

2009

Annual Report



*Office of the Police Complaint Commissioner
3rd Floor, 756 Fort Street
Victoria BC V8W 9T8
1/1/2009*



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

Speaker of the Legislative Assembly
Suite 207
Parliament Buildings
Victoria, BC V8V 1X4

Dear Mr. Speaker:

It is my honour to present to you and to the members of the Legislative Assembly the 2009 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,

Stan T. Lowe,
Police Complaint Commissioner

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Commissioner's Message



This past year has been a challenging and remarkable time for the Office of the Police Complaint Commissioner. On October 27, 2009 the Legislature passed Bill 7 the *Police (Misconduct, Complaints, Investigations, Discipline and Proceedings) Amendment Act* which introduced substantial changes to the police complaint process in British Columbia. The catalyst behind the revisions was the recommendations of Josiah Wood Q.C. in his "Report on the Police Complaint Process in British Columbia", released in February of 2007.

Our Office has worked diligently to develop implementation strategies, guidelines and informational packages and bulletins to assist all stakeholders with a smooth transition to the new provisions of the *Act*. We have engaged in and maintained a consultative approach with all stakeholders in order to ensure the most effective and efficient implementation of the new provisions.

The revisions to the *Police Act* came into force on March 31, 2010 and the OPCC played an important role in providing basic training and procedural guidance to Professional Standards Investigators and senior management in all police agencies. We will continue to provide procedural advice and informational bulletins to address issues arising from the *Act*.

Despite the important changes which have taken place with the *Police Act* and the complaint process in British Columbia, I view the legislation as a "work in progress". We will be advocating for further revisions to the legislation in order to address procedural shortcomings, and to further enhance transparency and accountability to the public. The changes to the *Police Act* reflect a strong foundation on which to build.

In our previous annual report, I identified as a priority improving the transparency and accountability of civilian oversight through improved communications with the public. This past year has seen significant improvements to the quality of the information we provide to the public and the frequency upon which we deliver this information.

As you will note in our statistical reports, the OPCC saw an 11% increase in the number of files opened in 2009 over those opened in 2008. Although it's difficult to attribute this increase to one factor, to some extent it reflects an increase in public awareness of the complaint process and the role of the OPCC. Furthermore, we have redesigned our website to provide more meaningful information to the public, as well as improve accessibility by facilitating the filing of a complaint on-line. Accessibility to all sectors of our community has been an ongoing commitment for the OPCC, and we will continue to build and improve our outreach programs.

Another priority for the coming year is to develop and implement business practices to ensure that we are able to monitor the implementation of the new provisions of the *Police Act* and determine whether they are having the desired outcomes.

The amended *Police Act* places a greater emphasis on the use of mediation as an alternative avenue of resolving misconduct complaints. In determining whether a case is appropriate for mediation, the OPCC has developed guidelines regarding suitability for mediation relying on the guiding principle of whether the public interest would be served by a resolution of this nature.

Mediation is reserved for complaints that are less serious in nature, and where the dynamics between the parties require the assistance of a neutral professional mediator in facilitating a mutually acceptable resolution. We believe this promotes police accountability and in the long term improved police-community relations. In developing and implementing a formal mediation program the OPCC sought stakeholder input to develop an accreditation process to ensure neutrality and consistency in mediation practices. The OPCC obtained the assistance of the British Columbia Mediator Roster Society to administer the mediation roster and to ensure the selection and assignment of mediators by an impartial third party.

One of the most significant recommendations by Josiah Wood Q.C. was the implementation of intermediate avenues of adjudication in the police complaint process. Recent changes to the *Police Act* now provide two economical and efficient avenues of adjudicative review, in addition to the more costly public hearings. These avenues of adjudicative review will eventually establish a foundation of adjudicative precedent and guidance which will facilitate principled decision making in the complaint process.

In the coming year our focus will be on the development of business practices both internally within our office, and externally with stakeholders to meet the legislative intent proposed by the new provisions of the *Police Act*. We intend to liaise closely with government and stakeholders in identifying procedural and substantive amendments required to ensure the smooth functioning of the police complaint process. We are currently in a process of restructuring and expanding our office in order to meet the challenges imposed by the new legislation. I am very fortunate to work with a talented group of individuals who have demonstrated a passionate commitment to public service over the course of a very challenging year.

A handwritten signature in dark ink, appearing to read 'Stan T. Lowe', with a stylized flourish extending from the end.

Stan T. Lowe,
Police Complaint Commissioner

Statements of Purpose & Principles

The Office of the Police Complaint Commissioner provides impartial civilian oversight of complaints regarding municipal police. We ensure thorough and competent investigations of police complaints and fair adjudication with respect to all parties. We facilitate quality policing and public trust in law enforcement and the complaint process.

The Office of the Police Complaint Commissioner shall be governed by four fundamental principles:

Fairness

We act fairly, objectively and impartially in our oversight of the complaint process involving municipal police in British Columbia.

Independent Oversight

As an independent office we serve the public free from any improper influence or interference.

Principled

We provide vigilant civilian oversight to enhance transparency and accountability while ensuring a principled approach in arriving at decisions.

Commitment to Excellence

We strive for excellence in our work while maintaining the highest ethical standards.

The Office of the Police Complaint Commissioner (OPCC) is an independent agency established under Part 9 of the Police Act, RSBC 1996, c.367, to ensure that complaints involving municipal police in British Columbia are handled fairly and impartially.

The OPCC is responsible for overseeing complaints regarding the conduct of municipal police officers within the Province of British Columbia. The following police departments/agencies fall within our mandate:

*Abbotsford
Police Department*

*Oak Bay
Police Department*

*Central Saanich
Police Service*

*Port Moody
Police Department*

*BC Combined Forces
Special Enforcement Unit*

*Saanich
Police Department*

*Delta
Police Department*

*Stl'at'imx Tribal
Police*

*South Coast British
Columbia Transportation
Authority Police Service*

*Vancouver
Police Department*

*Nelson
Police Department*

*Victoria
Police Department*

*New Westminster
Police Service*

*West Vancouver
Police Department*

The OPCC provides an accessible way for the public to complain to an independent body about the conduct of any municipal police officer or department. The OPCC ensures that the complaint process is conducted with impartiality and fairness, to both citizens and police officers.

The Police Complaint Commissioner does not have jurisdiction over the handling of complaints against members of the Royal Canadian Mounted Police (RCMP). The RCMP has a federal Commission to handle complaints against their members. Complaints received at the OPCC with respect to RCMP members are forwarded to the Commission for Public Complaints Against the RCMP.

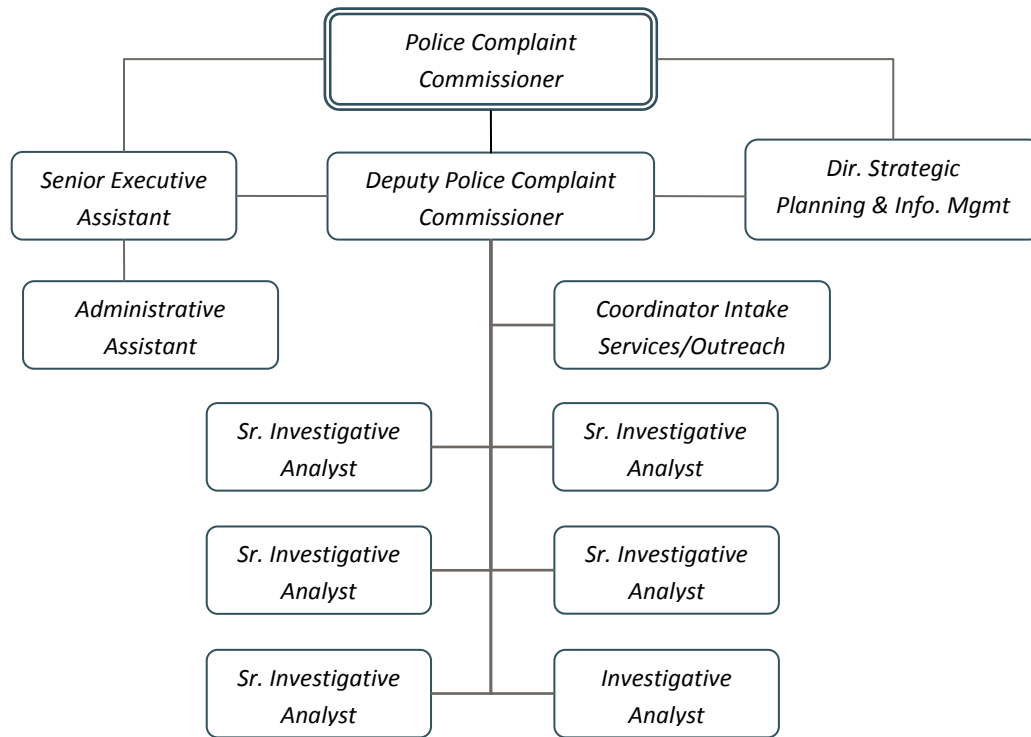
The Police Complaint Commissioner is Required to ...

- Oversee the handling of complaints about municipal police officers, police services or policies.
- Receive complaints from any source.
- Maintain a record of those complaints and their dispositions.
- Compile statistical information on complaints against municipal police officers, police services or policies.
- Report regularly to the public about complaints, complaint dispositions and the complaint process.
- Inform and assist the public, complainants, police officers, police boards and adjudicators with the complaint process.
- Periodically review the complaint process and make recommendations for the improvement of that process in the Annual Report.
- Establish procedures for mediation and guidelines for informal resolutions of Public Trust complaints.

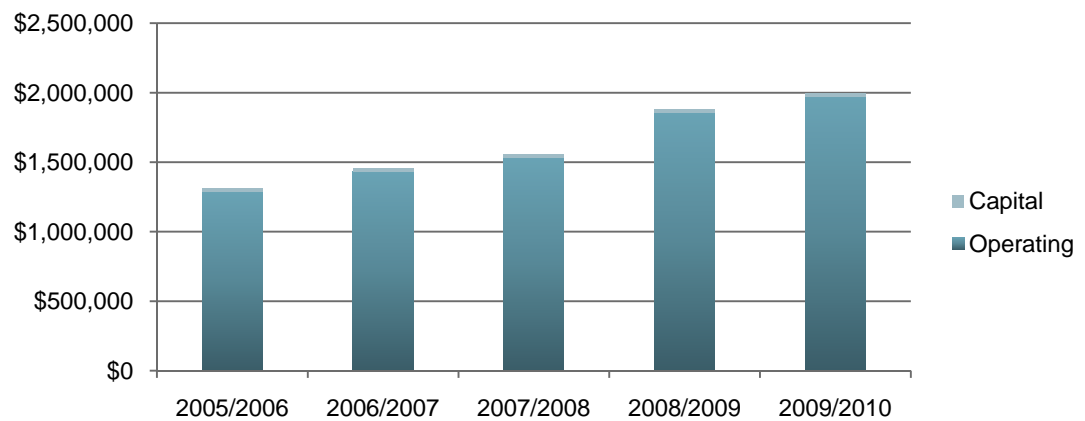
The Police Complaint Commissioner May ...

- Engage in or commission research on any matter relating to the police complaint process.
- Make recommendations to police boards about policies or procedures on factors that gave rise to a complaint.
- Prepare guidelines about the process of receiving complaints.
- Make recommendations to the Director of Police Services or the Solicitor General that a review or audit be undertaken to assist police in developing training designed to prevent the reoccurrence of problems revealed by the complaint process.
- Make recommendations to the Solicitor General for a public inquiry under the Provincial Inquiry Act.
- Refer a complaint to Crown Counsel for possible criminal prosecution of a police officer.

As of June 1st, 2010:



Budget



Capital Budget:	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Operating Budget:	\$1,290,000	\$1,434,000	\$1,532,000	\$1,853,000	\$1,974,000
FTE's Allotted:	6	7	8	10	11

Code of Professional Conduct

The Police Act *Code of Professional Conduct Regulation* (B.C. Reg. 205/98) establishes core values and affirms that all police officers:



- Accept the duty to act without favour or personal advantage;
- Are committed to treating all persons or classes of persons equally, regardless of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or economic and social status; and
- Agree to uphold rights and freedoms guaranteed or protected by law.

The Code of Professional Conduct Regulation provides guidance to police officers to assist them in delivering fair, impartial and effective police services to the communities that they serve. The Code also sets out guidelines concerning appropriate disciplinary or corrective measures for officers whose performance or conduct does not meet the expected quality and standards.

The *Code of Professional Conduct Regulation* identifies the following 12 potential disciplinary defaults:

- Discreditable conduct
- Neglect of duty
- Deceit
- Improper disclosure of information
- Corrupt practice
- Abuse of authority
- Improper use and care of firearms
- Damage to police property
- Misuse of intoxicating liquor or drugs in a manner prejudicial to duty
- Conduct constituting an offence
- Being a party to a disciplinary default
- Improper off-duty conduct

The *Code* also provides guidance in imposing appropriate corrective or disciplinary measures. Where circumstances are appropriate, corrective measures are preferred over punitive measures, but only if by doing so the organizational effectiveness of the department and the public confidence in the administration of police discipline is not compromised.

The *Code* lists the following corrective and disciplinary measures that a Discipline Authority may impose. The Discipline Authority may also impose more than one measure.

- Verbal reprimand
- Written reprimand
- Direction to undertake professional counselling
- Direction to undertake special training or re-training
- Direction to work under close supervision
- Suspension without pay (up to 5 scheduled working days)
- Transfer or re-assignment
- Reduction in rank
- Dismissal

Amendments to the *Police Act* that came into force on March 31st, 2010, have incorporated the principles contained in the *Code of Professional Conduct Regulation* directly into the Act.

The following sections in this Annual Report all relate to the *Police Act* legislation as it was in 2009.



Who Can Make a Complaint?

Anyone who has concerns about the actions or behaviour of a municipal police officer, or about the services provided by a department, may make a complaint.

How Do I Make a Complaint?

A complaint may be made orally or in writing by contacting either the OPCC (in person, by phone, by mail, by fax or by email) or at any municipal police department's information counter. The Police Act requires a complainant complete a Form 1 Record of Complaint. Assistance in completing this form is available either through our office, or the Professional Standards Section of the police department. Blank Form 1 Records of Complaint (now Complaint Forms) and information packages may be obtained through the OPCC or any municipal police department in the Province.

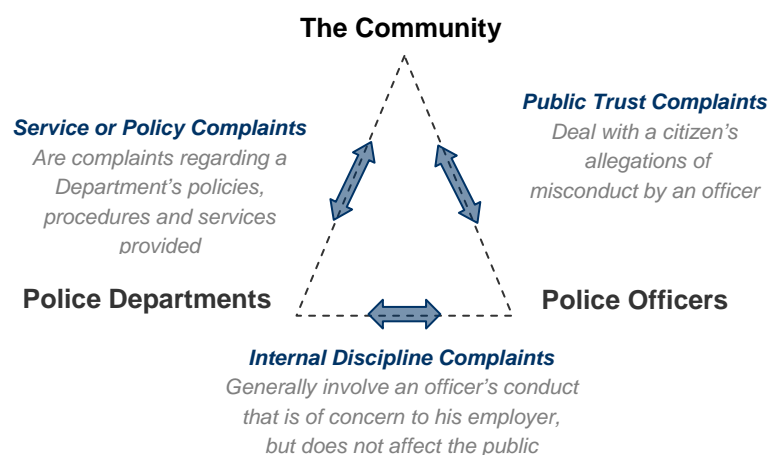


What Happens to my Complaint?

If the complaint is received at the OPCC a copy is forwarded to the Chief Constable of the department where the complaint originated. If a complaint is made at a police department, a copy of the complaint is similarly forwarded to the OPCC.

The complaint is then assigned to the department's Professional Standards Section for investigation. The Professional Standards Investigator must provide the complainant, the respondent officer(s) and the OPCC with periodic reports on the progress of their investigation. The investigation must be completed within 6 months of the date the complaint was first received, unless an extension has been granted by the Commissioner.

There are 3 types of complaints under Part 9 of the *Police Act*:



Approximately 90% of the *Police Act* complaints received by the OPCC in 2009 fell under the Public Trust category. Unless the complainant chooses to withdraw his or her complaint, a Public Trust complaint may be resolved in one of three ways:

Informal Resolution

A complaint may be informally resolved by the complainant and the respondent with the assistance of the Investigator or a professional mediator. A complaint is considered successfully resolved when both parties have signed a letter indicating their agreement. If neither party reconsiders their decision within 10 days, the complaint is concluded as "Informally Resolved".
(Please see page 17 with respect to mediation and mediated complaints).

Summary Dismissal

A Public Trust complaint may be dismissed by the Discipline Authority (the Chief Constable of the respondent's department) if, following a preliminary review of the allegations it is determined that:

- there is no reasonable likelihood that further investigation will reveal evidence that the officer committed a default;

Characterizing the Complaint

Public Trust Complaints

The complaint process outlined in this Annual Report is with respect to Part 9 of the *Police Act* and is prior to March 31st, 2010, when Part 11 of the amended *Police Act* came into effect.

- the complaint concerns an event that took place more than 12 months prior to the filing of the complaint; and/or
- the allegations have no air of reality or are deemed to be vexatious

If the complainant disagrees with the Discipline Authority's decision, he or she may request a review of the decision by the OPCC. The Commissioner may confirm the Summary Dismissal or order an investigation into the allegations. Regardless of whether a request for a review has been received, OPCC Investigative Analysts review all decisions in order to ensure the integrity of the complaint process.

Investigation & Conclusion

A complaint made against an officer will be thoroughly investigated if it is not informally resolved or summarily dismissed. In some circumstances, a complaint may be investigated by an external police agency, but only by order of the Police Complaint Commissioner or by request of the Discipline Authority.

The investigation into a complaint must be completed within six months after the date the complaint was received. The Police Complaint Commissioner may grant an extension if the investigation is unusually complex or new investigative leads are discovered that make it necessary in the public interest to extend the investigation. If the complainant or the respondent is not satisfied with the results of the investigation, he or she may apply to the Police Complaint Commissioner for a Public Hearing.

Service or Policy complaints are complaints about the policies, procedures and services provided by a municipal police department and affect the relationship between the police department and the community. For example, a Service or Policy complaint may be with respect to an insufficient number of police officers assigned to a public event.

Service or Policy complaints are the responsibility of each municipal department's Police Board. The Police Board must advise the Director of Police Services, the Police Complaint Commissioner and the complainant of the results, including what course of action, if any, was

taken. The Police Board must also provide a summary of the results of any investigation or study.

The Police Complaint Commissioner may make recommendations to the board, but he cannot direct the board to take a particular course of action regarding a Service or Policy complaint.

With some procedural exceptions, Internal Discipline complaints concern police misconduct that is of concern to the officer's employer, but does not affect the officer's relationship with the public. An example of an Internal Discipline complaint may involve a police officer who did not properly secure his or her firearm in the police locker. The principles of labour law apply to the investigation and processing of Internal Discipline complaints. The Public Trust complaint process does not apply to this category of complaints.



Internal Discipline Complaints

Reconsiderations

The *Police Act* offers only one remedy to a complainant or respondent who is dissatisfied with the Discipline Authority's decision – to request the Police Complaint Commissioner arrange a Public Hearing into the matter. Similarly, if the Commissioner is not satisfied with a decision or the appropriateness of the corrective or disciplinary measures imposed, the only legislated recourse is to proceed to a Public Hearing.

Since 2006 the OPCC has referred several decisions back to a Discipline Authority where the Commissioner is of the view that the original decision of the Discipline Authority failed to address a specific issue or misinterpreted a point of law. This premise is based on an administrative law principle set out in a Supreme Court of Canada decision, *Chandler v. Alberta Association of Architects*, [1982] 2 S.C.R. 848. The OPCC holds the view that although not specifically included in Part 9 of the Police Act, the intent of the Act is to ensure that a full and proper decision be made by a Discipline Authority, prior to the Commissioner making any final decisions regarding whether to proceed to a Public Hearing.

Below is a summary of files from 2009 that have been sent back to a Discipline Authority for reconsideration.

2008-4115

Public Trust

Default: Abuse of Authority (x2)
Neglect of Duty

Decision: Substantiated
(1 allegation of Abuse of Authority)

Disciplinary / Corrective Measures:
2-Day Suspension Without Pay

The complainant was arrested for theft, possession of stolen property and mischief, and transported to cells. At the department, he was placed in an interview room with three other officers. One officer told him to turn around so he could remove his handcuffs and the complainant alleged that the respondent then twice smashed his head into the wall. The complainant sustained a gash to his forehead and left eyebrow, and a cracked tooth. The complainant requested medical attention. Approximately 30 - 40 minutes later the complainant was told that he would be taken to the hospital. The complainant denied going and instead a medic bandaged the complainant in cells.

The Discipline Authority unsubstantiated all three allegations.

The Commissioner disagreed with the application and level of force used in the interview room, and requested the Discipline Authority to reconsider his decision. The Chief reconsidered the allegations and with respect to the first allegation he still believed that the force used to arrest the complainant was reasonable; with respect to the second allegation, paramedics were called and the complainant refused to be taken to the hospital. With respect to the third allegation of excessive force in the interview room, the Discipline Authority substantiated this allegation and the respondent received a two-day suspension without pay.

2008-4046

Public Trust

Default: Discreditable Conduct

Decision: Substantiated

Disciplinary / Corrective Measures:
Advice as to Future Conduct &
Additional Training (tactical
firearms)

The Office of the Police Complaint Commissioner received information from the Deputy Chief Constable outlining an allegation of professional misconduct by the respondent. The respondent was at a residence, investigating an armed robbery, when a truck entered the narrow laneway leading to the residence. The driver of the truck quickly turned his vehicle around and drove away. The respondent fired several rounds at the truck from his service pistol. Four shots were fired, but only two struck the truck. Nobody was injured with respect to the two missed shots.

The investigation revealed that the respondent had a legitimate fear for his safety when he considered using deadly force; however, by the time he actually fired his pistol, the threat had passed and he ended up firing into the vehicle as

it departed, contrary to department policy. Originally, the Discipline Authority had unsubstantiated the allegation. The OPCC expressed its concern over this decision, and invited the Discipline Authority to reconsider his decision. After seeking legal advice, the DA reconsidered his decision, and substantiated the allegation of Discreditable Conduct. The respondent received Advice as to Future Conduct as well as additional Tactical Firearms Training.

As stated earlier, following the conclusion of an investigation into a Public Trust complaint, if the complainant is not satisfied with the results, he or she may request a Public Hearing.

If the respondent officer has received a disciplinary measure more severe than a verbal reprimand, he or she has an automatic right to a Public Hearing upon request.

The Police Complaint Commissioner may also arrange a Public Hearing without having received a request from either the complainant or the respondent officer if the Police Complaint Commissioner believes that the Public Hearing is necessary in the public interest, and the matter is not appropriate for reconsideration.



Upon receiving a request for a Public Hearing, the Police Complaint Commissioner must consider the following factors before making the decision whether to arrange a Public Hearing:

- The seriousness of the complaint.
- The seriousness of the harm done.
- Whether a Public Hearing is needed to discover the truth.
- Whether there was a flaw in the investigation conducted by the municipal police department, the measures proposed are inappropriate or inadequate, or the Discipline Authority's interpretation of the *Code of Professional Conduct* was incorrect.
- Whether a Public Hearing is necessary to restore or preserve public confidence in the police as well as the complaint process.

Once the Police Complaint Commissioner has determined that a Public Hearing is necessary, the Commissioner must appoint an Adjudicator to preside over the hearing. The Associate Chief Justice of the Supreme Court of British Columbia nominates a retired justice of the Supreme Court or a retired judge of the Provincial Court of British Columbia. The Commissioner then appoints that individual as an Adjudicator for the purposes of that particular Public Hearing.

The Commissioner appoints Commission Counsel who may, at his discretion, call any witness who has relevant evidence to give and may also introduce into evidence any record, including any record of the proceedings, concerning the complaint up to the date of the hearing.

The Adjudicator, after hearing all the evidence, must decide if the alleged disciplinary default has been proven on the civil standard of proof – that is, on a balance of probability. If the disciplinary default is proven, the Adjudicator may impose a disciplinary or corrective measure, or may confirm, increase, or reduce the disciplinary or corrective measures already proposed by the Discipline Authority.

Once a decision has been reached at the Public Hearing, the only appeal available to that decision is to the Court of Appeal on questions of law.

The rules governing Public Hearings and the OPCC policy regarding the ordering of a Public Hearing may be found on the OPCC website at www.opcc.bc.ca.

Public Hearings in 2009

Public hearing 2009-03

Victoria Police Department

On January 23rd, 2008, the Police Complaint Commissioner issued an Order for Investigation as a result of information received from the Victoria Police Department regarding allegations of unlawful detention and excessive force by Constable O'Neill and Constable Asmussen against Ms. Willow Kinloch in May of 2005 at the Victoria Police Department.

After reviewing the findings of an investigation conducted by the Professional Standards Section of the Vancouver Police Department, the Discipline Authority, Chief Constable Jamie Graham of the Victoria Police Department, concluded that the allegations against the Officers were “unsubstantiated”. The Police Complaint Commissioner invited the Discipline Authority to reconsider his decision based on the failure of the Final Investigation Report to adequately address each specific disciplinary default relating to the respondent officers’ conduct. The Discipline Authority would not reconsider his decision.

The Police Complaint Commissioner, having reviewed the investigation into this matter determined that it was necessary in the public interest to arrange for a public hearing into the conduct of the respondents.

The public hearing commenced in July 2010 and is scheduled to continue in September 2010.

Public hearing 2009-02

Delta Police Department

The Office of the Police Complaint Commissioner received a Record of Complaint from Gillian Holmes. A public trust investigation was conducted by the Delta Police Department into concerns raised regarding the entry into her residence, the use-of-force on Ms. Holmes and her son, and the arrest of her son. The Discipline Authority unsubstantiated the

allegations against the officers. The Commissioner wrote to the Discipline Authority requesting he review his decision and consider the evidence of civilian witnesses. The Discipline Authority advised that he would not reconsider his decision and the allegations would remain unsubstantiated.

The Police Complaint Commissioner having reviewed the investigation, determined that it was in the public interest to arrange for a public hearing.

The public hearing is scheduled for January 2011.

Public hearing 2009-01

Vancouver Police Department

In June of 2007, the OPCC issued an Order for Investigation, after receiving information from the Vancouver Police Department regarding a police pursuit that resulted in a fatal motor vehicle accident in the City of Richmond. The information provided to the OPCC by the Department included a Managerial Review and a Pursuit Review Board report that

recommended discipline and training for certain Vancouver Police Department members, including the respondents.

The Pursuit Review Board report concluded that relevant information concerning the suspect was not provided to the Richmond RCMP. Specifically, that the suspect had evaded police in Vancouver earlier that evening; that a pursuit of the suspect had been terminated by the supervisor; that the identity of the suspect was known; and that an arrest plan for the suspect had been set up at a known residence in the City of Vancouver.

Following an investigation conducted by the Vancouver Police Department, the Discipline Authority found that the respondents had adhered to the Department's Regulation and Procedure Manual, the Motor Vehicle Act, and current police pursuit guidelines. The Discipline Authority determined that the allegations were unsubstantiated.

The Police Complaint Commissioner invited the Discipline Authority to undertake a further review and reconsider his decision; noting that both the Management Review and the Pursuit Review Board found that the officers disobeyed pursuit termination guidelines by following the suspect vehicle, and that the Management Review concluded that the respondents should not have gone into the City of Richmond where the fatal collision subsequently occurred.

The Discipline Authority advised that following a further review, there was no additional information to alter his conclusions and declined to reconsider his earlier decision.

The Police Complaint Commissioner arranged for a Public Hearing. The hearing commenced in April of 2010 and is set to continue in September of 2010.

Informal Resolution and Mediation

Depending on the individual circumstances of a complaint, a Chief Constable or Discipline Authority may propose an Informal Resolution to a complaint. An Informal Resolution is when the parties come to an agreement without the assistance of a professional mediator. If an Informal Resolution is offered, both the complainant and the respondent must agree in writing. If either party is unhappy or dissatisfied with the resolution, the complaint proceeds to investigation.



Mediation is an outlet to resolve complaints using the professional services of a mediator. If the Police Complaint Commissioner agrees to a complaint being mediated, a mediator will be appointed to assist in both parties resolving the complaint. The mediator, who is trained and familiar with the Police Act, is selected by the Administrator of the BC Mediator's Roster. The mediation occurs away from any police department or the OPCC office. Just like with an informal resolution, if either party is dissatisfied with the resolution, the complaint proceeds to investigation.

A few reasons for complaints to be mediated:

- Mediation provides an opportunity to be fully heard and understood, by the complainant and also by the officer.
- Provide a non-confrontational setting to meet with the officer to express one's concerns.
- Rather than having the complaint decided by others, the complainant and the officer decide upon the resolution.

On the following pages are a few file samples that have been mediated. Everything said during mediation is confidential and cannot be communicated to any third party or raised in any other proceeding. Therefore, the OPCC can write about the *types* of files mediated, but we cannot write about the resolution reached.



Public Trust

Discreditable
Conduct

Mediated Resolution

The complainant alleged that he was driving his vehicle and pulled over when he heard emergency vehicles. The two respondents approached him. The complainant was told that he had run a stop sign, which the complainant denied. The complainant told his friends that they didn't have to get out. The respondent told the complainant to shut up and threatened to arrest him for obstruction.

The complainant and the respondents had a full and frank discussion of the issues. The mediation was a success, and an informal resolution was reached.

The department was investigating allegations that four officers, without a warrant, had forced their way into a condominium by strong-arming the concierge and hiring a locksmith to open the door. The police originally told the media that they had no record of the police being dispatched to the building. Inquiries were made of the concierge, who was able to provide the media with security footage of the incident.



Public Trust

Abuse of Authority

The police department did confirm that officers had attended the building in response to a domestic dispute call. An internal investigation was launched to identify the officers and determine what had occurred.

Informal Resolution

The complainant advised the investigator that he would be satisfied with an apology letter. An apology letter was signed by the respondents and provided to the complainant. This matter was concluded as informally resolved.

The complainant was in a parking lot when an SUV sped in behind him. The SUV was being driven by a police officer, who stepped out of the vehicle with his police dog. The officer approached the SUV that was in front of the complainant. The complainant activated the video component on his cell phone. The driver of the first SUV exited his vehicle and walked toward the rear of his vehicle when the officer with the dog yelled for him to "get on the f--king ground". The male put his hands in the air and fell to the ground. The officer then allegedly released the dog which attacked the man. The complainant claimed that the man had no visible weapons, did not flee or resist, yet the officer proceeded to kick and punch the man as the dog bit the suspect's arm and shoulder. More officers attended and the dog was given the release signal.



Public Trust

Abuse of Authority

Mediated Resolution

The complainant was advised by the officers that the male was suspected of driving a stolen vehicle. When the complainant expressed his concerns and asked for the respondents' names and badge numbers, he was surrounded by the officers and told to talk to a supervisor. The complainant felt intimidated and left the area.

After reviewing all the evidence obtained from the investigation, the DA unsubstantiated the allegation of abuse of authority with respect to one respondent. With respect to the second respondent the rudeness and excessive force allegations were informally resolved and mediated.



Public Trust

Abuse of Authority

Mediated Resolution

The complainant alleged that on March 21, 2009, he was at a coffee shop and had exited the washroom when he noticed two men staring at him. The complainant ignored them and they allegedly twisted his arm behind his back and placed him under arrest. The complainant resisted and demanded to see identification as the officers were not in uniform. The officers allegedly pulled the complainant outside and punched him. A coffee shop employee enquired as to what was going on when he was told to "back off, they were police officers". The complainant said he was hit until he fell to the ground and was handcuffed. The complainant was taken to jail then released in the morning

with a ticket for public intoxication. The complainant and respondent reached a resolution using the mediation process. The discussions that occurred during the mediation were useful and educational for all parties.

Outreach

The BC *Police Act* requires that the Police Complaint Commissioner develop outreach programs for educating and informing the public on the municipal police complaint process. The OPCC has compiled a list of support groups, who will assist a complainant through any mediation or informal resolution process of his/her complaint. This support list, as well as complaint forms and informational brochures, are available to complainants and can be found on the OPCC website. (www.opcc.bc.ca)

The first priority of the OPCC's Outreach Program is to educate and create working relationships with cultural, social and community service agencies. These agencies can then assist disadvantaged and marginalized persons who may be reluctant, or unable to directly access a police department or the OPCC to file a complaint.

The second priority of the outreach program is to request that these agencies provide a support person who will assist a complainant, upon request, through the mediation process. The support person's role during mediation is strictly one of support so that the complainant does not feel overwhelmed by the process, whether by age, language or any other barrier. This role is not one of advocacy. Complainants and their support person are provided direct access to the OPCC's Outreach Coordinator should he/she have any concerns or questions. [For more information on the Mediation Process please see page 17]

The OPCC's Outreach Program is a new initiative and we are encouraged by the positive response we have received thus far. Oversight agencies across Canada have been sharing the successes and challenges they have faced when implementing their outreach programs. Ontario's Independent Police Review Director, Gerry McNeilly, provided complete access to his office and outreach advisors while the OPCC's Outreach Coordinator, Luauna Selman, was in Toronto.

The Office of the Independent Police Review Director, like all civilian oversight agencies across Canada, operates under its own legislation. His office is very similar to the OPCCs in that he is to ensure that public complaints against Ontario police are dealt with fairly, efficiently and effectively. As in BC, his decisions are independent, and his office is separate from the government, the police and the community.



Patrick Hunter (far left) and Claudia Williams (far right), two of the Independent Police Review Director's Regional Outreach and Education Advisors accompanied Luauna Selman (center) on a tour of their premises and then spent a few hours advising of their Outreach and Education Program.

As well, while back east, Ms. Selman met with Jasbir Brar, Outreach Coordinator for Ontario's Special Investigation Unit (SIU). While the SIU's mandate is different from the OPCC's, Ms. Brar was able to provide valuable information that she acquired while creating the SIU's outreach program. Further, Ms. Brar brought a unique perspective on forming partnerships with other agencies to provide the most effective outreach program and impart the most information to the greatest amount of people. This kind of an outreach program is one that the OPCC strives to model in British Columbia.



Case Summaries

The following case summaries are intended to provide samples of the variety of complaints that were concluded between January 1st and December 31st, 2009. All substantiated complaints resulting in corrective or disciplinary measures are recorded on the officer's Service Record of Discipline.

The summaries below were reviewed and confirmed by the OPCC.



Public Trust

*Abuse of
Authority*

[2009-4517]

The complainant alleged that while on his way to work, he was placed under arrest by the two respondents. The complainant was informed that he matched a suspect-description of a person who had broken a car window. During this interaction, one respondent allegedly addressed the complainant disrespectfully, and when the complainant objected to being spoken to like this, the respondent used profanity. After approximately 15 minutes the complainant was released.

This incident occurred near the complainant's workplace, and he was concerned about the negative impact this incident may have on his employment. The complainant believed that the respondent was verbally aggressive and used unnecessary force.

The complainant had filed a Form One outlining what transpired and requesting a written explanation for the respondent's behaviour and profane language. The investigation revealed that the complainant was wrongfully arrested and detained as a result of the respondents receiving incorrect information. The complainant was satisfied with the explanation provided and signed a Consent Letter informally resolving the matter.



Public Trust

*Abuse of
Authority
and
Neglect of Duty*

[2009-4536]

The complainant consumed three glasses of wine prior to visiting her son in the hospital. Due to the complainant's intoxication, hospital staff asked her to leave. The complainant protested, and she was forcibly removed by security. The complainant continued protesting outside the hospital and security contacted the police. The complainant claimed one respondent had thrown her to the ground. She suffered injuries that impaired her ability to care for her son, earn a living, or perform her court ordered community service. The complainant also alleged that she had permanent facial injuries which required several thousand-dollars-worth of dental work. The complainant felt that the respondents had used excessive force when they arrested her.

The investigator interviewed several witnesses and reviewed various reports, including medical reports and Use of Force Reports. The OPCC reviewed the investigation submitted and requested that the investigator conduct some additional interviews. After reviewing the investigation with the additional materials provided, the OPCC confirmed the DA's decision and closed its file as unsubstantiated.

The complainant was outside a nightclub when he noticed the respondents assaulting a man. The complainant approached the respondents. One respondent told the complainant to mind his own business. The complainant protested and the individual told the complainant again to mind his own business or he would be arrested. The complainant protested once more when he was grabbed from behind. The complainant tried to push the individual off when he was thrown to the ground, kicked and punched. The complainant tried to stand up and then he was tasered.

The complainant was taken to cells and a medical attendant checked him over. The complainant was given the option of either going to the hospital, or having someone pick him up. The complainant called his father, who, when arriving at the police department, was told that his son was being held for being intoxicated and would not be released.

The evidence gathered showed that the respondents had several times requested the complainant to stand back. The complainant initially followed this direction. When the complainant approached the respondents for the third time, the respondents formed the opinion that they had reasonable grounds to arrest the complainant for a State of Intoxication in a Public Place (SIPP). A foot sweep took the complainant to the ground.

As the police had attempted to control the complainant, he grabbed onto a respondent's leg and attempted to stand. The complainant's actions were classified as assaultive and the police delivered a single contact stun to the complainant's back with an Electronic Control Device (ECD), commonly known as a "taser". The use of an ECD to control an actively resistant individual was found to be both reasonable and justified.

The complainant had been transported to a second location to receive medical treatment from Emergency Health Services. Following that treatment he was transported to jail where he received an additional assessment from a jail nurse.

During the course of the OPCC's review, the finding of unsubstantiated was accepted. The complainant had acknowledged during his interview with the investigator that the use of the "taser" was the only thing that prevented him from getting up and swinging at the respondents. The OPCC analyst followed up on the complainant's concern that his father was turned away by jail staff after being contacted by the complainant. At the time this incident occurred, the department lacked specific directions in these types of situations. The OPCC has since been informed that policies have been reviewed and amended to address this concern.

A civil rights group submitted a Form One on behalf of a number of individuals regarding the lack of policy relating to a department's seizure of still and video cameras that could contain criminal evidence. The civil rights group wanted the police board to clarify its policy regarding the right of citizens - not just the media -



Public Trust

*Abuse of
Authority (x2)
and
Neglect of Duty*

[2009-4543]



Service or Policy

[2009-4599]

to photograph or film police activity without fear of detention; the seizure of camera equipment; and the seizure or deletion of photographs or video.

Two incidents were highlighted: one incident when officers seized the camera of a newspaper reporter as he photographed the police during a police-involved shooting; the second incident involved the police officers seizing a citizen's camera and allegedly deleting a video he had taken of another police-involved shooting.

The OPCC opened a Service or Policy Complaint and the Form One was forwarded to the Police Board. The Board determined that it would be necessary for the Chief Constable to investigate the complaint.

As a result of the investigation a "Refresher Bulletin" was issued to the department updating its regulations. Citizens and the media have the right to observe, photograph and audio or video record in a public place, as long as they remain outside of police perimeters. Members have a duty to collect evidence at crime scenes, including photographic or video images where available. Members may seize equipment, images or audio recordings from the media and citizens with consent; as an incident of a lawful arrest; and pursuant to a Search Warrant. Members may also seize items *without consent* and *without a search warrant* if exigent circumstances exist, such as to prevent loss or destruction of evidence; or when immediate action is required for the safety of the police and public.

The Board advised the OPCC that the Service & Policy Complaint Committee had endorsed the recommendations made to update its regulations and procedures with the findings noted above. The complaint was eventually withdrawn.

* With respect to the allegation that the police had deleted images of a police-involved shooting. Examination of the individual's cell phone revealed that no images had ever been recorded.



Internal Discipline

Neglect of Duty

[2009-4612]

The respondent had volunteered to participate in a Special Duty assignment. He was notified of this specific shift by way of voicemail and a "Verification of Special Duty" form. On the date of the event, the respondent was involved in a robbery investigation. Another officer contacted the respondent to enquire if he was scheduled to work with him at the event that evening. The respondent did not believe he had to work that night, so he did not attend.

The member's failure to attend was brought to the attention of the Discipline Authority. An internal investigation was conducted, and the DA substantiated the allegation and imposed Managerial Direction. The DA further determined that although the department's business practices in relation to the administration of Special Duty assignments did not contribute to this incident, neither did it mitigate it. The current process for managing Special Duty Assignments required improvement, and the department made changes to its existing procedures to eliminate a similar

occurrence from happening in the future. The OPCC reviewed this matter and determined that no further investigation was necessary.

The complainant alleged that he was protesting in an area where he had previously been banned, when he got into an altercation with a female. The police attended and the complainant alleged that the respondent did not give him a chance to explain the situation and bullied him, accusing him of disturbing the peace.

The investigation revealed that the respondent had come across the complainant arguing with a female. The female alleged that the complainant had exposed himself. The respondent took the complainant aside to ask about his version of the events, and the complainant accused the woman of being a crack addict and rushing him.

The investigation revealed that the respondent had not bullied the complainant, and when the investigator had later tried to contact the complainant, the complainant could not be located. The complaint was summarily dismissed.



Public Trust

*Abuse of
Authority*

[2009-4623]

The complainant alleged that motorcycle police had pulled onto the highway from the on-ramp, recklessly stopping both lanes of westbound traffic. The complainant and the cars in front of him were able to stop, but the complainant observed a semi-trailer jack-knife and hit the car behind, causing that car to hit the complainant's car.



Public Trust

Neglect of Duty

[2009-4632]

One motorcycle police officer stepped towards the accident, but then returned to his bike as a convoy of at least 15 more police officers escorting a black SUV had pulled onto the highway. The police drove off without checking on the three accident victims. The complainant called 911 and was informed that police do not attend accidents unless someone is hurt. However, an ambulance and unmarked police car did attend 15 minutes later.

The investigator spoke with the complainant, who was not so much concerned with the respondents receiving discipline but that changes be made to the department's policies so this situation would not happen again. The investigator advised the complainant that the motorcycle police had radioed the accident to dispatch. They could not attend because they were on a training exercise.

The investigator provided the complainant with an amended copy of the department's policy and procedures with respect to traffic and drill team escorts. The route used with the on-ramp is no longer being used. Included in the amended policy is the provision that should an accident occur during this type of exercise, a member of the drill team will remain on site. The complainant withdrew his complaint and the OPCC closed its file as withdrawn.



Not
Characterized

[2009-4637]

Police officers had attended a residence after receiving a call of a domestic dispute. When members knocked on the door of the suite they were met by an intoxicated female. The female became verbally abusive and refused to answer questions or allow the police to enter the residence to check on the welfare of any other persons in the suite. After failing to convince the female that they had the lawful authority to enter the suite, the officers pushed past and checked the suite finding no one present. Deciding there was no need for them to take any further action, the officers attempted to leave, but the female refused to let them out, and she subsequently punched one officer. The officer was not injured and considering all the factors, and the female's level of intoxication, the officers exited the suite. The intoxicated female followed the officers into the hallway and continued to shout at them. The officers took the female into custody for SIPP (State of Intoxication in a Public Place) and attempted to handcuff her when she resisted and lost her balance. One officer had taken hold of her right arm, but he was unable to break the female's fall and she fractured her left arm.

An ambulance was called and while providing first aid, the female's father arrived. The situation was explained to her father, and the female was released into his custody. No complaint was ever received but the OPCC opened a monitor file and requested that the matter be investigated. Considering the circumstances, the police officers were found to be justified in their actions. No further action was taken and the OPCC closed its file as Reviewed and Closed.



Public Trust
Neglect of Duty

[2009-4684]

The complainant alleged that his belongings had been left in a van and were being held as exhibits. He wanted his belongings returned. The complainant completed a Form One and attached a list of his missing belongings. The investigator met with the complainant and explained the Police Complaint Process. It was determined that the complainant was the subject of property crime offences. His belongings were found in a stolen vehicle that also contained other stolen belongings. The complainant's belongings were being held as exhibits and had been seized according to the appropriate policy and procedures. The complainant's items would continue to be held as exhibits until the conclusion of his criminal trial. The complainant withdrew his complaint. The OPCC concluded its file as withdrawn.



Public Trust
Neglect of Duty

[2009-4757]

The complainant alleged that his upstairs' neighbor was able to touch him in his apartment using an "electro-mechanical" device, and when the police attended the complainant's residence after he'd call for assistance, they would not take him seriously, and a mental health nurse would accompany them. The complainant also alleged that during his last call to the police, the officer had threatened him, telling him to leave his upstairs' neighbor alone. A complaint file was opened and an investigation commenced. Unfortunately, the complainant passed away before the investigator could interview him. The complainant had suffered from mental health issues and his situation had deteriorated. The Professional Standards Section still

completed an investigation. It was determined that all members in their dealings with the complainant had acted appropriately and reasonably. The OPCC confirmed the DA's decision to summarily dismiss the matter.

No Form One was filed with respect to this matter, but the department requested an Order for Investigation to determine what had occurred during this incident.

It is alleged that two women had attended a parkade to pick up their husbands, who had been drinking and were unable to drive. Upon their arrival, the husbands began arguing, and one husband broke the front driver's side window of his vehicle. The wives called 911 and when the police arrived, it is alleged that the respondents used excessive force while arresting the husband; wrongfully charging both men for Causing a Disturbance by fighting; and arresting one husband for assaulting a police officer. One wife claimed that she was pushed, abused and handcuffed by two of the respondents.

The investigator confirmed that the two men had been drinking and they had called their wives to pick them up. One man began arguing with his wife. He became enraged and punched the driver's side window of his van. The two men began fighting, so both women phoned 911. When the first two respondents arrived, they found the brothers fighting and rolling on the ground. The respondents had to physically separate them, at which point they became confrontational with the respondents. Back up was called.

While waiting for the ambulance, one upset wife approached a respondent. Despite being told to back off, she continued forward and during the altercation was advised she was under arrest for Obstruction. Once calm, she was released.

Paramedics were called and checked the two men, before they were transported to jail. Both men were charged with Causing a Disturbance by fighting, and one man was also charged with Assault of a Police Officer.

One respondent advised in his report that he did kick one of the men several times in an effort to gain his compliance, however his description of the Use of Force applied was found to be consistent with escalating Use of Force guidelines. The respondents involved in the arrests stated that both brothers were extremely strong and very hard to control, thus the need for escalating the level of force. Several respondents suffered minor injuries during the struggle and were treated by EHS at the scene. All respondents denied yelling obscenities at the brothers.

Photographs of the men's injuries were reviewed. They are consistent with injuries from fighting or struggling, but it is unclear if these injuries were caused by the respondents trying to arrest the two men, or if they were caused because of the brothers fighting each other. One brother and his wife declined to cooperate with the



Public Trust

*Abuse of
Authority*
(x4)

[2007-3942]

Professional Standards Investigator. It was explained to the complainant that the respondents had attended this call, having received information from one wife that her husband had almost killed her, and he was now beating his brother. The wife had told the 911 operator that her husband was violent and more officers might be needed.

The DA concluded this investigation as unsubstantiated. The OPCC closed its file as unsubstantiated.



Public Trust

Neglect of Duty

[2008-4391]

A citizen had attended the department and turned in two rings she had found to the respondent manning the front counter. Four months later, the same citizen returned to enquire if she could claim the rings. A search of the found property and exhibits room failed to locate the rings and a review of the computer files indicated that the appropriate documentation had not been completed. The department requested an Order for Investigation.

An investigation was commenced. The respondent was found to have neglected his duty in that he had failed to secure the rings in the department's property locker. Based on this finding, the Discipline Authority completed a Notice of Decision Re: Disciplinary or Corrective Measures and imposed "Managerial Advice" as the corrective measure.

After reviewing the investigation, and its conclusions and recommendations the OPCC was not of the view that it would be in the public interest to recommend a public hearing. The corrective measure was appropriate given the circumstances, and the respondent's cooperation with this investigation.

This complaint came at the heels of two similar incidents involving missing property. As such, these public trust investigations also became the subject of Service or Policy issues, and at the direction of the Police Board, the department conducted a comprehensive review of its policies and procedures regarding the handling of property.

At the conclusion of this review, the department issued a revised set of procedures governing the department's handling policies. The OPCC closed its file.



The respondent was working a roadblock with two other officers, when one officer quickly left to pursue a violator who had pulled out of the roadblock. The respondent and the second officer left in their vehicles to provide back up. The respondent was the last to depart and in an effort to catch up, he accelerated to speeds in the range of 110-120 kmh. As he drove to the scene, the respondent saw that the suspect vehicle and the two other police vehicles had stopped. Due to his speed, the respondent was unable to stop in time, and subsequently he collided with one of the

police vehicles, causing substantial damage to both cars. The Discipline Authority substantiated the allegation and the respondent received corrective measures in the form of a one-day (8) hour suspension without pay. The OPCC reviewed the Final Investigation Report and confirmed the DA's decision

Public Trust

*Damage to
Police Property*

[2008-4379]

The DA requested an Order for Investigation regarding allegations that the respondent's behavior towards the complainant at her place of work was inappropriate and unprofessional. The OPCC granted this Order. The investigation revealed that the respondent had initially attended the complainant's work in response for police assistance with respect to homeless people setting up camp in the rear alcove and leaving behind drug paraphernalia. The respondent continued to attend the complainant's work, not to deal with this issue, but to have inappropriate and unsolicited conversations with the complainant. The complainant became uncomfortable with the respondent's repeated presence at her work and she began asking fellow staff members to cover her shifts in the event of the respondent's return.



Public Trust

*Discreditable
Conduct*

[2007-3996]

The complainant contacted an officer whom she knew, and this officer spoke to the respondent's supervisor as to the correct course of action.

The respondent provided a Duty Report to the investigator disagreeing with the majority of the complainant's allegations, but he did admit that he had engaged in a conversation of a personal nature with the complainant. The investigator felt it was clear that the respondent had over stepped the lines of professionalism. The respondent had apologized to the complainant when she had confronted him on his last visit, and he stated he would apologize again if necessary.

The DA concluded that the respondent had committed Discreditable Conduct and concluded this investigation as Substantiated and issued the respondent a Verbal Reprimand.

After review, the OPCC noted that this behaviour may have warranted a higher disciplinary measure but found that it was not serious enough to order a Public Hearing and closed its file.



Municipal Police Agencies in British Columbia

Abbotsford Police Department
2838 Justice Way
Abbotsford, BC V2T 3P5
Tel: (604) 859-5225
www.abbotsfordpolice.org

Nelson Police Department
606 Stanley Street
Nelson, BC V1L 1N4
Tel: (250) 354-3919
www.city.nelson.bc.ca

Central Saanich Police Service
1903 Mt. Newton Cross Road
Saanichton, BC V8M 2A9
Tel: (250) 652-4441
www.cspolice.ca

New Westminster Police Service
555 Columbia Street
New Westminster, BC V3L 1B2
Tel: (604) 525-5411
www.newwestpolice.org

*BC Combined Forces
Special Enforcement Unit*
Tel: (604) 777-7800
www.ocabc.org

Oak Bay Police Department
1703 Monterey Avenue
Victoria, BC V8R 5V6
Tel: (250) 592-2424
www.oakbaypolice.org

Delta Police Department
4455 Clarence Taylor Crescent
Delta, BC V4K 3E1
Tel: (604) 946-4411
www.deltapolice.ca

Port Moody Police Department
3051 St. John's Street
Port Moody, BC V3H 2C4
Tel: (604) 461-3456
www.portmoodypolice.com

*SCBC Transportation Authority
Police Service*
307 Columbia Street
New Westminster, BC V3L 1A7
Tel: (604) 515-8300
www.qvtaps.bc.ca

Saanich Police Department
760 Vernon Avenue
Victoria, BC V8X 2W6
Tel: (250) 475-4321
www.saanichpolice.ca

St'at'l'imx Tribal Police Service
22 Retasket Drive, PO Box 488
Lillooet, BC V0K 1V0
Tel: (250) 256-7784

Victoria Police Department
850 Caledonia Street
Victoria, BC V8T 5J8
Tel: (250) 995-7654
www.victoriapolice.org

Vancouver Police Department
312 Main Street
Vancouver, BC V6A 2T2
Tel: (604) 717-3535
www.vancouver.ca/police

*West Vancouver Police
Department*
1330 Marine Drive
West Vancouver, BC V7T 1B5
Tel: (604) 925-7300
www.westvancouverpolice.ca

Complaints involving the RCMP should be directed to:
Commission for Public Complaints against the RCMP
Suite 102, 7337 – 137 Street, Surrey, BC V3W 1A4
Telephone: 604.501.4080 or toll free at 1(800)665.6878

Appendix “A”

Statistical Reports



The data contained in the following tables and charts may vary slightly from previous reports. Where differences exist, it can be assumed that the most current report reflects the most accurate and up-to-date data.

Introduction – A Brief Explanation

When a complaint is received at the OPCC, a file is opened and assigned to an analyst. All complaints are reviewed by the assigned analyst and broken down into its individual allegations. A complaint file often contains more than one allegation, involving one or more officers.

The following is an example of how one complaint file can result in multiple allegations and results:

The Complaint

A Complainant states that 3 officers entered his residence without a warrant and that 2 of the officers used excessive force in order to handcuff him. The Complainant further states that 1 officer unlawfully seized property that was subsequently lost.

The assigned analyst would review the complaint and break it down into its individual components or “allegations”. The above complaint would likely be broken down into the following allegations as defined by the *Police Act*:

The Allegations

Abuse of Authority (unlawful entry) – involving 3 Respondent officers.

Abuse of Authority (excessive force) – involving 2 Respondent officers

Abuse of Authority (unlawful seizure of property) – involving 1 Respondent officer

Neglect of Duty (improper care and handling of seized property) – involving 1 Respondent officer

Following the investigation, the Discipline Authority may determine that *some or all* of the allegations of misconduct have been proven against *some or all* of the officers. Continuing with the example above, the decision may be:

The Decision whether Substantiated

Abuse of Authority (unlawful entry) – Substantiated against officers #1, #2 and #3

Abuse of Authority (excessive force) – Substantiated against Officer #2

Abuse of Authority (unlawful seizure of property) – Not substantiated

Neglect of Duty (improper care and handling of seized property) – Not substantiated

The Discipline Authority must then consider the mitigating and aggravating factors unique to each officer and determine the appropriate corrective and/or disciplinary measures to impose. For example:

The Decision on Corrective and/or Disciplinary Measures

Abuse of Authority (unlawful entry):

Officer #1 – Written Reprimand

Officer #2 – Written Reprimand

Officer #3 – Additional Training

Abuse of Authority (excessive force):

Officer #2 – 1-day suspension without pay

When reviewing the following reports and tables, please note the distinctions between complaint “Files” and “Allegations”.

Complaints Received in 2009

Complaint Files Opened (January 1, 2009 to December 31, 2009)					
Dept	2009	2008	2007	2006	2005
Abbotsford	16	28	29	16	14
Central Saanich	9	2	3	4	5
BCCFSEU	0	0	1	1	0
Delta	34	16	16	23	14
Nelson	4	8	10	3	1
New Westminster	32	45	17	25	20
Oak Bay	3	3	2	1	6
Port Moody	7	7	3	3	4
Saanich	39	35	28	28	35
SCBCTAPS	26	28	18	15	n/a
Stl'atl'imx	0	1	0	0	1
Vancouver	240	214	244	269	220
Victoria	103	81	80	98	91
West Vancouver	20	13	25	17	15
TOTAL:	532	481	476	503	327

A *Police Act* investigation pursuant to Division 4 (Public Trust Complaints) may be initiated by:

Public Complaints

- Receipt of a Form 1 Record of Complaint (submitted by a citizen or, in some cases, by a senior officer for administrative purposes); or
- The Police Complaint Commissioner may order an investigation pursuant to section 55(3) of the *Police Act*. This may be at the request of a department, or as a result of information received by the Commissioner that is deemed to be in the public interest.

Ordered Investigations

In 2009, there were **53** files that were initiated by way of an Order for Investigation issued by the Commissioner. Of those **53** files, **52** were at the request of the originating police department.

In addition to files that are opened as a result of a Form 1 Record of Complaint being submitted or a Commissioner's Ordered Investigation, the OPCC also opens files that may potentially become formal *Police Act* complaints.

Monitor Files

Monitor Files are opened when information is received by the OPCC from the police or other sources including media reports that *may* require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. 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 & Closed". Of the files opened in 2009, **29** were designated as Monitor Files.

Non-Lodged Files

Non-Lodged Files are those where information is received from a citizen either orally or in writing. The person is advised that in order for the matter to become a formal *Police Act* investigation, they must complete and submit a Form 1 Record of Complaint. If the

person declines to submit a Form 1, the matter *may* be investigated depending on the severity of the allegations. In 2009, **33** files were designated as Non-Lodged files. As with Monitor files, if no further action is required, the file is concluded as “Reviewed & Closed”.

Any complaint, whether it is initiated by receipt of a Form 1 Record of Complaint or is an Ordered Investigation, may be investigated by a police agency other than the police department where the complaint originated. If the Police Complaint Commissioner determines that a potential or perceived bias exists, the investigation may be referred to another police agency, including the RCMP. The Discipline Authority may also request that a complaint be investigated externally. Of the 532 files opened in 2009, **25** were investigated by an external agency.

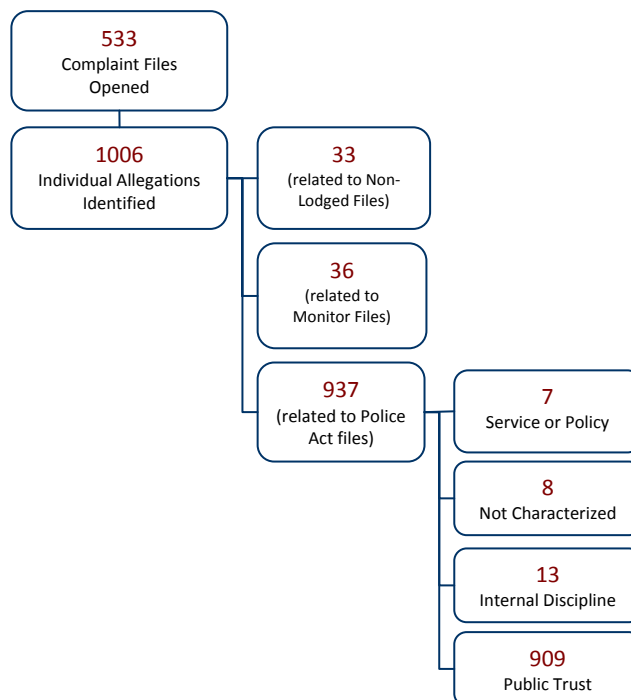
External Investigations

Once a complaint is reviewed and allegations identified, it must then be characterized as one, or more, of the following;

- Public Trust
- Internal Discipline
- Service or Policy

Characterizing the Allegations

Of the files opened in 2009, the following reflects the way they were identified:



The *Code of Professional Conduct Regulation* identifies the various types of “disciplinary defaults” or misconduct for which an officer may be charged. The following tables show the wide range of allegations received by each department in 2009.

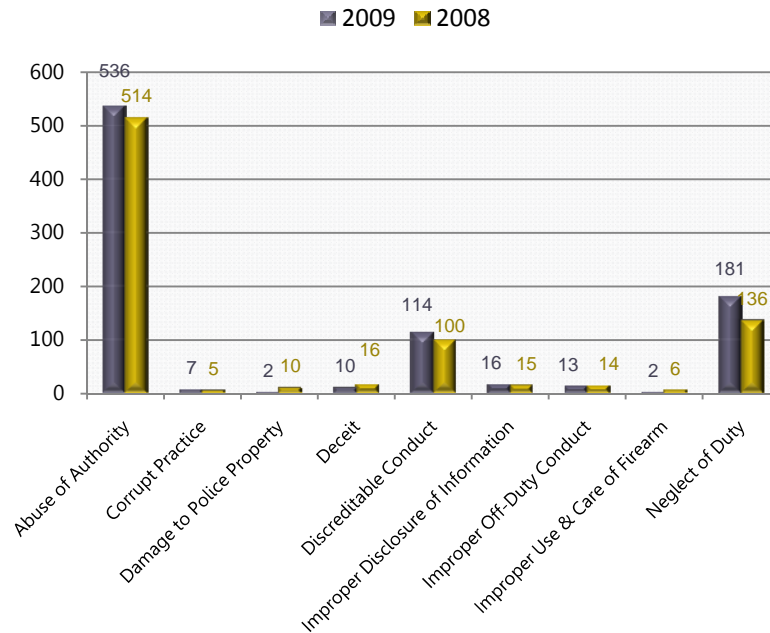
Discipline Defaults

It is important to note that the following tables reflect the total number of allegations *received* in 2009. These tables do not reflect whether they were substantiated or not

substantiated and some allegations may be unresolved as they are still subject of ongoing *Police Act* investigations.

Note: The BC Combined Forces Special Enforcement Unit and the Stl'atl'imx Tribal Police Service fall under the OPCC's mandate; however, they are not included on these tables as there were no related allegations received in 2009.

*Defaults Rec'd in 2009
Compared to
Defaults Rec'd in 2008*



The following tables break the disciplinary default into more descriptive keywords/phrases, as well as by individual departments. As stated earlier, these numbers only reflect the allegations received and not whether they've been substantiated.

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Abuse of Authority (s. 10)													
<i>Death – Police Involved</i>	1	0	0	0	0	0	0	0	0	0	1	0	0
<i>Discrimination – other</i>	24	0	0	0	0	0	0	1	1	0	18	3	1
<i>Discrimination – racial</i>	12	0	0	0	0	0	0	0	1	0	8	3	0
<i>Excessive Force – Dog</i>	5	0	0	0	0	0	0	0	1	0	3	0	1
<i>Excessive Force – Empty Hand</i>	169	11	0	7	1	9	0	1	7	7	85	38	3
<i>Excessive Force – Handcuffs</i>	14	0	0	1	0	0	0	0	0	1	11	1	0
<i>Excessive Force – Firearm (Person)</i>	11	0	0	3	0	2	0	0	0	0	6	0	0
<i>Excessive Force – Impact Weapon</i>	5	0	0	0	0	0	0	0	0	0	5	0	0
<i>Excessive Force – Pepper Spray</i>	1	0	0	0	0	0	0	0	0	0	0	1	0
<i>Excessive Force – Taser</i>	4	0	0	0	0	0	0	0	0	0	1	3	0
<i>Harass/Intimidate Complainant (after making complaint)</i>	1	0	0	0	0	0	0	0	1	0	0	0	0

<i>Improper issuing or process</i>	3	1	0	0	0	0	0	0	0	0	2	0	0
<i>Improper issuing of traffic ticket</i>	22	0	0	0	0	0	0	1	5	0	11	5	0
<i>Oppressive conduct</i>	4	0	0	0	0	0	0	0	0	0	4	0	0
<i>Profanity / Abusive / Insulting language</i>	18	0	0	2	0	0	0	0	2	0	6	5	3
<i>Rudeness / Discourteous</i>	75	0	1	0	0	2	0	0	5	7	34	25	1
<i>Unlawful arrest</i>	57	0	0	9	0	6	0	2	4	2	27	7	0
<i>Unlawful detention</i>	31	5	3	4	0	1	0	1	3	2	10	2	0
<i>Unlawful search (non-person)</i>	35	1	0	6	0	3	0	0	2	0	19	3	1
<i>Unlawful search (person)</i>	11	1	0	1	1	1	0	1	0	0	4	2	0
<i>Unlawful seizure of property</i>	15	0	0	2	0	1	0	0	0	0	10	2	0
<i>No Keyword Identified</i>	18	0	0	7	0	0	0	0	0	1	4	6	0
TOTALS:	536	19	4	42	2	25	0	7	32	20	269	106	10

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Corrupt Practice (s.9):													
<i>Failure to acct for money/property rec'd in course of duty</i>	4	0	0	0	0	0	0	0	0	0	4	0	0
<i>Use of police authority for personal gain</i>	1	0	1	0	0	0	0	0	0	0	0	0	0
<i>Use of police equip't for personal gain</i>	2	0	0	0	0	0	0	0	0	0	0	2	0
TOTALS:	7	0	1	0	0	0	0	0	0	0	4	2	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Damage to Police Property (s.12):													
<i>Improper care of police property</i>	2	0	1	0	0	0	0	0	1	0	0	0	0
TOTALS:	2	0	1	0	0	0	0	0	1	0	0	0	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Deceit (s.7):													
<i>Misleading / Inaccurate document</i>	2	0	0	0	0	0	0	0	1	1	0	0	0
<i>Misleading / Inaccurate oral statement</i>	8	0	0	0	0	0	0	3	1	0	4	0	0

TOTALS:	10	0	0	0	0	0	0	3	2	1	4	0	0
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	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Discreditable Conduct (s.5):													
<i>Breach of Police Act / Dept policies & standing orders</i>	11	0	0	0	0	2	0	0	0	1	7	0	1
<i>Dangerous driving</i>	4	0	0	0	0	1	0	1	0	0	2	0	0
<i>Disorderly Conduct</i>	19	0	0	2	0	4	0	1	1	0	4	7	0
<i>Failure to disclose evidence (criminal offences)</i>	2	0	0	2	0	0	0	0	0	0	0	0	0
<i>Oppressive / Abusive</i>	56	15	1	5	1	4	0	0	2	5	16	7	0
<i>Refusal to provide PIN</i>	3	0	0	0	0	0	0	0	0	0	2	1	0
<i>Unauthorized search of police database (Info not disclosed)</i>	1	0	0	0	0	0	0	0	1	0	0	0	0
<i>No keyword identified</i>	18	0	0	10	0	1	0	0	1	0	0	5	1
TOTALS:	114	15	1	19	1	12	0	2	5	6	31	20	2

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Disclosure of Information (s.8):													
<i>Discloses information recklessly</i>	5	0	0	0	0	0	0	0	2	0	1	1	1
<i>Unauthorized disclosure of police information</i>	9	0	2	1	0	1	0	0	1	0	3	0	1
<i>No Keyword Identified</i>	2	0	0	1	0	1	0	0	0	0	0	0	0
TOTALS:	16	0	2	2	0	2	0	0	3	0	4	1	2

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Off-Duty Conduct (s.16):													
<i>Behaviour discreditable to reputation of department</i>	12	0	0	2	0	1	0	0	0	0	6	2	1
<i>No keyword identified</i>	1	0	0	0	0	1	0	0	0	0	0	0	0
TOTALS:	13	0	0	2	0	2	0	0	0	0	6	2	1

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Use & Care of Firearm (s.11):													
<i>Accidental Discharge</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
TOTALS:	2	0	0	0	0	0	0	0	0	0	2	0	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Neglect of Duty (s.6):													
<i>Absent / Late for duty</i>	1	0	0	0	0	0	0	0	1	0	0	0	0
<i>Failure to account for money/property received</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
<i>Failure to attend court</i>	4	0	0	0	0	0	0	0	2	0	1	0	1
<i>Failure to follow order</i>	6	0	0	1	0	0	0	0	0	0	0	5	0
<i>Failure to provide medical treatment</i>	21	0	0	0	0	3	0	0	0	3	7	8	0
<i>Inadequate investigation</i>	82	4	0	5	0	6	1	0	3	2	43	17	1
<i>Inadequate documentation / records / notes</i>	11	0	0	0	0	0	0	0	1	0	3	6	1
<i>Improper care/handling of seized property</i>	27	0	0	0	1	1	0	0	1	1	20	2	1
<i>Improper issuing of process</i>	16	0	1	1	0	4	0	0	1	0	7	2	0
<i>No Keyword Identified</i>	11	0	0	4	0	0	0	0	0	0	7	0	0
TOTALS:	181	4	1	11	1	14	1	0	9	6	90	40	4

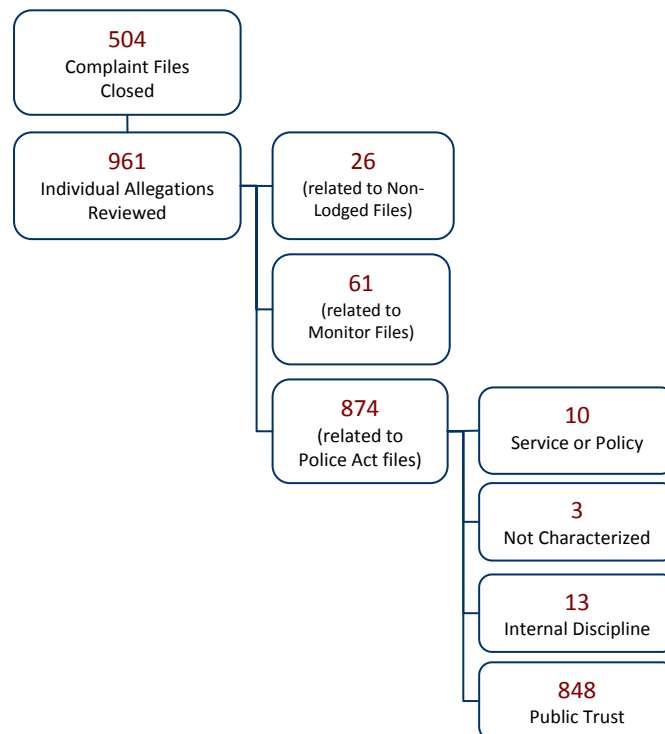


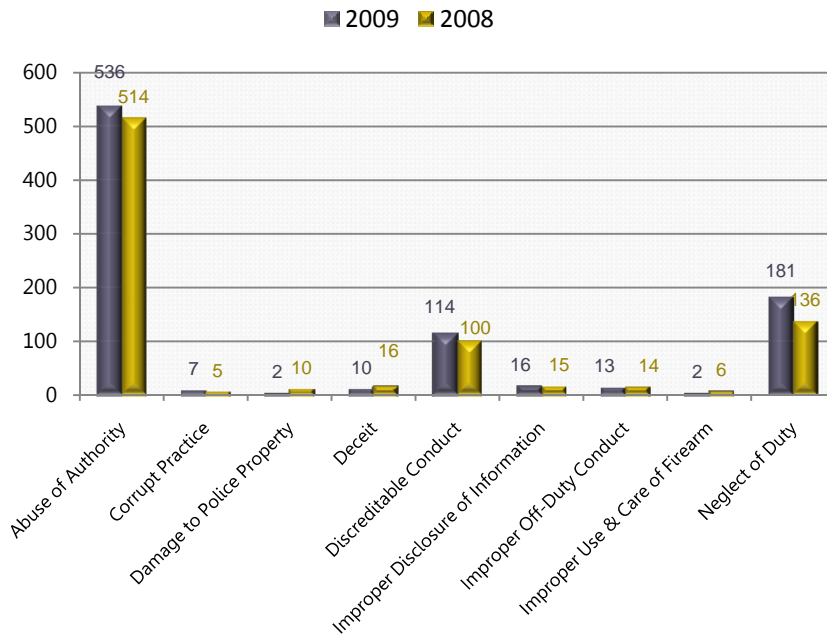
Complaints Concluded in 2009

Complaint Files Concluded (January 1, 2009 to December 31, 2009)					
Dept	2009	2008	2007	2006	2005
<i>Abbotsford</i>	24	21	34	13	11
<i>Central Saanich</i>	5	4	2	4	4
<i>BCCFSEU</i>	0	1	0	0	1
<i>Delta</i>	21	21	20	14	11
<i>Nelson</i>	5	7	8	1	8
<i>New Westminster</i>	29	36	17	24	21
<i>Oak Bay</i>	3	2	3	3	4
<i>Port Moody</i>	3	4	4	5	2
<i>Saanich</i>	40	32	24	32	32
<i>SCBCTAPS</i>	34	11	17	3	n/a
<i>Stl'atl'imx</i>	0	1	0	1	0
<i>Vancouver</i>	221	209	278	273	183
<i>Victoria</i>	98	93	66	100	88
<i>West Vancouver</i>	21	17	20	9	16
TOTAL:	504	459	493	482	381

All files, regardless of whether a request for review is received from the Complainant, are thoroughly reviewed by OPCC analysts to ensure investigations were conducted professionally and the Discipline Authority's decisions are fair.

Of the files concluded in 2009, the following reflects the way they were identified:





*Defaults Reviewed
in 2009
Compared to
Defaults Reviewed
in 2008*

The following tables break the disciplinary default into more descriptive keywords/phrases, as well as by individual departments. As stated earlier, these numbers only reflect the allegations reviewed and not whether they've been substantiated.

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Abuse of Authority (s. 10)													
<i>Death – Police Involved</i>	2	0	0	0	0	1	0	0	0	0	1	0	0
<i>Discrimination – other</i>	13	0	0	0	0	0	0	0	0	0	9	4	0
<i>Discrimination – racial</i>	9	0	0	0	0	0	0	0	2	3	4	0	0
<i>Excessive Force – Dog</i>	7	1	0	0	0	2	0	0	0	0	4	0	0
<i>Excessive Force – Empty Hand</i>	169	15	0	5	1	14	0	1	5	3	107	18	0
<i>Excessive Force – Handcuffs</i>	6	0	0	1	0	0	0	0	0	0	5	0	0
<i>Excessive Force – Firearm (Person)</i>	5	0	0	0	0	0	0	0	0	0	5	0	0
<i>Excessive Force – Impact Weapon</i>	10	0	0	0	0	0	0	0	0	0	9	0	1
<i>Excessive Force – Neck Restraint</i>	5	4	0	0	0	0	0	0	0	0	1	0	0
<i>Excessive Force – Pepper Spray</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
<i>Excessive Force – Taser</i>	21	2	0	0	0	0	0	0	0	9	5	4	1
<i>Improper issuing of traffic ticket</i>	17	0	0	0	0	0	0	0	3	0	8	6	0

<i>Oppressive conduct</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
<i>Profanity / Abusive / Insulting language</i>	14	0	0	2	1	0	0	0	2	0	6	2	1
<i>Rudeness / Discourteous</i>	101	2	1	0	0	5	0	1	17	10	38	27	0
<i>Unlawful arrest</i>	65	4	0	12	0	1	0	0	3	2	32	9	2
<i>Unlawful detention</i>	26	1	0	3	0	0	0	0	1	0	19	2	0
<i>Unlawful search (non-person)</i>	13	0	0	2	0	0	0	0	0	0	8	2	1
<i>Unlawful search (person)</i>	8	0	0	0	0	0	0	0	0	0	6	2	0
<i>Unlawful seizure of property</i>	14	0	0	0	0	1	0	0	0	0	11	2	0
<i>No Keyword Identified</i>	8	0	0	0	0	0	0	0	0	1	1	6	0
TOTALS:	517	30	1	25	2	24	0	2	33	27	283	84	6

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Corrupt Practice (s.9):													
<i>Failure to acct for money/property rec'd in course of duty</i>	9	0	0	5	0	0	0	0	0	0	4	0	0
<i>Use of police authority for personal gain</i>	2	0	1	0	0	0	0	0	0	1	0	0	0
<i>Use of police equip't for personal gain</i>	1	0	0	0	0	0	0	0	1	0	0	0	0
TOTALS:	12	0	1	5	0	0	0	0	1	1	4	0	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Damage to Police Property (s.12):													
<i>Improper care of police property</i>	1	0	0	0	0	0	0	0	1	0	0	0	0
<i>Loss/damage to police property</i>	4	0	0	0	0	4	0	0	0	0	0	0	0
TOTALS:	5	0	0	0	0	4	0	0	1	0	0	0	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Deceit (s.7):													
<i>Misleading / Inaccurate document</i>	10	0	0	0	0	0	1	0	1	1	6	0	1
<i>Misleading / Inaccurate oral statement</i>	5	1	0	0	0	0	0	0	0	1	2	0	1

<i>Perjury</i>	1	0	0	0	0	0	0	0	0	0	1	0	0
TOTALS:	16	1	0	0	0	0	1	0	1	2	9	0	2

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Discreditable Conduct (s.5):													
<i>Breach of Police Act / Dept policies & standing orders</i>	24	0	0	0	0	7	0	0	0	2	13	1	1
<i>Dangerous driving</i>	4	0	0	0	0	2	0	0	0	0	2	0	0
<i>Disorderly Conduct</i>	19	0	0	0	0	2	0	1	1	1	6	8	0
<i>Oppressive / Abusive</i>	41	3	1	2	0	8	0	0	2	2	17	6	0
<i>Refusal to provide PIN</i>	3	0	0	0	0	0	0	0	0	0	3	0	0
<i>Unauthorized search of police database (Info not disclosed)</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
<i>No keyword identified</i>	5	0	0	0	0	1	0	0	0	0	0	4	0
TOTALS:	98	3	1	2	0	20	0	1	3	5	43	19	1

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Disclosure of Information (s.8):													
<i>Discloses information knowing false</i>	2	0	0	0	0	0	0	0	0	0	2	0	0
<i>Discloses information recklessly</i>	2	0	0	0	0	0	0	0	1	0	1	0	0
<i>Unauthorized disclosure of police information</i>	9	0	1	1	0	0	0	0	1	0	5	0	1
<i>No Keyword Identified</i>		0	0	0	0	1	0	0	0	0	0	0	0
TOTALS:	14	0	11	1	0	1	0	0	2	0	8	0	1

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Off-Duty Conduct (s.16):													
<i>Asserts/purports authority as police officer</i>	5	0	0	0	0	1	0	0	3	0	1	0	0
<i>Behaviour discreditable to reputation of department</i>	17	1	0	1	0	2	0	0	2	3	2	1	5
TOTALS:	22	1	0	1	0	3	0	0	5	3	3	1	5

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Improper Use & Care of Firearm (s.11):													
<i>Accidental Discharge</i>	2	0	0	0	0	0	0	0	0	0	1	1	0
<i>Improper Use of Firearm (non-person)</i>	1	0	0	0	0	0	0	0	1	0	0	0	0
<i>Unsafe storage</i>	2	0	0	0	0	0	0	0	1	1	0	0	0
TOTALS:	5	0	0	0	0	0	0	0	2	1	1	1	0

	TOTALS	Abbotsford	Central Saanich	Delta	Nelson	New Westminster	Oak Bay	Port Moody	Saanich	SCBCTAPS	Vancouver	Victoria PD	West Vancouver
Neglect of Duty (s.6):													
<i>Absent / Late for duty</i>	2	0	0	0	0	0	0	0	2	0	0	0	0
<i>Failure to attend court</i>	2	0	0	0	0	0	0	0	1	0	1	0	0
<i>Failure to follow order</i>	10	0	0	0	0	0	0	0	0	0	5	0	5
<i>Failure to provide medical treatment</i>	6	1	0	0	0	0	0	0	0	0	4	1	0
<i>Inadequate investigation</i>	90	4	0	2	1	8	2	0	9	2	47	13	2
<i>Inadequate documentation / records / notes</i>	13	0	0	0	0	0	0	0	0	0	9	2	2
<i>Improper care/handling of seized property</i>	28	0	0	1	0	0	0	0	1	1	20	2	3
<i>Improper issuing of process</i>	7	0	1	0	0	0	0	0	1	0	3	2	0
<i>Leave duty without permission</i>	3	0	0	0	0	0	0	0	0	1	0	0	2
TOTALS:	161	5	1	3	1	8	2	0	14	4	89	20	14

Allegations may be concluded as follows:

Decisions

Withdrawn

A Complainant may withdraw his or her complaint at any time during the process. The Commissioner may, if it is in the public interest, order that the investigation continue.

Reviewed & Closed

Where it is determined that there are no issues that require a *Police Act* investigation, the files are concluded as "Reviewed and Closed". Service or Policy complaints are also concluded in this manner.

Informal Resolution

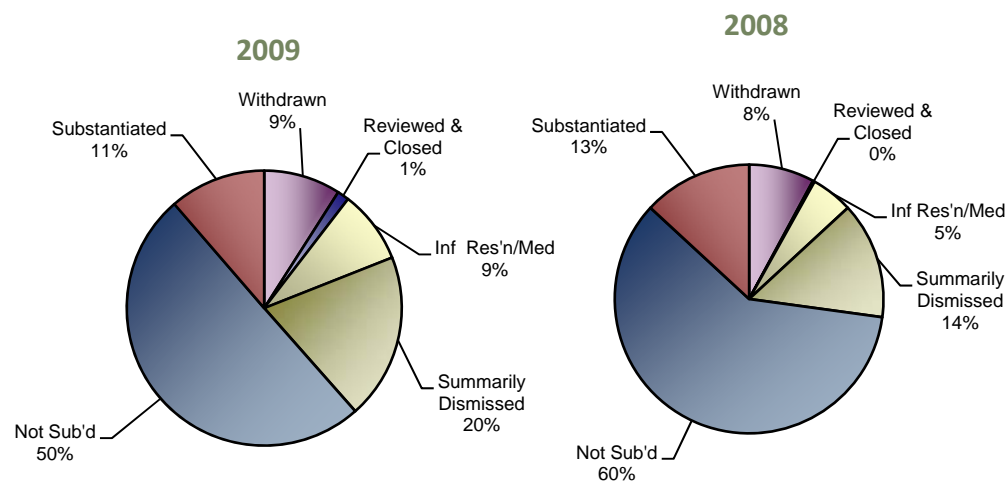
Where the allegations are appropriate, a complaint may be resolved by the signed agreement of the Complainant and the Respondent officer(s). This is facilitated by the assigned investigator.

<i>Mediation</i>	The same principals as an informal resolution, however the process is overseen by a professional mediator.
<i>Summarily Dismissed</i>	<p>A complaint may be summarily dismissed if:</p> <ul style="list-style-type: none"> - there is no likelihood that further investigation would reveal evidence to support a disciplinary default; - the incident or event in question occurred more than 12 months prior to the filing of the complaint; and/or - the allegation(s) is frivolous and/or vexatious.
<i>Not Substantiated</i>	Following a complete investigation, there is no evidence upon which to substantiate the allegations. The standard of proof in <i>Police Act</i> proceedings is based on the balance of probabilities.
<i>Substantiated</i>	Following a complete investigation, based on a balance of probability, there is evidence upon which to substantiate the allegation(s). Following a finding of "Substantiated", corrective and/or disciplinary measures are imposed.

The following tables reflect the manner in which allegations were concluded. All decisions have been reviewed and confirmed by the OPCC.

Allegations Concluded (January 1, 2009 to December 31, 2009)								
Default	Total Allegations Concluded	Withdrawn	Reviewed & Closed	Informally Resolved	Mediated	Summarily Dismissed	Not Substantiated	Substantiated
<i>Abuse of Authority</i>	517	46	0	50	6	88	312	15
<i>Corrupt Practice</i>	12	0	0	0	0	2	8	2
<i>Damage to Police Property</i>	5	0	0	0	0	0	2	3
<i>Deceit</i>	16	0	0	0	0	1	9	6
<i>Discreditable Conduct</i>	98	9	0	6	2	26	37	18
<i>Improper Disclosure of Information</i>	14	1	0	1	0	3	7	2
<i>Improper Off-Duty Conduct</i>	22	0	0	1	0	0	11	10
<i>Improper Use & Care of Firearm</i>	5	0	0	0	0	0	0	5
<i>Neglect of Duty</i>	161	23	0	9	0	40	51	38
<i>Not Applicable or Unknown</i>	23	0	12	0	0	10	1	0
TOTAL:	873	79	12	67	8	170	438	99

Corrective & Disciplinary Measures



Once a default has been substantiated, the Discipline Authority must then determine the appropriate corrective and/or disciplinary measure to impose on the officer. The *Code of Professional Conduct Regulation* sets out the aggravating and mitigating factors that must be considered by the Discipline Authority, and provides guidance on imposing effective corrective or disciplinary measures. Where circumstances are appropriate, and by doing so, the organizational effectiveness of the department and the public confidence in the administration of police discipline is not compromised, corrective measures are preferred over punitive measures. The primary goal of the *Code* is to ensure that the misconduct committed is not repeated nor continued. Corrective measures seek to address the problem and provide training or direction to ensure that the officer understands why the particular misconduct is unacceptable and how to improve his or her performance as a police officer.

The *Code* provides the following measures:

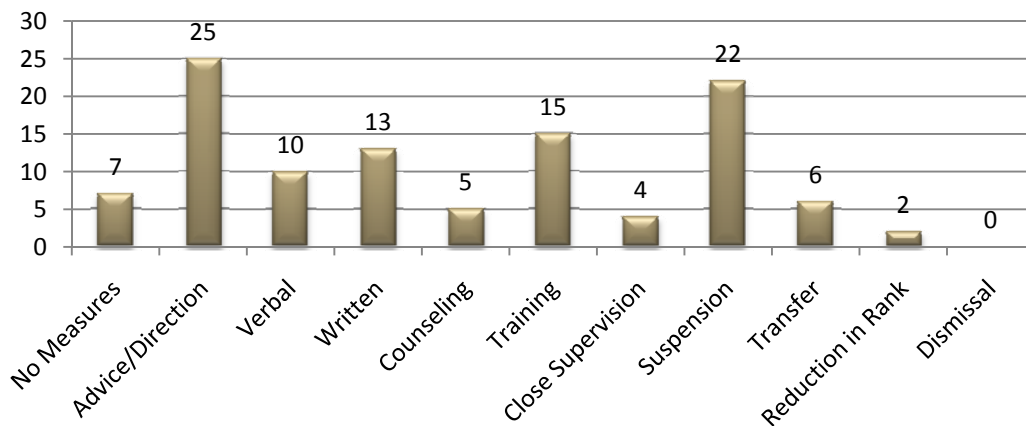
- Verbal reprimand
- Written reprimand
- Direction to undertake professional counselling
- Direction to undertake special training or re-training
- Direction to work under close supervision
- Suspension without pay (up to 5 scheduled working days)
- Transfer or re-assignment
- Reduction in rank
- Dismissal

The Discipline Authority may also determine that although a default has been substantiated, neither corrective nor disciplinary measures are warranted or that "Managerial Advice" or "Advice as to Future Conduct" is sufficient to ensure that the error or behaviour is not repeated in future.

In circumstances where the officer has either retired or resigned from the department prior to the completion of the disciplinary process, the disposition recorded is "Retired / Resigned", with the *proposed* disciplinary measure listed in the notes. In 2009, the disposition for **15** allegations was listed as "Retired / Resigned". This refers to 15 *allegations*, not 15 police officers.

In 2009, the following corrective and disciplinary measures were imposed:

Corrective/Disciplinary Measures - 2009



The above table does not reflect if the officer received a combination of disciplinary and corrective measures. For example, an officer often will receive in addition to the punitive measure, a direction to undertake further training or counselling. The following list provides a more detailed explanation of how measures were imposed in relation to the misconduct committed.

Abbotsford Police Department

Unlawful detention	Additional training Advice as to future conduct	
Misleading / Inaccurate oral statement	Member suspended	1-day suspension

Delta Police Department

Excessive force – empty hand	Verbal reprimand	
Excessive force – empty hand	Verbal reprimand	
Unauthorized disclosure of police information	Written reprimand	
Improper care / handling of seized property	Verbal reprimand	And direction to review departmental policy

New Westminster Police Service

Breach of Police Act / Departmental policies & standing orders	Written reprimand	
Behaviour discreditable to the reputation of the department	Written reprimand	
Breach of Police Act / Departmental policies & standing orders	Additional training Advice as to future conduct	
Loss / Damage to police property	Written reprimand	
Inadequate investigation	Verbal reprimand	
Loss / Damage to police property	Member suspended	1-day suspension
Oppressive / Abusive conduct	Advice as to future conduct	

Excessive force – empty hand	Reduction in rank Transfer / Reassignment Member suspended Counseling	- 18-month demotion to 3 rd Class Constable - Reassignment to a position deemed suitable by the Chief Constable - 5-day suspension - Psychological counseling for 18-months
<i>Oak Bay Police Department</i>		
Misleading / Inaccurate document	Member suspended	1-day suspension
Inadequate investigation	Member suspended	2-day suspension
Inadequate investigation	Member suspended	2-day suspension
<i>Port Moody Police Department</i>		
Disorderly conduct	Member suspended Counseling	3-day suspension and Direction to write letter of apology
Rudeness / Discourteous behaviour	Managerial direction	
<i>Saanich Police Department</i>		
Unsafe storage of firearm	Managerial direction	Direction to write letter of apology
Unauthorized use of police equipment for personal gain	Member suspended	1-day suspension
Absent / Late for duty	Managerial direction	
Asserts / Purports authority as police officer while off-duty	Written reprimand	Direction to write letter of apology
Absent / Late for duty	Managerial direction	
Profanity / Abusive / Insulting language	Additional training	Prior to the Discipline Authority's decision, the officer had completed communication training in Verbal Judo
Excessive force – empty hand	Member suspended	- 2-day suspension - Direction to formally review appropriate Use of Force techniques with the department's Use of Force instructor.
Improper use of firearm (non-person)	Counseling	
Behaviour discreditable to the reputation of the department	Counseling Work under close supervision	
Inadequate investigation	Verbal reprimand	
Failure to attend court	Managerial direction	
Improper care of police property	Managerial direction	
Asserts / Purports authority as police officer while off-duty	Counseling Work under close supervision Written reprimand	
Asserts / Purports authority as police officer while off-duty	Written reprimand	

South Coast British Columbia Transportation Authority Police Service (SCBCTAPS)

<ul style="list-style-type: none"> • Unsafe storage of firearm • Behaviour discreditable to the reputation of the department • Use of police authority for personal gain • Breach of Police Act / Departmental policies & standing orders • Misleading / Inaccurate oral statement • Disorderly conduct • Leave duty without permission 	Retired / Resigned	<i>Member retired prior to the Discipline Authority's decision</i>
Behaviour discreditable to the reputation of the department	Written reprimand	
Behaviour discreditable to the reputation of the department	Member suspended	<i>1-day suspension</i>
Rudeness / Discourteous behaviour	Advice as to future conduct	
Rudeness / Discourteous behaviour	Managerial direction	
Oppressive / Abusive conduct	Additional training Verbal reprimand	
Improper care / handling of seized property	No disciplinary or corrective measures warranted	

Vancouver Police Department

Failure to follow order (x4)	No disciplinary or corrective measures warranted	
Misleading / Inaccurate document	Member suspended	<i>2-day suspension</i>
Improper care / handling of seized property	Member suspended	<i>1-day suspension and Direction to review departmental regulations & procedures</i>
Breach of Police Act / Departmental policies & standing orders (x2)	Member suspended Additional training	<i>1-day suspension Remedial firearms course and Direction to review departmental regulations & procedures</i>
Accidental discharge of firearm	Additional training	<i>Remedial firearms course</i>
Improper care / handling of seized property	Transfer/Reassignment Additional training Written reprimand	
Oppressive / abusive conduct	No disciplinary or corrective measures warranted	
Breach of Police Act / Departmental policies & standing orders	Written reprimand	
Disorderly conduct	Verbal reprimand	
Inadequate investigation	Transfer/Reassignment Work under close supervision Written reprimand	

Inadequate documentation / records / notes (x2)	Additional training Managerial direction	<i>PRIME training with emphasis on compliance with departmental policies pertaining to reporting requirements</i>
Inadequate documentation / records / notes	Retired / resigned	<i>Member retired prior to the Discipline Authority's decision</i>
Unauthorized disclosure of police information	Managerial direction	
Unauthorized search of police database (information not disclosed)	Managerial direction	<i>Managerial Direction regarding policy and use of CPIC. The department also held educational sessions with all operational members emphasizing members are not to conduct computer searches unrelated to operational necessities.</i>
Improper care / handling of seized property	Managerial direction	
Improper care / handling of seized property	Managerial direction	
Improper care / handling of seized property	Managerial direction	
Breach of Police Act / Departmental policies & standing orders	Additional training Written reprimand	
Unauthorized search of police database (information not disclosed)	Verbal reprimand	
Excessive force – empty hand	Additional training Verbal reprimand	
Improper care / handling of seized property	Managerial direction	
Behaviour discreditable to the reputation of the department	Retired / resigned	<i>Member retired prior to the Discipline Authority's decision</i>
Victoria Police Department		
Excessive force – empty hand	Member suspended Additional training	<i>3-day suspension</i>
Disorderly conduct	Member suspended Transfer/Reassignment	<i>1-day suspension</i>
Disorderly conduct	Member suspended Transfer/Reassignment	<i>2-day suspension</i>
Excessive force – empty hand	Managerial direction	
Excessive force – empty hand	Member suspended	<i>2-day suspension</i>
Unlawful arrest	Additional training	
Accidental discharge of firearm	Verbal reprimand	
Behaviour discreditable to the reputation of the department	Written reprimand	

Inadequate documentation / records / notes	Member suspended	<i>1-day suspension</i>
Breach of Police Act / Departmental policies & standing orders	Member suspended	<i>1-day suspension</i>
Excessive force – empty hand	Member suspended	<i>3-day suspension</i>
<i>West Vancouver Police Department</i>		
<ul style="list-style-type: none"> • Fails to work in accordance with orders (x4) • Inadequate investigation (x2) 	Retired / resigned	<i>Member retired prior to the Discipline Authority's decision</i>
Improper care / handling of seized property	Additional training Managerial direction	
Misleading / inaccurate oral statement	Work under close supervision	<i>For a period of 6 months</i>
Misleading /inaccurate document	Reduction in rank	<i>Reduction from 1st Class Constable to 2nd Class Constable for a period of 5 months</i>
Failure to follow order	Member suspended	<i>3-day suspension</i>
Improper care / handling of seized property	Managerial direction	
Leave duty without permission	Managerial direction	
Inadequate documentation / records / notes	Managerial direction	
Leave duty without permission	Managerial direction	

