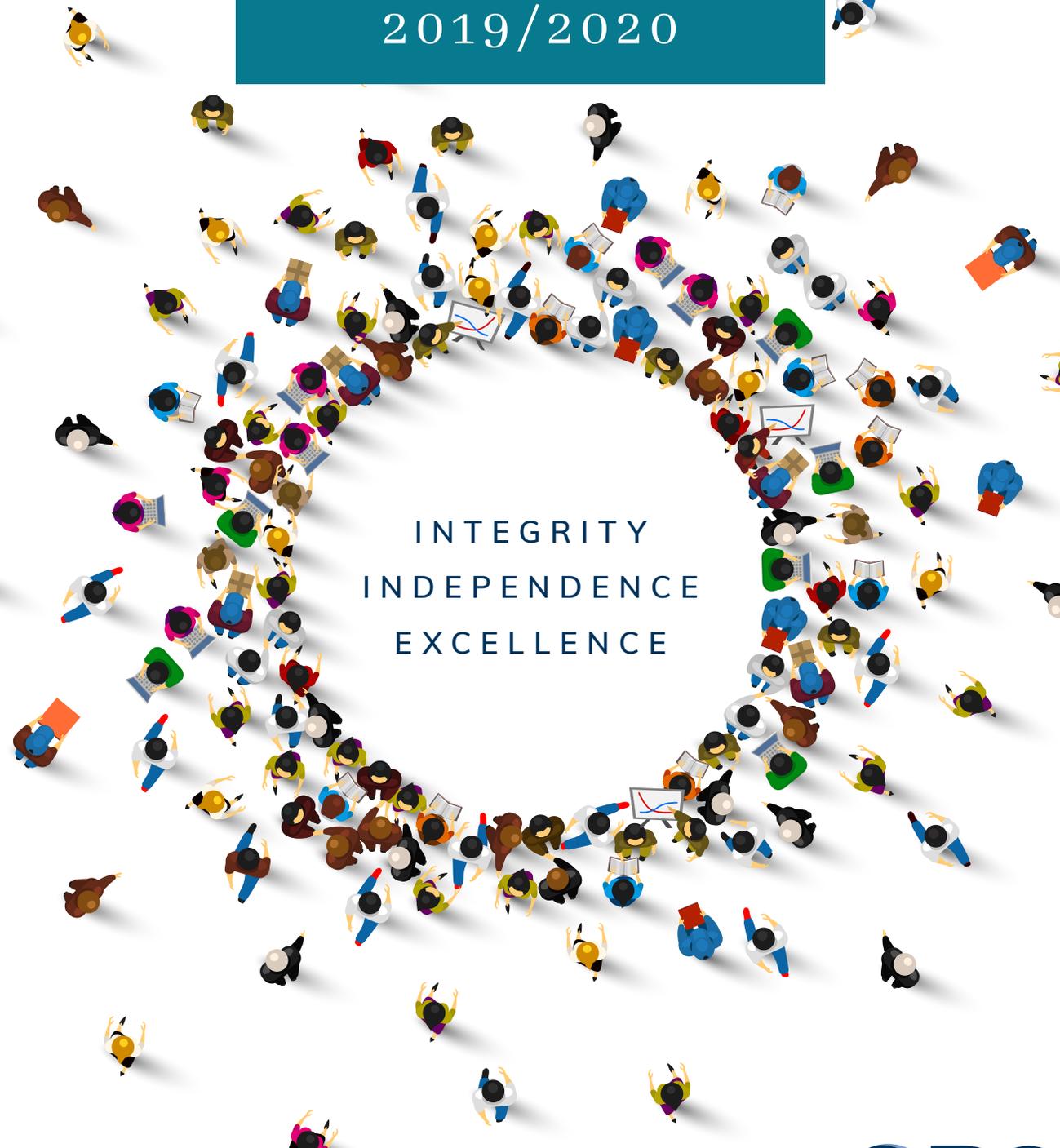


OFFICE OF THE
POLICE COMPLAINT
COMMISSIONER

ANNUAL REPORT
2019/2020



INTEGRITY
INDEPENDENCE
EXCELLENCE



OFFICE OF THE
POLICE COMPLAINT
COMMISSIONER

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OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

October 20, 2020

The Honourable Darryl Plecas
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my honour to present the 2019/2020 Annual Report for the Office of the Police Complaint Commissioner.

This report has been prepared in accordance with section 51.1(1) of the *Police Act*, RSBC 1996, c. 367.

Yours truly,

Clayton Pecknold,
Police Complaint Commissioner

Clayton Pecknold
Police Complaint Commissioner

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The Year in Numbers

Files Opened

There are a number of different types of files the OPCC opens. There are registered complaints, service or policy complaints, ordered investigations, questions or concerns, monitor files and internal discipline.

In 2019/2020, the OPCC opened 1360 files. Most of these files are monitor files which are opened when the OPCC receives information from the police, including reportable injuries, or other sources such as public information, that may require an investigation. This was an increase of 3% from last year.



Registered Complaints Received

The public can file complaints about a police officer's conduct or actions. The OPCC reviews all complaints to determine whether there will be an investigation. Once a complaint has been made admissible, the OPCC will oversee the police department's investigation into the police officer's conduct.

In 2019/2020, the OPCC received 537 complaints from the public about police officer conduct, an increase of 10% from last year.



Service & Policy Complaints

The public can file complaints about the policies or services being provided by a police department. These complaints are the responsibility of the department's police board. The police board is required to advise the OPCC of their course of action. The Commissioner may also make recommendations to the police board.

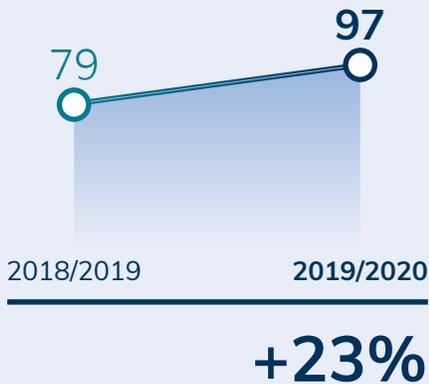
In 2019/2020, the OPCC received 39 complaints about the policies or services being provided at a police department, an increase of 70% from last year.



Ordered Investigations

The Commissioner can initiate investigations into a police officer's conduct or actions, even if there is no complaint filed by the public. Police departments can also ask the Commissioner to initiate an investigation into the conduct of one of their police officers.

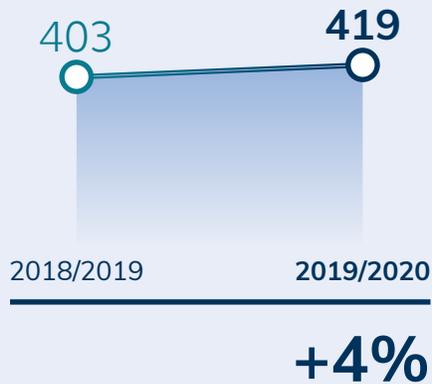
In 2019/2020, the Commissioner initiated 97 investigations into police officer conduct, an increase of 23% from last year. 65 of those investigations were requested by the involved police department.



Reportable Injuries

Police departments are required to notify the OPCC when a person has been injured by police and were transported to hospital for emergency care. The OPCC reviews all injuries to determine whether an investigation into the police officer's conduct is required.

In 2019/2020, the OPCC received 419 reportable injury notifications, an increase of 4% from last year. Of those injuries, a significant number of injuries resulted from police service dog bites and empty hand control tactics (use of force without the aid of weapons).



Adjudicative Reviews

If the Commissioner disagrees with a decision made by a senior officer about whether a police officer committed misconduct or the disciplinary or corrective measure imposed, then the Commissioner can appoint a retired judge to review the matter. There are three types of reviews: Section 117 Reviews, Reviews on the Record, and Public Hearings.

In 2019/2020, the OPCC disagreed with the decision of a senior officer and appointed a retired judge in 17 matters, an increase of 89% from last year.



Recommendations Made to Police Board or Director of Police Services

The Commissioner has the ability to make recommendations to police boards on matters of policy and procedures and can recommend that the Director of Police Services or the Minister exercise their authority to examine training, cultural or systemic issues that may have contributed to the misconduct or which may prevent its recurrence.

In 2019/2020, the Commissioner made recommendations on 11 matters to police boards, the Director of Police Services and the Minister of Public Safety and Solicitor General. These include recommendations on workplace culture, sexual assaults, privacy and information protection and access to a complaints process for everyone.





Commissioner's Message

Taking a systemic approach to addressing the underlying causes of misconduct is a priority for this office.

I am pleased to present the 2019/2020 Annual Report for the Office of the Police Complaint Commissioner.

The period covered by this report marks the first full year of my mandate as Commissioner. During this time, I continued to be privileged to work with an excellent team of dedicated public servants who serve as stewards of the public trust in support of transparent and accountable policing in British Columbia. We gratefully acknowledge that our work takes place across several unique and diverse traditional Indigenous territories and we honour the many territorial keepers of this place we now call British Columbia.

A good portion of the year was devoted to the statutory audit of B.C.'s police complaint process. The *Police Act* requires that every six years, a Special Committee of the Legislature conduct an audit of a randomly selected sampling of complaints and investigations. The *Special Committee to Review the Police Complaint Process* was appointed on February 21, 2019, and thereafter elected to conduct both a compliance and performance audit of our work; as well as a broader public engagement on the police complaints process. MNP-LLP was engaged to conduct the auditing work and our office provided access to our complaints and investigations.

In the result, the Committee reported its conclusions and provided 38 recommendations to the Legislature, government and to our office. Chief among these are a number of recommendations aimed at increasing

the accessibility of the police complaint process to Indigenous and newcomer communities as well as our most vulnerable citizens.

There is much work to be done in meeting the Committee's recommendations but early steps are underway using existing funding. For example, we reorganised our intake process to provide for more active outreach to community-based support agencies. We also engaged a cultural advisor to assist us on key investigations involving Indigenous complainants or affected persons.

Other initiatives will be undertaken as resources allow but one immediate and specific area of focus is the expansion of our office in response to the creation of a new municipal police department in the City of Surrey replacing the RCMP. As the planned Surrey Police Department will be similar in size to the Vancouver Police Department, there will be a substantial increase in demand on our oversight activities as responsibility shifts from the federal RCMP Civilian Review and Complaints Commission.

More generally, the majority of our work is providing oversight of investigations into allegations of misconduct by municipal police officers. Ensuring individual police officers who are found to have committed misconduct are held accountable is the "bread and butter" of what we do. Importantly, we also work towards preventing the repetition of that misconduct. The Special Committee recognised our unique role in this regard, and recommended our office be provided with enhanced

capacity to do systemic investigations. Looking at the underlying causes that lead to misconduct—such as gaps in training, policy or governance—is becoming increasingly important to maintaining public confidence in policing. Addressing misconduct after it occurs, while important in correcting individual behaviours, has much less efficacy in solving repeated or system-wide culture problems.

At the time of tabling this Annual Report, there is a significant public conversation about policing reform and more specifically, systemic racism in policing. A *Special Committee on Reforming the Police Act* was struck to examine, among other things, the scope of systemic racism in policing. This is an important dialogue for the OPCC as our statistics and complaints reveal a need to critically examine the factors that lead to misconduct as well as the accessibility of the complaint process to marginalised, Indigenous and racialized persons. This necessarily involves transparent scrutiny of the responsiveness of police leaders and police boards to the reports and complaints the OPCC receives involving racism, discrimination and bias; either related to individual officer conduct or broader police department policies and practices. Taking a systemic approach to addressing the underlying causes of misconduct is a priority for this office.

The OPCC formally commenced collecting self-identified ethnicity data in 2019, following a pilot project. In order to understand this data and the information that comes through complaints and investigations, we hope to secure funding to establish a data-analytics capacity presently unavailable to us. Notwithstanding our present data-analysis limitations, making better use of it and learning where we can improve our collection and reporting capabilities will assist in telling the story of police accountability more fully.

In 2019/2020, we also increased our focus on “Service and Policy” matters to encourage police boards to take a more active and engaged approach to their governance responsibilities related to police conduct. In addition, as the governing bodies, questions on the allocation of resources, service-delivery, organizational culture and responsiveness to community expectations, all fall squarely within their oversight responsibilities.

The *Special Committee to Review the Police Complaint Process* also recommended legislative reform related to the calling of a public hearing. Presently, a public hearing into allegations of misconduct can only occur in certain circumstances which often, as a consequence, serves to delay public accountability. Changes to the *Police Act* to provide more discretion to arrange a public hearing earlier in the process will ensure there is more timely public accounting for those serious matters where the

public interest so demands. I am urging government to make this an early priority.

Finally, the rise of the pandemic in early 2020 has been a time of challenge as we adjusted our work, staffing and processes to maintain operations. Transitioning staff to remote working arrangements to protect their health and safety, working with professional standards investigators as they adjusted their protocols, and keeping our adjudicative functions running has posed a significant challenge which has carried over into fiscal 2020/2021.

We are nonetheless working to fulfill our mandate during the pandemic through flexible approaches. For example, we adopted a “no-wrong-door” approach ensuring that persons contacting our office concerning the conduct of any police officer (e.g. RCMP) or indeed other type of law enforcement officer, would get assistance from us to ensure the appropriate oversight body was involved. This was especially critical as governments expanded their roles and powers under emergency legislation. It is precisely when governments do this—and by extension engage extraordinary and coercive policing powers—that the independent oversight by organizations such as the OPCC must continue to be robust and vigilant. History has taught us these lessons all too frequently and forcefully.

In the final analysis, the public interest demands we take heed to those lessons by addressing individual officers’ misconduct directly and, where needed, through systemic reform as individual parts—governments, police boards and the OPCC—of a matrix of civilian police oversight. This requires a dialogue which reflects a collective responsibility and commitment to align with public expectations and evolving societal norms. Our goal is that the information in this report and OPCC’s work continue to positively contribute to that conversation.



Clayton Pecknold
Police Complaint Commissioner

A background image showing several hands of different skin tones holding a white document together, symbolizing collaboration and trust. The image is overlaid with a light blue tint.

ABOUT OUR WORK:

Fostering Public Confidence and Trust in Policing

Who we are

The Office of the Police Complaint Commissioner (OPCC) is the office that British Columbians turn to when they have concerns about the conduct of municipal police. We are an impartial agency—independent of police and government—that oversees complaints and investigations involving municipal police officers. We ensure complaints made under the *Police Act* are resolved in a timely, transparent and accountable manner, and that the process is accessible to the public it is meant to serve.

Our purpose

We promote accountable policing and enhance public confidence in police through impartial, transparent civilian oversight.

What we do

- Provide an accessible way for people to voice concerns about the conduct of any municipal police officer or department.
- Oversee and monitor complaints and investigations into police misconduct involving municipal police and special municipal constables in BC.
- Oversee the administration of discipline and proceedings under the *Police Act* and ensure that the purposes of the legislation are achieved.

How we do our work

Fairness

- Determine the admissibility of complaints received from the public.
- Initiate investigations.
- Actively monitor and oversee police misconduct investigations, providing advice and direction as necessary.
- When appropriate, refer matters for independent adjudicative review.
- Refer matters to Crown Counsel for consideration of prosecution.

Transparency

- Maintain records of all police complaints and *Police Act* investigations involving municipal police officers and the investigation outcomes.
- Compile statistical information, including trends and report regularly to the public about these complaints and investigations.

Public Engagement and Education

- Facilitate engagement in dispute resolution processes where appropriate.
- Identify and address barriers to the police complaint process through outreach efforts.

Prevention and Systemic Responses

- Make recommendations to Police Boards or to government regarding policies, practices or systemic issues.

Leadership

- Assist all parties—complainants, police officers, Discipline Authorities, police boards and adjudicators appointed under the *Police Act*—involved in the complaint process.

Our goals

- To promote accountability in policing.
- To provide an accessible and understandable police complaint and discipline process.
- To promote public confidence in policing through the prevention of police misconduct.
- To promote a healthy, engaged and productive workforce.

Our team

Driving our work is a team of committed professionals with backgrounds spanning policing, law, regulatory fields and academia, who believe in the fundamental importance of civilian oversight of the police complaints process.

Our intake services and communication and outreach coordinator are often the public's first points of contact with the OPCC. They help people understand the processes available to them and connect complainants who require assistance with an extensive list of support agencies. Our "no wrong door" approach means that even when the complaint falls outside of our jurisdiction, our intake team help complainants find the appropriate avenue for redress.

Once a complaint has been initiated, our dedicated team of analysts works to ensure that the *Police Act* and its associated processes are followed correctly. To carry out this important work, they must have a comprehensive understanding of the *Police Act* and its associated processes, as well as police investigations and tactics, including police operations. [For more, see Staffing and Budget, page 56]

Where We Work

OPCC oversight

The Office of the Police Complaint Commissioner oversees complaints related to the work of approximately 3,500 municipal police officers, special municipal constables and other officers serving on forces throughout British Columbia.

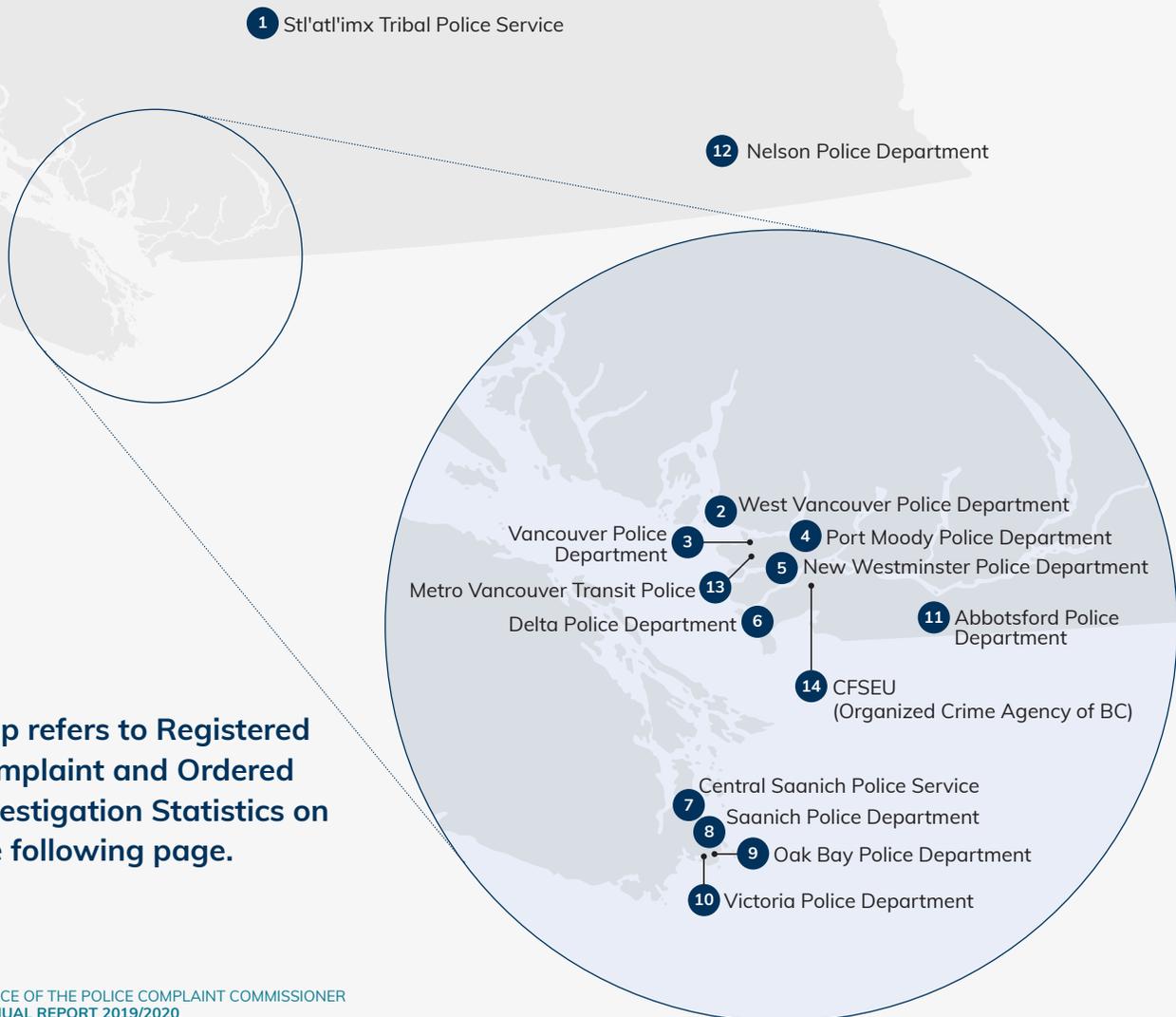
As detailed in the map below, 11 municipal police departments fall under our jurisdiction, as well as the Metro Vancouver Transit Police, Stl'at'l'imx Tribal Police Service and the CFSEU (Organized Crime Agency of British Columbia).

During the reporting period covered here, the OPCC is preparing for the City of Surrey's transition to a municipal police force, which will also fall under the office's oversight.

Outside of our jurisdiction

The OPCC does not have jurisdiction over the RCMP, Special Provincial Constables, BC Sheriff Service, BC Conservation Officers, Corrections Officers, Legislative Security officers or Canadian Border Services Agency (CBSA) officers.

The Civilian Review and Complaints Commission for the RCMP (CRCC) is an independent agency created to ensure that complaints about the conduct of the RCMP are examined fairly and impartially. For more information about the CRCC, please visit: www.crcc-ccetp.gc.ca.



Map refers to Registered Complaint and Ordered Investigation Statistics on the following page.

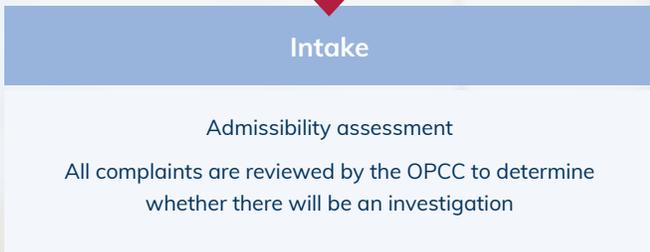
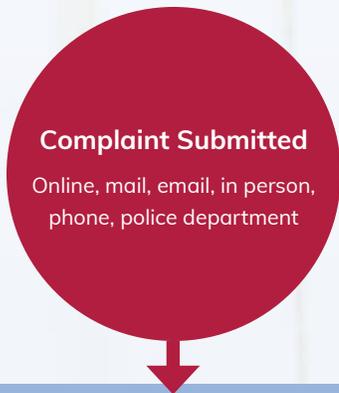
Registered Complaint and Ordered Investigation Statistics by Department (2019/2020)

1	Stl'atl'imx Tribal Police Service	REGISTERED COMPLAINTS	0	↓	9	Oak Bay Police Department	REGISTERED COMPLAINTS	5	↑
		ORDERED INVESTIGATIONS	1	→			ORDERED INVESTIGATIONS	2	↓
2	West Vancouver Police Department	REGISTERED COMPLAINTS	8	↓	10	Victoria Police Department	REGISTERED COMPLAINTS	75	↑
		ORDERED INVESTIGATIONS	4	→			ORDERED INVESTIGATIONS	4	↓
3	Vancouver Police Department	REGISTERED COMPLAINTS	310	↑	11	Abbotsford Police Department	REGISTERED COMPLAINTS	42	↑
		ORDERED INVESTIGATIONS	50	↑			ORDERED INVESTIGATIONS	9	↑
4	Port Moody Police Department	REGISTERED COMPLAINTS	8	↓	12	Nelson Police Department	REGISTERED COMPLAINTS	7	↓
		ORDERED INVESTIGATIONS	2	↑			ORDERED INVESTIGATIONS	2	↓
5	New Westminister Police Department	REGISTERED COMPLAINTS	16	↓	13	Metro Vancouver Transit Police	REGISTERED COMPLAINTS	18	↓
		ORDERED INVESTIGATIONS	3	→			ORDERED INVESTIGATIONS	4	↓
6	Delta Police Department	REGISTERED COMPLAINTS	14	↓	14	CFSEU (Organized Crime Agency of BC)	REGISTERED COMPLAINTS	1	↑
		ORDERED INVESTIGATIONS	4	→			ORDERED INVESTIGATIONS	0	→
7	Central Saanich Police Service	REGISTERED COMPLAINTS	4	↑					
		ORDERED INVESTIGATIONS	6	↑					
8	Saanich Police Department	REGISTERED COMPLAINTS	29	↑					
		ORDERED INVESTIGATIONS	6	→					

- ↑ INCREASE FROM 2018/2019
- NO CHANGE FROM 2018/2019
- ↓ DECREASE FROM 2018/2019

NOTE: Numbers are for 2019/2020 reporting period

How We Work



A Discipline Authority is generally a senior ranking police officer who is required to make a determination regarding the investigation and discipline of police officers alleged to have committed misconduct.



For a complaint to be admissible it must contain three criteria:

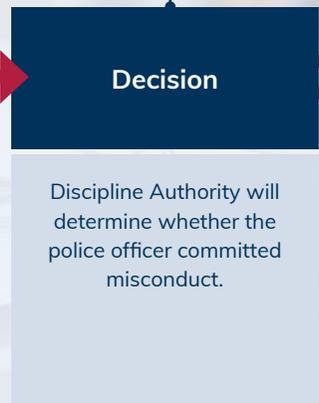
- An allegation of police misconduct as defined under section 77 of the Police Act
- Be filed within one year of when the incident occurred (unless the Police Complaint Commissioner grants an extension)
- Not be frivolous or vexatious

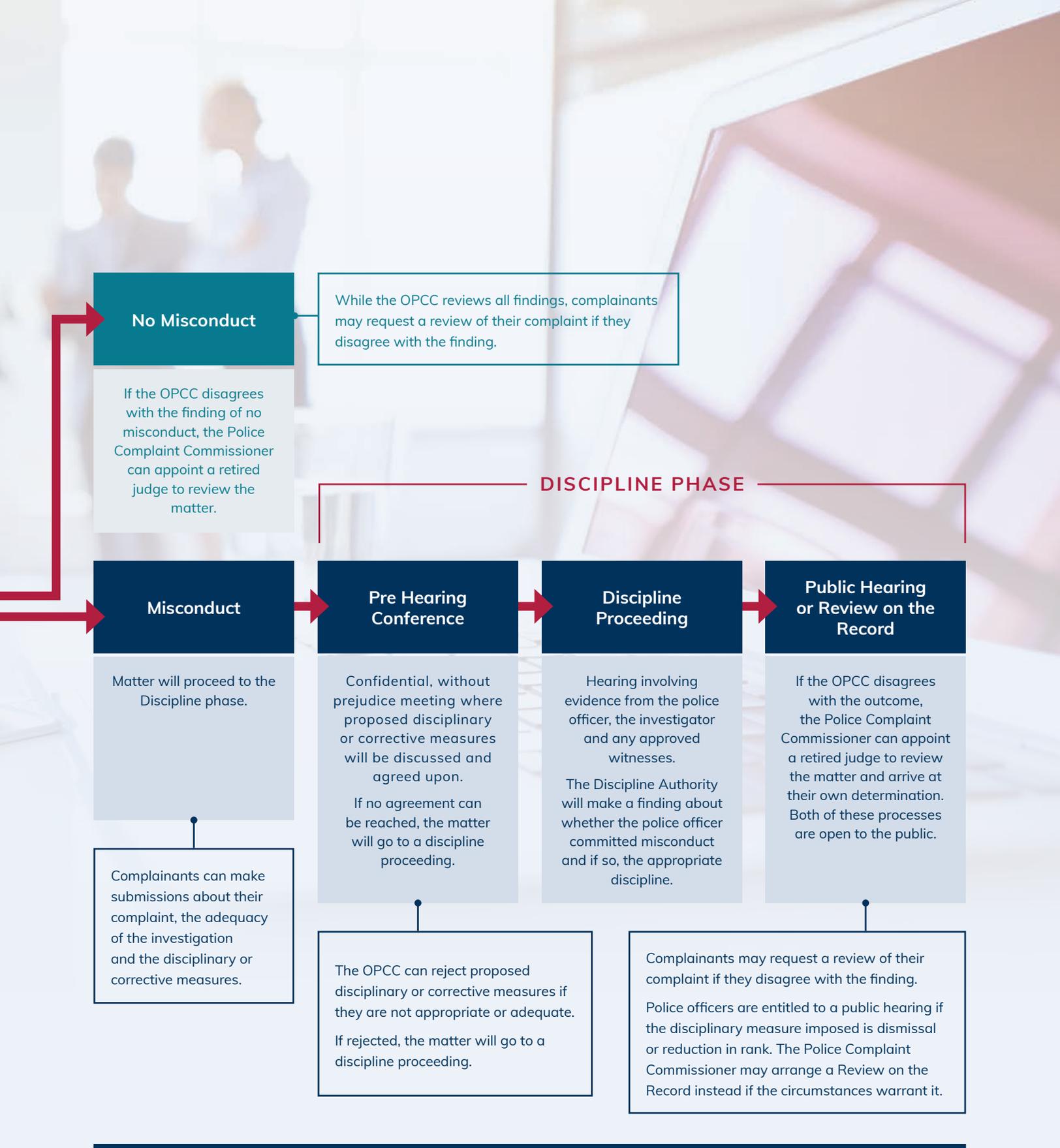


The OPCC actively reviews investigations and can provide advice or direction on required investigative steps to ensure investigations are thorough.

The OPCC can appoint external police agencies to investigate complaints. The OPCC can initiate investigations without a complaint.

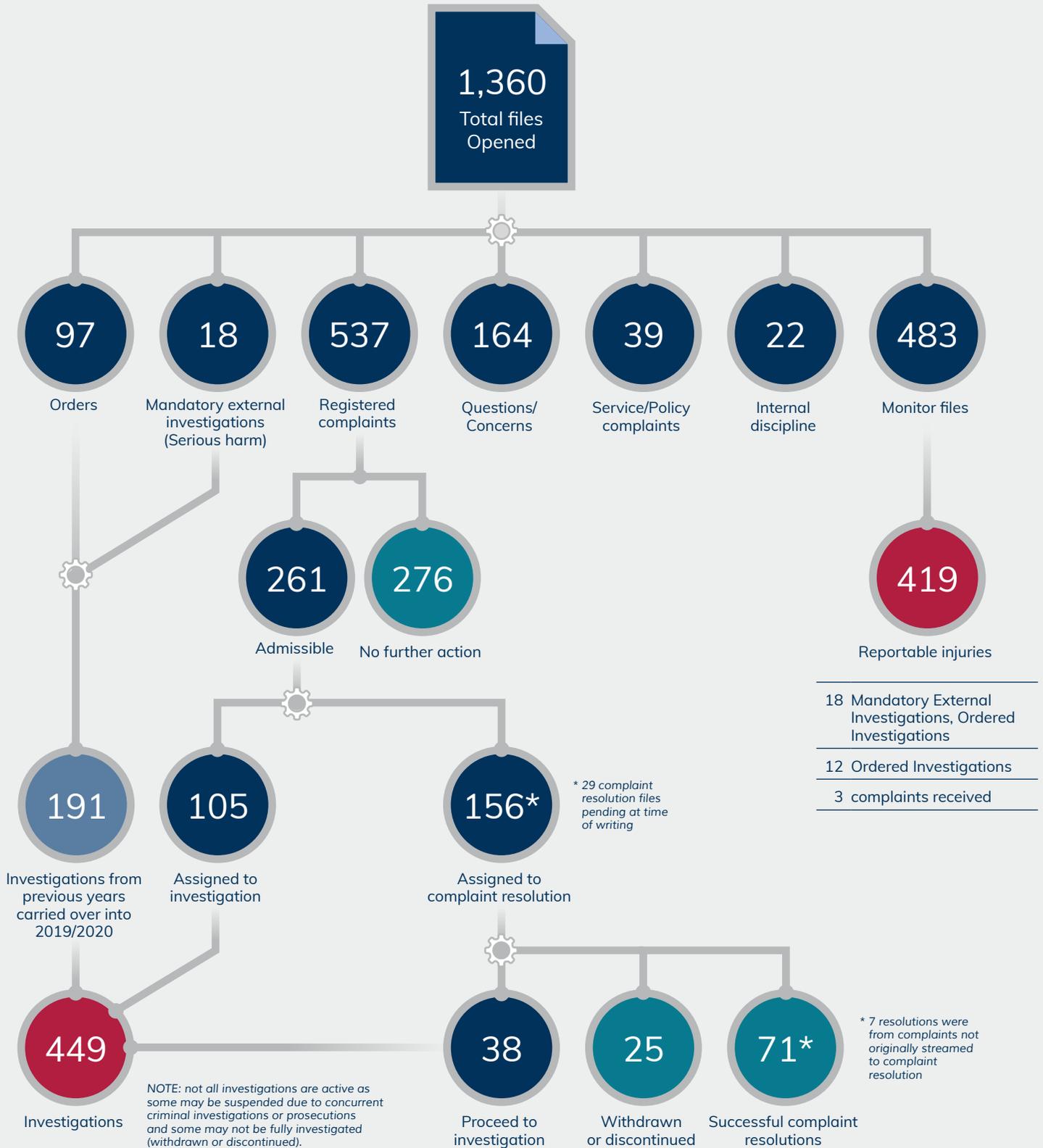
Investigations must be completed within six months unless the OPCC extends the deadline.





The Police Complaint Commissioner may also refer matters to Crown Counsel for consideration of prosecution, or make recommendations to police boards or to government regarding policies, practices or systemic issues that may contribute to the misconduct.

Complaints and Investigations in 2019/2020: Intake, Assessment and Investigation



Outreach and Education

Fulfilling our mandate means working to make the municipal police complaint process accessible and understandable for all those it is meant to serve, including the most vulnerable and marginalized groups in our society.

In 2020, the OPCC began to strengthen this important work by building relationships with a greater number of community-based organizations and Indigenous Peoples' associations across the province. Our aim is to both empower these organizations to help the people they serve navigate the complaints process, and to listen and learn from them about the barriers they face due to factors including language, gender and sexual orientation, age, discrimination, disability, and/or socioeconomics.

Those early efforts have produced results. For example, we have learned more about the importance of providing cultural safety to those making a complaint. We are committed to advancing this important work over the coming year.

The onset of the COVID-19 pandemic intensified social dislocation for vulnerable populations and increased the need for partnerships with social agencies as a point of contact for people with policing concerns.

Our early work in this area builds on one of the main recommendations made by the 2019 Special Committee to Review the Police Complaint Process (see Special Committee to Review the Police Complaint Process page 41)



Outreach and Education

OPCC staff and senior leadership also deliver presentations to community organizations, Indigenous organizations, post secondary students, police services, and interns in the BC Legislative Internship Program. On occasion, we give presentations to post secondary students in law and criminal justice studies on the complaints process, an orientation to the *Police Act* and the role of civilian oversight in BC.

The Commissioner meets with the provincial government and Special Committees of the Legislature to provide insights into and recommendations on improvements to the municipal police complaints process and the *Police Act*.

The OPCC continues its involvement in the Advisory Committee on Provincial Policing Standards and the Provincial Committee on Cultural Diversity and Policing.

As part of the OPCC's commitment to incorporating Indigenous cultural safety and a trauma-informed approach to our policies, procedures and practices, OPCC staff have been engaging in San'Yas Indigenous Cultural Safety training, available through the Provincial Health Services Authority, Gender Based Analysis Plus training, trauma-informed practice training through the Justice Institute of BC and through attendance at conferences such as the Urban Reconciliation Dialogue offered by the Victoria Native Friendship Centre, and the National Indigenous Justice Summit. These have been valuable opportunities to build our capacity for responsive, effective oversight.

The OPCC will continue to review and revise our policies, procedures and systems to not only ensure consistency, compliance and accountability in police oversight but to also incorporate a trauma-informed and culturally competent lens to those approaches. The OPCC will also continue to expand its outreach efforts to support the transition of Surrey's police force to a municipal jurisdiction and OPCC oversight.

Support agencies

The following organizations have assisted our office by providing both information and support to the members of the community they serve regarding the police complaint process:

- Archway Community Services
- Battered Women's Support Services
- Coast Mental Health
- Covenant House
- Deltassist Family Services
- First United Church
- HiM - Health Initiative for Men
- Jewish Family Service Agency
- John Howard Society of Victoria
- Men's Trauma Centre
- MOSAIC
- Native Courtworker and Counselling Association of British Columbia
- Our Place Society
- Pacific Association of First Nations Women
- Progressive Intercultural Community Service Society
- The Law Centre
- S.U.C.C.E.S.S.
- Victoria Brain Injury Society
- Victoria Disability Resource Centre
- Victoria Native Friendship Centre
- Victoria Immigrant and Refugee Centre Society
- Victoria Women's Transition House
- Women Against Violence Against Women Rape Crisis Centre



[Click here](#) to go to the OPCC website for a list of support groups.



Why Our Work Matters

Public interest demands robust, vigilant, and independent oversight

Police officers have tremendous powers in our society and public demands are intensifying—both within our borders and beyond—for accountability and transparency when it comes to their use.

In British Columbia, the OPCC plays a central role in ensuring both. Our office was formed out of a fundamental need for civilian oversight of the police complaints process. The public interest is not served when police are accountable only to themselves, nor is the trust that is so essential for officers to do their jobs fostered in those circumstances.

Our work focuses in large part on ensuring that every complaint lodged against a municipal police officer in BC is dealt with in a fair and transparent manner. Overseeing the municipal police complaints process also enables us to look at the “bigger picture”. The OPCC is uniquely placed to identify trends in the files we see and make recommendations to address not only the conduct of individual officers, but systemic barriers impacting exponentially greater numbers of British Columbians.

At a time when calls for greater accountability and reforms in policing are louder than ever, our dual role remains a vital part of the police oversight framework in British Columbia.

Over the next several pages, we share case studies drawn from OPCC files that exemplify some of the efforts our office makes every day to make the municipal police complaints process more transparent in British Columbia. We also share feedback from those who have been through and benefited from the alternative dispute resolution processes we facilitate.

The *Police Act* identifies and describes 13 disciplinary breaches of public trust.

Abuse of Authority, section 77(3)(a)

On-duty conduct where a police officer engages in oppressive conduct towards a member of the public, which includes,

- Unlawful detentions or arrests
- Unlawful searches of a person, vehicle or residence
- Using excessive force
- Using profane, abusive or insulting language

Accessory to Misconduct, section 77(3)(b)

A police officer is an accessory to any of the allegations of misconduct described.

Corrupt Practice, section 77(3)(c)

A police officer abuses the powers they have been entrusted for personal gain, which includes,

- Failing to return or misappropriating any money or property received;
- Agreeing or allowing to be under a pecuniary or other obligation to a person that would be seen to affect the police officer's ability to properly perform the duties as a member;
- Using or attempting to use their position as a police officer for personal gain;
- Using or attempting to use any police equipment or facilities for purposes not related to their duties as a police officer.

Damage to Police Property, section 77(3)(d)

Misusing, losing or damaging any police property or property that is in police custody. Also includes the failure to report any loss, destruction or damage to that property.

Damage to Property of Others, section 77(3)(e)

Damaging property belonging to a member of the public or failing to report such damage, regardless of how it was caused.

Deceit, section 77(3)(f)

Making a false or misleading oral or written statement, or entry in an official document or record. Also includes, destroying, mutilating, concealing all or part of an official record or altering, erasing or adding to an official record with the intent to deceive.

Discourtesy, section 77(3)(g)

On-duty conduct, where a police officer fails to behave with courtesy due in the circumstances towards a member of the public in the performance of duties as a member.



Discreditable Conduct, section 77(3)(h)

On- or off-duty conduct where the members conducts oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department.

Improper Disclosure of Information, section 77(3)(i)

Disclosing or attempting to disclose information that is acquired by the member in the performance of duties as a member.

Improper Off-Duty Conduct, section 77(3)(j)

Off-duty conduct where a police officer asserts or purports to assert themselves as a police officer and conducts oneself in a manner that would constitute a disciplinary breach of trust had the police officer been on-duty.

Improper Use or Care of Firearms, section 77(3)(k)

Failure to use or care for a firearm in accordance with standards or requirements established by law. This includes negligent or unintentional discharges of a firearm or unsafe storage of a firearm.

Misuse of Intoxicants, section 77(3)(l)

Being unfit for duty owing to the effects of intoxicating liquor or any drug, or any combination of them. Also includes, accepting intoxicating liquor in a public place without proper authority.

Neglect of Duty, section 77(3)(m)

Failure to properly account for money or property received, promptly or diligently do anything that is in one's duty as a member to do, or promptly and diligently obey a lawful order of a supervisor, without good and sufficient cause.

This includes,

- Failing to conduct an adequate investigation
- Inadequate notes or documentation
- Failing to provide *Charter Rights*
- Failing to provide police identification upon request
- Driving dangerously without lawful authority
- Failing to comply with department policies or regulations
- Failing to follow a supervisor's lawful order

Senior officer dismissed for sexual misconduct

ALLEGATIONS

Discreditable Conduct

Neglect of Duty

Deceit

Background/circumstances

Police are meant to serve the public and to uphold the public's trust in policing. In this case, the conduct of a senior police officer with the Delta Police Department detrimentally impacted the public's confidence in police by engaging in inappropriate sexual communications with a woman interested in employment as a police officer. This officer contacted the woman through social media, initially communicating about potential employment as a police officer, but later engaged in communications of a sexual nature, both via text and in person. During the course of the Police Act investigation, the former Inspector provided false or misleading evidence when investigators asked about these communications.

Investigation/outcome

At the request of the Delta Police Department, the OPCC initiated an investigation into the matter and appointed the Saanich Police Department (SPD) to conduct the investigation. The OPCC also appointed Chief Constable Scott Green of the SPD to act as the Discipline Authority for this matter. Misconduct was found and the matter proceeded directly to a discipline proceeding.

Prior to the commencement of the discipline proceeding, the Inspector submitted a letter of resignation to the Chief Constable of the Delta Police Department. The former Inspector did not attend the proceedings which commenced in his absence.

Disciplinary or Corrective Measures Imposed

Chief Constable Green determined that the former Inspector had committed several counts of misconduct. He found that the former Inspector's conduct was "deliberate and calculating in an effort to establish safeguards that would enable him to engage in a covert and sexually explicit relationship with [the woman]." The former Inspector was "in a position of trust, authority and power by virtue of being a male, a police officer, a senior officer and someone who could have significant influence on [the woman's] career aspirations."

Chief Constable Green also found that "Knowingly, purposefully, and intentionally committing the act of deceit as a police officer is extremely serious misconduct. It undermines the reputation of the police department and the profession itself. It also undermines and has a significant and adverse impact on public trust and confidence in the police to do their jobs with honour and integrity."

DISCIPLINE

2-day suspension without pay

Dismissal

In 2019/2020, eight police officers from various departments were dismissed following an investigation into their conduct under the *Police Act*, compared to three police officers in the previous year. In each of these cases, the member was ordered dismissed by the Chief Constable/Officer or a senior officer from the police department. In half of the dismissals last year, the conduct of the officers related to police either violating their positions of trust by engaging in inappropriate relationships/communications or for inappropriate/unwanted touching.

Even if a police officer retires or resigns from the police department during these proceedings, the investigation will continue and their employment records will reflect the imposed discipline.

Supervisor engages in an inappropriate relationship with subordinate

ALLEGATIONS

Discreditable Conduct

Background/circumstances

All police officers are entitled to work in an environment free from the exploitation of power imbalances and where the leadership culture supports them. This is a case involving serious allegations that were brought forward by a junior female Vancouver Police Officer, Constable Nicole Chan, against a senior Sergeant at the Vancouver Police Department (VPD). A criminal investigation was completed by the New Westminster Police Department (NYPD) and charges were forwarded to Crown Counsel for review. Charges were not approved by Crown and the matter proceeded under the *Police Act*. Constable Nicole Chan tragically committed suicide in January 2019 before the conclusion of the investigation.

Investigation/outcome

Upon request from the VPD, the OPCC initiated an investigation into Sergeant Dave Van Patten relating to his conduct while working in the Human Resources Section of the VPD. The OPCC appointed the NYPD to carry out this investigation and Chief Officer Dave Jones of the Metro Vancouver Transit Police was designated as the discipline authority in this matter.

The investigation revealed that Sergeant Van Patten was in an inappropriate relationship with Constable Chan while also serving as a Human Resources Officer for the VPD. As a result, the matter was remitted to a discipline proceeding before Chief Officer Jones.

Among his findings, Chief Officer Jones determined that Sergeant Van Patten committed discreditable conduct by entering into an inappropriate relationship with Constable Chan who was under his supervision. According to Chief Officer Jones, “the allegations facing Sergeant Van Patten [were] extremely serious. He not only maintained a relationship with an individual who was junior in rank and service, but who was experiencing mental health related issues. He sought to maintain privacy, of their relationship to the detriment of both of them, and the Vancouver Police Department as a whole.”

Chief Officer Jones also found that “Sergeant Van Patten had entered into an agreement with Constable Chan that they would never tell anyone about their relationship, which included not disclosing their relationship to medical professionals who were treating Constable Chan for mental health related matters.”

Considering the power imbalance between these two officers, Chief Officer Jones noted that “the real, or apparent, power imbalance of a person in a supervisory position, over a subordinate, is challenging regardless of whether the individuals work within the same unit or area. In this instance with the member not revealing their relationship Sergeant Van Patten was in a position, within the Human Resources Section to have some knowledge, and even withhold information that may have had an impact on decisions affecting Constable Chan.” He found that this conduct would bring discredit on the reputation of the VPD.

Chief Officer Jones also found that Sergeant Van Patten obtained access to the phone belonging to another member through false pretenses, copied communications from the device and then used that information in a threatening manner towards Constable Chan.

In order to prevent the reoccurrence of this type of misconduct from occurring, the OPCC made recommendations to both the police board and to the Director of Police Services recommending that a review be undertaken by an independent third party to review department policies and procedures related to workplace relationships involving power dynamics, supervisory and leadership functions, and vulnerable employees.

See page 28 for further details on this recommendation.

DISCIPLINE

30-day suspension without pay

Dismissal

Holding police officers accountable for unwanted sexual advances and touching

ALLEGATIONS

Discreditable Conduct

Background/circumstances

Every person has a right to work in an environment free from harassment; women working in the profession of policing is no exception. It is important that policing culture and leadership foster a work environment that is conducive to supporting police officers who come forward with allegations of sexual assault and harassment. This is a case of a police officer being dismissed for making unwanted sexual advances and for physically touching female police officers without their consent or permission.

A criminal investigation was initiated following a report that two female Vancouver Police Department (VPD) police officers were sexually assaulted while off duty and at a party with fellow co-workers. Ultimately the criminal investigation was forwarded to Crown Counsel who approved charges; however, a stay of proceedings was entered for the criminal charges. An investigation proceeded under the *Police Act*, which included obtaining compelled statements from the respondent member, the officers who were directly affected by this police officer's conduct and other police officers who witnessed these incidents.

Investigation/outcome

Upon receiving information that a VPD police officer was alleged to have committed a sexual assault, the OPCC initiated a *Police Act* investigation to be completed by the New Westminster Police Department. During the investigation, additional allegations were brought forward regarding unwanted advances and physical touching by this police officer. The investigation revealed that each of the physical contacts were initiated by the police officer and were sexual in nature, including occasions where the women told him to stop or instances where they had to remove themselves from the situation for the behaviour to cease.

The respondent member resigned from the VPD during the course of these proceedings.

The matter proceeded to a discipline proceeding where the member denied each of the allegations he was facing. Chief Officer Dave Jones determined that the allegations were not minor and were troubling as they were sexual in nature and were considered to be a "physical violation of each of the victims." He also noted that the member did not appear to accept responsibility that he acted in a manner that was inappropriate. In arriving at his decision, Chief Officer Jones noted "the growing trend within all workplaces, and within society in general, about the impact of inappropriate sexualized actions." Chief Officer Jones found that the police officer committed four allegations of discreditable conduct.

DISCIPLINE

Dismissal

When disciplinary or corrective measures are imposed, the *Police Act* places a requirement that consideration must be given to correct and educate the member first before more punitive discipline can be imposed. This is not the case however, should the conduct of the member rise to the level of where corrective measures would not be workable or it would bring the administration of police discipline into disrepute.

Off-duty police officer seeks preferential treatment during an impaired driving investigation

ALLEGATIONS

Discreditable Conduct

Background/circumstances

It is expected that a police officer's behaviour while off-duty will not discredit or harm the reputation of the police department. In addition, police should be treated like any other citizen when they are stopped by police and should not be afforded preferential treatment by virtue of their status as a police officer. This is a case of an off-duty police officer who was involved in a single motor vehicle collision and was suspected of impaired driving. Police who responded to the scene of the collision, observed the driver to be unsteady on their feet, had slurred speech, and had an odour of liquor coming from their breath. The driver provided a breath sample into an Approved Screening Device (ASD) which resulted in a "Fail" on two occasions. While police were conducting their investigation, the off-duty police officer made numerous attempts with different police officers to dissuade them from proceeding with their investigation. The off-duty police officer was ultimately issued a 90-day Immediate Roadside Prohibition (IRP) and the vehicle was impounded.

REVIEWS ON THE RECORD

Following the disciplinary process, the Police Complaint Commissioner has the discretion to order a Review on the Record where there is a reasonable basis to believe that the decision of the discipline authority is incorrect or it is in the public interest to review the matter.

In a Review on the Record, a retired judge is appointed to conduct a "paper review" of the entire matter, deliver a decision of whether there is misconduct and, if substantiated, determine the corrective and/or disciplinary measures to be imposed. The retired judge's decision is final and conclusive.

Investigation/outcome

This matter was investigated by the Vancouver Police Department for two allegations of discreditable conduct, one for driving while impaired and the other for attempting to obtain special consideration based on being an off-duty police officer. The discipline authority found that there was sufficient evidence to send this matter to a disciplinary process under the Police Act.

This matter proceeded to a pre-hearing conference where the member admitted to the misconduct and an agreement was reached where the member would receive a four-day suspension for receiving the IRP and a one-day suspension for attempting to obtain special consideration. The OPCC reviewed the discipline imposed in this case and determined that the discipline did not reflect the seriousness of the conduct. As a result, the matter proceeded to a discipline proceeding and at the conclusion of this proceeding, the OPCC still had concerns regarding the adequacy of the discipline for the member. The Commissioner then appointed a retired judge to conduct a review on the record and arrive at their own determination of the necessary disciplinary or corrective measures.

The retired judge confirmed that the discipline recommended at the discipline proceeding was appropriate.

DISCIPLINE

6-day suspension without pay

3-day suspension without pay



To view the full decision of the retired judge (adjudicator), [click here](#) to go to the OPCC website for Reviews on the Record.

Abuse of police enforcement powers and the use of confidential informants

ALLEGATIONS

Discreditable Conduct

Corrupt Practice

Public Trust Offence

Improper Use or Care of Firearms

Background/circumstances

Police are afforded significant powers and authorities and the public must be able to trust that police themselves will uphold the law. This is a case of an Abbotsford police officer who was arrested and charged with numerous criminal offences including *Breach of Trust*, *Obstruct Justice*, and *Conspiracy to Traffic a Controlled Substance*.

A criminal investigation was initiated by the Vancouver Police Department (VPD) based on concerns with the integrity of statements sworn or affirmed before judicial officers in which authorizations for search warrants were obtained. Constable Christopher Nicholson eventually pled guilty to a charge of *Breach of Trust* and was sentenced to a 17-month conditional sentence; the remaining charges were stayed.

Investigation/outcome

Upon request from the Abbotsford Police Department (APD), the Commissioner initiated an investigation to be undertaken by the New Westminster Police Department (NWPD) and appointed Chief Officer Dave Jones to act as the discipline authority for these allegations. This investigative team was an integrated unit, comprised of members from the NWPD, RCMP and other external municipal police agencies.

Many of the allegations related to concerns with the integrity of statements sworn or affirmed before judicial officers in which authorizations for search warrants were obtained. As part of the OPCC's important role of providing oversight, the OPCC requested disclosure of the investigative materials. Because a number of the allegations under investigation involved information that was provided by confidential informants or involved a confidential informant in some way, precautions needed to be taken to ensure that the identity of the confidential informant would not be revealed.

Guidance was received from the courts which ultimately determined that police officers investigating potential misconduct under the *Police Act* are not permitted access to information which would or could identify confidential informers. Only police officers conducting criminal investigations would be permitted to be within the circle of privilege and this did not extend to civilian oversight bodies. The practical implication of these court rulings is that the assigned NWPD investigators could not assess relevant information and evidence to properly investigate a number of the allegations of misconduct. As a result, most of the allegations of misconduct against Constable Christopher Nicholson could not be fully investigated and the OPCC discontinued those investigations.

Investigators received information where they could and the matter proceeding to a discipline proceeding before Chief Officer Jones. The investigation revealed that Constable Christopher Nicholson committed a public trust offence which related to the guilty plea for *Breach of Trust*. He was found to have committed two counts of corrupt practice for facilitating the trafficking of a controlled substance to a target residence through a confidential source in order to include this interaction in an Information to Obtain (ITO) so a search warrant could be obtained. In addition, two search warrants were executed at Constable Christopher Nicholson's residence following his arrest. A safe was contained in a closet believed to belong to Constable Christopher Nicholson. Inside the safe, investigators located three loaded firearms in contravention of section 86(2) of the *Criminal Code of Canada* and the *Canadian Firearms Act*.

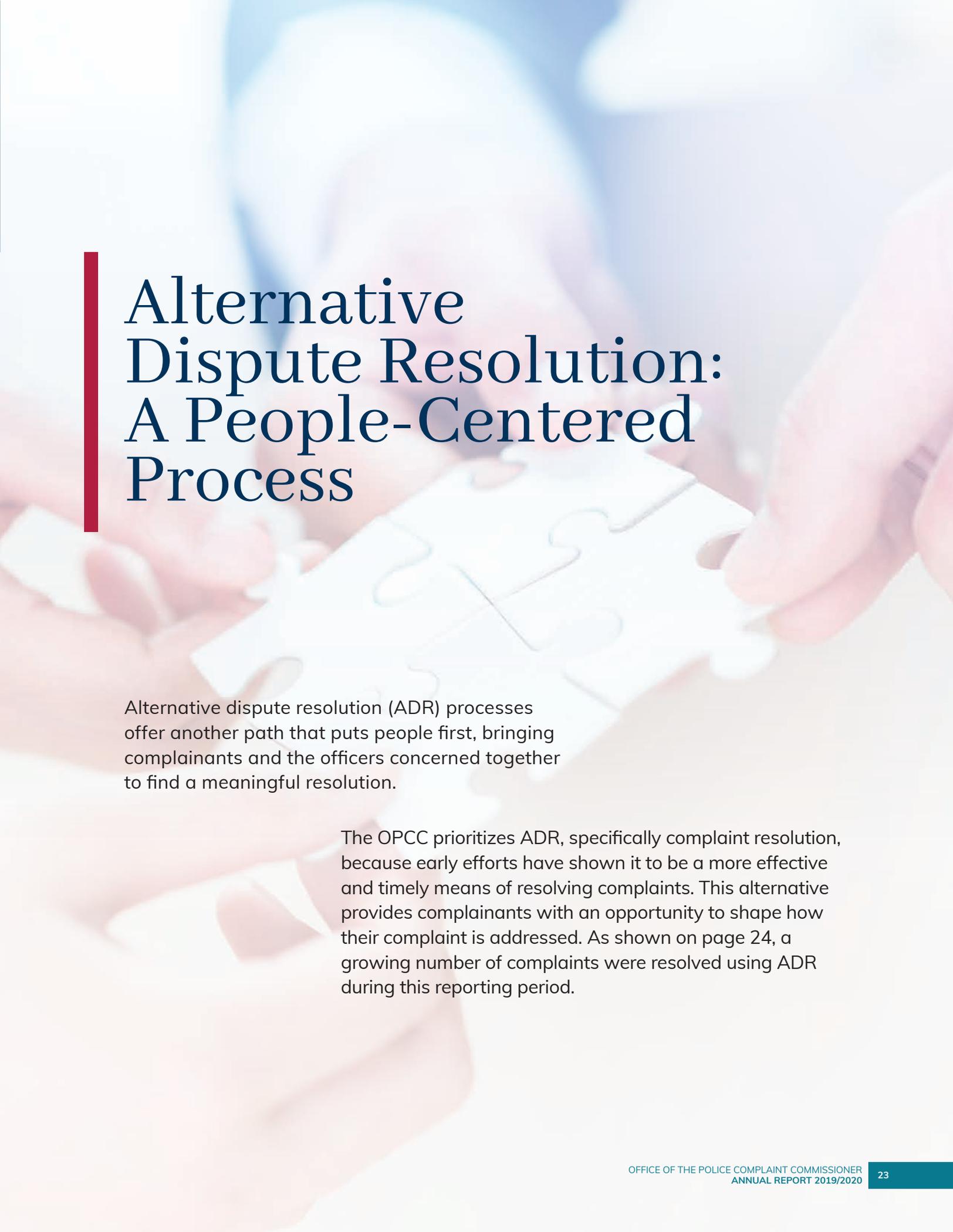
Lastly, Constable Christopher Nicholson was observed by police to be speeding excessively and committing numerous other driving infractions while under surveillance by police.

In arriving at his decision, Chief Officer Jones noted that the conduct of Constable Christopher Nicholson has "had a negative effect on the APD, the criminal justice system, and the public confidence." Not only were the allegations serious in nature but they also went "to the very heart of the need for public trust and the support that the police need to maintain when they are entrusted with unique powers and authorities."

DISCIPLINE

30-day suspension without pay

Dismissal



Alternative Dispute Resolution: A People-Centered Process

Alternative dispute resolution (ADR) processes offer another path that puts people first, bringing complainants and the officers concerned together to find a meaningful resolution.

The OPCC prioritizes ADR, specifically complaint resolution, because early efforts have shown it to be a more effective and timely means of resolving complaints. This alternative provides complainants with an opportunity to shape how their complaint is addressed. As shown on page 24, a growing number of complaints were resolved using ADR during this reporting period.

“ I feel that I was able to achieve what I set out to do by going through this process; I feel that I have a much better understanding of the officer’s perspectives, his motive for making the choices that he did, and that the officer has an understanding of the impact of his actions on me.”

ADR and OPCC complaints

Upon filing a complaint against a municipal police officer, the complainant will have the option to indicate whether they would like to resolve the matter through an ADR process – either complaint resolution or mediation. If the Commissioner agrees, the process begins.

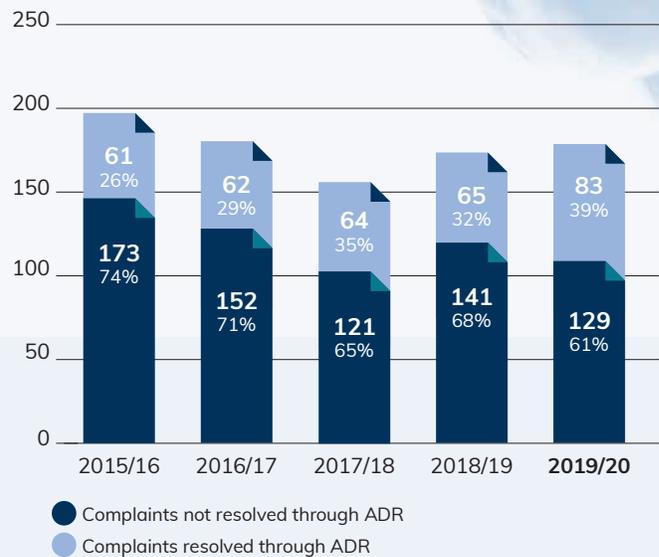
For complaint resolution that means that the complainant will work with a police investigator under the OPCC’s oversight to reach a meaningful resolution, which is reviewed by our office. Each complainant must confirm that they are satisfied with the agreement to conclude the process.

Mediations are facilitated by independent professional mediators and are completely confidential, with the agreements reached being final and binding, provided the issues are resolved in accordance with agreed upon guidelines.

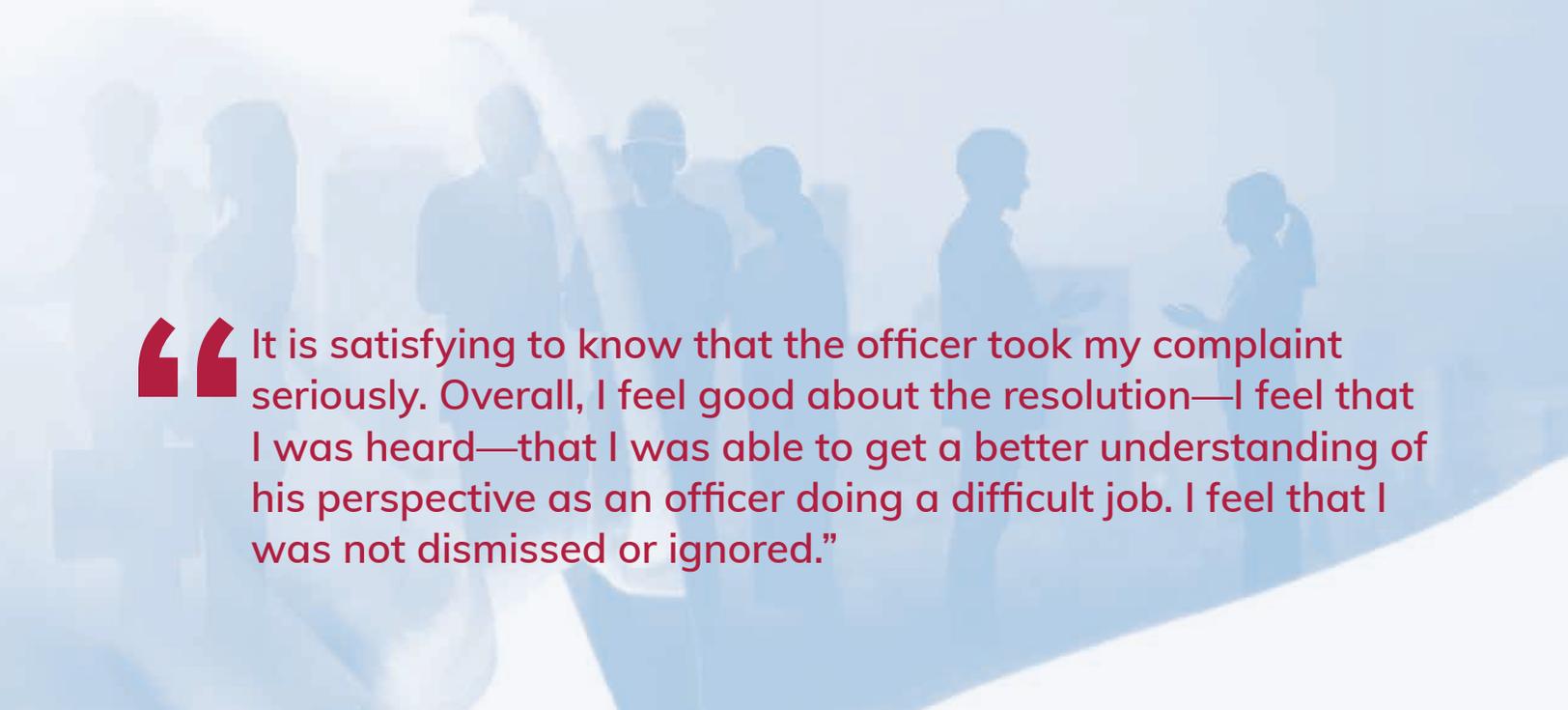
The complaint resolution and mediation processes both empower individuals to play an active role in the process, resulting in resolutions that are more effective and meaningful for all parties, and lead to improved understanding on all sides. Open, honest communication breaks down barriers and both of these methods help strengthen the bonds between police officers and the communities they serve.

“ The investigator is a very personable guy, he was willing to hear my side and I feel he had a thorough understanding of my concerns. I feel that I was respected, that my viewpoint was respected.”

Alternative Dispute Resolution (2015-2020)



*Of files concluded during the fiscal year noted



“It is satisfying to know that the officer took my complaint seriously. Overall, I feel good about the resolution—I feel that I was heard—that I was able to get a better understanding of his perspective as an officer doing a difficult job. I feel that I was not dismissed or ignored.”

What complainants say about ADR

The feedback below is from OPCC ADR files created during the period covered in this report. All identifying information has been removed.

A chance to sit down together: The process “went way better than they could have hoped for.” One of the main benefits for the complainant was the opportunity to sit down with the officer and share their views and experiences related to homelessness, which was central to the complaint. All parties walked away from the meeting with a better understanding of the other’s perspective.

Building trust first: The complainant stated they were treated with respect by both the investigator and the OPCC. Because of this, the complainant had trust in the investigator and believed “the officer’s apology [came] from within.”

Proactive, positive result: A complainant described the investigator assigned to her case to be “open, understanding and empathetic” and that the OPCC was unbiased in their approach throughout the process. The complaint was resolved with the officer involved writing a letter of apology. The complainant said the result would allow her “to close this chapter of her life.”

“It can be very difficult to come forward when you have a complaint. However, having gone through this process, I found it to have been very welcoming. I felt that I was heard and not shamed.”

Earlier resolution, satisfying result: By engaging in this process, the complainant reported feeling that he had “a much better understanding of the officer’s perspectives, his motive for making the choices that he did, and that the officer had an understanding of the impact of his actions on me.” The complainant said the OPCC explained his options well to him and he chose complaint resolution because it seemed to offer the quickest resolution. Also, the investigator took the time to “[understand] the principle of my complaint and I really appreciated the respect that she had.”

‘They do care’: “I feel that I was heard [and] that I was able to get a better understanding of his perspective as an officer doing a difficult job,” the complainant said. “This whole process has made me feel that I have been acknowledged—that the police do care, and that they take complaints seriously. That they want to do a good job. This did not feel like a pat on the head.”

QUESTIONS OR CONCERNS

Police departments also directly receive questions or concerns about members’ conduct beyond formal complaints about police misconduct. Police departments are required to record those questions or concerns and forward them to the OPCC for review. Efforts are made to contact the person who brought forward the question or concern to determine their level of satisfaction with the department’s response. In instances where our office is unable to reach the complainant, the OPCC reviews the action taken by the department and assesses whether the department took adequate and reasonable steps to address that person’s questions or concerns.

In 2019/2020, police departments recorded 164 questions or concerns from the public.



Recommendations



The OPCC takes a systemic approach to overseeing the conduct of municipal police, with the overarching goal of preventing the recurrence of police misconduct that may have contributed to a complaint or an investigation.

The Commissioner can act on his ability to make recommendations to police boards on matters of policy and procedures, and to the Director of Police Services or the Minister of Public Safety and Solicitor General to examine legislative, training, cultural or systemic issues.

In 2019/20, the Commissioner made a number of recommendations to police boards and to the Director of Police Services. These recommendations involve supporting improved training for police, policy and procedure concerns at the local level as well as across the province. The OPCC plays an important role in raising awareness and fostering meaningful change to address workplace culture, sexual assaults, privacy

and information protection, and access to a complaints process for everyone. The following pages summarize key recommendations, complaints and outcomes. In addition, we have provided updates on outstanding recommendations made in earlier fiscal years.

Importantly, many of the OPCC's investigations and subsequent recommendations were made in early 2020, just ahead of the global COVID-19 pandemic. As a result, police board or government response times may be impacted. The OPCC will continue to monitor and seek responses to its recommendations.



WORKPLACE CULTURE

Recommendations to Director of Police Services

Creating a healthy and respectful workplace

Recommendation

- Consider undertaking a study or audit of the Stl'atli'mx Tribal Police Service (STPS) to identify and address workplace issues within the STPS.

Background

During the OPCC's investigation into a member of the STPS, interviews with witness members revealed several instances of concerning conduct by STPS members in the workplace that would appear to violate departmental respectful workplace policy and may be indicative of a broader issue within the department. Additionally, it appeared that senior staff may not have discouraged or reprimanded this type of behaviour from their members and may have also actively participated in the conduct.

Investigation findings

Based on the OPCC's concerns and request for a workplace review, the Director of Police Services advised the Stl'atli'mx Police Board. However, the Director delayed initiating a review at that time, in light of the COVID-19 public health emergency.

The Director encouraged the STPS board to take steps to ensure the STPS has a positive workplace environment and to advise of any responsive actions taken.

Next steps

The OPCC awaits the decision of the Director of Police Services. In the interim, the OPCC has been in contact with a representative of the Stl'atli'mx Police Board to discuss the concerns brought forward to the Director.

WORKPLACE CULTURE

Recommendations to the Vancouver Police Board and to the Director of Police Services

Creating a safe work environment free from the exploitation of power imbalances

Recommendation

- That the Vancouver Police Board promptly engage an independent third-party expert(s) in human resource management, unaffiliated with any police agency in Canada, to assist the Vancouver Police Board in reviewing and considering Vancouver Police Department (VPD) policies and procedures related to workplace relationships involving power dynamics, supervisory and leadership functions, and vulnerable employees. Further that, subject to applicable privacy legislation, the Vancouver Police Board makes the findings of the review public.
- If the Vancouver Police Board declines to promptly act upon all or part of the foregoing recommendation, the Director of Police Services undertake an independent audit of the VPD human resource policies and programs related to workplace relationships involving power dynamics, supervisory and leadership functions, and vulnerable employees. Further that, subject to applicable privacy legislation, findings of that audit be made public.

Background

Vancouver Police Constable Nicole Chan tragically committed suicide in January 2019. An investigation ordered by the OPCC and conducted by the New Westminster Police Department revealed that Sergeant Dave Van Patten was in an inappropriate relationship with Constable Chan while also serving as a Human Resources Officer for the VPD. Sergeant Van Patten was ultimately dismissed from the police department. Another member of the VPD, who has since resigned, was also disciplined for engaging in an inappropriate relationship with Constable Chan.

Making change

Considering recommendations related to the prevention of future misconduct, the OPCC carefully examined the investigation and the discipline process for both members. These matters raise concerns regarding the sufficiency of policies and programs governing workplace relationships within the VPD, in particular those involving persons in supervisory or leadership positions such as these two Sergeants.

Police boards are the employer and governing body of municipal police departments. They are responsible for ensuring the systems, policies and functions of the municipal police departments adhere to regulatory requirements and are accountable to the public. This includes ensuring the organizational culture is reflective of community values and that vulnerable employees are protected. Boards must actively take preventive measures where necessary to prevent future misconduct and ensure a safe work environment free from the exploitation of power imbalances.

The *Police Act* places a mandatory obligation on municipal police boards to ensure, among other matters, that it has sufficient standards, guidelines and policies for the administration of the department to prevent neglect and abuse by police officers.

What's new

The Vancouver Police Board provided a response to the OPCC advising that this matter would be discussed at the Board meeting in April 2020. The Board also advised that the information was being reviewed and the OPCC would be advised of the outcome of their discussions in due course.

Next steps

To date, no further update has been provided by the Vancouver Police Board.

SEXUAL ASSAULTS

Recommendations to the Saanich Police Board and the Ministry of Public Safety and Solicitor General

Setting policing standards and better training for police for sexual assault investigations

Recommendation

Saanich Police Board:

- The Board should commission an independent review of all Saanich Police Department policies and procedures related to; (a) sexual assault investigations and; (b) initial response to sexual assault complaints by first responders, communications and victim support personnel, whether employed or contracted by the Board or Municipality. This independent review should employ reviewers who are knowledgeable in, or have access to, trauma-informed best practices for sexual assault response.
- The Board should consider applying key aspects of the Provincial Policing Standards for Major Case Management as provided for under section 5.2.1 (2) “Threshold and Reporting” to relevant departmental policies and procedures as it pertains to sexual assault investigations. The key aspects include relevant aspects of Standards 5.2.5 (Oversight and Accountability) and 5.2.6 (External Relations) as it applies to Victims of Crime.
- In consultation with the Chief Constable, the Board should consider incorporating mandatory Trauma Informed Practice curriculum for all personnel involved in providing services to the public, including supervisors, contracted service providers, such as E-COMM-911, and others, into the annual training and development planning of the Saanich Police Department.

Ministry of Public Safety and Solicitor General:

- Pursue an approach similar to Violence Against Women in Relationships (VAWIR) in the case of sexual assault as a pan-justice, pan-provincial multi-disciplinary approach to sexual assault investigations, prosecutions and victim support inclusive of comprehensive preventative education and outreach.

Background

On January 2019, the OPCC received a registered complaint from an individual regarding a sexual assault investigation arising from an incident occurring in 2018. The complainant advised that a year-long sexual assault investigation took place. The complainant raised concerns about the approach taken by the investigating officer in the course of the sexual assault investigation. In particular, she complained that she was denied the assistance of a support person during her second meeting with the officer and was told that the support person was not necessary.

In addition, the complainant reported that the officer made comments and asked questions during their meetings which she felt were improper. This included comments related to the consumption of alcohol and medication, asking whether she stayed in the park because she did not want to do a “Walk of Shame”, and other comments which she felt devalued and disrespected her. The complainant also related that she perceived bias by the investigator.

Making change

Upon direction from the Board, the Saanich Police Department requested the Vancouver Police Department conduct an independent review of Saanich policies related to the investigation of sexual assault offences. A number of recommendations resulted from the VPD review and changes were made to Saanich policy in this area.

Changes include enhanced requirements for supervisors, such as ensuring awareness of sexual assault investigations, ensuring appropriate resources and expertise are utilized, and that appropriate rationale and evidence are documented in cases where charges are not recommended. Saanich policy was amended to ensure that all investigations involving a sexual offence will be reviewed and monitored by a supervisor in the Detective Division. The department also created a separate policy regarding trauma-informed practices.

SEXUAL ASSAULTS

Recommendations to the Saanich Police Board and the Ministry of Public Safety and Solicitor General

Setting policing standards and better training for police for sexual assault investigations

Additional factors will also be considered when determining whether there is a need for major case management:

- (a) Investigations that include:
 - (i) confidential informer(s) or agent(s), or
 - (ii) complex investigative techniques, or
 - (iii) an authorization to intercept private communications;
- (b) Investigations of violent crimes that likely span multiple jurisdictions or multijurisdictional gang/organized crime investigations;
- (c) The volume or type of disclosure materials and/or exhibits may exceed the routine capacity of the police force;
- (d) The offence or incident under investigation is believed to be sexually motivated and either serial or predatory in nature; or
- (e) The offence or incident under investigation involves complex or rarely used legislation.

A process will be established whereby investigations with any of these elements are referred to a Team Commander, Primary Investigator or File Coordinator for an assessment to determine whether major case management is required.

The department's victim assistance policy was amended to include the *Victims of Crime Act* and the *Canadian Victim Bill of Rights*, ensuring that victims are provided with necessary and appropriate information and that communication with victims is documented.

The Board also responded that all sworn Saanich Police personnel have been registered for the cross-foundational and police sector specific Canadian Police Knowledge Network (CPKN) Trauma Informed Practice (TIP) training as part of their increment training requirements for 2020. In addition, for new officers (recruit and exempt), completion of the TIP training will be mandatory following onboarding.

Next steps

The issues identified in this matter are not isolated to this one occurrence and department. In other cases, including workplace allegations of sexual assault and harassment, the OPCC has identified issues of bias, lack of trauma-informed practice, and gaps in policies, supervision and training. The OPCC has also seen clear incidences of the persistent application of sexual assault myths and discriminatory attitudes based on gender identity.

The OPCC has been informed that the Director of Police Services will be initiating the development of Provincial Policing Standards in the area of sexual assault investigations.

Prohibiting the use of personal devices by jail staff

Recommendation

- That the Director of Police Services' ongoing audit of jail facilities, specifically that of the Vancouver Police Department, include the issue of jail staff using personal devices to take photographs and/or record images within the jail.

Background

This investigation reviewed a jail guard's use of a personal cell phone to take and disseminate a photograph of a prisoner's hands to other jail guards. The reported reason for taking the photo was to document that the jail guard was unable to fingerprint the prisoner due to a medical condition, and share this experience with colleagues as a learning opportunity through the Snapchat messaging application.

Investigation findings

The OPCC learned that the Inspector in charge of the Court and Detention Services had issued an email "directive" following the incident that explicitly stated that under no circumstances shall personal devices be used by jail staff to take photos or record in the jail, outside of exceptions at the discretion of the Inspector. The VPD Jail Manual of Operations did not include a related policy; this directive likely fell under policy prohibiting the posting of any photographs, video, audio or other media captured or related to on-duty activities on social media platforms.

What's new

Through a review of the VPD Jail which was already underway, the Director of Police Services committed to considering this issue and including related recommendations in the final report.

Next steps

Upon conclusion of its review, the Director of Police Services report noted that the VPD Jail Manual specifically references that no personal audio/video devices are to be used by jail staff to take photos or record audio or video inside the jail.

TIMELY ACCESS TO POLICE

Recommendation to Vancouver Police Board

Removing barriers to reporting serious and sensitive matters to police



Recommendation

- Consider implementation of a policy that would facilitate an officer or officers being available during hours of operation to attend the front counter to take reports from members of the public in relation to the reporting of serious and sensitive matters (such as reports of missing persons and serious criminal offences).

Background

A complainant reported that they attended the Vancouver Police Department (VPD) headquarters at 2120 Cambie Street to support a friend who was there to file a police report regarding abuse. The complainant and her friend were told that no one there could assist them and directed them to call an officer. The complainant and her friend were on hold for 16 minutes while numerous officers walked by who were unable to help them. The complainant expressed concern that this response is unacceptable and questioned how many people would leave without filing a report in these circumstances.

In response to this complaint, the board requested the VPD investigate the matter and report back. The VPD acknowledged recent delays in answering non-emergency calls. E-Comm, the call centre and dispatch service used by the VPD, assured that they are focused on resolving this issue and improving their service times. The VPD maintains that referring citizens who are at the Public Service Counter (PSC) to call E-Comm is an efficient option for dealing with incidents that require a police officer.

The Board advised that the VPD has taken a number of corrective measures to better communicate the process for requesting police attendance when reporting certain incidents, and to explain to members of the public what matters can be handled directly by the PSC and E-Comm staff. In particular, the VPD improved signage at the PSC and created information pamphlets to better communicate the process for requesting police attendance. The VPD advised that it was exploring the viability of stationing an officer at the PSC to investigate incidents reported by the public at the PSC.

The Board concluded its review of the complaint based on these steps taken.

Investigation findings

Upon review of the OPCC's recommendations, the Board noted that the assignment of officers is not within the Board's jurisdiction as it falls under operational matters. The VPD stated that there are sufficient procedures listed in the *Public Safety Unit Request for Police Attendance Procedures* and that no additional policy was required however, the VPD is exploring the viability of stationing an officer at the PSC to investigate incidents reported by the public.

Next steps

The Commissioner will continue to monitor complaints regarding the filing of serious and sensitive matters to ensure the public receives efficient access to the services they require.

PRIVACY AND INFORMATION PROTECTION

Recommendation to all municipal police boards

Preventing unauthorized disclosures of sensitive information

Recommendation

- To consider the recommendation made by retired judge, Brian Neal, Q.C., recommending a renewed focus by the Vancouver Police Department (VPD) to reinforce the importance for all members to understand their privacy obligations when accessing police databases, particularly data governed by the *Youth Criminal Justice Act* (YCJA).
- All police boards consider the decision of Mr. Neal and to review their own oversight and governance mechanisms related to such occurrences.
- Consider including mandatory engagement of the Office of the Information and Privacy Commissioner as a “best practice” in the interests of accountability and transparency when privacy breaches occur.

Background

The OPCC ordered an investigation into the conduct of a VPD officer following information that he had accessed police databases for personal reasons and may have disclosed information. The police officer was investigated for two allegations of corrupt practice for inappropriately accessing police databases and one allegation of improper disclosure of information. The investigation revealed the member committed misconduct and discipline was recommended.

Key investigation findings

Upon review of this matter, the Commissioner considered that the disciplinary measures imposed did not reflect the seriousness of the breaches of privacy and the use of sensitive information for personal purposes and was out of step with the public’s expectations and the standards expected by professions entrusted with protecting private and sensitive personal information. The conduct undermined public confidence in the police and the disciplinary process due to the fact that the respondent was aware that he would be contravening law and policy, yet used sensitive databases for personal reasons on two occasions.

The OPCC determined that it was important to receive guidance from a retired judge regarding the appropriate range of discipline with respect to matters involving the use of police databases for personal reasons and the improper disclosure of personal information.

The Commissioner arranged an adjudicative review to be held before retired provincial court judge, Brian Neal, Q.C.. Mr. Neal’s decision recognized the seriousness of this conduct, particularly as this was a case of data that was protected by the YCJA. Mr. Neal determined that this conduct required discipline that would serve as a deterrence to other members and imposed a penalty of 5-day suspensions without pay for each misconduct.

Making change

The *Police Act* requires a municipal police board to make rules respecting, among other things, “the prevention of neglect and abuse by its municipal constables.” Moving forward, the OPCC will require conduct investigations related to privacy breaches to include information as to how the police board has been informed, whether internal policies and procedures were adhered to, and what steps the department took to comply with the duties and obligations arising from the privacy breach. The OPCC will also be carefully considering any offences which may arise under the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Next steps

The OPCC will continue to monitor each board’s response to this recommendation to ensure the appropriate attention has been afforded to help prevent this type of misconduct from occurring.

Developing policies and training requirements for sexual assault investigations and gender identity

Recommendations

- Develop policies and/or procedures and training on sexual assault investigations consistent with best practices and trauma-informed approaches.
- Develop policies and/or procedures to educate and inform effective communication strategies related to sexual orientation and gender issues.

Background

A complainant, who self-identified as transgender, reported that they attended the Nelson Police Department (NPD) to provide a statement about a sexual assault. The individual complained that the officer who conducted the interview was not professional and used victim-blaming language that made them feel uncomfortable, re-traumatized, and disbelieved. The complainant also claimed that the officer did not understand the dynamics around sexual assaults and questioned the complainant about gender identity. The individual stated that they felt it would be important for the officer to gain knowledge of transgender issues.

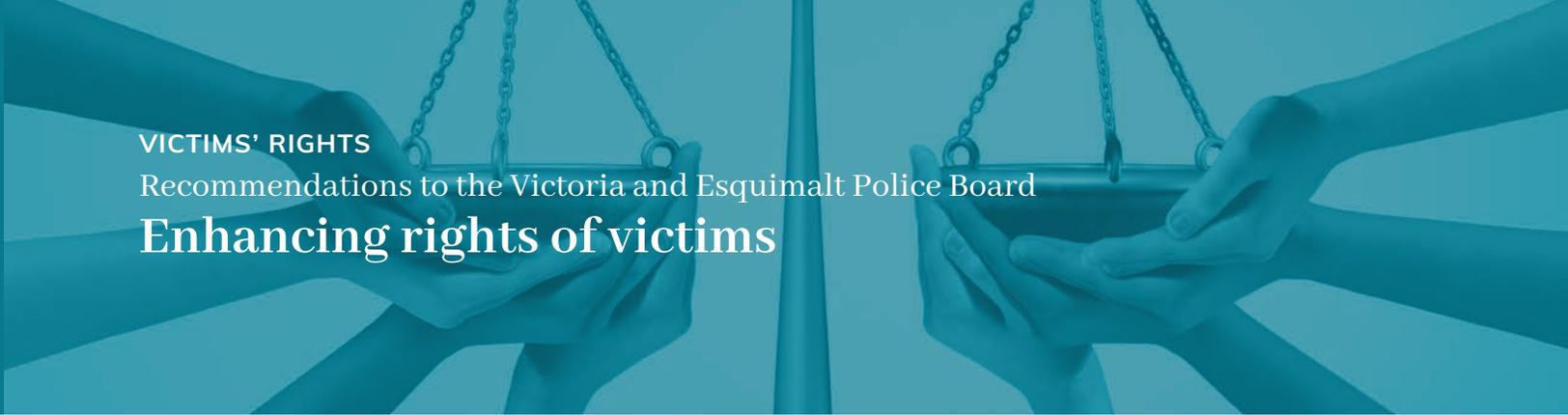
Investigation findings

During the investigation, the OPCC was advised that the NPD did not have specific policies or training related to conducting sexual assault investigations, or sexual orientation and gender identity. The review also found that the offending language was harmful to the complainant, and that the department would benefit by developing specific policies and procedures in this area.

The OPCC's review concluded there was a gap in departmental policies, procedures, and training on sexual assault investigations and communicating strategies on gender, sexual identity, and diversity.

Making change

The OPCC made the recommendation to the Nelson Police Board in February 2020 and is awaiting a response.



VICTIMS' RIGHTS

Recommendations to the Victoria and Esquimalt Police Board

Enhancing rights of victims

Recommendation

- That the Board investigate and consider whether relevant departmental policies were compliant with the *Victims of Crime Act*. The *Victims of Crime Act* is a provincial legislation which governs the rights of victims. It gives victims the right to be treated fairly and with respect and the right to receive certain information, including the status of police investigations and court dates.

Background

The complainant reported that a family member was killed in a fatal motorcycle accident. The complainant was of the view that in cases where there are serious outcomes such as death, Major Case Management principles and associated internal rules should apply. In this case, charges were pursued under provincial legislation. The complainant also expressed concern that police do not receive notifications when charges are approved under provincial legislation compared to criminal charges as she was not informed when charges were approved by Crown Counsel despite the lead investigator's assurances that she would be informed.

The Board requested that the Victoria Police Department (VicPD) investigate the complaint. VicPD found that this case did not meet the criteria set pursuant to Provincial Policing Standards for Major Case Management. VicPD determined that it was not necessary to create a new policy directing investigators to review PRIME for charge approval as investigators and supervisors in the detective office handling serious files such as this routinely review their files in PRIME for charge approval and other follow-ups on at least a monthly basis.

The Board ultimately dismissed the complaint with reasons.

Action

The VicPD reviewed the *Victims of Crime Act* in relation to their policy. Based on that review, the Board confirmed that VicPD's internal policies are compliant with this legislation.

Next steps

The Commissioner will not be taking any further action.

Removing barriers to accessing the complaints process

Recommendations

- Following the submission of a complaint to the police board, the board make reasonable efforts to contact the complainant, and that they document these efforts.
- The board should indicate why participation by the complainant and/or further information from the complainant is necessary to address the complaint.
- Recommended the creation of a policy which promotes accessibility for the public engaged in Service/Policy complaints.

Background

The complainant had submitted a service or policy complaint without contact information. The Board met on April 18, 2019, and moved to dismiss the complaint on the basis that it did not provide contact information, and that the lack of contact information prevented the board's ability to process the complaint and made it difficult to investigate.

The OPCC reviewed the Board's decision, noting concerns that the most vulnerable members of society may encounter barriers with accessing the complaints process due to not having a fixed address, or lacking a telephone or access to email. Our office was of the view that an absence of contact information is not a sufficient reason to dismiss a service or policy complaint.

Investigation findings

On July 19, 2019, the Board responded, indicating that they do not have a blanket policy to dismiss complaints that do not contain contact information, and proceed on a case-by-case basis. The Board outlined the ways in which they ensure that the public at large maintains accessibility to their complaints process, including allowing for delegations at their board meetings, and holding one to two meetings at community venues each year. The Board indicated that they would reopen the file and request an investigation.

Next steps

The OPCC reviewed the response from the Board. The OPCC continues to ensure that all service or policy complaints, including those from members of the public who do not provide contact information, are fairly and adequately dealt with pursuant to the *Police Act*

Removing barriers to reporting missing persons to police

Recommendation

- Undertake further study, investigation, or course of action with respect to the British Columbia Policing Standards on Missing Person Investigations, including but not limited to the underlying principles that there should be no barriers to reporting a missing person and investigations should begin without delay, and families and reportees must be kept appropriately informed of the progress of an investigation, and treated with compassion and respect.

Background

A complainant expressed concern about the service model employed by the Vancouver Police Department (VPD) for people attempting to make reports to the police, and the “insensitive and unprofessional” treatment he received while attempting to file a Missing Persons Report regarding his daughter, who was Indigenous. The complainant advised that he initially attempted to file the Missing Persons Report through the non-emergency number, but became frustrated by the recorded message. Accordingly, the complainant attended the Cambie Street station to file the report directly.

Upon arrival at the station, the complainant waited in line at the front desk. The complainant advised that when he was finally able to speak with an agent, he was informed that he would have to file the report on the non-emergency phone line, and was directed to a phone in the lobby.

The complainant advised that he dialed the number on the phone; however, he was unable to hear the message. Accordingly, the complainant re-entered the line, explained his issue to the agent, and asked if he could speak to someone directly. The agent, however, advised that this was not possible and directed the complainant to the “hearing impaired” phone.

The complainant advised that he attempted to use the “hearing impaired” phone three times but continued to receive a busy signal. Accordingly, the complainant re-entered the line, only to be told by the agent that she could not help him. When the complainant begged for assistance, the agent advised the complainant that he could flag down an officer if he saw one walking by in the foyer.

In addition to his service and policy complaint, the complainant also submitted concerns regarding allegations of misconduct. The complainant noted, in part, that after filing the Missing Person Report, he was contacted and advised that his daughter had been removed from the Missing Persons List, and that his daughter had been contacted. Three days later, the complainant was advised that his daughter’s removal from the Missing Persons List had been the result of a “clerical error,” and she was still missing. Sadly, the complainant’s daughter was found deceased.

Board’s response

In July 2019, the Board concluded its review of the complaint, implementing a number of changes in response. With regard to the VPD’s “service model,” the report noted that the VPD relies on E-Comm to receive calls for police service and dispatch resources, including when a person would like to report the incident at the Public Service Counter (PSC). Improved signage at the PSC and information pamphlets have been implemented to better communicate the process for requesting police attendance, and to explain to members of the public what matters can be handled directly by PSC and E-Comm staff. The VPDs position is that referring all citizens to call E-Comm is an efficient manner to report an incident. In addition, the VPD is exploring the viability of stationing an officer at the PSC to investigate incidents reported by the public. Moreover, E-Comm has assured the VPD that they are focused on resolving resourcing concerns, which has resulted in delays in answering non-emergency calls.

ACCESS FOR EVERYONE

Recommendations to the Vancouver Police Board

Removing barriers to reporting missing persons to police

With respect to the clerical error, the report indicated that a civilian staff member acknowledged removing the missing entry was a mistake. As a result, additional controls and oversight have been established for individual staff members and general administrative procedure involving a missing person report.

Specifically:

- All VPD Transcription and CPIC Support Unit (TCSU) staff have been reminded of the correct process;
- TCSU now follows a new procedure where the Missing Person removal is verified by a co-worker.

With respect to the negative interaction involving a civilian staff member from the VPD's Public Service Counter (PSC), the staff member had followed the correct procedure. In an interview with an Information Management Section (IMS) Manager, the staff member showed genuine concern about how the complainant felt as a result of their interaction. The IMS manager recommended that:

- All Public Service Unit employees be required to take an Exceptional Customer Service Course presented by the City of Vancouver's CityLearn program;
- All PSU current and new employees be required to take Crisis Intervention De-Escalation training once per year;
- The PSU Procedure Manual is updated to include that all Missing Persons Reports be referred to 911;
- The non-emergency/911 and teletype terminal telephone be relocated to wicket five at the CSU so customers can use it in a more private setting;
- All customers who are referred to the non-emergency/911 and teletype terminal telephone receive support from a designated staff member to ensure they get the service they require; and
- VPD will continue to explore with E-Comm the opportunity to have a dedicated information line so that customers and/or staff are not on hold for extended periods of time.

The above recommendations have been accepted by the Director of IMS and are currently being completed, or have been already completed.

Making change

In response to the OPCC's recommendations, the Board approved the VPD's report which outlined that the Public Service Unit's Operations Manual and its policy on Missing Persons/Children are compliant with the BC Provincial Policing Standards on Missing Person Investigations.

Next steps

The OPCC will continue to monitor complaints regarding the filing of missing persons to ensure they are appropriately handled and people are treated with respect and compassion.



RESTRAINING TECHNIQUES

Recommendation to the Vancouver Police Board

Training requirements for use of leg restraint techniques

Recommendation

- Examine the Vancouver Police Department's training, including policy or procedures, pertaining to the use of leg restraint techniques for arrested persons, and to consider any appropriate changes to policy and/or training.

Background

This case involves a woman who was arrested for breach of the peace after witnesses reported an intoxicated woman causing a disturbance in a fast food restaurant. A struggle ensued during the arrest where the woman attempted to kick officers. In response, an officer crossed the complainant's legs and applied downward force using his body weight to prevent her from kicking other officers before a team of officers carried her facedown. The woman asserted that this technique was very painful. Additional officers attended and the complainant was carried facedown by several officers and placed in a prisoner transport van.

Investigation findings

The investigation determined that the specific technique used in this incident was not an approved one. Evidence indicated officers are not trained in this technique given its lack of effectiveness in controlling a subject's legs.

Making change

The OPCC made the recommendation to the Vancouver Police Board in February 2020 and is awaiting response.

Clarifying traffic enforcement action and issuance of Notice and Orders

Recommendation

- To assess whether enforcement action taken by the Vancouver Police Department is arbitrary or is consistent with the relevant lawful authorities and department policies. It is recommended that a sample of Notice and Orders issued by the VPD be audited to determine the number of vehicles that were found to follow the law. This sample could include issues related to wheel alignment/camber and exhaust systems.
- The audit should assess VPD compliance with departmental policy related to the driver's choice of which Designated Inspection Facility (DIF) the driver chooses to use (VPD Regulations and Procedures Manual, s. 1.10.13(viii)—Traffic Violations—Unsafe Vehicles)
- Determine whether any changes are required to VPD policy following this audit.

Background

A complainant reported concerns regarding the training received by Vancouver police officers in relation to the Motor Vehicle Act (MVA) and the Commercial Vehicle Safety and Enforcement's (CVSE) Vehicle Safety and Inspection Standards. The complainant was also concerned with how police officers were interpreting legislation.

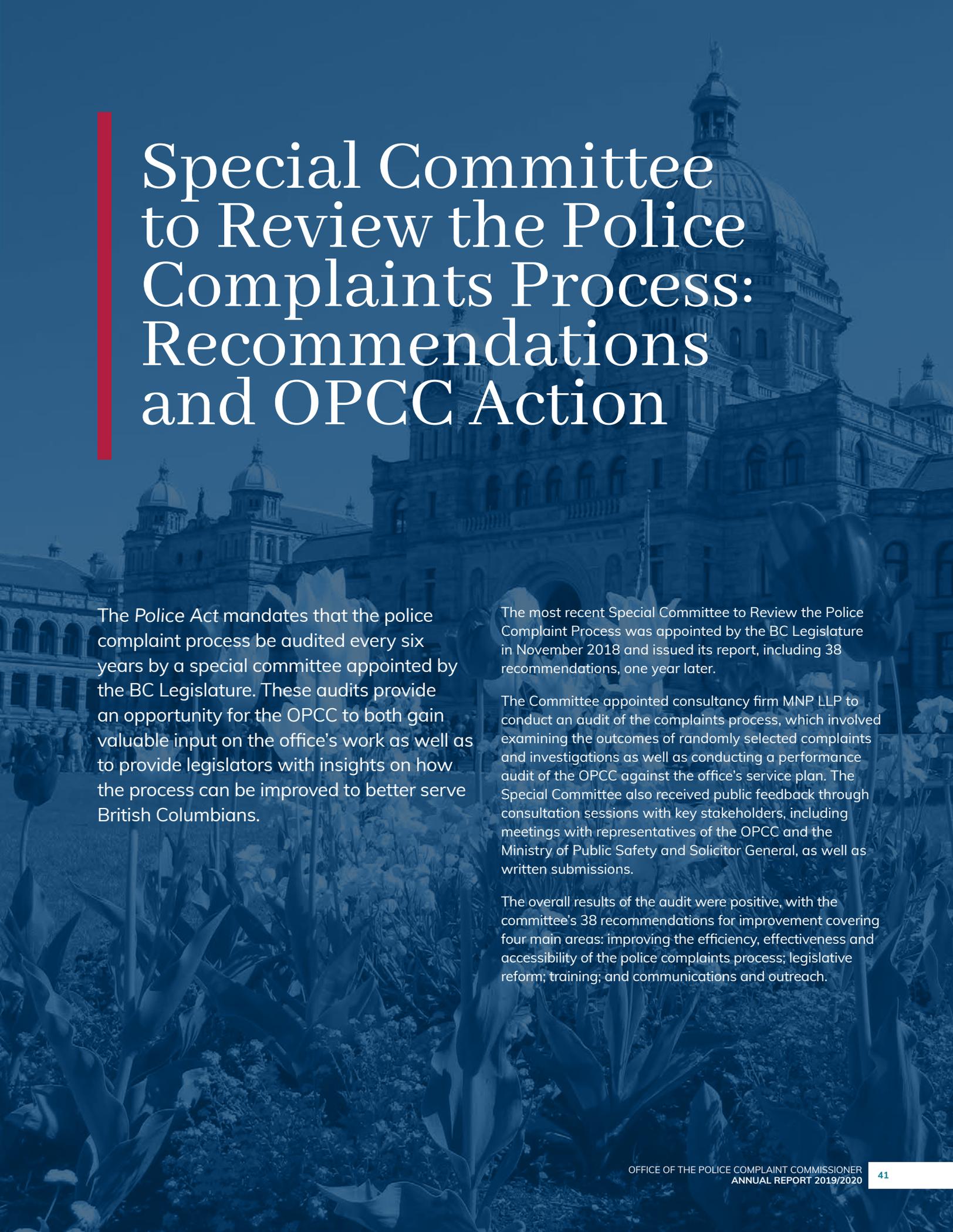
The Board requested an investigation by the VPD and the VPD Traffic Section which led to the conclusion that existing policies and procedures related to enforcing the various provisions of the MVA and Motor Vehicle Act Regulations (MVAR) were thorough and adequate, and that the VPD policy regulating the issuance of notice and orders reflected the wording and application of existing provincial legislation. The Board advised that supplemental in-service training would be beneficial in relation to the application of the MVA, MVAR and the issuance of notice and order documents. It was reported that training was anticipated to be delivered by June 30, 2019.

The VPD completed a random sample audit of Notice and Orders issued this year and found that in each case enforcement actions were consistent with the provisions of Div. 25 of MVAR and VPD policy. The Board concluded that no changes to policy were required. The Board advised that this issue would be discussed at the BC Association of Chiefs of Police Traffic Safety Committee. In addition, the Board reported that the VPD would be seeking a review of the Notice and Order process by the Provincial Government to clarify the authority for a peace officer to designate that a vehicle be taken to a specific Designated Inspection Facility for the purposes of inspection and testing.

Making change

In the OPCC's view, there has been a misapplication by the Vancouver Police Department Traffic Section of the authorities granted under the MVAR, resulting in costs and considerable inconvenience to members of the public.

The OPCC has advised the CVSE of this issue and the apparent lack of clarity regarding the interpretation and application of the MVAR. In addition, as a result of a number of complaints from the public regarding the specific conduct of police officers and departmental policies and practices concerning the interpretation and application of the MVAR, the OPCC reported this matter to the Director of Police Services. The OPCC requested the provincial government review the matter to determine whether additional clarity is required to assist departments with the interpretation and application of this regulation.



Special Committee to Review the Police Complaints Process: Recommendations and OPCC Action

The *Police Act* mandates that the police complaint process be audited every six years by a special committee appointed by the BC Legislature. These audits provide an opportunity for the OPCC to both gain valuable input on the office's work as well as to provide legislators with insights on how the process can be improved to better serve British Columbians.

The most recent Special Committee to Review the Police Complaint Process was appointed by the BC Legislature in November 2018 and issued its report, including 38 recommendations, one year later.

The Committee appointed consultancy firm MNP LLP to conduct an audit of the complaints process, which involved examining the outcomes of randomly selected complaints and investigations as well as conducting a performance audit of the OPCC against the office's service plan. The Special Committee also received public feedback through consultation sessions with key stakeholders, including meetings with representatives of the OPCC and the Ministry of Public Safety and Solicitor General, as well as written submissions.

The overall results of the audit were positive, with the committee's 38 recommendations for improvement covering four main areas: improving the efficiency, effectiveness and accessibility of the police complaints process; legislative reform; training; and communications and outreach.

Reforming legislation to make OPCC more effective

The committee's final report recommended that the *Police Act* be reformed to:

- Amend the *Police Act* to provide the Police Complaint Commissioner with the power to arrange a public hearing at any stage of the process.
- Amend the *Police Act* to enable the Office of the Police Complaint Commissioner to conduct self-initiated systemic reviews, including data analysis, to highlight emerging or high-level trends, and to report publicly on any findings.
- Amend the *Police Act* to expand the Police Complaint Commissioner's authority to make binding guidelines in any area not currently covered by the Act.
- Amend the current definition of "discipline authority" in the *Police Act* to include persons appointed pursuant to regulations and approved by the Police Complaint Commissioner or Chief Constable.

These legislative reforms would improve the complaints process. Government is now considering these recommendations.

Bridging cultural divides and improving communications

Special Committee members also included other recommendations specifically focused on OPCC operations, including improving communication and outreach activities; providing cultural competency training for staff; and developing a shared database of complaint files as a resource for *Police Act* investigators and discipline authorities.

Making the complaints process more accessible

A central theme in the recommendations to the OPCC and others in the report is the need for the complaints process to be more accessible, particularly to Indigenous and newcomer communities, and vulnerable groups. The OPCC has already begun this important work (see "Outreach" page 13) and is committed to expanding those efforts and detailing the results in next year's report.

Expanding ADR and improving outcomes

The Committee also highlighted the importance of promoting alternative dispute resolution processes as a means of achieving timelier and more effective resolutions of police complaints, including partnering with Indigenous communities in these efforts. (See feature on Alternative Dispute Resolution, page 23, for more on the OPCC's work in this area).

The OPCC accepted all of the Committee's recommendations and work to address them throughout the period covered in this report and beyond.

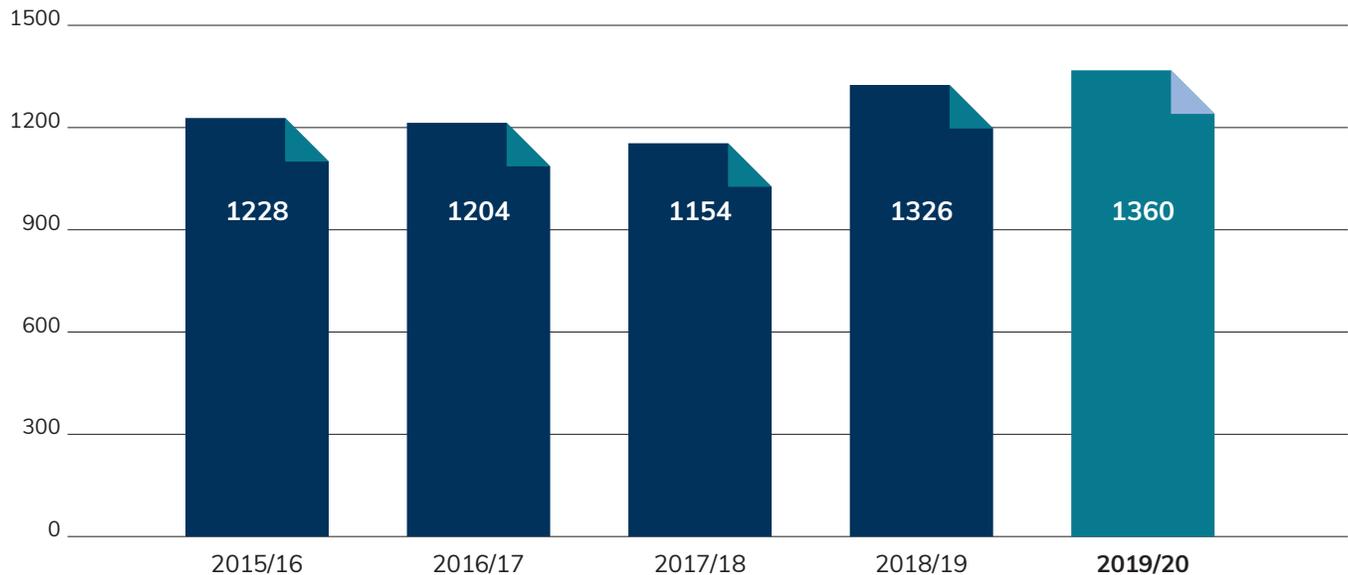


The full report by the Special Committee to Review the Police Complaint Process is available here: <https://opcc.bc.ca/wp-content/uploads/2019/11/Special-Committee-to-Review-the-Police-Complaint-Process.pdf>

A photograph of a business meeting. Several people are gathered around a table, looking at and pointing to various documents and charts. The charts include bar graphs, pie charts, and line graphs. The scene is brightly lit, suggesting an office environment. A red vertical bar is positioned to the left of the text.

More of Our Story in Numbers

Files Opened: Yearly Comparisons (past five years)



Files Opened: Comparisons by Department (past five years)

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Abbotsford	81	142	94	127	149
Central Saanich	5	10	13	6	17
CFSEU (Organized Crime Agency of British Columbia)	2	1	1	1	5
Delta	58	60	49	80	53
Nelson	8	16	15	15	14
New Westminster	62	50	19	38	42
Oak Bay	8	10	4	7	9
Port Moody	30	23	23	33	38
Saanich	120	93	100	72	83
Metro Vancouver Transit Police	85	105	96	104	46
St'l'at'l'imx	1	-	4	5	4
Vancouver	599	522	577	602	687
Victoria	132	142	134	210	187
West Vancouver	37	30	25	25	26
TOTAL FILES OPENED	1228	1204	1154	1326	1360

Files Opened by Type (past five years)

	2015/2016		2016/2017		2017/2018		2018/2019		2019/2020	
Registered Complaints	530	43%	444	37%	522	45%	487	37%	537	39%
Investigations Initiated by PCC	11	1%	20	2%	13	1%	25	2%	32	2%
Investigations Requested by Department	28	2%	26	2%	35	3%	54	4%	65	5%
Mandatory External Investigations (s. 89)	15	1%	8	1%	10	1%	14	1%	18	1%
Monitor Files	419	34%	461	38%	338	29%	497	37%	483	36%
Internal Discipline Files	11	1%	15	1%	15	1%	21	2%	22	2%
Service or Policy Complaints	9	1%	12	1%	15	1%	23	2%	39	3%
Questions or Concerns	205	17%	218	18%	206	18%	205	15%	164	12%
TOTAL	1228		1204		1154		1326		1360	

File Types

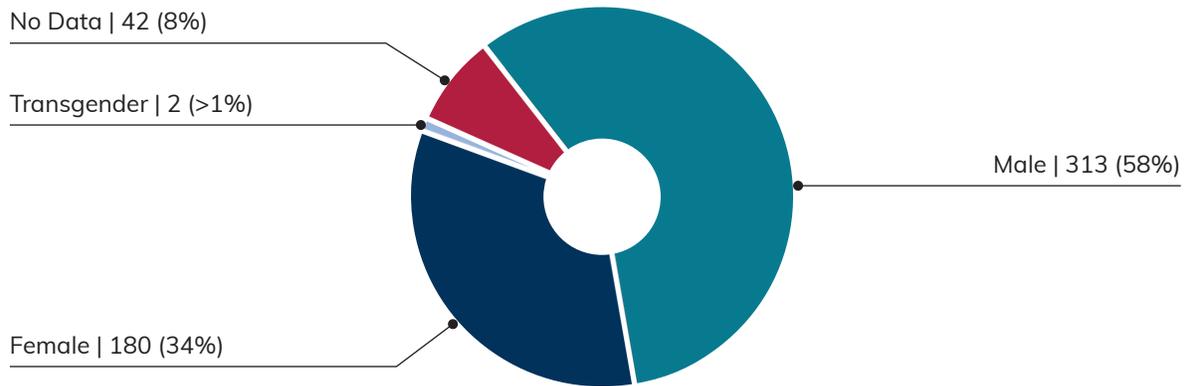
Registered Complaints	Complaints about a police officer's conduct or actions that affect a member of the public.
Ordered Investigations & Mandatory External Investigations	Investigations may be initiated by the Commissioner, whether requested by a department or as a result of information received from any source that raises concerns about officer misconduct. The Police Act also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death.
Monitor Files	Opened when information is received by the OPCC from the police, including reportable injuries, or from other sources, such as public information, that may require an investigation pursuant to the Police Act. Typically, these are incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have yet been identified. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "reviewed and closed."
Internal Discipline Files	Involve performance management issues or employer/employee concerns that do not affect members of the public; are not the subject of a complaint or investigation; and no overriding public interest in proceeding with the matter as a public trust matter.
Service or Policy Complaints	Involve the quality of a police department's service to the community or regarding their operating policies.
Questions or Concerns	If a member of the public has a question or concern about a municipal police officer's conduct that does not result in the making of a registered complaint, he or she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review.

Files Opened in 2019/2020 by Police Department and Type

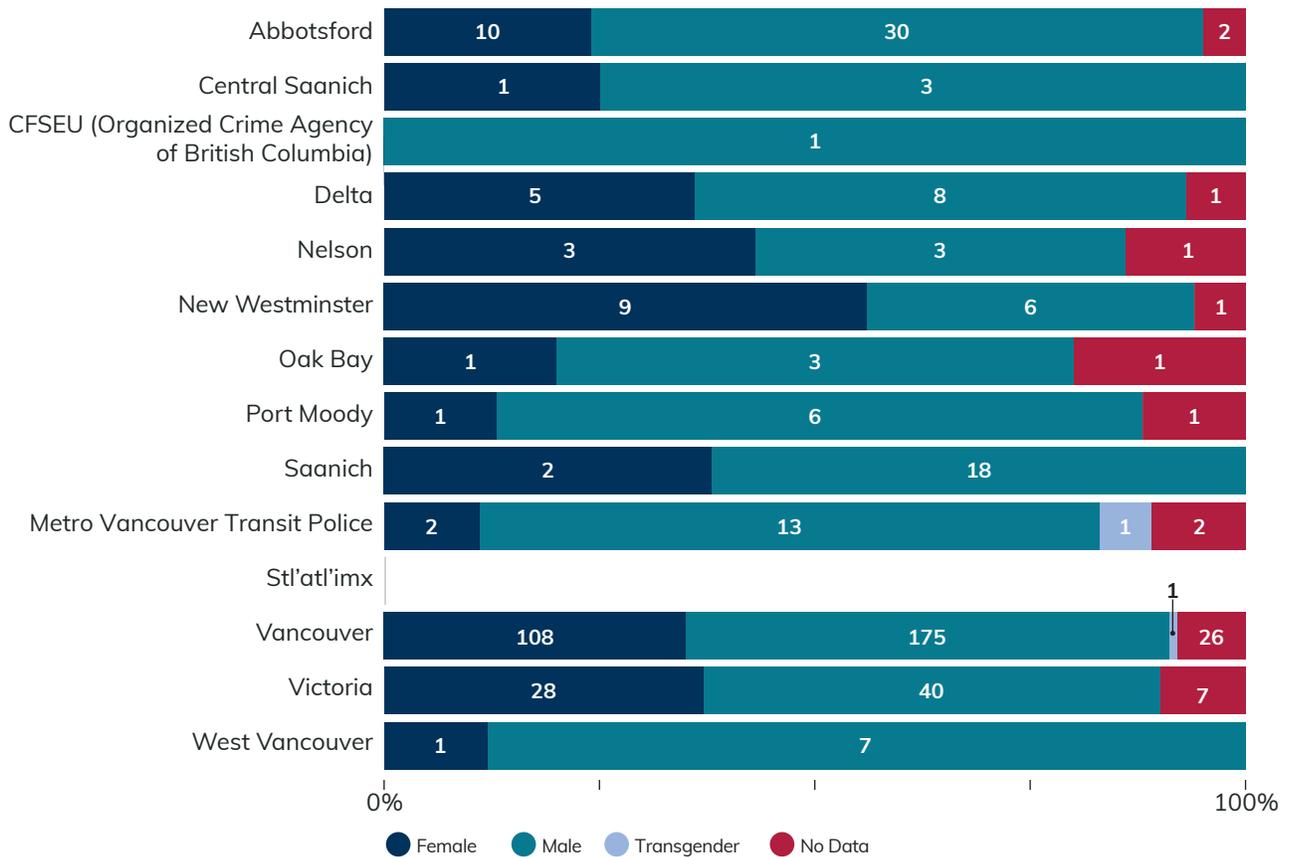
	Registered Complaint Admissible	Registered Complaint Inadmissible	Mandatory External Investigation	Ordered Investigation Department	Ordered Investigation PCC	Questions and Concerns	Service and Policy Complaints	Internal	Monitor	Total
Abbotsford	19	23	1	8	1	35	1	3	58	149
Central Saanich	3	1	-	5	1	1	1	-	5	17
CFSEU (Organized Crime Agency of British Columbia)	-	1	-	-	-	-	-	2	2	5
Delta	6	8	-	4	-	6	1	-	28	53
Nelson	2	5	-	1	1	-	-	3	2	14
New Westminster	7	9	1	3	-	9	-	-	13	42
Oak Bay	-	5	-	1	1	1	-	-	1	9
Port Moody	3	5	2	1	1	18	1	-	7	38
Saanich	9	20	-	4	2	28	3	5	12	83
Metro Vancouver Transit Police	7	11	-	2	2	2	1	1	20	46
Stl'atl'imx	-	-	1	-	1	-	-	-	2	4
Vancouver	170	140	11	31	19	24	25	4	263	687
Victoria	35	40	2	1	3	33	6	1	66	187
West Vancouver	-	8	-	4	-	7	-	3	4	26
Total	261	276	18	65	32	164	39	22	483	1360

Demographics of Registered Complaints

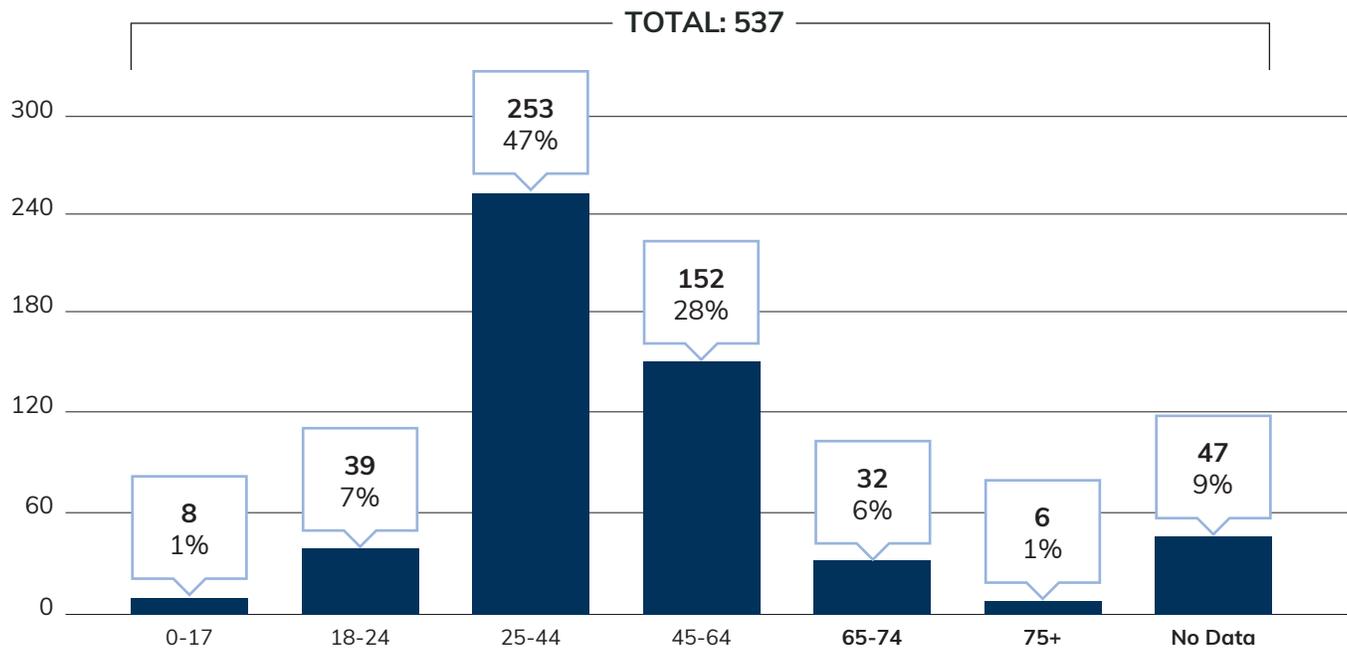
Gender of Persons Filing Police Complaints



Gender of Persons Filing Police Complaints by Department



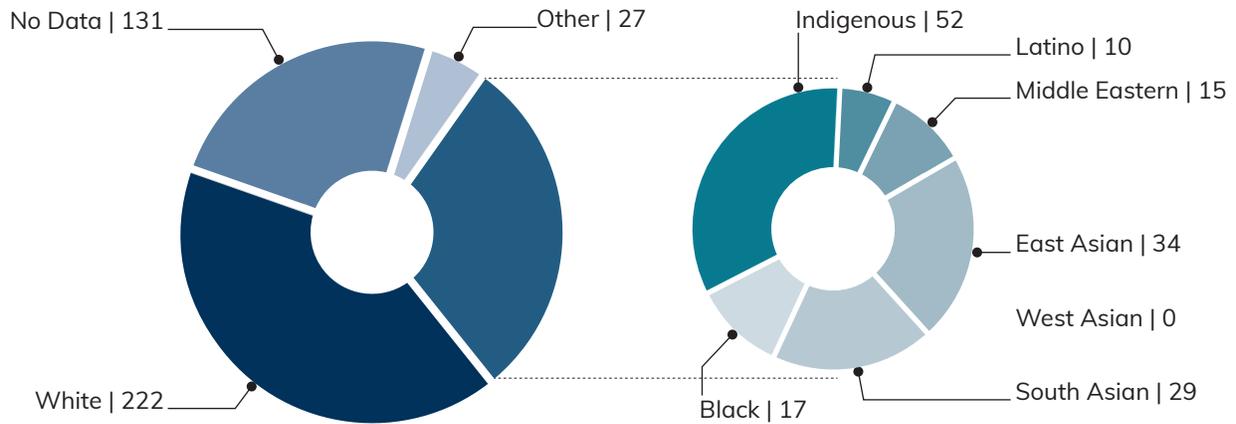
Age of Persons Filing Police Complaints



Age of Persons Filing Police Complaints by Department

	0-17	18-24	25-44	45-64	65-74	75+	No Data	Total
Abbotsford	-	1	20	17	2	-	2	42
Central Saanich	-	-	2	1	1	-	-	4
CFSEU (Organized Crime Agency of British Columbia)	-	-	1	-	-	-	-	1
Delta	-	-	10	3	1	-	-	14
Nelson	-	-	5	1	-	-	1	7
New Westminster	-	1	7	4	-	1	3	16
Oak Bay	-	-	3	1	-	-	1	5
Port Moody	-	-	3	4	-	-	1	8
Saanich	-	2	7	14	4	-	2	29
Metro Vancouver Transit Police	-	4	7	5	1	-	1	18
Stl'atl'imx	-	-	-	-	-	-	-	-
Vancouver	5	25	151	82	18	1	28	310
Victoria	3	5	34	17	5	3	8	75
West Vancouver	-	1	3	3	-	1	-	8
Total	8	39	253	152	32	6	47	537

Ethnicity of Persons Filing Police Complaints



Ethnicity of Persons Filing Police Complaints by Department

	Black	Asian	Indigenous	Latino	Middle Eastern	White	Other	No Data	Total
Abbotsford	-	7	6	-	1	18	2	8	42
Central Saanich	-	-	1	-	-	3	-	-	4
CFSEU (Organized Crime Agency of British Columbia)	-	-	-	-	-	-	-	1	1
Delta	-	1	1	-	1	5	1	5	14
Nelson	-	-	-	-	-	4	-	3	7
New Westminster	-	2	-	-	-	7	3	4	16
Oak Bay	-	-	-	-	1	3	-	1	5
Port Moody	-	-	2	-	1	4	-	1	8
Saanich	1	3	1	-	2	13	2	7	29
Metro Vancouver Transit Police	1	3	-	-	-	5	-	9	18
Stl'atl'imx	-	-	-	-	-	-	-	-	-
Vancouver	9	42	32	9	9	122	14	73	310
Victoria	5	4	9	1	-	33	5	18	75
West Vancouver	1	1	-	-	-	5	-	1	8
Total	17	63	52	10	15	222	27	131	537

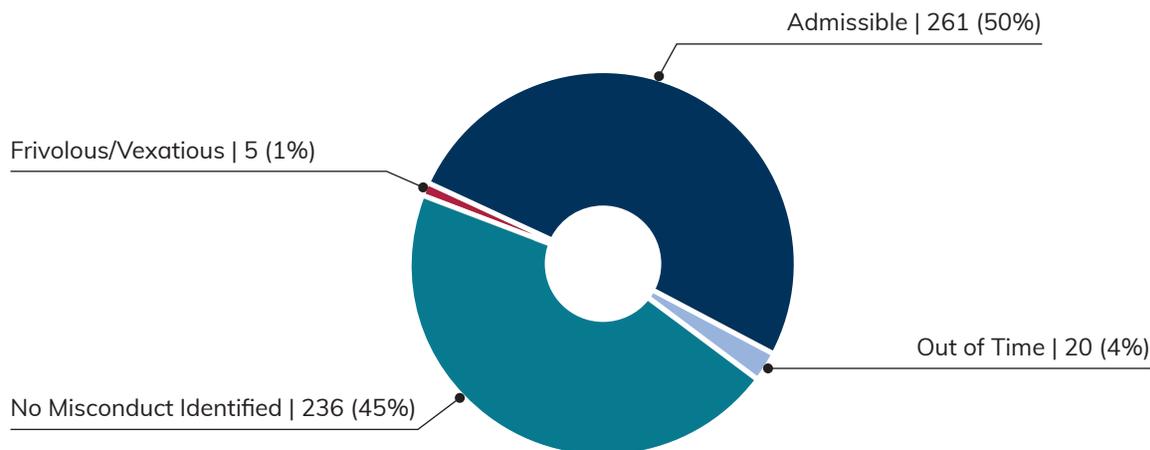
Allegations of Misconduct 2019/2020

A single registered complaint or ordered investigation may contain more than one allegation of misconduct.

Abuse of Authority	217 (46%)
Neglect of Duty	103 (22%)
Discreditable Conduct	60 (13%)
Discourtesy	50 (11%)
Improper Disclosure of Information	9 (2%)
Unauthorized Use of Police Facilities/Resources	7 (1%)
Corrupt Practice	6 (1%)
Deceit	6 (1%)
Improper Use or Care of Firearms	1 (>1%)
Damage to Property of Others	1 (>1%)
Misuse of Intoxicants	0
Accessory to Misconduct	0
Improper Off Duty Conduct	0

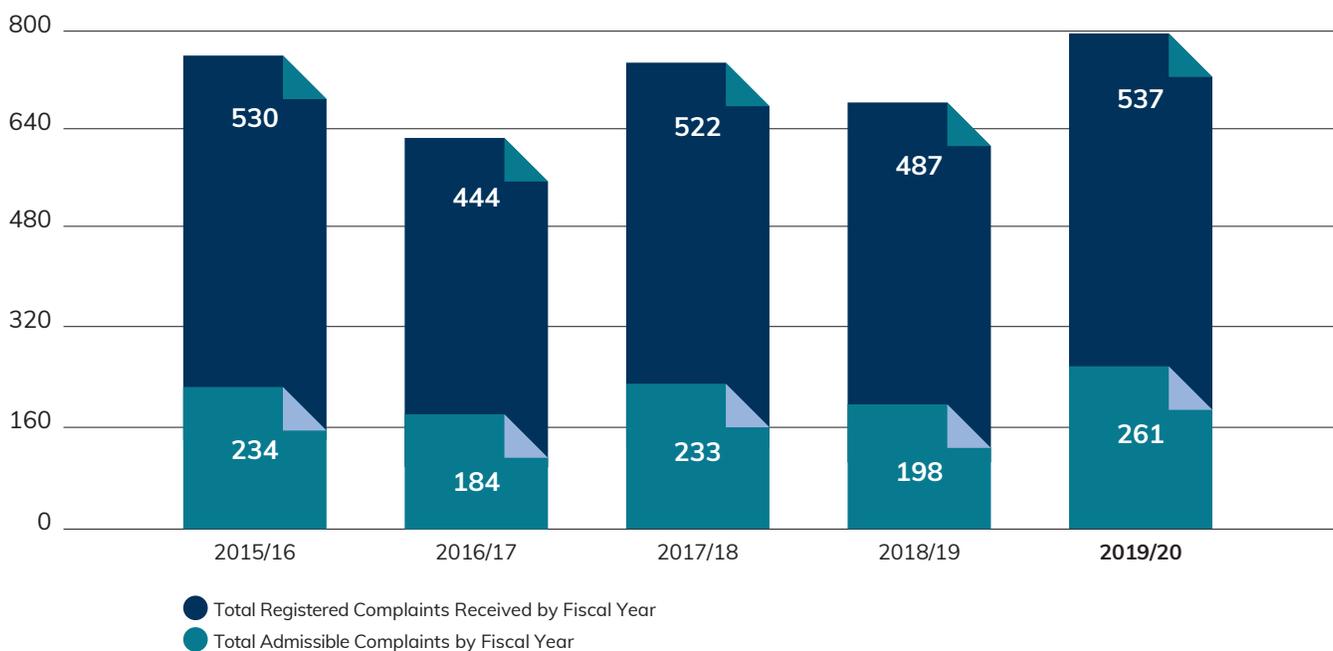
"Unauthorized Use of Police Facilities/Resources" is a subsection of "Corrupt Practice." The OPCC distinguishes this as a separate category of misconduct in order to better capture statistics pertaining to this conduct.

Registered Complaints: Admissibility Assessments 2019/2020



Note: Withdrawn prior to admissibility assessment – 15 (not used in calculating percentages)

Registered Complaints: Admissibility Assessments (past five years)



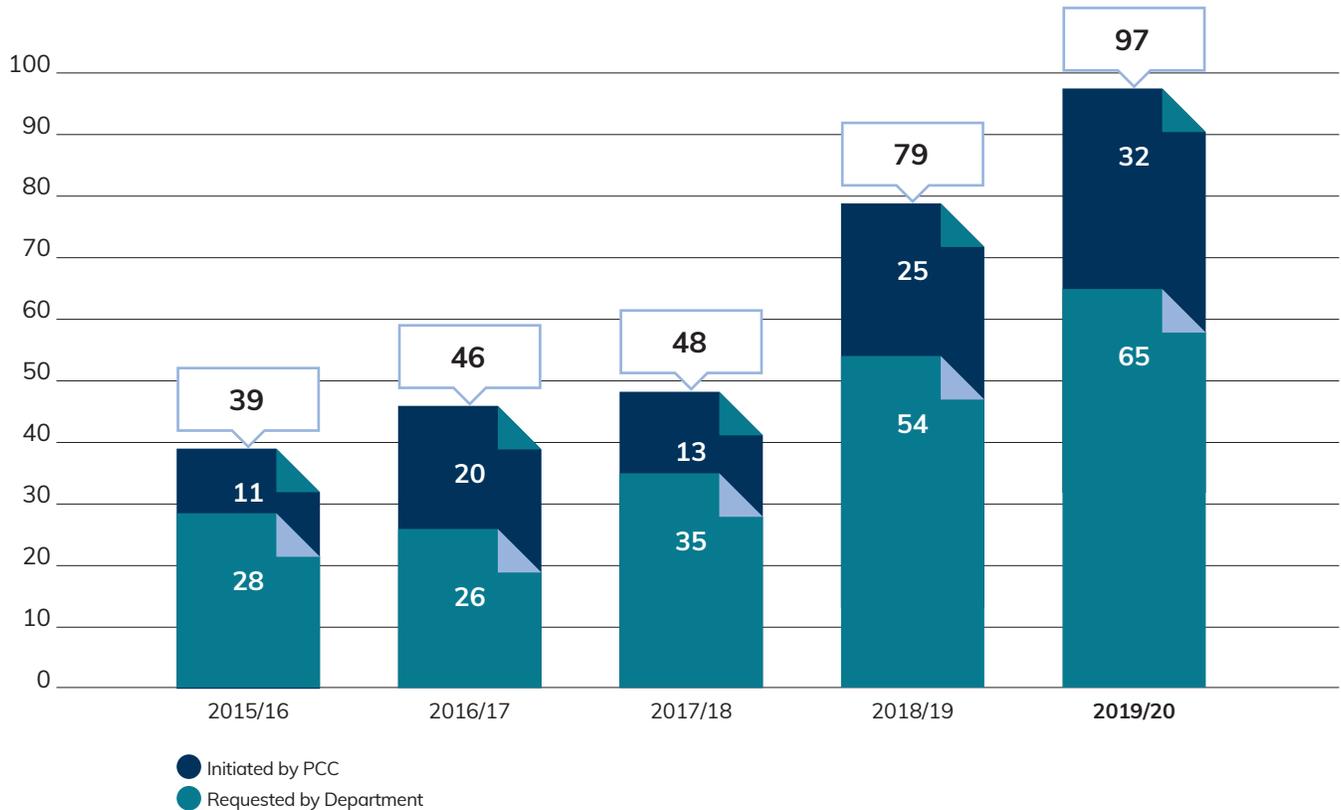
The average admissibility rate for the past five fiscal years is 44%. The majority of complaints are deemed inadmissible because the complainant has not identified an allegation of misconduct. Once the OPCC has determined that a complaint is admissible, the police department must investigate the allegations contained in the complaint. Last year, the OPCC determined 261 (50%) of complaints filed against police to be admissible for investigation.

If a complaint is determined to be inadmissible, complainants will receive a letter outlining the reason why their complaint will not be investigated. Complaints must contain an allegation of misconduct, be made within one year of the date of the conduct, and not be frivolous or vexatious.

Admissible Complaints and Disposition (past five years)

	Total Registered Complaints Received	Total Admissible Complaints	Complaints Concluded	Discontinued	Complaint Resolution/ Mediated	Withdrawn	Forwarded to DA	No Disposition (still open)
2015/16	530	234	234	32	57	36	109 (47%)	-
2016/17	444	184	181	18	66	20	77 (43%)	3
2017/18	522	233	218	35	67	36	80 (37%)	15
2018/19	487	198	129	13	68	19	29 (22%)	69
2019/20	537	261	148	20	69	15	44 (30%)	113

Ordered Investigations (past five years)

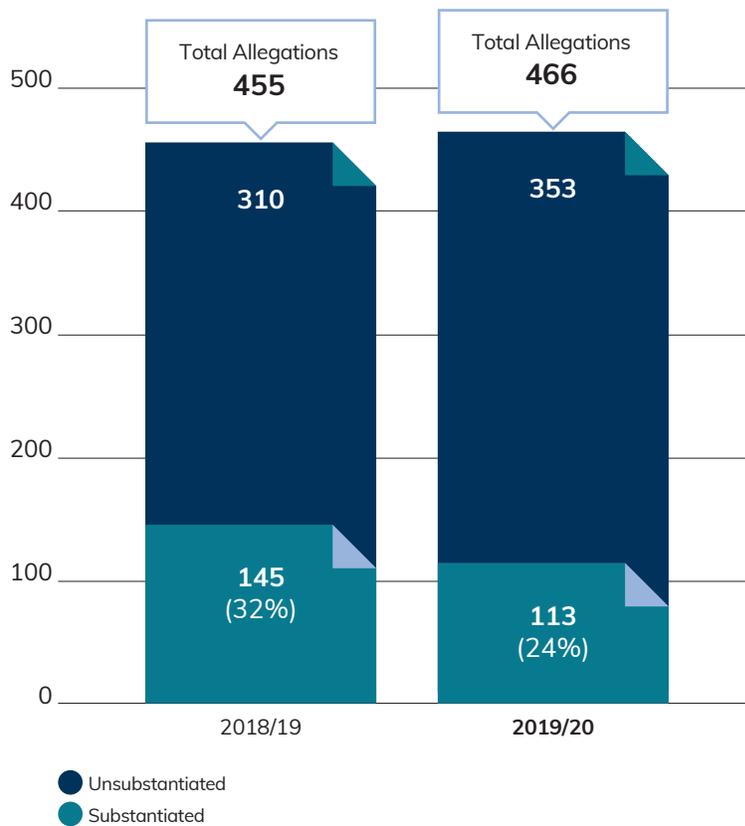


The Police Complaint Commissioner can initiate an investigation in the absence of a complaint from the public. A total of 97 investigations were ordered by the OPCC during the 2019/20 period covered in this report.

Ordered Investigations and Disposition (past five years)

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Total Number of Ordered Investigations	39	46	49	79	97
Ordered Investigations With Dispositions	38	45	34	34	29
Discontinued	5	4	6	6	1
Forwarded to DA	33	38	29	27	28
No Disposition (still open)	1	1	15	45	68
Complaint Resolution/Mediated	-	3	-	-	-

Misconduct Rate (past two years)



Each admissible complaint or ordered investigation will contain at least one allegation of misconduct. Following the completion of the investigation, a senior officer (Discipline Authority) at the police department is required to make a determination whether there is sufficient evidence to find that the police officer committed misconduct.

Reportable Injuries by Type of Force (past five years)

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Total Notifications	409	427	297	403	419
Total Uses of Force	489	523	389	546	642
Arwen/Bean Bag	21	13	22	29	78
Baton	6	5	8	2	6
Dog Bite	181	174	114	137	120
Empty Hand	104	103	79	137	177
Firearm	4	4	1	2	-
Motor Vehicle Accident	26	28	31	35	30
OC Spray (pepper spray)	4	4	8	13	17
Other	28	43	42	56	63
Pre-existing	20	48	12	32	15
Self-Inflicted	79	84	52	75	82
Taser	16	17	20	27	54
Other Weapon	-	-	-	1	-

Police departments are to report all incidents where an individual receives an injury caused by the discharge of a firearm or an injury requiring emergency care and transfer to a hospital. All reportable injuries are reviewed to determine whether an investigation into the use of force incident will be completed.

Investigations Following Review of Reportable Injury (past five years)

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Mandatory Investigations	15	8	10	14	18
PCC Ordered Investigations	4	5	2	7	9
Department Request Investigations	1	1	1	2	3
Registered Complaints	11	7	23	17	2
Questions or Concerns	-	-	-	-	1

Adjudicative Reviews (past five years)

Appointment of a New Discipline Authority [S.117]	If, following an investigation, the Discipline Authority determines that the conduct of the officer did not constitute misconduct, and the Commissioner believes there is a reasonable basis to believe the decision is incorrect, the Commissioner may appoint a retired judge to review the matter.
Review on the Record [S.141]	Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter. Reviews on the Record are conducted by retired judges and is primarily a review of evidence and records of the file, including any submissions.
Public Hearing [S.143]	Public Hearings remain an option for the Commissioner if he believes such a review of a Police Act matter is required in the public interest. Public Hearings are conducted by retired judges, are open to the public and evidence is presented under oath.

	2015/16	2016/17	2017/18	2018/19	2019/20	Total
Appointment of retired judge to review (s. 117)	1	3	8	3	13	28
Review on the Record	1	4	1	5	2	13
Public Hearing	-	-	3	1	2	6
Total	2	7	12	9	17	47



All decisions from these three adjudicative avenues are available to the public through the OPCC website at www.opcc.bc.ca. There is also a schedule of current Public Hearings or Reviews on the Record indicating the date and place of the hearings. All Public Hearings and Reviews on the Record are open to the public to attend.

Staffing and Budget

The OPCC is a civilian-led agency that oversees complaints and investigations into allegations of misconduct involving municipal police officers who have significant power over citizens in the enforcement of federal and provincial laws. The office also identifies wider trends in police misconduct and makes recommendations to address systemic factors that may be involved to prevent the recurrence of misconduct.

The office's mandate requires OPCC staff to have both an appreciation for the fundamental importance of civilian oversight of policing and specialized knowledge to ensure that oversight is effective.

Our team includes staff with diverse professional backgrounds, including training in the law and policing. About two-thirds of staff in decision-making roles have backgrounds outside of policing, such as in law, regulatory fields, administrative investigations and academia.

The Commissioner makes it a priority to maintain this important balance between the civilian nature of the office and the expertise staff need to possess to do their work effectively. Intensive training, both in-house and external, is provided to staff to advance these ends.

In addition to the Commissioner, the office has 20 staff, which includes 10 Investigative Analysts who are directly involved in the oversight of misconduct investigations. There are an additional 18 Corporate Shared Services staff that provided finance, administration, facilities, human resources, and information technology support for four independent Offices of the Legislature, including the OPCC.

Our Finances

Each Fall, the OPCC is required to present to the Select Standing Committee on Finance and Government Services our budgetary needs. The OPCC will receive approval from the Legislative Assembly to spend funds up to a certain amount. Our office is bound to this budget amount and cannot exceed it without going through a supplementary process with the Committee to grant access to additional funds. There are two components to our budget: operating and capital. Any unused funds cannot be carried forward for use in subsequent years.

In addition, part of the OPCC's operating budget is dedicated solely for the purpose of Adjudicative Reviews (Public Hearings, Reviews on the Record and S. 117 Reviews) and Judicial Reviews. Any portion of the dedicated funding that is unused for that purpose during the fiscal year is returned to the Consolidated Revenue Fund at the end of the fiscal year.

Fiscal 2019/2020	
Operating Budget	\$3,322,000
Operating Expenditure	\$3,303,337
Capital Budget	\$22,000
Capital Expenditure	\$12,726
Dedicated Funding (Adjudicative and Judicial Reviews) Budget	\$500,000
Dedicated Funding Expenditure	\$517,966

Further Resources

Office of the Police Complaint Commissioner website

www.opcc.bc.ca

OPCC brochures

Let Us Help You Guide

<https://opcc.bc.ca/wp-content/uploads/2017/03/Let-us-help-you.pdf>

General Information

<https://opcc.bc.ca/wp-content/uploads/2017/03/2017-03-29-General-Info-Brochure.pdf>

Alternative Dispute Resolution

https://www.opcc.bc.ca/publications/printable_brochures/adr_brochure.pdf

Complaint Form

<https://www.opcc.bc.ca/form/index.asp>

Police Act of British Columbia

http://www.bclaws.ca/civix/document/id/complete/statreg/96367_01

Independent Investigations Office of British Columbia

www.iiobc.ca

Other Canadian oversight agencies

https://www.opcc.bc.ca/outreach/oversight_agencies.html

Appendix

Summaries of all substantiated allegations against municipal police officers concluded between April 1, 2019 and March 31, 2020. A notation is also made for police departments with no substantiated misconduct during the same fiscal year.

Available at: <https://opcc.bc.ca/reports/annual-report/>

PUBLIC INTEREST DISCLOSURE ACT

British Columbia's *Public Interest Disclosure Act* requires public bodies in British Columbia to report on investigations into wrongdoing started under the Act, the number of disclosures made internally and the number received by the Office of the Ombudsperson. The Office of the Police Complaint Commissioner has not had any investigations or disclosures under PIDA since the legislation was enacted.



Office of the Police Complaint Commissioner

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Office of the Police Complaint Commissioner (2020)

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