notified of an incident was not contained in every report.

GPEB RECOMMENDATION - GPEB believes that all incidents entered into the CRS iTrak system should clearly indicate if the POJ were notified, who offered the opportunity to inform the POJ, who contacted the POJ, and who (i.e. victim) declined the offer to inform the POJ (if applicable). In all instances where a CRS iTrak report is opened, the CRS iTrak report should clearly indicate the information as required in the policies and procedures regarding the reporting process that are outlined in sections of the *BCLC Casino and Community Gaming Centre Standards, Policies and Procedures Section 1-10.1 General – Incident Reporting and Escalation* (i.e. time POJ were notified, time POJ arrived, attending officers' name(s), police file number (if applicable), etc.).

Reported and Unreported Incidents

GPEB Investigators were tasked with determining if the Service Provider and/or BCLC adhered to reporting standards identified by the General Manager – GPEB under Section 86 (2) – Gaming Control Act and 34 (1) (t) – Gaming Control Regulation.

On 2018 05 17, GPEB Investigators sent a request to BCLC asking that BCLC confirm they accept the findings of the Paladin Security final report and can attest to the accuracy of the findings from a BCLC perspective. Specifically, BCLC was asked to provide the following:

- Confirmation that the thirty-two (32) incidents deemed reported to BCLC by Paladin Security could be confirmed as "reported". In order to do so, BCLC was asked to provide the corresponding incident CRS iTrak report(s) information, un-redacted subject/employee profiles, witness/victim statements, etc. In addition, BCLC was asked to provide the notification wherein the RRRCR provided the corresponding 86(2) Report to GPEB 86 Reporting LMD, additional stakeholders and BCLC.
- Confirmation that the seventeen (17) incidents deemed unreported to BCLC by Paladin Security can be confirmed as unreported. In order to do so, BCLC was asked to define the steps taken by BCLC to confirm an incident as "unreported". In addition, BCLC was asked to confirm if any incidents deemed unreported to BCLC by Paladin Security, had been found to be reported. If so, BCLC was then asked to provide the steps taken to deem the incident reported and provide the corresponding CRS iTrak incident number and associated documentation.

On 2018 05 23, BCLC responds with the following:

- QUOTE –

Define the steps taken by BCLC to confirm an incident as "un-reported"

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Reported incidents were determined based on whether an 86(2) Report was generated and submitted to GPEB by the Service Provider and / or BCLC. As such, an incident deemed “reported” by Paladin Security was not considered reported to GPEB unless a corresponding 86(2) Report could be found.

Conversely, an unreported incident was determined to be an incident that met reporting thresholds as per the General Manager letter provided to Service Providers and BCLC that did not generate an 86(2) Report to GPEB. Please note that if an incident deemed “unreported” by Paladin Security was revealed in Paladin conducted interviews to be an incident being brought forward for the first time, that incident was not deemed unreported by GPEB. GPEB Investigators concluded that an incident could not be deemed unreported unless the complainant / gaming worker had already attempted to inform the Service Provider of the incident in question, allowing the Service Provider the opportunity to follow proper reporting protocol as discussed in this document.

Reported Incidents

The Paladin Security final report identified thirty-two (32) “reported” incidents of assault, sexual assault, uttering threats, sexual harassment, etc. However, upon review, GPEB determined that the number of incidents files were, in fact, twenty-five (25). GPEB review and assessment of incidents identified as reported in the Paladin Security final report revealed that Paladin Security determined the number of incidents based on the number of gaming workers involved in an incident and not on the number of CRS iTrak reports created. By way of example, Paladin Security classified an incident wherein two RRRCR employees were subject to an assault () by the same patron as two separate instances of assault. While true, only one CRS iTrak report (iTrak #17-32802) categorized as “Assault” was generated in the CRS iTrak system regarding the incident. This incident, in turn, generated one 86(2) Report to GPEB.

For purposes of GPEB review, GPEB determined the number of reported incidents based on the 86(2) Report received in relation to a specific CRS iTrak incident number. As such, GPEB determined a working number of twenty-five (25) incidents reported to BCLC (with one duplicate incident report). GPEB conducted searches for the corresponding 86(2) Report associated with these twenty-five (25) CRS iTrak reports and in five (5) instances (Assault, Assault w/ Weapon, Sexual Harassment) the corresponding 86(2) Report could not be found in GPEB records. In review of these five (5) incident reports, GPEB Investigators noticed that the incidents in question had been categorized within the CRS iTrak system in a matter not reflective of the actual offense (i.e. as a Site Barring and not Assault).

On 2018 05 23, information contained in a cover letter received from BCLC concerning a large GPEB information demand further confirmed GPEB suspicion regarding incident categorization. Information contained in the cover letter stated that the following incidents did not generate an 86(2) Report due to the type of scoring associated with the incident at the time of occurrence:

S86(2) Not Sent Due To Incident Type	Type
IN20140050628	Ban > Site Barring
IN20160046374	Ban > Site Barring
IN20160051565	Ban > Site Barring
IN20170001619	Ban > Site Barring
IN20170009982	Gaming > Tables > Customer Complaint

On 2018 05 31, GPEB sends the following correspondence to BCLC demanding further information in relation to the categorization of CRS iTrak incidents:

- QUOTE -

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As GPEB continues with the investigation related to the workplace review conducted at the RRCR, the following information is required:

- All documentation as it relates to the process / procedures for categorizing incidents in the CRS/I-TRAK system.
- Documentation as to who is responsible for scoring / categorizing an incident in addition to who is making the decision as to how an incident is scored / categorized?
- What training is provided for the scoring / categorizing of incidents in the CRS/I-TRAK system? Provide specific training documentation.
- Are incidents reviewed (by BCLC, the Service Provider) to ensure proper scoring / categorization of incidents take place? If so, provide documentation outlining the review process.
- In the previous information demand it was stated that the following incidents did not generate an 86(2) report due to the incident type scoring:

[...]

- END QUOTE -

On 2018 06 05, BCLC provided a response to GPEB inquires regarding incident categorization. As per BCLC, outside of what is noted in BCLC's Casino and Community Gaming Centre Standards, Policies and Procedures (CCGCSPPs), BCLC Investigations does not provide Service Providers (SP) with prescriptive documentation outlining processes or procedures for categorizing CRS iTrak incidents. In addition, BCLC CCGCSPPs do not provide instructions on how to categorize incidents, outline who is responsible for scoring / categorizing an incident, nor who makes the decision to categorize an incident. However, as per the BCLC CCGCSPPs, the SP is responsible for "creating" an incident report in CRS iTrak. Furthermore, as per BCLC, the onus is placed on the SP to provide staff with training on how to score / categorize CRS iTrak incidents and BCLC does not provide prescriptive documentation outlining such training requirements. It was further stated by BCLC that while BCLC

; however, when noted, any

scoring/categorization issues would be addressed accordingly.

Specifically, to the five (5) incidents noted to have not generated an 86(2) Report to GPEB as required by the GCA, BCLC provided the following:

- QUOTE –

While the scoring of these Incidents may not equate to Section 86(2) Reporting, the SP is responsible for reporting "any real or suspected conduct, activity or incident that affects the integrity of gaming at a gaming facility" as outlined in CCGCSPP Section: 1-10.1 General – Incident Reporting and Escalation 3 REPORTING TO GPEB. Therefore, regardless how these specific incidents were scored, it does not supersede the requirement for the SP to report to BCLC or GPEB.

- END QUOTE –

To further confirm that the five (5) incidents in question did not generate an 86(2) Report to GPEB, on 2018 08 22, GPEB sends an 86(1) Demand to the RRCR asking that the RRCR provide official notification, including the date sent, wherein the RRCR provided the corresponding 86(2) Report for the five (5) incidents noted herein on pg. 14/15). On 2018 09 07,

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GCGC / RRCR responds that the 86(2) forms requested are not available as they were not sent to GPEB for reasons unknown.

Further GPEB investigation revealed that an additional three (3) CRS iTrak reports did not generate 86(2) Reports to GPEB. On 2018 09 12, GPEB sent an 86(2) Demand to BCLC requesting their corresponding incident file number (#17-69928) related to the Paladin workplace review (saved to file). In a document entitled "Guardian Progress Report 2 2018MAR05 (DRAFT)", it is stated that BCLC reviewed sixty-one (61) terms of reference incident files in relation to the Paladin file. These incident files were further grouped into forty-one (41) specific incident folders (as per Appendix 4 of the BCLC file). As sixteen (16) of the incidents folders had been previously provided to GPEB, on 2018 09 19, GPEB requested that incident folders seventeen (17) to forty-one (41) be provided in addition to confirmation that the incidents were reported as required as GPEB searches for corresponding 86(2) Reports returned negative results in six (6) instances.

On 2018 09 21, BCLC responds with the following:

- QUOTE -

GPEB reporting emails could not be located in our systems for the following incidents:

- IN20160015134
- IN20160049875
- IN20160073259
- IN20170024675
- IN20170058451
- IN20170062853

- END QUOTE -

Further GPEB review of the details of the six (6) CRS iTrak reports revealed that in three (3) instances, the incident would be deemed reportable to GPEB.

IN20160015134 – Possible Assault (Scored as Gaming)

IN20160073259 – Sexual Harassment

IN20170058451 – Possible Assault (Scored as Barring)

GPEB Investigators confirmed with the RRCR Surveillance department on 2018 09 24 that Section 86 (2) Reports were not generated for the three (3) above noted incidents. RRCR Surveillance furthered that "no emails were sent to BCLC as they were notified via iTrak as soon as the report was opened, written, and saved. BCLC Investigators conducted their reviews and entered their findings in the incident files".

In relation to the two incidents of assault, categorization issues (as discussed earlier in the report herein) are the contributing factors to non-reporting. As such, GPEB Investigators have concerns regarding incident categorization in the CRS iTrak system. Seven (7) incidents identified as being reported to BCLC over the course of GPEB investigation into the Paladin Security final report have been confirmed to not have generated an 86(2) Report to GPEB. While, in these instances, the evidence suggests the lack of reporting stemmed from improper categorization and not intent on the part of the RRCR to suppress reporting, investigation clearly revealed that deficiencies in the categorization and the training on categorization of incidents exists.

GPEB RECOMMENDATION - GPEB Investigators recommend that consideration be given to the provision of formalized training regarding incident categorization. Individuals responsible for opening CRS iTrak instances must be fully cognizant incidents reflect the predicate offense.

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Incidents must be reviewed to ensure proper incident categorization by both the Service Provider and by BCLC upon BCLC review, to ensure incidents reportable to GPEB will be reported as required under the GCA.

In relation to the incident of Sexual Harassment, while the incident was scored as a Criminal Event, review of the incident suggests it was a patron on patron encounter wherein the suspect displayed extremely belligerent behavior. Further review of the incident report states that RCMP was involved in this incident and entries in the report made by both the Service Provider and BCLC state that the suspect was barred from the RRRCR for one (1) year for sexual harassment, undesirable behavior, belligerence towards security, uttering threats, and causing a police incident. Despite this information, no 86(2) Report appears to have been sent to GPEB. Evidence suggests that in this instance the incident (patron to patron sexual harassment) was not reported to GPEB by the Service Provider because the offense of harassment was not specifically listed in the General Manager's letter outlining reportable offenses. The evidence does not indicate this matter was intentionally suppressed.

Unreported Incidents

The Paladin Security final report identified seventeen (17) "unreported" incidents of assault, sexual assault, uttering threats, harassment, and sexual harassment. As stated earlier, an unreported incident was determined by GPEB Investigators to be an incident that met reporting thresholds as per the General Manager letter provided to Service Providers and BCLC that did not generate an 86(2) Report to GPEB. If an incident deemed "unreported" by Paladin Security was revealed in Paladin conducted interviews/questionnaires to be an incident being brought forward for the first time, that incident was not deemed unreported by GPEB. As such, GPEB disqualified one (1) alleged incident of threats as the incident appeared to not have been brought forward to a RRRCR supervisor in the first instance and was being disclosed for the first time by the employee in a questionnaire interview provided to Paladin Security. GPEB Investigators operated under the assumption that an incident could not be deemed unreported unless the complainant / gaming worker had already attempted to inform the Service Provider of the incident in question, allowing the Service Provider the opportunity to follow proper reporting protocol as discussed in this document.

When determining incidents requiring investigative follow-up, GPEB Investigators focused on the remaining sixteen (16) alleged unreported events. All incidents were reviewed for information that presented the greatest avenues for investigative follow-up. From the sixteen (16) incidents, six (6) alleged unreported incidents were assessed by GPEB as lacking sufficient detail (i.e. third party account, vague information, no time frame provided, no victim, or the victim / complainant / gaming worker expressed the desire to not report the matter further), while one (1) incident (alleged harassment) was found to have been reported to and handled by RRRCR HR. The remaining nine (9) incidents involving six (6) RRRCR complainants / gaming workers were selected for further investigation. Incidents were selected based on the level of detail provided on the incident to Paladin Security, the recent nature of the account, if the account was first hand, and the likelihood of incident corroboration. These nine (9) incidents broke down into one (1) alleged sexual assault, four (4) alleged sexual harassments, three (3) alleged assaults, and one (1) alleged incident of uttering threats.

As mentioned above, six (6) RRRCR complainants / gaming workers were identified within the nine (9) incidents selected for investigative follow-up. Many of the complainant / gaming workers identified for interview by GPEB investigators demonstrated reluctance to respond to GPEB requests for interview. GPEB investigators had difficulty contacting interview candidates due to outdated or inaccurate contact information. In relation to three (3) alleged incidents, GPEB investigators were unable to reach the two (2) involved complainants / gaming workers. In relation to the one (1) alleged assault wherein GPEB Investigators were unable to reach the complainant /

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gaming worker,

It is of note that information received from the RRCR HR department on 2018 09 21 indicates that the complainant / gaming worker brought forward the issue to the RRCR Table Games Management department in 2017 and the incident was handled as an instance of employee inappropriate behavior. GPEB did receive an 86(2) Report (#18-41345) on 2018 09 03 in relation to the same complainant / gaming worker experiencing the same issue . Statements received by GPEB indicate that the complainant / gaming worker described a harassment issue (not assault) . This issue was subsequently handled by RRCR HR.

GPEB Investigation further revealed that four (4) incidents were found to be allegations of employee to employee harassment (sexual or otherwise) and involved RRCR employees raising allegations against RRCR supervisors. Sexual harassment, harassment, and bullying are not referenced as a reportable offense as per the General Manager letter provided to Service Providers. Although it could be argued that employee on employee harassment and bullying of any kind could be deemed reportable under the “but not limited to” clause outlined in the same letter, staff indicate the failure to specifically name these offenses as reportable has caused confusion.

GPEB RECOMMENDATION - GPEB Investigators recommend that consideration be given by GPEB to update the General Manager letter outlining to Service Providers and BCLC reportable offenses to GPEB. Such additions should include Sexual Harassment, Harassment, and Bullying in all instances wherein the offense is Patron – Employee. Instances where the responsibility rests with the Service Provider HR department for incident follow-up (Employee – Employee) or when the offense is Patron – Patron, the offense would be reportable to GPEB when the nexus to the integrity of gaming is present or when the harassment / bullying crosses criminal boundaries.

GPEB RECOMMENDATION - GPEB Investigators further recommend that Service Provider Compliance Officers be mandated to review Human Resource related files in order to determine if incidents reported to the HR department require an 86(2) Report be generated and forwarded to GPEB.

GPEB Investigators were able to speak to four (4) RRCR complainants / gaming workers regarding one (1) incident of alleged sexual assault, two (2) alleged assaults, and one (1) alleged incident of uttering threats. In all four (4) instances, the incident described by the complainant / gaming worker occurred in the VIP Salon area and / or involved a known VIP patron. As stated earlier, no complainant / gaming worker interviewed by GPEB requested POJ involvement.

GPEB Investigators spent considerable time ascertaining the circumstances surrounding the alleged sexual assault. Investigation revealed that the dealer in question did report the incident wherein a patron allegedly played “footsie” with the dealer to both a dealer supervisor and VIP manager. It was further alleged that written statements by both the dealer and dealer supervisor were completed regarding the incident; however, GPEB Investigators were unable to locate and secure these statements. Interviews with both the dealer supervisor and VIP manager confirmed that the dealer did report the incident; however, discrepancies exist between parties concerning the timing of when the reporting took place. In interview with GPEB, the VIP Manager who received the dealer’s report stated that they decided not to open a CRS iTrak incident as this manager indicated that a significant amount of time had transpired between the alleged incident and the dealer making them aware, the dealer expressed that they were “fine”, the manager could not see any visible signs of distress from the dealer, and the patron had left the facility hours earlier. The VIP Manager in question did not inform Security of the incident and did not inform Surveillance. GPEB Investigators believe that this incident qualifies as an incident

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reportable to GPEB and, as such, should have generated an 86(2) Report. Evidence collected revealed that the VIP Manager exercised discretion when evaluating the circumstances of the alleged event and made the decision not to report the incident further. In addition, when asked if they were aware of incidents that would necessitate a report to GPEB, the VIP Manager stated that they were not. There is insufficient evidence to suggest the VIP Manager intentionally suppressed the reporting of this incident to GPEB.

GPEB Investigators examined the remaining two (2) incidents of alleged assault and the one (1) incident of uttering threats. In one (1) alleged incident of assault, the incident described that the “player” button from the baccarat table bounced off the table after being thrown by a VIP patron and hit the dealer in the chest. No injury was incurred by the dealer. Investigation revealed that the dealer in question did report the incident to an unidentified gaming manager (gaming worker was unable to recall the manager's full name; however, indicated this individual is no longer employed at the RRCR). This gaming manager reportedly informed the VIP Manager on duty at the time. The VIP Manager in question reportedly checked on the dealer's well-being and when asked by the dealer if the patron would be asked to leave, the VIP Manager reportedly indicated that as the patron was leaving the next day, a 24-hour barring would not serve a purpose. In interview with GPEB investigators, the identified VIP Manager was unable to recall the specific incident in question; however, the VIP Manager speculated that in this scenario, the dealer may have indicated that they were “fine” and resolved the issue by speaking to the patron and providing a verbal warning. Evidence collected revealed the VIP Manager exercised discretion when evaluating the circumstances of the alleged event and made the decision to not report the incident further. There is insufficient evidence to suggest the VIP Manager intentionally suppressed the reporting of this incident.

In the other alleged incident of assault, it was described that a VIP patron repeatedly attempted to “cut the shoe” of cards at a baccarat table in a violent manner wherein, on one attempt, the patron narrowly missed hitting the dealer's hand with the cut card. In interview with GPEB, the dealer in question indicated that they were not touched by the patron; however, they did indicate that they felt uneasy and “a little scared” by the patron's behavior. According to the dealer, after the incident a Guest Services representative came over to check on their well-being to which the dealer responded that they were not happy about what happened; however, indicated that they were fine. The dealer further stated that they did not initiate a formal report as they assumed that since a dealer supervisor (Investigator's note – the dealer could not recall the supervisor's identity) was present for the incident, something would be done. There is insufficient evidence to suggest that the unnamed supervisor intentionally suppressed the reporting of this incident to GPEB.

Regarding the incident of threats, it was described that a VIP patron was uttering threatening remarks to the dealer in a foreign language. Investigation revealed that the dealer allegedly reported the incident to their dealer supervisor and that dealer supervisor cautioned the patron concerning their behavior. When the patron continued making comments, the dealer supervisor contacted the gaming / floor manager who began monitoring the situation. During interview with GPEB, the dealer stated that the floor manager did not speak to the patron directly and stated to the dealer that they did not observe the reported behavior from the patron. Again, there is insufficient evidence to suggest the floor manager intentionally suppressed the reporting of this incident.

In all instances described above, GPEB Investigators believe an 86(2) Report should have been generated and provided to GPEB. However, it was made clear via investigation that incidents reportable to GPEB must be routed through either the Surveillance or Security department. The responsibility for opening CRS iTrak incident files and subsequently forwarding 86(2) Reports to

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GPEB when required falls to Surveillance. As such, if neither of these departments are informed, the proper reporting process will not be triggered. In conversations with managers responsible for Security and Surveillance, it was stated that if Surveillance and/or Security was not notified of an incident an incident would not get reported to GPEB as required.

GPEB RECOMMENDATION - GPEB Investigators recommend training for all front-line gaming staff with the initial focus on VIP Managers and Gaming Managers regarding reporting requirements to GPEB. All gaming staff must be made aware that discretion cannot be exercised under any circumstances when dealing with incidents reportable to GPEB. Front line managerial staff (i.e. VIP / Gaming Managers) holds the responsibility to ensure that all reportable incidents are "Reported Up" as required.

VIP Preferential Treatment

One recurrent theme identified in both the Paladin Security final report and GPEB investigation involved the treatment and behavior of VIP patrons. GPEB investigation revealed that a divide in opinion on how VIPs are treated appears to exist between those holding a management position and those holding a front-line position. All front-line gaming staff (dealers and dealer supervisors) spoken to over the course of GPEB investigation expressed that it is common knowledge that VIP patrons receive preferential treatment. As one gaming worker stated, "Upstairs, they are treated like gods to the casino".

Those holding a management position were more likely to insist that VIP patrons are treated the same particularly when a VIP would be involved in an incident involving a gaming worker. However, it is of note that many individuals spoken to over the course of investigation suggested that, in the past, VIP were given preferential treatment. One manager suggested that a reason for the perception of preferential treatment of VIPs could stem from a lack of feedback provided to front line gaming staff as to the actions undertaken regarding reported incidents. Furthermore, as GPEB investigation progressed, it was indicated by the RRCR that they are instituting a more robust feedback system with employees and provided GPEB Investigators with correspondence provided to RRCR management that further stresses reporting responsibilities that must be adhered to by RRCR staff particularly regarding instances of workplace violence.

Nevertheless, several RRCR employees expressed that deference was paid by the RRCR to VIP patrons to the detriment of front line employees and this deference may have contributed to a culture of non-reporting by front line gaming workers. Employees stated that a formal directive was never provided indicating that preferential treatment must be afforded to VIPs; however, it appears that it has become accepted common knowledge among employees that a different standard of rules are in place in the VIP Salons. As one employee expressed, one (1) VIP player can cover the same amount of money as the main gaming floor, the casino wants to keep these players and they will try everything before resorting to asking them to leave. It was made clear via GPEB investigation that preferential treatment or the appearance of preferential treatment for VIPs permeates the RRCR's workplace culture.

GPEB RECOMMENDATION - GPEB Investigators recommend that a clear Patron Code of Conduct is implemented at all Service Provider locations. This Code of Conduct should clearly outline the behavior and conduct expected of all patrons (including VIPs) and clearly outlines the consequences a patron will face if they were to be found in violation. The Patron Code of Conduct must be communicated in all common languages understood by clientele and be included in both updated BCLC policy and procedure documentation in addition to Service Provider policies.

Over the course of GPEB investigation into the findings of the Paladin Security workplace review, GPEB investigation did not uncover evidence suggesting attempts by RRCR Senior management to suppress disclosure or avoid reporting incidents to GPEB, BCLC, or to the police of jurisdiction.

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All individuals spoken to over the course of GPEB investigation expressed that they had never been pressured or coerced into not reporting incidents of concern.

ADDITIONAL ISSUES IDENTIFIED

Provision of Information

One (1) additional issue identified during GPEB investigation centered on access to fulsome information. While all parties engaged during investigation were cooperative and responsive to GPEB inquires, on 2018 08 27, GPEB Investigators noticed a possible discrepancy in information provided by BCLC in April of 2018 when compared to information received on 2018 08 23 regarding a specific reported incident

The document

received on 2018 08 23 contained an additional related incident number in the related incidents section and an entry dated 2017 12 07. This entry pre-dated the initial document request of 2018 03 26.

Follow-up with BCLC concerning the discrepancies resulted in the knowledge that a miscommunication appeared to have occurred. GPEB's 2018 03 26 information demand sent to BCLC requesting "the individual ITRAK reports, subject profiles, and media attachment associated to the 16 CRS folders..." This request was interpreted by BCLC to mean GPEB was requesting the exact information BCLC provided to Paladin Security.

Because of the miscommunication, GPEB provided the following information demand to BCLC on 2018 08 31:

- QUOTE –

In the last disclosure provided by BCLC it was stated that our initial 86(1) Demand (dated March 26th, 2018) to BCLC was fulfilled to reflect the exact information provided to Paladin Security as part of the 16 CRS files quoted in their Summary report (ie "as your request pertained to the specific files of the 16 CDR folders...").

However, the line contained in the 86(1) Demand ("The individual ITRAK reports, subject profiles, and media attachment associated to the 16 CRS folders (Paladin Summary Report pg. 2)") states that GPEB was seeking all information "associated to" the CRS folder and, as such, the information should have been reflective of the date that GPEB made the request to BCLC (March 26th, 2018).

As such, GPEB is now requesting that all I-TRAK reports (including related incidents associated with the I-TRAK reports, un-redacted subject profiles, media attachments) associated with the Paladin report be re-sent to GPEB and be reflective of the date requested. In this instance, the data provided must reflect the state of the incident as of today's (2018 08 31) date.

[...]

- END QUOTE –

BCLC provided the requested re-send of information on 2018 09 07. GPEB review of that documentation revealed that several incidents reports contained entries that pre-dated the initial

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GPEB request. GPEB Investigators noted that the additional information would not have altered the investigative path; however, the above highlights an on-going concern with incident reporting. GPEB is not proactively made aware of updates, additional information, etc., available concerning incidents wherein GPEB investigators have previously demanded information.

GPEB RECOMMENDATION* - GPEB Investigator's recommend that proactive provision of incident material be provided to GPEB as additional material becomes available. Once a GPEB Investigator has made their interest in an incident known via 86(1) Demand to either the Service Provider or BCLC, that 86(1) Demand will be a standing request where information is then provided to GPEB proactively until incident conclusion.

Minimum exclusions

An second issue identified by GPEB Investigators centered on how exclusions are administered by both the Service Provider and BCLC, particularly when applied to VIP patrons. GPEB review of reported incidents revealed incidents where exclusions given to patrons did not appear to meet minimum guidelines provided in BCLC policy and procedures. On 2018 08 22, GPEB sends the following demand to BCLC:

- QUOTE -

As GPEB continues with the investigation related to the workplace review conducted at the RRCR, the following information is required:

- The policies and procedures in place regarding minimum requirements for barring/exclusion used by either the Service Provider and/or BCLC.
- Any documentation wherein it is outlined if discretion is allowed when determining a barring / exclusion from a gaming centre.
- It has come to GPEB's attention that incidents have occurred where it appears that adherence to the minimum guidelines for exclusion has not been exercised. Please provide the rationale for the following incidents where the minimum guidelines for exclusion do not appear to have been adhered to:
 - o 20170067299
 - o 20170035975

[...]

- END QUOTE -

The following clarification is provided to BCLC on 2018 08 23:

- QUOTE -

As per our conversation this morning, regarding rationale and any documentation regarding discretion when it comes to exclusions barrings, what I'm looking for is any documentation / reasoning that is in place that outlines when the minimum guidelines might be deviated from (both from a BCLC perspective and the Service provider). As such, I'd also be looking for any direction or policy that has been provided to Service Providers from BCLC in relation to the minimum requirement / guidelines for exclusions. In addition, I'd be looking for any information that may exist regarding if BCLC requires Service Providers to adhere to the minimum guidelines regarding exclusions and any direction BCLC has provided to Service Providers regarding the handling of instances of Harassment (exclusions, etc.).

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Regarding the two specific ITRAK reports, I would need any materials that outlined what exclusion the patron received and what rationale was used if the exclusion did not meet the minimum guidelines as outlined in the BCLC policies and procedures.

- END QUOTE –

On 2018 08 23, GPEB receives documentation from BCLC in relation to minimum exclusions (See [Appendix K](#)) and the following exclusion rationale / procedure:

- QUOTE -

Please note, the BCLC CCGCSPP and BCLC Internal CCGCSPP pertains to BCLC Prohibitions only. BCLC supports Service Provider decisions on site-initiated barrings but do not provide direction as Service Providers have site-specific discretion of their property.

BCLC CCGCSPP Section 8-2.1, Subsection 6 (Casino and Community Gaming Centre Exclusion Minimum Guidelines), are not mandatory requirements. Investigators submit ban requests on a case-by-case basis, dependent on the specifics of each incident in question and any pertinent historical details. Investigators are expected to provide their rationale for the ban request in the associated report(s). All ban requests are approved by the Manager, Investigations or designate.

[...]

-END QUOTE –

However, review of the BCLC corresponding incident file number (#17-69928) related to the Paladin workplace review (received 2018 09 14 - saved to file) revealed that BCLC identified similar issues regarding the reporting process and the application of barrings / investigative response. In a document entitled “Guardian Progress Report 2 2018MAR05 (DRAFT)”, it is stated that BCLC “assessment of River Rock and BCLC Casino Operations related to the Terms of Reference uncovered deficiencies relating to inadequate investigations; inconsistent and incorrect application of River Rock site barring’s and BCLC Provincial Prohibitions, including non-compliance in report documentation requirements and file management.” The same document states that a review of the top 100 VIP players at the River Rock Casino revealed disparity and inconsistency on the application of site and BCLC Provincial Prohibitions. One notable discrepancy involved a VIP patron who assaulted two RRRCR employees. The patron in question initially received a six (6) month BCLC Provincial Prohibition which deviates from the one (1) year assault minimum guideline contained in BCLC policy. The six (6) month provincial prohibition was then reduced to a six (6) month site barring and subsequently reduced further to a three (3) month site barring after a GCGC Senior Management request to review the BCLC barring.

BCLC’s documentation does note that “there is no authority in BCLC Policy, the Gaming Control Act, or other provincial statute, which allows the Service Provider to impose a ban greater than 24 hours. Referenced in Gaming Control Act, Section 93(1)(b)”. While the Gaming Control Act does not provide authority for a Service Provider to impose a site barring greater than 24 hours, as with other business establishments, a Service Provider would have the ability to decline service and entry to their site to anyone deemed by the site as undesirable. As such, minimum exclusion requirements should be implemented by both the Service Provider and BCLC.

GPEB RECOMMENDATION - Establish minimum exclusion requirements that are adhered to by both the Service Provider and BCLC. Prior to any deviation being sought regarding an exclusion decision by BCLC or the Service Provider, GPEB must be consulted and be provided with the rationale before the outcome is decided. The registered gaming worker who approves

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the exclusion deviation without consultation with GPEB will be subject to potential GPEB review. Employee well-being must be the paramount consideration when determining exclusions.

Confidentiality Statement / Non-Disclosure Agreement

GPEB Investigators were tasked with determining the use and purpose of any non-disclosure agreement (NDA) / confidentiality statement alleged to be in use at the RRCR. On 2018 GPEB Investigators conducted an interview with an employee of the RRCR HR department. During this interview, HR confirmed the use of a document referred to as a “confidentiality statement” and furthered that the document was put in place by HR Director as an extension of the existing confidentiality policy in place at RRCR (Investigator’s note – the confidentiality policy referred is contained in the GCGC Corporate Ethics and Conduct Manual – See [Appendix G – pg. 5](#)). According to HR, employees would sign a confidentiality statement for the purpose of deterring employees from discussing ongoing HR related investigations and further confirmed that punitive language was contained in the document. HR stated that the documents use was discontinued in 2018 due to the Paladin Security workplace review as it was realized by the HR department that the confidentiality statement may have been misconstrued as the non-disclosure agreement referenced in the complaint that prompted the review.

On 2018 , HR Director was interviewed at GPEB offices. Information obtained during this interview revealed that through consultation with GCGC’s Casino Nova Scotia (CNS), HR Director implemented the confidentiality statement for use in HR investigations. This form/statement was already in use at the Halifax property and the form was sent to the RRCR. Using the discretion afforded by the position, HR Director instituted the confidentiality statement and this implementation did not require approval from additional senior management at the RRCR. It was further confirmed by GPEB Investigators that the statement was only used for HR related investigations and would only be signed by employees taking part in those investigations. This form would be explained to the employee before signature and if they declined to sign, the investigation would still go ahead.

All HR personnel spoken to during investigation stated that the form would be clearly discussed with any employee who was being asked to sign. One HR staff member stated that they would find it “hard to believe” that an employee would not have understood the document as each employee would be given verbal instructions and time to read the document before signing. Furthermore, HR personnel stated that they have never felt pressure to not report incident as required and HR Director advised that HR would tell employees that they would be supported if the employee wished to report an incident further (i.e. to the police of jurisdiction).

To seek additional clarification regarding the use of the confidentiality statement, on 2018 08 16, GPEB forwards the following 86 (1) information demand to the RRCR:

- QUOTE –

GPEB is currently conducting an investigation into the workplace review conducted by Paladin Security of the River Rock Casino Resort. As part of our investigation, GPEB requires the following information:

- copies of non-disclosure agreements or confidentiality statements currently or previously in use by any department (HR, Surveillance, Security, etc.) at the RRCR.
- copies of any confidentiality policy currently or previously in use at the RRCR.
- any documentation (email, hard copy, letter, etc.) regarding the implementation of a confidentiality statement utilized (past and present) by RRCR (i.e. HR, Senior Management, etc.).
- legal documentation regarding the use / implementation / approval chain of the aforementioned non-disclosure agreements / confidentiality statements.

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- END QUOTE -

On 2018 08 22, the RRRCR provides various documents regarding RRRCR policies regarding non-disclosure / confidentiality including the GCGC Corporate Ethics and Conduct Manual (see [Appendix G](#)), the Employee Confidentiality Statement Template (see [Appendix I](#)), the Security and Surveillance Confidentiality Agreement, the Security Code of Conduct, the Privacy and Privacy Breach Policies, and the Social Media Policy. Please note that all documents not already included in the appendices of this report have been saved to file.

On 2018 08 27, the RRRCR HR provides additional information regarding the implementation of the confidentiality statement. According to HR, no formal implementation process was required for the confidentiality statement

. HR further confirms that the confidentiality statement was shared with RRRCR from the Casino Nova Scotia (CNS) property and provides documentation indicating that the form was received by RRRCR from CNS in February of 2016. It was again noted by HR that the intent of the confidentiality statement used by HR was to ensure the integrity of any internal investigations. Please see [Appendix J](#) for a copy of the confidentiality statement provided to the RRRCR by CNS.

In response to GPEB inquiries concerning the discontinuation of the confidentiality statement, RRRCR HR advises GPEB on 2018 08 31 that the confidentiality statement used by the HR team at the RRRCR was discontinued effective 2018 01 09. RRRCR HR furthered that no formal communication was sent out regarding the discontinuation of the statement as the decision only impacted the work flow of three HR employees (HR Manager and two advisors). RRRCR HR additionally stated that upon learning that a confidentiality statement was in place and learning about the perceived interpretation of the statement, RRRCR HR senior management immediately held a meeting with the greater HR team to advise every one of the concerns and advise the statement was to be discontinued immediately.

GPEB investigation further revealed that a non-disclosure agreement is contained in the GCGC Corporate Ethics and Conduct Manual Review of this document revealed that the language contained appears to relate to the non-disclosure of RRRCR intellectual property, marketing material, etc. An excerpt from the document states the following (See [Appendix G - pg. 9](#) for the complete document section):

- QUOTE -

NON-DISCLOSURE AGREEMENT

As a condition of your employment with Great Canadian, you must agree to the following Non-Disclosure Agreement. Your signature on the Acceptance Certificate in this Manual is considered to evidence your acceptance of this Agreement:

“In consideration of my employment with the Corporation, I agree to the following:

1. I am under no obligation to anyone that would be an impediment to my entering into this Agreement or which imposes any restrictions on the activities or duties that may be assigned to me from time to time by the Corporation.
2. Except as expressly permitted in writing by the Corporation, I will not at any time during or after my employment with the Corporation:
 - disclose or authorize the disclosure of any confidential information to anyone other than authorized officers or employees of the Corporation

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- use any confidential information for non-Corporation purposes or other non-permitted purposes.
3. “Confidential information,” for the purposes of this Agreement means all information, including trade secrets, methods, techniques, or processes, of a business, planning, marketing, technical, or other nature that derives actual or potential value from not being generally known, or reasonably ascertainable whether developed by the Corporation or received by the Corporation from a third party in circumstances which oblige the Corporation to protect such information from unauthorized use and/or disclosure.
 4. This Agreement and my acknowledgement of the Corporation’s rights does not apply to anything that does not use confidential information and does not result from any work performed by me which is not performed for the benefit of the Corporation.

[...]

- END QUOTE –

On 2018 09 11, RRRCR HR confirmed that every employee is required to sign off on the Corporate Ethics and Conduct Manual (containing the NDA) upon hire, upon promotion, and annually.

Upon review of the non-disclosure agreement, the contained language in this document would not suppress disclosure of incidents to the necessary body (i.e. GPEB, POJ).

All individuals interviewed as part of GPEB investigation were asked if they were required to sign a non-disclosure agreement or confidentiality statement. Consistent with findings in the Paladin Security final report, often interview subjects would be of the impression that GPEB was asking about material related to workplace confidentiality. Documents often referred to by interview subjects would focus on social media policy and other documentation related to position specific confidentiality / code of conduct / non-compete clause. No one spoken to during GPEB investigation claimed to have signed a document where it was stated that they could not report an incident of concern to the necessary authorities. However, it is of note that front line gaming staff spoken to during investigation, often indicated that they were unaware as to the specific language contained in documents they were required to sign. GPEB investigators did not uncover any evidence to suggest that a non-disclosure statement was employed by the RRRCR management to purposely suppress the reporting of incidents.

FINDINGS IN GENERAL:

- The RRRCR has not strictly adhered to reporting standards identified by the General Manager – GPEB under Section 86 (2) – Gaming Control Act and 34 (1) (t) – Gaming Control Regulation.
- Based on GPEB assessment, the seventeen (17) unreported incidents as identified in the Paladin Security final report would not meet the elements of an offence necessitating immediate Police of Jurisdiction notification.
- Surveillance holds the responsibility to send 86(2) Reports to GPEB. If Surveillance is not informed of a reportable incident (i.e. threats), the incident will most likely not be reported to GPEB as required.
- Incidents of improper categorization, training concerns, and / or discretion mistakenly exercised by lower level managerial staff (i.e. VIP managers / Gaming Managers) are contributing factors in the incidents of non-reporting.
- RRRCR instituted an HR document, known as a confidentiality statement, that was used by RRRCR HR to ensure the integrity of any internal HR investigations. This form was provided to the RRRCR by GCGC’s Casino Nova Scotia in February of 2016. Concerns

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arising from the Paladin Security workplace review wherein the confidentiality statement may have been misconstrued as the non-disclosure agreement raised in the complaint prompted the RRRCR to discontinue use of the confidentiality statement in January 2018.

- No one spoken to during GPEB investigation claimed to have signed a document where it was stated that they could not report an incident of concern to the necessary authorities
- Preferential treatment or the appearance of preferential treatment for VIPs permeates the RRRCR's workplace culture. Deference was paid by RRRCR to VIP patrons to the detriment of front line gaming workers.
- GPEB investigation did not uncover evidence suggesting attempts by RRRCR Senior management to suppress disclosure or avoid reporting incidents to GPEB, BCLC, or to the police of jurisdiction.
- Between 2010 and end of August 2018 the RRRCR has sent approximately 17,581 Section 86(2) Reports to GPEB. When one considers the 17 alleged unreported incidents and the 8 reported incidents that did not generate an 86(2) Report to GPEB from the same time range, the percentage of potential unreported incidents amounts to 0.142%. This fact strongly suggests the RRRCR, as a corporation, is paying due diligence to its reporting requirements under Sec. 86(2) of the GCA. Please note that the amassed number includes all 86(2) notifications including SFT, SOF, Prohibitions, etc.

RECOMMENDATIONS:

1. All incidents entered into the CRS iTrak system should clearly indicate if the POJ were notified, who offered the opportunity to inform the POJ, who contacted the POJ, and who (i.e. victim) declined the offer to inform the POJ (if applicable). In all instances where a CRS iTrak report is opened, the CRS iTrak report should clearly indicate the information as required in the policies and procedures regarding the reporting process that are outlined in sections of the *BCLC Casino and Community Gaming Centre Standards, Policies and Procedures Section 1-10.1 General – Incident Reporting and Escalation* (i.e. time POJ were notified, time POJ arrived, attending officers' name(s), police file number (if applicable), etc.).
2. Consideration is given to the provision of formalized training regarding incident categorization. Individuals responsible for opening CRS iTrak instances must be fully cognizant incidents reflect the predicate offense. Incidents must be reviewed to ensure for proper incident categorization by both the Service Provider and by BCLC upon BCLC review, in order to ensure incidents reportable to GPEB will be reported as required under the GCA.
3. Consideration is given by GPEB to update the General Manager letter outlining to Service Providers and BCLC reportable offenses to GPEB. Such additions should include Sexual Harassment, Harassment, and Bullying in all instances wherein the offense is Patron – Gaming Worker. Instances where the responsibility rests with the Service Provider HR department (Gaming Worker – Gaming Worker) or when the offense is Patron – Patron, the offense would be reportable to GPEB **when** the nexus to the integrity of gaming is present or when the incident crosses criminal boundaries.
4. In relation to the recommendation #3, Service Provider Compliance Officers be mandated to review Human Resource related files in order to determine if incidents reported to the HR department require an 86(2) Report be generated and forwarded to GPEB.
5. Training for all frontline gaming staff with the initial focus on VIP Managers and Gaming Managers regarding reporting requirements to GPEB. All gaming staff must be made aware that discretion cannot be exercised under any circumstances when dealing with incidents reportable to GPEB. Front line managerial staff (i.e. VIP / Gaming Managers)

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- holds the responsibility to ensure that all reportable incidents are “Reported Up” as required.
6. A clear Patron Code of Conduct is implemented at all Service Provider locations. This Code of Conduct should clearly outline the behavior and conduct expected of all patrons (including VIPs) and clearly outlines the consequences a patron will face if they were to be found in violation. The Patron Code of Conduct must be communicated in all common languages understood by clientele and be included in both updated BCLC policy and procedure documentation in addition to Service Provider policies.
 7. Proactive provision of incident material is provided to GPEB as additional material becomes available. Once a GPEB Investigator has made their interest in an incident known via 86(1) Demand, that demand will be a standing request.
 8. Establish minimum exclusion requirements that are adhered to by both the Service Provider and BCLC. Prior to any deviation being sought regarding an exclusion decision by BCLC or the Service Provider, GPEB must be consulted and be provided with the rationale before the outcome is decided. The registered gaming worker who approves the exclusion deviation without consultation with GPEB will be subject to potential GPEB review. Employee well-being must be the paramount consideration when determining exclusions.

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CONCLUSIONS:

GPEB LMD Compliance Investigations commenced Project ICARUS on 2018 03 23 in response to allegation that the River Rock Casino Resort (RRCR) may not be meeting reporting obligations as set out in s.86(2) of the GCA and s.34 of the Gaming Control Regulations. More specifically, GPEB Investigators were tasked with investigating the findings of the workplace review conducted by Paladin Security at the behest of the British Columbia Lottery Corporation (BCLC).

GPEB investigation revealed that the RRCR has not strictly met reporting requirement standards identified by the General Manager – GPEB under Section 86 (2) – Gaming Control Act and 34 (1) (t) – Gaming Control Regulation. While the percentage of incidents identified as unreported to GPEB is miniscule in comparison to the overall number of reports generated and sent to GPEB by the RRCR, it does not negate the fact that reportable offenses to GPEB have not been reported as required by section 86(2) of the Gaming Control Act and 34(t) of the Gaming Control Regulations.

Based on GPEB review of all incidents, review of the Criminal Code, and consultation with retired law enforcement personnel (current GPEB Investigators), it was assessed that unreported incidents as identified in the Paladin Security final report did not meet the criteria necessitating POJ notification.

GPEB investigation revealed that RRCR instituted an HR document, known as a confidentiality statement, which was used by RRCR HR to ensure the integrity of any internal HR investigations. Concerns arising from the Paladin Security workplace review prompted the RRCR to discontinue use of the confidentiality statement in January 2018. No one spoken to during GPEB investigation claimed to have signed a document where it was stated that they could not report an incident of concern to the necessary authorities.

Evidence collected identified several issues surrounding training concerns, the flow of information, and the reporting process to GPEB followed by both the Service Provider and BCLC in addition to systemic concerns surrounding the perceived workplace culture at the RRCR. GPEB has provided recommendations for consideration herein that aim to address GPEB concerns regarding these processes and concerns. Section 97 (2.1) of the GCA states that “a registrant, a licensee or an eligible organization who contravenes section 86(1) or (2) commits an offense”; however, this investigation did not uncover evidence suggesting attempts by RRCR Senior management to suppress disclosure or avoid reporting incidents to GPEB, BCLC, or to the police of jurisdiction. Individuals spoken to over the course of GPEB investigation expressed that they had never been pressured or coerced into not reporting incidents of concern.

Evidence uncovered over the course of GPEB investigation suggests that errors in incident categorization, lack of training, and discretion mistakenly exercised by lower level managerial staff (i.e. VIP mangers / Gaming Managers) are contributing factors resulting in incidents of non-reporting. These factors give rise to a reasonable defense if a prosecution were pursued under section 98(2) of the Gaming Control Act. GPEB investigators believe the institution of the aforementioned recommendations is the most suitable remedy under the circumstances.

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