

## 2016 Formal Complaint Outcomes

The following information is a summary of all public and internal formal complaints concluded by the Professional Standards Section in 2016. 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

Compliant date range is 2013 – 2016

Situation	Allegation	Action
Member negligently made misleading and inaccurate statements in testimony given under oath in an application for an Emergency Protection Order.	Deceit	Holding of Hearing Result: Reprimand / 5 years on record
Member accessed CPS IT resources contrary to CPS policy.	Insubordination	Holding of Hearing Result: 24 hours forfeiture / 5 years on record
Member accessed CPS IT resources contrary to CPS policy	Insubordination	Holding of Hearing Result: 24 hours forfeiture / 5 years on record
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.	Neglect of Duty X 4	Holding of Hearing Result: ongoing
Member did not complete paperwork and submit occurrence reports on numerous occasions.	Neglect of Duty X 3 & Insubordination X 3	Holding of Hearing Result: ongoing
Member left CPS firearm in an unattended personal vehicle and firearm was stolen.	Improper Use of Firearm Insubordination Discreditable Conduct	Holding of Hearing Result: Reduction in rank from 1 <sup>st</sup> class to 3 <sup>rd</sup> class for 1 year / 5 years on record
Member queried CPS IT resources for personal reasons, related to domestic situation.	Insubordination X 2	Holding of Hearing Result: Forfeiture of 20 hours for file #1 & Suspension from duty without pay for 70 hours for file #2 / 5 years on record
Member attended property complaint and victim disclosed domestic	Neglect of Duty	Holding of Hearing

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assault. A domestic investigation report was submitted but it was alleged that insufficient follow-up was conducted.		Result: ongoing
Member did not store firearm properly while off-duty and attending public facility.	Improper Use of Firearm Insubordination	60 hours Forfeiture / 3 years on record.
Member did not submit a variety of administrative paperwork on numerous occasions.	Neglect of Duty	40 Hours Forfeiture / 3 Years on Record
Member did not submit warrant application in a timely manner.	Neglect of Duty	Official Warning / 1 year on record
Member did not respond to several Police Action Requests which resulted in a criminal charge being withdrawn.	Insubordination	20 hours Forfeiture / 2 years on Record
Member failed to submit a report and obtain statements regarding an assault/threat complaint as required by policy. Mitigating circumstances.	Insubordination	Sustained / Addressed as developmental opportunity under 19(1)(a)(i)
Member transporting arrestee involved in accident. Member did not have ICDV activated for transport as per policy.	Insubordination	Official Warning / 1 year on record
Members did not conduct a proper investigation into an ongoing neighbor dispute and a complaint of assault. Members added information to an existing report instead of creating a new report. No written statements taken as required by policy.	Neglect of Duty	Official Warning / 1 year on record
Member did not follow-up on a domestic complaint as required, and did not contact the complainant and a family member after repeated requests to do so.	Neglect of Duty X 2	Official Warning / 3 years on record
Member removed the Taser cartridge and then pointed the laser light at the torso of a member of public when there was no lawful reason to do so.	Discreditable Conduct	10 hours Forfeiture / 2 years on record
Member engaged in inappropriate intimate conduct in a CPS facility	Discreditable Conduct	Reprimand / 3 years on

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and used a CPS cell phone contrary to policy.	Insubordination	record.
Member did not properly complete a criminal file or properly process exhibits.	Neglect of Duty	Official Warning / 3 years on record
Member unintentionally discharged firearm. Member did not properly handle the firearm according to policy.	Improper Use of Firearm Insubordination	Official Warning / 1 year on record
The member swore once at a youth while attempting to arrest him at school.	Discreditable Conduct	Sustained / Addressed as developmental opportunity under 19(1)(a)(i)
Member handed insurance document with a drop of blood on it, member wiped the drop of blood on the complainant's clothing.	Discreditable Conduct	Sustained / Addressed as developmental opportunity under 19(1)(a)(i)
Member did not properly investigate a traffic collision in that he did not obtain names of witnesses and did not seize video offered by the victim.	Neglect of Duty & Discreditable Conduct	Official Warning / 3 years on record
Off-duty member had domestic incident where RCMP attended. Situation resulted in Peace Bond.	Discreditable Conduct	Official Warning / 1 year on record
Member on several occasions queried domestic partner and members of their family on police information system.	Insubordination	24 Hours Forfeiture / 3 Years on Record
Member on several occasions queried domestic partner and members of their family on police information system.	Insubordination	24 Hours Forfeiture / 3 Years on Record
Member queried citizen regarding a personal civil situation.	Insubordination	20 Hours Forfeiture / 3 Years on Record
Member provided a copy of a police occurrence report to ex-domestic partner.	Insubordination	Official Warning / 3 years on record

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Member used police information system to query their own vehicle.	Insubordination	Official Warning / 3 years on record
Off-duty member received a 72 hour driving suspension.	Discreditable Conduct X 2	20 Hours Forfeiture / 3 Years on Record
Member engaged in outside business interest while on compensated leave and did not have authorization for outside business interest as per policy.	Insubordination & Discreditable Conduct	20 Hours Forfeiture / 2 Years on Record
Member engaged in security work, which is prohibited under policy.	Insubordination	80 Hours Forfeiture / 3 Years on Record
Member attended call and then for personal reasons contacted complainant. Information used to contact complainant obtained in the execution of their duty.	Insubordination	Official Warning / 1 year on record
Member issued violation ticket even though evidence provided by complainant indicating there was no violation.	Unlawful or Unnecessary Exercise of Authority	Official Warning / 1 year on record
On-duty member, for personal reasons, breached secure area of airport by stepping around soft barrier.	Discreditable Conduct	Official Warning / 1 year on record
Member attended call and then for personal reasons contacted complainant. Information used to contact complainant had been obtained in the execution of their duty.	Discreditable Conduct	Official Warning / 3 years on record
Member search complainant for illegal drugs at a traffic stop. Member exceeded their powers of search by placing the citizen under investigative detention, rather than under arrest. Charter rights were not read as required.	Unlawful or Unnecessary Exercise of Authority Neglect of Duty	Sustained / Member to attend Investigative Skills training provided by CCLC. 1 year on record
Members responded to a call regarding a suspicious person. Members did not clarify for citizen whether they were arrested or	Unlawful or Unnecessary Exercise of Authority	Official Warning / 1 year on record

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detained, and exceed their powers of search.		
Youth detained for the youth's own safety, not read Charter Rights.	Unlawful or Unnecessary Exercise of Authority	Official Warning / 3 years on record
Complainant under investigative detention. Later charged and released without being provided Charter Rights. While under investigative detention backpack was improperly searched for evidence.	Neglect of Duty & Unlawful or Unnecessary Exercise of Authority	Official Warning / 2 years on record
Member entered and searched residence without properly obtaining informed consent.	Unlawful or Unnecessary Exercise of Authority	Official Warning / 1 year on record
Members detained several youth and exceeded powers when backpacks were searched for evidence.	Unlawful or Unnecessary Exercise of Authority	Official Warning / 1 year on record
Member detained, arrested and searched complainant and his business. Complainant was not provided reason for arrest or charter rights in timely fashion (until charged).	Unlawful or Unnecessary Exercise of Authority X 3	Official Warning / 1 year on record
Member entered residence and arrest the wrong person using force. The officer had the opportunity to ask additional questions before the arrest.	Unlawful or Unnecessary Exercise of Authority	Official Warning / 1 year on record
While off-duty Member used position as a police officer to access secure and restricted area of airport for non-police related reasons.	Insubordination Discreditable Conduct	3 hours Forfeiture / 1 year on record
Member queried vehicle information for a non-police related reason.	Insubordination	Official Warning / 3 years on record