



ISC: Unclassified

2019 Formal Complaint Outcomes

Professional Standards Section

2020 06 18



2019 Formal Complaint Outcomes

The following information is a summary of all public and internal formal complaints concluded by the Professional Standards Section in 2019. 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 2019

Situation	Allegation	Action
Concluded Without a Hearing		
Officer used inappropriate language.	Discreditable Conduct	3-Year Official Warning
Officer engaged in misconduct with a CPS volunteer.	Discreditable Conduct	3-Year Official Warning
Officer did not complete required notes or reports.	Insubordination	3-Year Official Warning
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Officer conducted themselves inappropriately at an establishment while off duty.	Discreditable Conduct	2-Year Official Warning
Officer damaged another officer's assigned property.	Insubordination	Other Action Considered Appropriate 1 Year on Record
Officer did not conduct a thorough investigation.	Neglect of Duty	Other Action Considered Appropriate - Counselling 1 Year on Record
Officer did not comply with or follow training guide and/or instructions.	Discreditable Conduct	3-Year Official Warning
Officer did not provide a detained person with sufficient information related to reasons for their detention.	Discreditable Conduct	Other Action Considered Appropriate - Counselling 1 Year on Record

Summary of Sustained Complaints

Completed in 2019

Situation	Allegation	Action
Member accessed information in an external database for purposes not related to work duties and misled another CPS member as to the reasons for accessing this information.	Insubordination	Agreed Forfeiture of 24 Hours of Overtime 3 Years on Record
	Discreditable Conduct	Agreed Suspension from Duty Without Pay for 10 Hours 1 Year on Record
Officer did not obtain evidence and documentation related to a file he was investigating.	Discreditable Conduct Neglect of Duty x3	Global Penalty - Agreed Forfeiture of 10 Hours Overtime 3 Years on Record
Officer breached CPS policy by accessing information for non-work related purpose.	Insubordination	Agreed Forfeiture of 24 Hours Overtime 3 Years on Record
Officer, while off-duty, confronted a person previously charged with uttering threats towards the officer's child, prevented this person from leaving in their vehicle, and made inappropriate comments towards this person.	Discreditable Conduct x3	Discipline dismissed per s 19(1) of the <i>Police Service Regulation</i> x2 3-Year Official Warning
Officer became involved in a relationship outside of their professional duties with a complainant of an ongoing investigation.	Discreditable Conduct x2	Global Penalty of Forfeiture of 40 Hours Overtime
	Insubordination	3 Years on Record
	Neglect of Duty	

Summary of Sustained Complaints

Completed in 2019

Situation	Allegation	Action
Officer became involved in a relationship outside of their professional duties with a complainant of an ongoing investigation.	Discreditable Conduct x2 Insubordination	Global Penalty of Forfeiture of 30 Hours Overtime 3 Years on Record
Officer wore a CPS uniform while attending two child custody meetings related to their child.	Insubordination Unlawful/Unnecessary Exercise of Authority	Discipline dismissed per s 19(1) of the <i>Police Service Regulation</i> x2
Officer did not allow an arrestee the opportunity to exercise their Charter rights during their period of custody.	Neglect of Duty	1-Year Official Warning
Officer did not allow an arrestee the opportunity to exercise their Charter rights during their period of custody.	Neglect of Duty	1-Year Official Warning
Officer did not obtain and return property located in a vehicle an arrestee was arrested from.	Neglect of Duty	1-Year Official Warning
Officer did not investigate a hit & run collision where no damage was reported.	Insubordination Neglect of Duty	Discipline dismissed per s 19(1) of the <i>Police Service Regulation</i> x2
Officer made improper remark while assisting with traffic and pedestrian control during an event.	Discreditable Conduct	Discipline dismissed per s 19(1) of the <i>Police Service Regulation</i>
Officer made inappropriate and threatening comments towards a detained person.	Discreditable Conduct	2-Year Official Warning

Summary of Sustained Complaints

Completed in 2019

Situation	Allegation	Action
Officer failed to include the names of arresting officers in a Report to Prosecutor.	Neglect of Duty	Other Action Considered Appropriate - Counseling 1 Year on Record
Officer accessed information in a database for reasons unrelated to their duties as a police officer and for personal or private reasons.	Insubordination x5	Global Penalty of Forfeiture of 40 Hours Overtime 3 Years on Record
Officer failed to inform a detained person of their Charter rights, despite there being opportunity to do so.	Unlawful/Unnecessary Exercise of Authority	1-Year Official Warning
Concluded With a Hearing		
Officer did not comply with CPS policy, did not take notes during an investigation and did not disclose certain information to Crown.	Insubordination Neglect of Duty	Forfeiture of 20 Hours Overtime Forfeiture of 40 Hours Overtime 5 Years on Record
Officer used inappropriate language.	Discreditable Conduct	2-Year Official Warning
Officer was charged with theft and possession of a controlled substance.	Insubordination x2	Reduction in Rank for a Period of 1 Year
Officer engaged in an inappropriate relationship with a complainant of an ongoing investigation.	Insubordination Discreditable Conduct	Global Penalty - Dismissal

Summary of Sustained Complaints

Completed in 2019

Situation	Allegation	Action
Member was charged with impaired driving while off-duty.	Discreditable Conduct	Suspension From Duty Without Pay for 80 Hours 5 Years on Record
Officer breached CPS policy by accessing information for non-work related purpose and divulged confidential information.	Breach of Policy - Divulge Confidential Information Insubordination x3	Global Penalty for Both Files: Suspension From Duty Without Pay for 40 Hours Forfeiture of 40 Hours Overtime 5 Years on Record
Officer breached CPS policy by accessing information for non-work related purpose and divulged confidential information.	Insubordination	
Member was charged with impaired driving while off-duty.	Discreditable Conduct	Suspension From Duty Without Pay for 80 Hours 5 Years on Record
Member was charged with impaired driving while off-duty.	Discreditable Conduct	Suspension From Duty Without Pay for 70 Hours 5 Years on Record