



ISC: Unclassified

2020

Formal Complaint Outcomes

Professional Standards Section

2021 03 03



2020 Formal Complaint Outcomes

The following information is a summary of all public and internal formal complaints concluded by the Professional Standards Section in 2020. 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 2020

Situation	Allegation	Action
Concluded Without a Hearing		
Member used force to ensure person submitted to having his photo taken.	Unlawful or Unnecessary Exercise of Authority	Official Warning 3 Years on Record
Member did not identify himself as a police officer and arrested a person when he didn't have the authority. He handcuffed the person and failed to submit the proper paperwork.	Unlawful or Unnecessary Exercise of Authority x 2 Discreditable Conduct Insubordination	40 Hours Forfeiture 3 Years on Record
Member used unnecessary force against a person who was handcuffed.	Unlawful or Unnecessary Exercise of Authority	40 Hours Suspension from Duty Without Pay 3 Years on Record
Member used unnecessary force against a person who was handcuffed.	Unlawful or Unnecessary Exercise of Authority	40 Hours Suspension from Duty Without Pay 3 Years on Record
Member drove recklessly and dangerously in response to a call. The Member was later involved in a collision and failed to submit the proper paperwork.	Discreditable Conduct Unlawful or Unnecessary Exercise of Authority Insubordination Insubordination	10 Hours Forfeiture 10 Hours Suspension from Duty Without Pay 10 Hours Forfeiture 10 Hours Suspension from Duty Without Pay 3 Years on Record
Member did not conduct an investigation into a theft complaint; failed to take witness statements, seize video or conduct any follow up.	Neglect of Duty	Official Warning 3 Years on Record
Member used IT resources for non police related matters.	Insubordination	30 Hours Forfeiture 3 Years on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Member used IT resources for non police related matters.	Insubordination	40 Hours Forfeiture 3 Years on Record
Member used IT resources for non police related matters.	Insubordination x 2	40 Hours Forfeiture 3 Years on Record
Member obtained a warrant for the wrong person resulting in the subsequent detainment and arrest of the wrong person.	Discreditable Conduct Neglect of Duty	Reprimand 2 Years on Record
Member used inappropriate language.	Discreditable Conduct x 2	Reprimand 2 Years on Record
Member arrested someone without the authority.	Unlawful or Unnecessary Exercise of Authority	20 Hours Forfeiture 3 Years on Record
Member was disrespectful when dealing with a vulnerable person and failed to process seized property.	Discreditable Conduct Neglect of Duty	Official Warning 1 Year on Record
Member failed to update CPIC in regards to an unexecuted bylaw warrant.	Neglect of Duty	25 Hours Suspension from Duty Without Pay 3 Years on Record
Member failed to update CPIC in regards to an unexecuted bylaw warrant.	Neglect of Duty	Official Warning 1 Year on Record
Member failed to seek medical attention and use equipment as per policy and, failed to charter the person being arrested.	Insubordination x 3 Neglect of Duty	10 Hours Forfeiture 3 Years on Record
Member used inappropriate language, failed to seek medical attention and use equipment as per policy and, failed to charter the person being arrested.	Discreditable Conduct Insubordination x 2 Neglect of Duty	10 Hours Forfeiture 3 Years on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Officer initiated a pursuit and mislead supervisor about status.	Deceit Insubordination	20 Hours Forfeiture 2 Years on Record Counselling 1 Year on Record
Officer deactivated emergency lights and ICDV and entered into a pursuit contrary to policy.	Discreditable Conduct Insubordination x 2	Counselling 1 Year on Record
Negligent discharge of service handgun while cleaning.	Improper Use of Firearm Insubordination	Reprimand 2 Years on Record
Member involved in an off-duty hit and run collision.	Discreditable Conduct	Reprimand 3 Years on Record
Member failed to investigate an impaired driver after the driver blew a reading of 'Fail'.	Insubordination	20 Hours Forfeiture 2 Years on Record
Member used IT resources for non police related matters.	Insubordination	24 Hours Forfeiture 3 Years on Record
Member made inappropriate posts on social media.	Discreditable Conduct	Official Warning 1 Year on Record
Member failed to make adequate notes relating to an investigation.	Insubordination	Official Warning 1 Year on Record
Member failed to make adequate notes relating to an investigation.	Insubordination	Official Warning 1 Year on Record
Member failed to read a person their Charter rights when apprehending them under the Mental Health Act.	Insubordination	Official Warning 1 Year on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Member did not conduct an investigation until after a complaint was received by Professional Standards.	Neglect of Duty Discreditable Conduct	Official Warning 1 Year on Record
Member did not present all evidence or make adequate notes regarding an assault investigation.	Neglect of Duty x 2 Insubordination	Official Warning 1 Year on Record
Member used inappropriate language.	Discreditable Conduct	Official Warning 1 Year on Record
Member was unprofessional when dealing with a person being apprehended under the Mental Health Act.	Discreditable Conduct	Official Warning 1 Year on Record
Member used inappropriate language.	Discreditable Conduct	Official Warning 1 Year on Record
Member did not conduct a thorough investigation and was dismissive to the complainant.	Neglect of Duty Discreditable Conduct	Reprimand 2 Years on Record
Member did not conduct a thorough investigation and was dismissive to the complainant.	Neglect of Duty Discreditable Conduct	Debriefing 1 Year on Record
Member refused to allow citizen to add a document to their report.	Discreditable Conduct	Official Warning 1 Year on Record
Member failed to read a person their Charter rights when apprehending them under the Mental Health Act and did not allow them to contact a lawyer.	Insubordination	Official Warning 1 Year on Record
Member failed to read a person their Charter rights when apprehending them under the Mental Health Act and did not allow them to contact a lawyer.	Insubordination	Official Warning 1 Year on Record
Member was unprofessional when taking an assault complaint and failed to follow policy regarding the investigation.	Discreditable Conduct Insubordination	Official Warning 1 Year on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Member used IT resources when it was against policy to do so.	Insubordination x 2	40 Hours Forfeiture 3 Years on Record
Member used inappropriate language and failed to conduct a thorough investigation.	Discreditable Conduct x 2 Neglect of Duty	Reprimand 2 Years on Record
Member destroyed documents when he should not have.	Neglect of Duty	Official Warning 2 Years on Record
Member charged someone without conducting a thorough investigation.	Unlawful or Unnecessary Exercise of Authority	Debriefing 1 Year on Record
Concluded With a Hearing		
Member sent harassing text messages.	Discreditable Conduct Insubordination	Reduced in Seniority within Rank from Senior Constable Level I to First Class Constable for a period of 1 Year 40 Hours Suspension from Duty Without Pay 5 Years on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Member did not arrest individuals when they had outstanding warrants; did not conduct thorough investigations; and, failed to follow policy.	Neglect of Duty Insubordination Discreditable Conduct	Global Penalty Reduced in Seniority within Rank from Senior Constable Level I to Constable 1st Class for a period of 2 Years Remedial Training 5 Years on Record
Member entered a property when they should not have.	Discreditable Conduct	30 Hours Forfeiture 5 Years on Record
Member behaved inappropriately during an undercover course.	Discreditable Conduct Insubordination	40 Hours Suspension from Duty Without Pay 40 Hours Suspension from Duty Without Pay 5 Years on Record
Member behaved inappropriately during an undercover course.	Discreditable Conduct Insubordination	40 Hours Forfeiture 20 Hours Forfeiture 5 Years on Record

Summary of Sustained Complaints Completed in 2020

Situation	Allegation	Action
Member submitted false claims to insurance company.	Deceit Discreditable Conduct	Global Penalty Reduced in Seniority within Rank from Senior Constable Level II to Constable 1st Class for a period of 1 Year 5 Years on Record
Member purchased a firearm when he did not have the proper documentation to do so and then stored the firearm improperly.	Discreditable Conduct Improper Use of Firearm	20 Hours Forfeiture 20 Hours Forfeiture 5 Years on Record
Member used his position as a police officer to deal with his domestic situation.	Discreditable Conduct Insubordination x 3	Global Penalty Reduced in Seniority within Rank from Senior Constable Level II to First Class Constable for a period of 6 Months 5 Years on Record
Member was unprofessional when running a training scenario.	Discreditable Conduct Insubordination	40 Hours Forfeiture 20 Hours Forfeiture 5 Years on Record