

2012 Year In Review

(January 1st to December 31st, 2012)

Files Opened in 2012 - **1,194**

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

The files opened by the OPCC in 2012 can be broken down into the following categories:

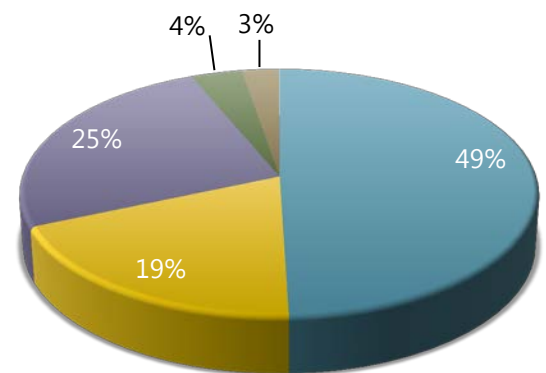
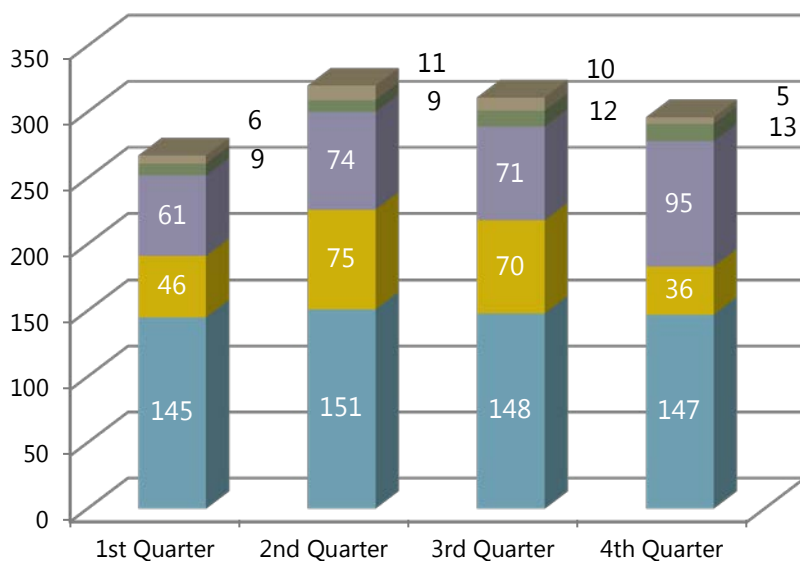
Registered Complaints are formal complaints by members of the public concerning the conduct of municipal police officers. This would include both Division 3 (public trust) and Division 5 (service or policy) complaints.

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

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

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

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



■ Reg'd Complaints ■ Non-Reg'd ■ Monitor ■ Ord'd Inv's ■ Internal

Admissibility of Registered Complaints Received in 2012:

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*.

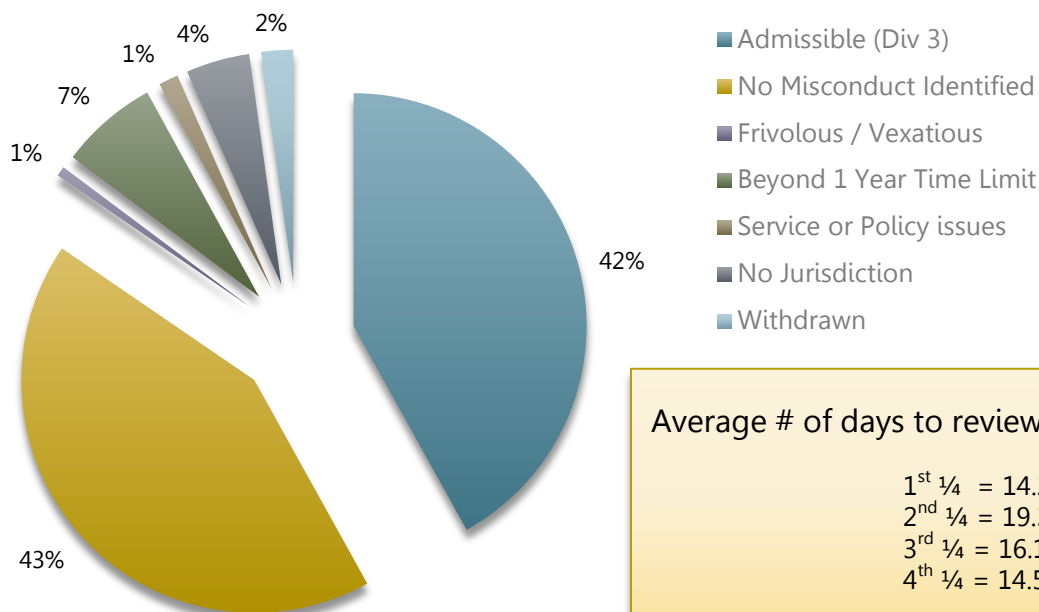
In order for a complaint to be deemed admissible, it must:

- 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

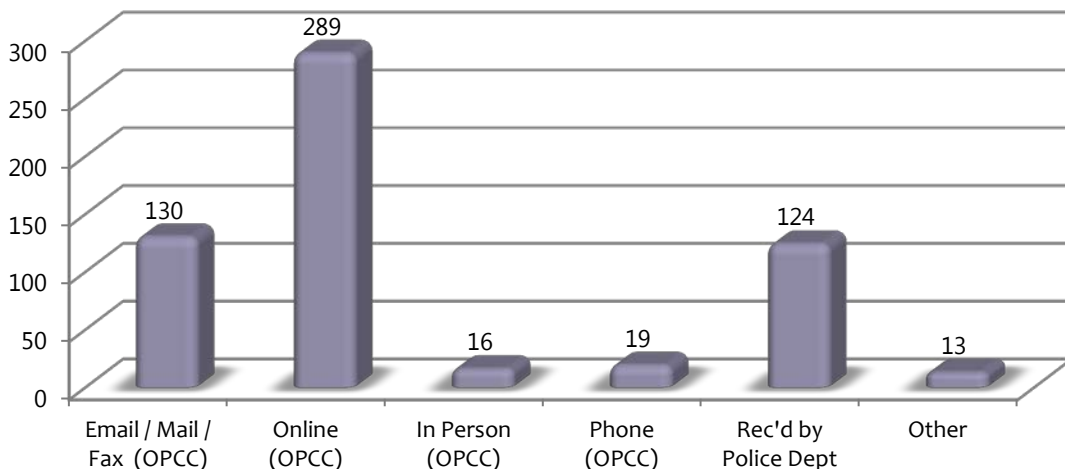


Average # of days to review a file for admissibility:

1st ¼ = 14.2 days
 2nd ¼ = 19.3 days
 3rd ¼ = 16.1 days
 4th ¼ = 14.5 days

At the time of this report, 2 registered complaints were awaiting a decision on admissibility.

How Registered Complaints were Received in 2012



Files Opened in 2012 – By Department

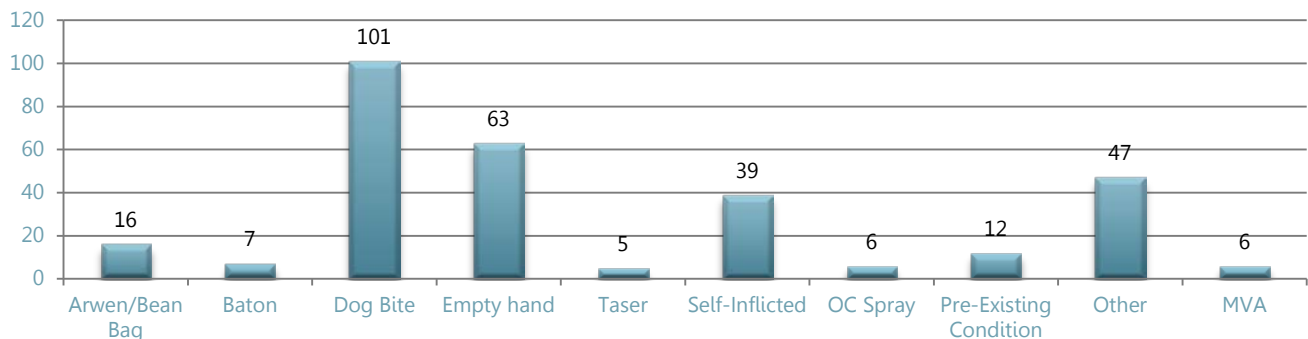
Department	TOTAL	Inadmissible Registered	Admissible Registered	Pending Admissibility	Mandatory Investigation	Ordered Investigation (Dept Request)	Ordered Investigation (PCC Initiated)	Monitor	Non-Registered	Internal Discipline
Abbotsford	97	32	20	0	0	1	0	28	12	4
Central Saanich	7	0	1	0	0	1	2	1	1	1
Delta	79	18	24	0	0	6	0	8	20	3
Nelson	4	0	2	0	0	0	0	2	0	0
New Westminster	56	22	8	0	1	2	0	14	4	5
Oak Bay	6	4	0	0	0	0	0	2	0	0
Port Moody	24	2	2	0	0	1	0	2	14	3
Saanich	62	21	11	0	0	2	0	10	18	0
SCBCTAPS	88	31	23	0	0	5	1	23	1	4
Stl'atl'imx	4	0	3	0	0	0	0	0	0	1
Vancouver	582	153	113	2	3	10	3	176	119	3
Victoria	141	47	32	0	0	4	0	27	26	5
West Vancouver	41	10	8	0	0	1	0	7	12	3
TOTAL:	1191*	340	247	2	4	33	6	300	227	32

* 3 files were opened but were later determined to involve agencies outside the jurisdiction of the OPCC

Reportable Injury Notifications s.89

The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a "**reportable injury**" that requires medical treatment. These "reportable injuries" are opened as Monitor Files until it is determined whether an investigation will be conducted. In 2012, the OPCC received **268** notifications of reportable injuries:

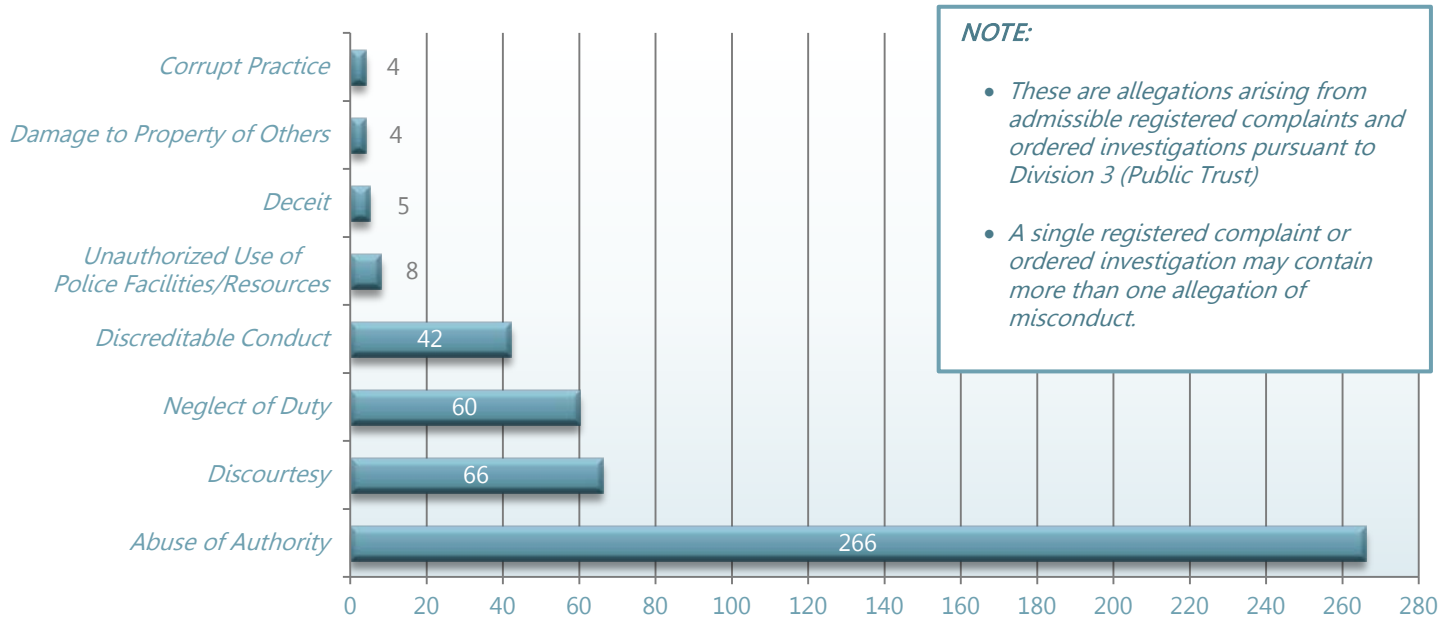
4 of which resulted in the department requesting an ordered investigation; **2** resulted in the Commissioner initiating an investigation; and in **12** of the incidents resulted in the individuals involved filing registered complaints.



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

- | | | |
|---------------------------|----------------------------------|------------------------------------|
| Abuse of Authority | Accessory to Misconduct | Corrupt Practice |
| Damage to Police Property | Damage to Property of Others | Deceit |
| Discourtesy | Discreditable Conduct | Improper Disclosure of Information |
| Improper Off Duty Conduct | Improper Use or Care of Firearms | Misuse of Intoxicants |
| Neglect of Duty | | |

The chart below shows the type of misconduct that was alleged in 2012. Please note that these are only allegations received and do not reflect whether they were substantiated or not substantiated.



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

Files Closed in 2012

As stated earlier, all *Police Act* (Division 3 – Public Trust) complaint files are reviewed and broken down into its individual allegations against individual officers, therefore a single complaint file will often contain multiple allegations against more than one officer. As a result, when referring to closed complaints, the figures relate to the *allegation*, not the complaint *file*. Therefore, the figures for files opened and allegations concluded cannot be directly compared.

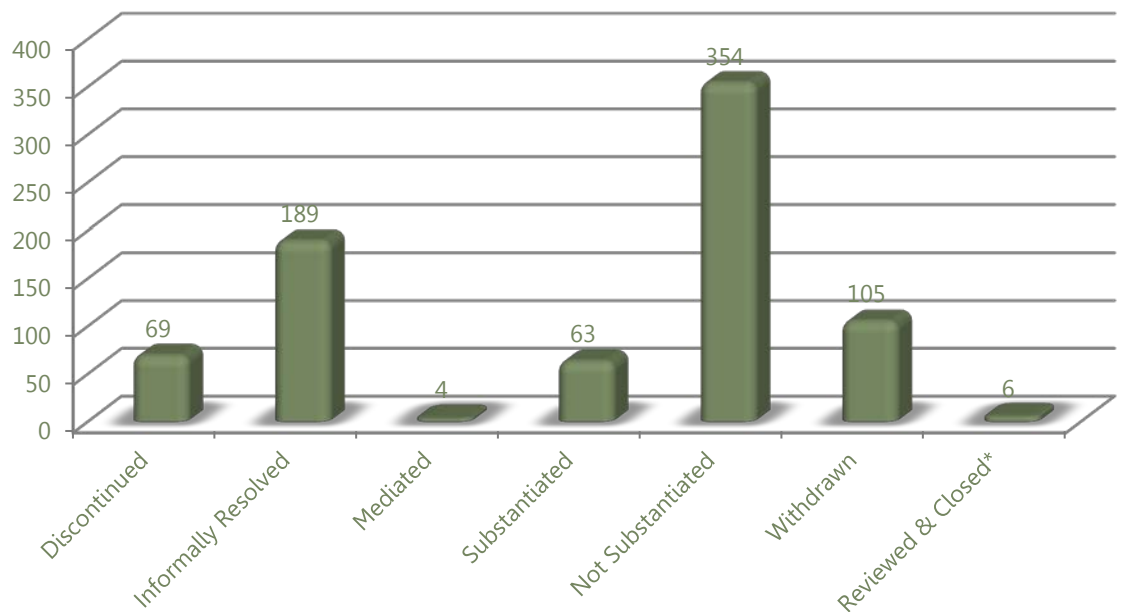
Also, files concluded in 2012 were not all opened in this period. Many of the files were opened in 2011 or earlier, but due to extended procedures, were not actually concluded until this time period.

Between January 1st and December 31st, 2012, OPCC analysts reviewed **790** Public Trust allegations (not including Non-Registered, Internal Discipline (Div 6), Service or Policy (Div 5) and Monitor files).

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

- Withdrawn** *A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.*
- Informally Resolved** *A complaint may be informally resolved pursuant to Division 4 of the Police Act. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 business days in which to change their mind. The OPCC reviews all informal resolutions and if the Commissioner determines it is not appropriate or inadequate, the resolution is set aside and the investigation continues.*
- Mediated** *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 a mediation, and similarly, the Chief Constable may order the member to attend.*
- Discontinued** *The Commissioner may direct an investigation into allegations of misconduct be discontinued if it is determined that further investigation is neither necessary nor reasonably practical, or if it is found that the complaint is frivolous, vexatious or made knowing the allegations were false. Under the previous legislation, complaints that met any of these criteria were Summarily Dismissed.*
- Not Substantiated** *Following an investigation conducted pursuant to Division 3, the Discipline Authority determines there is no evidence to support the allegation of misconduct. Investigations must be completed within 6 months.*
- Substantiated** *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.*

Outcome of Public Trust Allegations Concluded in 2012



* "Reviewed & Closed" refer to allegations that following an investigation are found to involve police officers from agencies outside the jurisdiction of the OPCC, or to mandatory investigations initiated under s.89 that reveal no misconduct.

It has been found that there is a wide range of reasons why a complainant may choose to withdraw his or her complaint – from feeling totally frustrated with the process to being completely satisfied with the steps taken by the police. Beginning in 2013, OPCC reports will expand on "withdrawn" complaints to more accurately reflect the outcome of the complaint by breaking this category into 5:

- Withdrawn – Satisfied
- Withdrawn – Frustrated with process
- Withdrawn – Pursuing other avenues
- Withdrawn – Other reasons
- Withdrawn – Loss of interest

The Act requires the OPCC to accept a withdrawal from a complainant, but permits the Commissioner to order the investigation continue, if it is in the public interest.

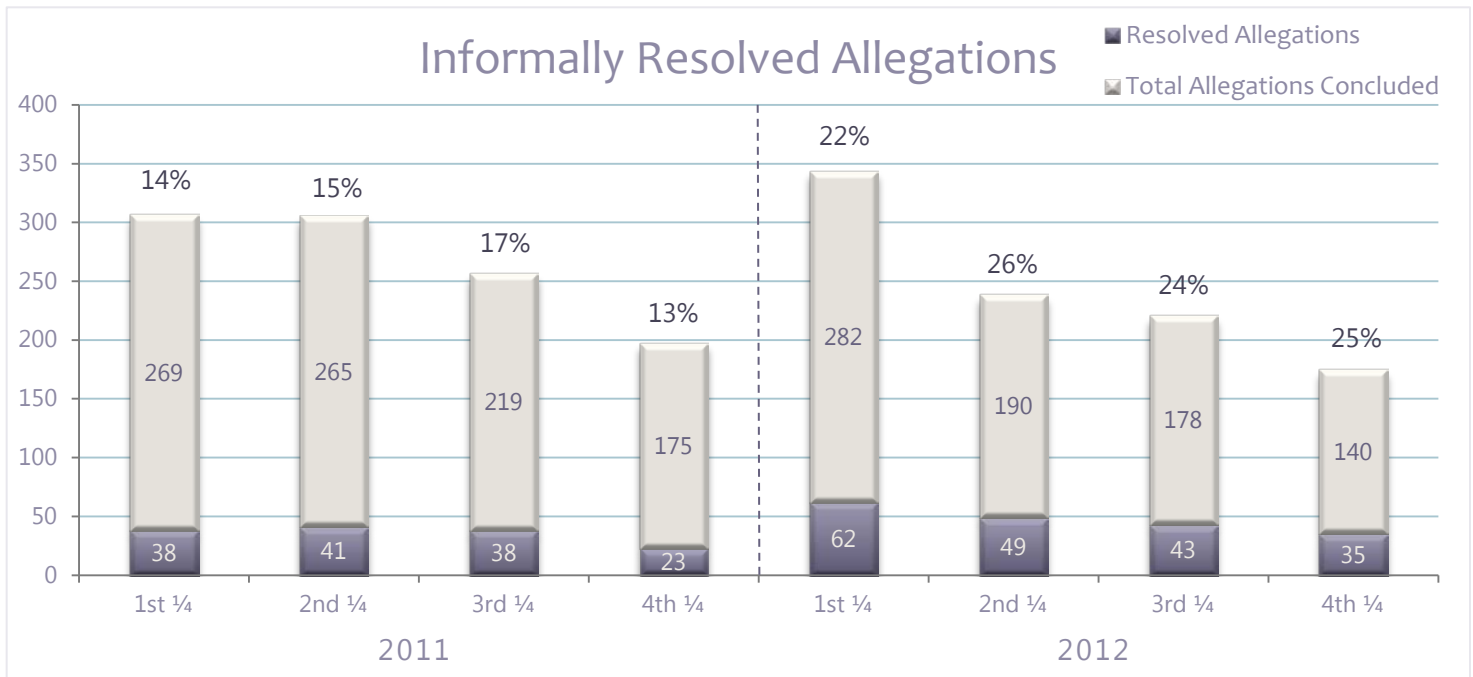
Mediation & Informal Resolution of Police Complaints

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

Informal Resolution (s.157)

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

In 2012, the OPCC reviewed and approved informal resolution agreements relating to **189** allegations of misconduct.



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

Mediation (Division 4)

In 2012, **4** allegations were successfully mediated.

Adjudicative Reviews

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

<p>Appointment of a New Discipline Authority [s.117]</p>	<ul style="list-style-type: none"> If, on review of the Discipline Authority's decision, the Police Complaint Commissioner considers that there is a reasonable basis to believe that the decision is incorrect, the Commissioner may appoint a retired judge to act as a new Discipline Authority, review the matter and make a decision. In 2012, the Commissioner appointed a retired judge to act as a new Discipline Authority on 5 complaint files.
<p>Review on the Record [s.141]</p>	<ul style="list-style-type: none"> The Police Complaint Commissioner may arrange for a review on the record if there is a reasonable basis to believe: <ul style="list-style-type: none"> the Discipline Authority's findings following a discipline proceeding are incorrect, or the corrective and/or disciplinary measures proposed by the Discipline Authority are not in compliance with the Act, or it is in the public interest to arrange a review on the record. <p>A retired judge is appointed as an adjudicator to review the disciplinary decision. Generally, a review on the record is a "paper" review without witnesses being called to testify.</p> <ul style="list-style-type: none"> In 2012, the Commissioner appointed a retired judge to conduct reviews on 2 matters.
<p>Public Hearing [s.143]</p>	<ul style="list-style-type: none"> The Police Complaint Commissioner may order a matter proceeds to a public hearing if it is determined that, in addition to the above considerations: <ul style="list-style-type: none"> it is likely that evidence other than that admissible in at a reviewed on the record will be necessary to complete a review of the disciplinary decision on a standard of correctness; and a public hearing of the matter is necessary to preserve or restore public confidence in the investigation of misconduct or the administration of police discipline. <p>A retired judge is appointed as an adjudicator to preside over the hearing.</p> <ul style="list-style-type: none"> In 2012, the Commissioner ordered 3 public hearings; however, 1 was cancelled.

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 January 1st and December 31st, 2012)

Abbotsford

While working a 4-hour overtime shift, the member left early without obtaining permission from the supervisor.

Misconduct: Neglect of Duty
Date of Incident: February 21st, 2010

- Written Reprimand

<p>Internal Discipline</p> <p>OPCC File 2010-5410</p>	
<p><i>It was reported that the member drove recklessly while transporting a person in the back of his police cruiser.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: March 18, 2011</p> <p>OPCC File 2011-6238</p>	<ul style="list-style-type: none"> • Written Reprimand
<p><i>It was reported that the member failed to adhere to the security access protocol for police and crown records management systems.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: September 2011 Internal Discipline</p> <p>OPCC File 2012-7328</p>	<ul style="list-style-type: none"> • Verbal Reprimand
<p><i>The member used an IHIT vehicle for personal use and was subsequently involved in an accident.</i></p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: Jan 23, 2012 Internal Discipline</p> <p>OPCC File 2012-7212</p>	<ul style="list-style-type: none"> • Advice as to Future Conduct

Central Saanich

No substantiated misconduct in this reporting period

CFSEU (Combined Forces Special Enforcement Unit)

No substantiated misconduct in this reporting period

Delta

While attending a domestic dispute call, the member told the complainant's fiancée that he would like to take her for dinner. The member then pursued a sexual relationship and proceeded to have sex with the Complainant's fiancée while on duty and in uniform at the Complainant's residence and at the K9 Police sub office. The member had also accessed police databases without authority.

Misconduct: Discreditable Conduct (x3)
Unauthorized Use of Police

- Dismissal (x2) (Discreditable Conduct)
- Reduction in Rank for 1 year period (Discreditable Conduct)
- Written Reprimand (x2) (Unauthorized use of police facilities)
- 30 day Suspension without pay (Unauthorized use of police facilities)

<p>Facilities/Resources (x3) Date of Incident: July 26th, 2010</p> <p>OPCC File 2010-5736</p>	
<p><i>It was reported that the members engaged in discriminatory practices in their operational deployment for the Stanley Cup Riots.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: June 15th, 2011 Internal Discipline</p> <p>OPCC File 2011-6953</p>	<ul style="list-style-type: none"> • Counselling/Treatment
<p><i>It was reported that 6 members were improperly storing alcohol at work and consuming alcohol while on duty.</i></p> <p>Misconduct: Misuse of Intoxicants Date of Incident: May 2012 Internal Discipline</p> <p>OPCC File 2012-7533</p>	<ul style="list-style-type: none"> • Verbal Reprimands
<p><i>The officer's report related to an impaired driving investigation was contradicted by video evidence prompting the rescinding of a 90 day suspension by the Superintendent of Motor Vehicles.</i></p> <p>Misconduct: Deceit Discreditable Conduct Date of Incident: November 6, 2010 Ordered Investigation - Requested by Dept</p> <p>OPCC File 2011-6162</p>	<ul style="list-style-type: none"> • Dismissal (x2)

Nelson

<p><i>The member had arrested a male for possession of a controlled substance, but failed to provide him with his section 10(b) Charter Rights.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: March 22nd, 2011</p> <p>OPCC File 2011-6277-02</p>	<ul style="list-style-type: none"> • Verbal reprimand • Advice regarding the absolute necessity to provide a citizen with all of their Charter Rights at the proper juncture during their interaction with a citizen. • Advice also given regarding the necessity to render as full and comprehensive a written summary as possible, to serve as an "aide memoir" in the event of any subsequent court proceedings and/or PSS investigations
--	---

New Westminster

<p><i>It was reported that the member was on duty and operating a police vehicle when he collided with a pillar causing damage to the vehicle and police property.</i></p>	<ul style="list-style-type: none"> • Written Reprimand
--	---

Misconduct: Damage to Police Property

Date of Incident: November 2nd, 2011
Internal Discipline

OPCC File 2011-7004

It was reported that the member used a police vehicle for personal purposes without authorization.

Misconduct: Unauthorized Use of Police Facilities/Resources

Date of Incident: November 10, 2011
Ordered Investigation – Requested by Dept

OPCC File 2011-7006

- Advice as to Future Conduct

The following 3 files relate to 1 member:

The member, while off duty and in the company of two other off duty officers, committed an assault. The member was found guilty of criminal assault.

Misconduct: Improper Off Duty Conduct

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

OPCC File 2009-4502-02

- Dismissal on all counts

The member failed to attend for an interview as ordered by his supervisor.

Misconduct: Neglect of Duty

Date of Incident: April 27, 2012
Internal Discipline

OPCC File 2012-7434

The member attended at the police station against an order by the Chief Constable that he not enter the premises.

Misconduct: Neglect of Duty

Ordered Investigation – Requested by Dept

OPCC File 2010-5045

Oak Bay

No substantiated misconduct in this reporting period

Port Moody

It was reported that the member failed to follow protocol when calibrating the

- Verbal Reprimand

approved screening devices.

Misconduct: Neglect of Duty
Date of Incident: October 2011
Ordered Investigation – Requested by Dept

OPCC File 2011-6868

Saanich

While off-duty, a member was given an Immediate Roadside Prohibition for drinking and driving while “off-roading” on an ATV.

Misconduct: Discreditable Conduct
Date of Incident: July 30th, 2011
Ordered Investigation – Requested by Dept

OPCC File 2011-6633

- Written Reprimand

The officer conducted a search of police databases for purposes unrelated to his duties as a police officer.

Misconduct: Unauthorized Use of Police Facilities/Resources
Date of Incidents: Nov 2007 – Jan 2012

OPCC File 2012-7272

- 1 day suspension without pay

The officer conducted a search of police databases for purposes unrelated to his duties as a police officer and disclosed the information he had obtained.

Misconduct: Unauthorized Use of Police Facilities/Resources
Improper Disclosure of Information
Date of Incident: January 14, 2012
Ordered Investigation – Requested by Dept

OPCC File 2012-7140

Re Un authorized Use of Police Facilities/Resources:

- Written Reprimand

Re Improper Disclosure of Information:

- 2 day suspension without pay

SCBCTAPS

It was reported that the complainant and the police officer became involved in a verbal altercation during which mutual insults were exchanged.

Misconduct: Discourtesy
Date of Incident: March 3rd, 2011

OPCC File 2011-6233

- Written Reprimand

The member failed to properly document his role in a sexual assault investigation. The member was then deceitful in a duty report provided during the Police Act investigation.

Misconduct: Neglect of Duty
Deceit

Date of Incident: Dec 2010 – Oct 2011
Ordered Investigation – Requested by Dept

OPCC File 2011-6183

- 10 day suspension without pay (re Neglect of Duty)
- Dismissal (re Deceit)

While attending a possible assault, the member used foul or obscene language towards the victim of the assault. It was further found another member attending the scene failed to properly secure property that came into his possession during the course of the investigation.

Misconduct: Abuse of Authority
Neglect of Duty

Date of Incident: February 27th, 2010

OPCC File 2011-6157

- Verbal reprimand (re Abuse of Authority)
- Written reprimand (re Neglect of Duty)

[This was sent for review by a retired judge per s.117. Please refer to the decision available on the OPCC website]

On the skytrain platform, members were completing a violation ticket when the subject attempted to flee. The subject became combative and the Taser was deployed and the subject was taken into control.

Misconduct: Abuse of Authority

Date of Incident: September 13, 2007

OPCC File 2008-4176-06

- 2-day suspension without pay

The complainant and the member were involved in a custody battle. It was reported that the member disobeyed a family court order and participated in or actively condoned possible criminal activities. The member failed to take action knowing that cocaine was being purchased from a trafficker. The member failed to act after observing two males smoking crack after leaving a residence and instead solicited their assistance in pushing his car.

Misconduct: Discreditable Conduct
Neglect of Duty (x2)

OPCC File 2010-5791

Re Discreditable Conduct:

- 4-day suspension

Re Neglect of Duty:

- 2-day suspension (x2)

During the test phase of the new GPS technology, the member was found to be driving at a speed that exceeded the 120kms

- Verbal Reprimand

parameter. Citing a traffic stop as the reason for the speed, the member was in violation of the communication policy for not contacting the communications centre that he was conducting a traffic check, nor did he capture any details on the vehicle or driver.

Misconduct: Discreditable Conduct
Date of Incident: February 16, 2012
Internal Discipline

OPCC File 2012-7226

It was reported that the member tampered with the spring in his force issued firearm.

Misconduct: N/A or Unknown
Date of Incident: August 2011
Internal Discipline

OPCC File 2012-7123

- Written Reprimand

It was reported that a member contacted the Ops Communication Centre to gain information without authorization regarding a motor vehicle accident.

Misconduct: Discreditable Conduct
Date of Incident: May 2012
Internal Discipline

OPCC File 2012-7684

- Written Reprimand

*On three separate occasions, the officer, while off duty, used a police vehicle for his personal use;
The officer was also found to be negligent in his care of his Police Service Dog; and
The duty report the officer provided to the Professional Standards investigator contained false and misleading information.*

Misconduct: Unauthorized Use of Police Facilities/Resources (x3)
Neglect of Duty
Deceit

Date of Incident: Sept 2010 – Feb 2011
Ordered Investigation – Requested by Dept

OPCC File 2011-6125

- Re Unauthorized Use of Police Facilities / Resources:
- 2 day suspension without pay (x3 – consecutive)
- Re Neglect of Duty:
- 2 day suspension without pay (consecutive)
- Re Deceit:
- Dismissal

Stl'at'imx Tribal Police

No substantiated misconduct in this reporting period

Vancouver

Two members had unlawfully arrested the complainant. Following the unlawful arrest the members issued an inordinate amount of Bylaw tickets, and tickets that were not relevant to the complainant's conduct.

While the Police Act investigation into the above was ongoing, the members took it upon themselves to track down and perform an audio recorded interview of a key witness that saw the incident including the arrest.

Misconduct: Abuse of Authority (re oppressive tickets issued) (x2)
Abuse of Authority (re unlawful arrest)
Discreditable Conduct (re interview of witness)

Date of Incident: November 3rd, 2010

OPCC File 2010-5952

Officer #1:

Re Abuse of Authority – oppressive issuing of tickets:

- Training (re Abuse of Authority – oppressive issuing of tickets) Police Ethics course and mental health awareness training following a needs assessment by the VPD training section.
- Written reprimand

Re Abuse of Authority – unlawful arrest:

- Training
- Verbal reprimand

Re Discreditable Conduct – interview of witness

- 1-day suspension without pay

Officer #2:

Re Abuse of Authority – oppressive issuing of tickets:

- Training (re Abuse of Authority – oppressive issuing of tickets) Police Ethics course and mental health awareness training following a needs assessment by the VPD training section.
- Written reprimand

The complainant agreed to go for a coffee with the member who was on duty, but the member took her instead to a remote location where he made unwanted sexual advances to her including physical contact of a sexual nature.

Misconduct: Discreditable Conduct
Corrupt Practice (Unauthorized use of police equipment)

Date of Incident: January 25th, 2011

OPCC File 2011-6138

Re Discreditable Conduct:

- 10-day suspension without pay
- Transferred/reassignment (transferred to another district)
- Counselling/treatment (counselling with force psychologist as required)

Re Corrupt Practice:

- Verbal reprimand

The member unlawfully arrested the complainant and took him to jail for SIPP. Further, the member used excessive force while arresting the complainant.

Misconduct: Abuse of Authority (Excessive Force – Empty Hand)
Abuse of Authority (Unlawful arrest)

Date of Incident: May 2, 2009

OPCC File 2009-4638

Re Abuse of Authority (Excessive Force – Empty Hand)

- Advice/Future Conduct

Re Abuse of Authority (Unlawful arrest)

- Written Reprimand

The member used excessive force when arresting the complainant. It was reported that the member grabbed the complainant

- Written Reprimand

<p><i>by the throat and forced him to the ground.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: October 8, 2009</p> <p>OPCC File 2009-4895-01</p>	
<p><i>The member failed to comply with the directions from his supervisor to wait and not enter the suite. As a result, he was not properly equipped and compromised his own and other member's safety.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: June 20, 2011 Internal Discipline</p> <p>OPCC File 2011-6586</p>	<ul style="list-style-type: none"> • Written Warning to Comply with Supervisor's Instructions • Be Properly Equipped for Operational Duties • Comply with Accepted Police Procedures.
<p><i>The complainant reported that the member elbowed him in the chest and pushed him into a vestibule. The member then applied an arm bar to the complainant's brother.</i></p> <p>Misconduct: Abuse of Authority (Excessive Force – Empty Hand) Abuse of Authority (Excessive Force – Empty Hand) Date of Incident: August 1, 2011</p> <p>OPCC File 2011-6627</p>	<p>Re Abuse of Authority (Excessive Force – strike to chest)</p> <ul style="list-style-type: none"> • Training / Re-training (Practical training with a member of the Force Option Training Unit regarding the appropriate use of force and appropriate documentation related to the use of force) • Written Reprimand <p>Re Abuse of Authority (Excessive Force – arm bar)</p> <ul style="list-style-type: none"> • Verbal Reprimand
<p><i>The member intentionally or recklessly used unnecessary force when arresting the complainant when he pinned him to a building using his police vehicle causing the complainant's leg to break.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: September 27, 2011 Mandatory External Investigation</p> <p>OPCC File 2011-6811</p>	<ul style="list-style-type: none"> • Written Reprimand
<p><i>It was reported that the member viewed and in some instances forwarded emails and attachments of a pornographic nature while at work using departmental email and internet connections.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: October 2011 Internal Discipline</p> <p>OPCC File 2011-6860-01</p>	<ul style="list-style-type: none"> • 5-day suspension • Transfer/Re-Assignment • 1 year exemption from participating in promotional process
<p><i>The member breached department policy in</i></p>	<ul style="list-style-type: none"> • 3 day suspension without pay

relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-02

- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-03

- Written Reprimand
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-04

- 1 day suspension without pay
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-05

- 1 day suspension without pay
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

- Written Reprimand
- 1 year exemption from participating in promotional process

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-06

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-07

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-08

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-09

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-10

- Written Reprimand
- 1 year exemption from participating in promotional process

- Written Reprimand
- 1 year exemption from participating in promotional process

- Written Reprimand
- 1 year exemption from participating in promotional process

- Written Reprimand
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-11

- Written Reprimand
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-12

- Written Reprimand
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from nude photographs to hard-core pornographic videos.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-13

- Written Reprimand
- 1 year exemption from participating in promotional process

The member breached department policy in relation to information management, email and internet security and workplace harassment. The breach ranged from soft pornography photographs to hard-core pornographic videos including bestiality.

Misconduct: Discreditable Conduct
Date of Incident: October 2011
Internal Discipline

OPCC File 2011-6860-14

- 5 day suspension without pay
- 1 year exemption from participating in promotional process

The member committed a criminal assault and breached a recognizance.

Misconduct: Discreditable Conduct
Date of Incident: July 28, 2009

- 3 day suspension without pay

<p>Ordered Investigation – Requested by Dept OPCC File 2009-4773T</p>	
<p><i>The member used excessive force when arresting the complainant. It was reported that the member hit the complainant's head on the car and punched him in the jaw and chest.</i></p> <p>Misconduct: Abuse of Authority Date of Incident: August 26, 2011</p> <p>OPCC File 2011-6719</p>	<ul style="list-style-type: none"> • 4 day suspension without pay
<p><i>It was reported that the member urinated in a private storage locker while on duty.</i></p> <p>Misconduct: Damage to Property of Others Date of Incident: August 8, 2011 Internal Discipline</p> <p>OPCC File 2011-6723</p>	<ul style="list-style-type: none"> • Verbal Reprimand
<p><i>The member failed the breathalyzer test and was issued an Immediate Roadside Prohibition.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: November 11, 2011 Ordered Investigation – Requested by Dept</p> <p>OPCC File 2011-6938</p>	<ul style="list-style-type: none"> • 1 day suspension without pay • Verbal Reprimand
<p><i>The member engaged in a pursuit, drew his firearm and used force on a complainant, but did not appropriately submit and document the incident.</i></p> <p>Misconduct: Discreditable Conduct Neglect of Duty Date of Incident: May 15, 2011</p> <p>OPCC File 2011-7007</p>	<p>Re Discreditable Conduct</p> <ul style="list-style-type: none"> • Verbal Reprimand <p>Re Neglect of Duty</p> <ul style="list-style-type: none"> • Advice/Future Conduct
<p><i>The member entered into a Recognizance pursuant to section 810 of the Criminal Code resulting from incidents of inappropriate force upon his children.</i></p> <p>Misconduct: Discreditable Conduct Ordered Investigation – Requested by Dept</p> <p>OPCC File 2010-5250</p>	<ul style="list-style-type: none"> • Written Reprimand
<p><i>The officer accidentally discharged his</i></p>	<ul style="list-style-type: none"> • Advice as to future conduct

firearm while in his office.

Misconduct: Improper Use or Care of Firearms

Date of Incident: August 7, 2012
Internal Discipline

OPCC File 2012-7788

The officer accidentally discharged his firearm.

Misconduct: Improper Use or Care of Firearms

Date of Incident: Feb 28, 2012
Internal Discipline

OPCC File 2012-7168

- Advice as to future conduct

Victoria

The member had left a loaded handgun under the seat of his police vehicle in the secure area of the police station underground parking.

Misconduct: Improper Use or Care of Firearms

Date of Incident: February 17th, 2012
Internal Discipline

OPCC File 2011-7232

- Written reprimand

While transporting the complainant to the police station, the member slammed on the police vehicle's brakes causing the complainant to strike his face into the protective Plexiglas barrier. Later, during the booking process, the member made inappropriate comments to the complainant.

Misconduct: Abuse of Authority
Discourtesy

Date of Incident: October 18, 2008

OPCC File 2008-4414T

- Written reprimand (re Abuse of Authority)
- Advice as to Future Conduct (re Discourtesy)

A male was arrested for being in a state of intoxication in a public place, taken to police cells and approximately one hour later was found unresponsive and died.

Misconduct: Neglect of Duty (failure to provide medical treatment)
Neglect of Duty (failure to conduct a thorough search of a prisoner)

Date of Incident: June 27th, 2009

Officer #1:

Re Neglect of Duty – Failure to provide medical treatment:

- 3-day suspension without pay
- Training on all relevant jail policy regarding the medical treatment of prisoners

Officer #2:

Re Neglect of Duty – Failure to provide medical treatment:

- 5-day suspension without pay

<p>OPCC File 2009-4724T & 4724-04T</p>	<ul style="list-style-type: none"> • Training on all relevant jail policy regarding the medical treatment of prisoners <p>Re Neglect of Duty – Failure to conduct a thorough search of a prisoner:</p> <ul style="list-style-type: none"> • Written reprimand • Training re search of prisoner techniques <p>[This was the subject of a Review on the Record (#2011-02). Please refer to the Adjudicator's decision available on the OPCC website]</p>
<p><i>While being fingerprinted, the complainant was taken to the floor by the member, resulting in injuries to his face. It was found the member failed to promptly and diligently care for the complainant's injuries.</i></p> <p>Misconduct: Neglect of Duty Date on Incident: January 15th, 2010</p> <p>OPCC File 2010-5032</p>	<ul style="list-style-type: none"> • 5-day suspension without pay • Work under close supervision for a period of 4 months.
<p><i>The officer acted in a discreditable manner when he made comments to the public relating to police investigative techniques employed during the Olympic Torch Run.</i></p> <p>Misconduct: Discreditable Conduct</p> <p>OPCC File 2009-4954</p>	<ul style="list-style-type: none"> • Written Reprimand <p>[This was the subject of a Review on the Record. To see a copy of Adjudicator de Villiers' decision, please visit the OPCC website]</p>
<p><i>The member conducted unauthorized searches on police databases.</i></p> <p>Misconduct: Unauthorized Use of Police Facilities / Resources Date of Incident: Dec 2011 – May 2012 Internal Discipline</p> <p>OPCC File 2012-7906</p>	<ul style="list-style-type: none"> • Written Reprimand
<p><i>In his capacity as the NCO in-charge of the Victoria Police Traffic Unit, the member failed to ensure the VIC PD motorcycles properly complied with licensing, registration and insurance regulations.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: May 2012 Internal Discipline</p> <p>OPCC File 2012-7904</p>	<ul style="list-style-type: none"> • Written Reprimand

West Vancouver

<p><i>The member failed to submit evidence he had in his possession that identified the</i></p>	<p>Re Neglect of Duty</p> <ul style="list-style-type: none"> • Training / Re-training (Training - Level 1 & 2 investigators)
---	---

<p><i>suspect. The member also failed to adequately investigate the file.</i></p> <p>Misconduct: Discreditable Conduct Neglect of Duty Date of Incident: November 2010 Ordered Investigation – Requested by Dept</p> <p>OPCC File 2011-6346</p>	<ul style="list-style-type: none"> course at the Justice Institute) • Work Under Close Supervision <p>Re Discreditable Conduct</p> <ul style="list-style-type: none"> • 2-day suspension • Training/Retraining (Undertake training specifically related to ethics in policing)
<p>During a pre-employment polygraph examination, the member disclosed that he had improperly accessed CPIC and PRIME information, and made inappropriate disclosures of CPIC and PRIME information.</p> <p>Misconduct: Improper Disclosure of Information Unauthorized Use of Police Facilities/Resources Date of Incident: Sept 2006 – Dec 2008 Ordered Investigation – Requested by Dept</p> <p>OPCC File 2011-6759</p>	<p>Re Improper Disclosure of Information</p> <ul style="list-style-type: none"> • Program/Activity • Written Reprimand <p>Re Unauthorized Use of Police Facilities/Resources</p> <ul style="list-style-type: none"> • Program/Activity • Verbal Reprimand
<p><i>The member made inappropriate disparaging comments about another member to a member of the public.</i></p> <p>Misconduct: Discreditable Conduct Date of Incident: November 2011 Internal Discipline</p> <p>OPCC File 2011-6923</p>	<ul style="list-style-type: none"> • Advice as to Future Conduct
<p><i>It was reported that the member allowed a member of the public to wear aspects of his uniform and have pictures taken which were then posted to a social media site.</i></p> <p>Misconduct: Improper Use or Care of Firearms Date of Incident: 2012 Ordered Investigation – Requested by Dept</p> <p>OPCC File 2012-7313</p>	<ul style="list-style-type: none"> • Advice as to Future Conduct • Program / Activity
<p><i>The member failed to follow the supervisor's orders when he pursued a stolen vehicle.</i></p> <p>Misconduct: Neglect of Duty Date of Incident: June 18, 2012 Internal Discipline</p> <p>OPCC File 2012-7820</p>	<ul style="list-style-type: none"> • Advise as to future conduct
<p><i>The member submitted a false sick leave</i></p>	<ul style="list-style-type: none"> • 2 day suspension without pay

claim.

Misconduct: Discreditable Conduct

Date of Incident: March 2011

Internal Discipline

OPCC File 2011-6615

- The member must notify the Duty NCO and Patrol Section Staff Sergeant for any time he leaves home while off duty on sick leave in the future
- Produce medical certificate signed by doctor for any absence on sick leave in excess of two days for one year
- Provide a quarterly report on absences on sick leave from supervisor to OIC Administrative Division.