

2018 Formal Complaint Outcomes

The following information is a summary of all public and internal formal complaints concluded by the Professional Standards Section in 2018. 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 2018

Situation	Allegation	Action
Concluded Without a Hearing		
Member involved in a fight while off-duty.	Discreditable Conduct x 2	Global Penalty Official Warning 3 Years on Record
Member failed to investigate a theft. When directed to reinvestigate again, he told the victims there was insufficient evidence to charge the suspect when there was.	Neglect of Duty Discreditable Conduct	Global Penalty Official Warning 3 Years on Record
Member did not comply with Conduct and Discipline policy while off-duty; he swore and used force on a minor.	Insubordination	Behavioural Event 1 Year on Record
Member used inappropriate language when arresting someone.	Discreditable Conduct	Counselling 1 Year on Record
Member did not conduct an adequate investigation. He did not take into account video evidence nor did he make any attempts, other than the initial one, to contact or locate the suspect to question him.	Neglect of Duty	80 Hours Suspension from Duty Without Pay 3 Years on Record
Member charged someone when sufficient grounds did not exist, the elements of the charge were not made out and the matter was civil in nature.	Unlawful or Unnecessary Exercise of Authority	Official Warning 3 Years on Record
Member issued violation tickets incorrectly.	Unlawful or Unnecessary Exercise of Authority	Remedial Training 1 Year on Record

Summary of Sustained Complaints

Completed in 2018

Situation	Allegation	Action
Member conducted an investigation into a domestic matter in which he had a conflict of interest. He also demanded the complainant's cell phone when he did not have the authority to do so.	Insubordination Unlawful or Unnecessary Exercise of Authority	Global Penalty 80 Hours Suspension from Duty Without Pay 3 Years on Record
Member did not comply with CPS policy when he seized property and did not process it or enter it into evidence; he also did not submit a report.	Insubordination Neglect of Duty	Global Penalty 80 Hours Suspension from Duty Without Pay 3 Years on Record
Member used CPS resources to find contact information on his neighbour and called the neighbour on a personal matter, identifying himself as a police officer.	Insubordination Discreditable Conduct	Global Penalty 24 Hours Forfeiture 3 Years on File
Member requested a CPIC search be conducted by another Member which was for personal reasons.	Insubordination Discreditable Conduct	Global Penalty 24 Hours Forfeiture 3 Years on File
Member accessed CPIC at the request of another officer for personal reasons.	Insubordination Discreditable Conduct	Global Penalty 40 Hours Forfeiture 3 Years on File
Member conducted poor investigation resulting in three summonses being cancelled.	Insubordination Discreditable Conduct x3 Neglect of Duty	Global Penalty 80 Hours Forfeiture 3 Years on File
Member did not investigate or submit a report regarding an assault.	Neglect of Duty	Counselling 1 Year on Record
Member did not investigate or submit a report regarding an assault.	Neglect of Duty	Counselling 1 Year on Record

Summary of Sustained Complaints

Completed in 2018

Situation	Allegation	Action
Property released to unauthorized person.	Neglect of Duty	Official Warning 1 Year on Record
Property released to unauthorized person.	Neglect of Duty	Official Warning 2 Years on Record
Member used his position as a CPS officer to request RCMP change their traffic collision report. He also used CPS resources to access IT programs for personal use.	Insubordination Discreditable Conduct	Global Penalty 24 Hours Forfeiture 3 Years on File
Member showed video with inappropriate content during a meeting.	Insubordination x 2 Discreditable Conduct	Global Penalty 80 Hours Suspension from Duty Without Pay 1 Year on Record
Member breached secure area of airport for personal reasons.	Discreditable Conduct	Official Warning 1 Year on Record
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Member used inappropriate and profane language to his acting supervisor.	Discreditable Conduct	Official Warning 1 Year on Record
Member's conduct off-duty prompted a call to the RCMP who conducted an investigation.	Discreditable Conduct	40 Hours Forfeiture 3 Years on File

Summary of Sustained Complaints

Completed in 2018

Situation	Allegation	Action
Member did not obtain a statement or conduct an investigation into complainant's reporting criminal damage to his property.	Neglect of Duty	Counselling 1 Year on Record
Member failed to conduct a thorough investigation into a break and enter and assault complaint. The Member did not complete officer notes; did not take statements; did not proceed with criminal charges at the time; and, did not conduct any follow up in relation to the complaint.	Neglect of Duty	Official Warning 2 Years on Record
Member consumed liquor while on duty without authorization.	Neglect of Duty Discreditable Conduct x 2 Consumption of Liquor Insubordination	Global Penalty Disciplinary Relocation of Position 40 Hours Forfeiture 3 Years on File
Concluded With a Hearing		
Member did not properly process or report stolen property from homeowner's break and enter. Member later recovered the stolen property but never returned it.	Neglect of Duty Insubordination	Global Penalty Reduced in Seniority within Rank from First Class Constable 5th Year to Second Class Constable 4th Year for 2 Years 5 Years on Record

Summary of Sustained Complaints

Completed in 2018

Situation	Allegation	Action
Member involved in a fight while off-duty.	Discreditable Conduct	24 Hours Forfeiture
Member was rude and unprofessional to responding officers.	Discreditable Conduct	40 Hours Forfeiture 5 Years on Record
Member failed to properly investigate and follow appropriate procedures relating to a property dispute; he investigated a matter involving an acquaintance.	Neglect of Duty Insubordination	40 Hours Forfeiture 80 Hours Forfeiture 5 Years on Record
Member attended home of ex wife and made threats against her new boyfriend.	Discreditable Conduct x 4	Global Penalty Reduced in Rank from Sergeant Level II to Senior Constable Level II. Future advancement will be done through regular promotion process. 5 Years on Record
Member drank alcohol while on duty.	Consumption of Liquor Insubordination Discreditable Conduct	Global Penalty 40 Hours Forfeiture 5 Years on Record