



Office of the Police Complaint Commissioner

Report on Complaint Dispositions

Pursuant to s. 50 of the *Police Act*

January to June 1999

Introduction

The police complaint commissioner is required by section 50 of the *Police Act* to regularly prepare reports of the complaint dispositions made or reached during the reporting period.

This report contains summaries of citizen complaints that resulted in disciplinary or corrective measures during the period of January 1 to June 30 of 1999. The Police Complaint Commissioner has previously reported complaint dispositions for the period of July 1 to December 31 of 1998 in his first annual report.

Case Summaries

OPCC0266

Neglect of Duty

Closed: May 18, 1999

The constable was the lead investigator of a criminal case. However, when the case went to court the constable failed to attend in order to give evidence. It was established that the constable had received the notice to attend. The constable declared that he had forgotten the court date.

The constable was verbally reprimanded and reminded of the duty to attend all court proceedings when called upon. His willingness to accept responsibility for the breach was considered in deciding the appropriate discipline measure.

OPCC0021 Neglect of Duty/Abuse of Authority Closed: May 10, 1999

The complainant reported that while he was in a police holding cell under arrest a police constable used Oleoresin Capsicum (pepper spray) on him. It was established that this was in fact the case and subsequently the constable failed to fill out the requisite form or inform his supervisor of the use of pepper spray.

The Chief Constable suspended the officer for two days without pay for abuse of authority and gave him a written reprimand for neglect of duty.

The mitigating and aggravating factors considered by the Chief Constable included:

- the officer's record of employment;
- the likelihood of future breaches of the *Police Act* by the officer; and
- the officer's willingness to accept responsibility.

OPCC0020 Discreditable Conduct Closed: May 13, 1999

A police constable used an inter-departmental e-mail system to send an e-mail to a fellow police officer. The e-mail, however, was sent accidentally to all users of the system. Some recipients were offended by the contents of the e-mail. Upon realizing the error, the constable sent an apology e-mail to all recipients of the original message.

The Chief Constable considered the officer's service record, the seriousness of the breach, his willingness to accept responsibility for his actions and the likelihood of future breaches. The Chief Constable then imposed a verbal reprimand for the officer's disciplinary default.

OPCC0018 Improper Off-Duty Conduct Closed: April 16, 1999

The complainant alleged that a police officer harassed her repeatedly over a period of years. It was established the officer needed medical attention to deal with the problem.

In deciding the appropriate disciplinary measure, the Chief Constable considered the following factors:

- engaging in off-duty conduct that is likely to discredit the police department;
- the seriousness of the breach of the Code of Professional Conduct;
- the diagnosis of depression by a psychologist;
- his willingness to take medication for his condition; and
- the improvement of his behaviour after commencing medical treatment.

The officer received a written reprimand and agreed to provide the Chief Constable with written file://A:\community\Discipline-Jan-June-1999.htm

medical reports every six (6) months for the next two years.

OPCC0161 Neglect of Duty Closed: June 21, 1999

Several individuals on school grounds assaulted the complainant's son. According to the complainant, the investigation into the assault was not conducted to her satisfaction.

The Chief Constable reviewed the assault investigation file and decided that disciplinary or corrective measures were not warranted. The police officer was given advice as to future conduct.

OPCC0016 Abuse of Authority Closed: June 9, 1999

The complainant was a suspect in an assault charge. The complainant alleged that two (2) officers assaulted him while at the police station. The first officer was accused of kicking the complainant and the other of twisting his wrist during fingerprinting.

The Chief Constable found that the first officer used unnecessary force and imposed a written reprimand on him.

The Chief Constable considered the following factors in assessing the appropriate discipline measure:

- The officer's otherwise exemplary service record,
- The officer did not intend to hurt the complainant; and,
- The officer pushed the complainant out the door of the police station.

The complaint against the second officer was unsubstantiated and the Chief Constable dismissed it after the investigation.

OPCC0028 Abuse of Authority Closed: June 9, 1999

The complainant drove up and stopped his car next to an officer and his motorcycle. The officer became upset due to the proximity of the complainant's car to the officer's motorcycle. The officer noticed that the complainant did not have his seatbelt on and gave him a warning. The complainant insisted that he undid his seatbelt only to roll down the car window and speak with the officer. Moments later the two met again, on foot, and the complainant asked the officer for his ID number. The officer refused and issued the complainant a ticket for the seatbelt violation.

The incident was resolved informally. The officer apologized to the complainant for his conduct and admitted that his conduct was inappropriate. The Chief Constable gave the officer advice as to his

future conduct.

OPCC0096

Discreditable Conduct

Closed: Mar. 17, 1999

Two police officers were responding to a 911 call when three (3) males, unrelated to the call, began shouting obscenities at the officers. One officer went over to the three men and after a brief discussion, the officer slapped one of the men. The individual complained to the other officer on the scene, and the officer submitted a report of the complaint.

The officer received a verbal reprimand. Mitigating factors included:

- the complainant did not come forward;
- the officer had an exemplary service record of twenty-three (23) years;
- the nature of the injury incurred by the man; and,
- the officer's acceptance of full responsibility for his actions.

OPCC0146

Abuse of Authority

Closed: Jan. 28, 1999

The complainant alleged that while some officers arrested him for an alleged residential break and enter, he was kicked and searched by them. The complainant claimed that during these events his glasses and ribs were broken and his clothes torn.

The officer was advised by the Chief Constable as to how to deal with similar situations in the future and the complainant was monetarily compensated for his torn clothes. There was no medical evidence that the complainant suffered broken ribs.

OPCC0223

Improper Off-Duty Conduct

Closed: June 30, 1999

The complainant accused an off-duty officer of assaulting him. The complainant maintained that the officer assaulted him without any provocation. The officer contended that the assault occurred in response to provocation by the complainant and the officer's perceived threat from the complainant. After the altercation the officer left with a group of other off-duty officers.

Upon reviewing the statements of several witnesses, the Chief Constable decided that there was no basis for criminal charges. The officer received advice as to his conduct in the future.

OPCC0197 Discreditable Conduct Closed: Mar. 8, 1999

The complainant alleged that two officers spray painted on a wall. The wall contained graffiti stating "[Expletive} the Cops". The officers crossed out the word "Cops" and replaced it with "Special Interest Groups".

The first officer received a two-day suspension without pay and the other officer received a written reprimand. Both officers admitted to the allegations against them.

OPCC0195 Discreditable Conduct Closed: May 13, 1999

The complainant alleged that an officer was having a sexual relationship with a police informant. Most encounters occurred while the officer was on duty. Telephone and pager records substantiated the allegation. Furthermore, the officer had not adhered to department policy in regards to informants: the officer had failed to maintain a file on the complainant as an informant and failed to notify his supervisor before using the complainant as an informant.

Disciplinary measures imposed were reduction in rank to 2nd Class Constable for a period of six months minimum with return to the rank of 1st Class Constable subject to a favorable report by the constable's supervisor.

OPCC0032 Improper Disclosure of Closed: May 7, 1999
Information

An officer, in the course of his duties, dealt with a public complaint that involved sensitive information. While off-duty, he related the information to a civilian employee of the police department. The civilian then passed this information to a member of the public not employed by the police department.

The officer received a verbal reprimand for improper disclosure of information.

OPCC0151 Deceit/Discreditable Conduct Closed: Apr. 26, 1999

An officer filed a complaint against another officer for allegedly directing three constables under his supervision to enter a private residence without first obtaining a search warrant. The Chief Constable found that the complaint was substantiated by the investigation and the officer had committed the disciplinary defaults of discreditable conduct and deceit

The Chief Constable imposed discipline on the officer. His rank was reduced to first class constable.

The Chief Constable considered the following mitigating and aggravating factors in imposing discipline:

- the seriousness of the breach of the Code of Professional Conduct;
- the officer's service record of employment;
- the impact of the discipline on the officer's career and family;
- the officer's acceptance of responsibility and steps taken by him to avoid similar situations in the future;
- the disciplinary measures imposed in similar circumstances; and
- the fact that the officer failed to disclose the facts of the incident to his superiors when first questioned about it.

Additional Information

Additional information about the role and work of the Police Complaint Commissioner is available in other quarterly and annual publications. Contact the Office of the Police Complaint Commissioner at (604) 660-2385, through its website at www.opcc.bc.ca, or write to #900-1111 Melville Street, Vancouver, BC, V6E 3V6.