

2017 Formal Complaint Outcomes

The following information is a summary of all public and internal formal complaints concluded by the Professional Standards Section in 2017. This information has been prepared to better inform the public and our members as to the outcome of public and internal complaints, where unprofessional conduct on the part of an officer was found.

The document summarizes the situation in which the conduct occurred and the allegation that was investigated and proven. The document also indicates whether the matter was decided through a hearing, or without a hearing, as well as the resulting corrective action that was applied in the circumstances.

Under the *Police Act*, the complainant determines whether a concern is investigated formally, or whether it can be resolved informally through the provision of information, the use of supervisory intervention, or through alternative dispute resolution. If the complainant requests a formal investigation, or an internal complaint is made, a comprehensive and detailed formal investigation follows.

Where unprofessional conduct is proven through investigation, a formal sanction or remedial action results. The ultimate action taken is dependent on the situation, whether the officer's behavior is non-cooperative or obstructive, any identified aggravating and/or mitigating circumstances, and whether the officer has received previous discipline. The approach taken is remedial and corrective, with the goal being prevention of future unprofessional conduct.

If the alleged misconduct is not what the act would consider "of a serious nature" according to those criteria, then the Chief Constable determines whether misconduct occurred and decides what – if any – of the disciplines allowed under the *Police Act* are appropriate.

If the alleged misconduct is "of a serious nature" and there is enough evidence to reasonably believe the misconduct occurred, the case must go to a Professional Conduct Hearing (commonly known as a disciplinary hearing). A retired senior police officer or retired judge is appointed to preside over these hearings, determine whether misconduct occurred, and decide what – if any – discipline is appropriate.

In order to respect the privacy of complainants and officers, and in compliance with *Freedom of Information and Protection of Privacy Act* requirements, names have not been published.

The *Police Act and Police Service Regulation* sets out whether matters may be decided with or without a hearing, as well as the range of corrective action that may be applied should misconduct be proven.

Summary of Sustained Complaints Completed in 2017

Situation	Allegation	Action
Concluded Without a Hearing		
Member harassed his ex-girlfriend and attended her house while on-duty and in uniform.	Discreditable Conduct	Official Warning 3 Years on Record
Member entered the residence and arrested the wrong person using force. Member had the opportunity to ask additional questions before the arrest.	Unlawful or Unnecessary Exercise of Authority x 2	Global Penalty Official Warning 1 Year on Record
Member charged someone with resisting arrest without actually having arrested him for anything first.	Neglect of Duty Unlawful or Unnecessary Exercise of Authority	Global Penalty Remedial Training 1 Year on Record
Member failed to conduct an Impaired Driving Investigation given the circumstances.	Neglect of Duty	Official Warning 3 Years on Record
Member failed to conduct an Impaired Driving Investigation given the circumstances.	Neglect of Duty	Official Warning 3 Years on Record
Member made numerous changes to various PIMS reports; files were marked inactive when they weren't.	Insubordination x 2	Global Penalty 80 Hours Suspension from Duty Without Pay 3 Years on Record
Member swore once at a youth while attempting to arrest him at school.	Discreditable Conduct	Addressed as Developmental Opportunity under 19(1)(a)(i)

Summary of Sustained Complaints Completed in 2017

Situation	Allegation	Action
Member was handed an insurance document with a drop of blood on it. Member wiped the drop of blood on the complainant's clothing.	Discreditable Conduct	Addressed as Developmental Opportunity under 19(1)(a)(i)
Member removed the Taser cartridge and then pointed the laser light at the torso of a member of the public when there was no lawful reason to do so.	Discreditable Conduct	10 Hours Forfeiture 2 Years on Record
Member conducted PIMS inquiries for civil court matter relating to an on-duty incident. Member self-reported the incident.	Insubordination	Official Warning 2 Years on Record
Member failed to make notes or otherwise document his actions regarding an arrest using force and subsequent transport and release of the accused.	Insubordination Neglect of Duty	Global Penalty Official Warning 2 Years on Record
Member exceeded his authority when he outlined steps that would apply in a criminal investigation, when he should have known this incident was not criminal in nature.	Unlawful or Unnecessary Exercise of Authority	Remedial Training 1 Year on Record
Member conducted private security work contrary to CPS Policy.	Insubordination x 2	Global Penalty 80 Hours Suspension from Duty without Pay 3 Years on Record
Member used CPS resources to query plate of vehicle he recently purchased.	Insubordination	Official Warning 3 Years on Record
Member made queries on CPIC for personal reasons.	Insubordination	20 Hours Forfeiture 3 Years on Record

Summary of Sustained Complaints Completed in 2017

Situation	Allegation	Action
Member did not process evidence correctly which he obtained during an investigation and as a result, lost the items for a period of time. The items were eventually located and returned to the complainant.	Neglect of Duty	Official Warning 1 Year on Record
While off-duty Member used position as a police officer to access secure and restricted area of the airport for non-police related reasons.	Insubordination Discreditable Conduct	Global Penalty 3 Hours Forfeiture 1 Year on Record
Member accessed CPS IT resources contrary to CPS policy.	Insubordination	12 Hours Forfeiture 2 Years on File
Member threatened to charge the complainant with obstructing justice without sufficient grounds.	Unlawful or Unnecessary Exercise of Authority	Addressed as Developmental Opportunity under 19(1)(a)(i)
Member used CPS resources for personal use.	Insubordination	Official Warning 3 Years on File
Member used CPS resources to query plate of vehicle he co-owned to determine if the registration had been updated.	Insubordination	Official Warning 3 Years on File
While out of province, Member used CPIC to run a licence plate for personal reasons.	Insubordination	24 Hours Forfeiture 3 Years on File
Member used CPS service vehicle without approval.	Insubordination Insubordination	20 Hours Forfeiture 20 Hours Forfeiture 3 Years on Record

Summary of Sustained Complaints Completed in 2017

Situation	Allegation	Action
Member used CPS resources for personal use.	Insubordination	20 Hours Forfeiture 3 Years on Record
Member did not process numerous summonses and court documents.	Neglect of Duty x 3 Insubordination x 2	Global Penalty 40 Hours Forfeiture 3 Years on Record
Member used CPS IT resources for personal use and involved himself in an investigation involving a family member.	Insubordination x 2 Discreditable Conduct	Global Penalty 24 Hours Forfeiture 3 Years on File
Member used CPIC to conduct a search for personal use.	Insubordination	Official Warning 1 Year on Record
Member posted photos in CPS uniform on a dating site.	Insubordination	Official Warning 1 Year on Record
Concluded With a Hearing		
Member queried CPS IT resources for personal reasons, related to domestic situation.	Insubordination	20 Hours Forfeiture
	Insubordination	70 Hours Suspension from Duty Without Pay 5 Years on Record

Summary of Sustained Complaints Completed in 2017

Situation	Allegation	Action
Member neglected to submit warrant application for serious criminal charges in a timely manner; misplaced a photo line-up after removing it from the property room; and, did not attend court as requested.	Discreditable Conduct Discreditable Conduct Discreditable Conduct Discreditable Conduct	24 Hours Forfeiture 12 Hours Forfeiture 12 Hours Forfeiture 48 Hours Forfeiture 5 Years on Record
Audit of member's duty bag found missing reports, tickets, statements, etc. Member also ignored several PAR requests and may have been personally involved with a domestic assault victim.	Insubordination x 3 Neglect of Duty x 2	Global Penalty Reduced in Seniority within Rank from First Class Constable to Second Class Constable for 1 Year 5 Years on Record
Inappropriate Facebook and Twitter conversations between male officer and female member of the public.	Discreditable Conduct Insubordination	80 Hours Suspension from Duty without Pay 80 Hours Suspension from Duty without Pay 5 Years on Record