

# CLOSING THE GAP

## Policing and The Community

### Commission of Inquiry into Policing in British Columbia

Commissioner  
The Honourable Mr. Justice Wallace T. Oppal

In June 1992, a Commission of Inquiry into Policing in British Columbia was ordered by the Attorney General of British Columbia. The Honourable Mr. Justice Wallace T. Oppal released the results of his inquiry in a report, *Closing the Gap, Policing and The Community*. It was broken into four parts: Volume 1, Volume 2, Sources and The Recommendations.

This document includes only the letter of transmittal and the consolidated list of recommendations [“The Recommendations”]. The report is no longer in print, however, the four parts are available in libraries across the province. Following are the ISBN numbers that will assist the librarian in locating a copy:

- Closing the Gap: Volumes 1 ISBN 0-7726-2238-8
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## CLOSING THE GAP — Policing and The Community

### THE RECOMMENDATIONS

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# Letter of Transmittal

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July 31, 1994

The Honourable Colin Gabelmann  
Attorney General  
Province of British Columbia  
Parliament Buildings  
Victoria, BC V8V1X4

Dear Mr. Gabelmann:

In June 1 1992, by Order in Council, you appointed me to conduct the Commission of Inquiry Into Policing in British Columbia. I am pleased to tell you that the long and arduous task has now been completed.

As you know, the commission's terms of reference are expansive. They comprise virtually every aspect and issue related to policing. As an overview, and as an adjunct to the report, there are some remarks that I wish to make.

This report has been significantly condensed for the purposes of convenience. We examined approximately 30 different issues related to policing. Our research was most extensive. For instance, the written materials on public complaints and accountability exceeded 400 pages. We are making available the research material that was not included in the report. There are some areas of the report which may be termed "anecdotal" in that we relied on the accounts of many members of the public. This method may be subject to criticism by some as lacking the scientific methodology advocated by many researchers. However, I have no difficulty in reaching conclusions based on the credible comments of many members of the public, particularly when those comments have been made repeatedly. We also used as sources of reference numerous other reports and studies, such as the report of The Canadian Panel on Violence Against Women, the Report on Violence Against Women in Relationships, the report of the Cariboo-Chilcotin Justice inquiry and the BC Law Society's report on Gender Bias.

The Terms of Reference include an examination of the Police Act. We found, however, that an examination of the Act in isolation was impractical. We considered the Act in relation to the other issues contained in the terms of reference. It will become apparent from our recommendations that the Police Act and its regulations will need considerable revision if the recommendations are to be implemented, whether it be with respect to governance, public complaints, discipline, community-based policing or other issues.

Your decision to establish this commission of inquiry was most timely. There is a confluence of events that make it so. Our society is changing very rapidly. We have experienced many significant changes relating to population, demographics, technology and crime patterns. Policing, like other institutions, is undergoing a major re-examination relating to its philosophy, organization and practices. Questions relating to such areas as civilian oversight, community-based policing, cultural diversity, and the use of force are the subject of much discussion among the police and academics. Police departments, both nationally and internationally, have been seriously rethinking their policies and strategies. It is my impression that policing is currently undergoing greater scrutiny than at any previous time in history. This Inquiry has provoked much positive interest across Canada and the United States, particularly from many police officers who offered much advice and support.

The last major structural change to policing in British Columbia took place in 1950, when the RCMP became the provincial police force, replacing the British Columbia Provincial Police. In 1974 a major review and reform of policing procedures and methods resulted in the passage of our present Police Act. This Act was amended in a significant way in 1988, when the Office of the Complaint Commissioner was created within the BC Police Commission in order to monitor and receive public complaints.

At the outset, it is important for you to know the process by which the commission conducted the inquiry. During its formative stage, the commission consulted various stakeholders. These included advocacy groups, aboriginal leaders, chief constables, police unions, multicultural associations and women's groups. We did this in order to invite comments and submissions on the issues and the process relating to our mandate. We were most encouraged by the display of cooperation and support.

The commission then held a series of public meetings at various centres throughout the province in order to elicit the views of our citizens. These meetings were without question the most important and rewarding aspect of our work. They gave us an opportunity to meet with and hear the views of many citizens who have concerns about our justice system in general and policing in particular. The meetings provided a forum for British Columbians to offer suggestions as to how our system of policing can be improved. Many citizens from various locations in this province told us of their experiences with the justice system and the police.

The response to the public hearings was overwhelming. While our initial intention was to hold 20 to 25 hearings throughout the province, the public reaction was such that we held hearings for 57 days. In addition, the commission has received approximately 1,100 written submissions. Moreover, we continued to hear from both the public and the police as this report was being prepared.

We also visited many police stations throughout the province. We spoke to, and sought the advice of, police officers at all levels, who expressed their concerns about our system of policing. I went on ride-alongs and walked the streets with many officers so that I could better understand the nature of their work and the extent of their concerns and frustrations. We also went into communities such as Strathcona in Vancouver and spoke to both the public and the police.

## Introduction Section: A

Much has been said about our crime rate. There is a growing perception that communities in British Columbia are becoming increasingly violent, in a recent survey, Statistics Canada reported that 50 per cent of Canadians feel that crime is increasing. Some surveys indicate that crime and public safety is the issue of greatest concern to Canadians. Many citizens appeared before the commission in order to express their fears and frustration at the apparent decline in the standards of public safety and security. Youth crime has become a matter of major concern for both the public and the police. In a 1993 survey, 64 per cent of Canadians felt that youth behavior had “become worse” during the past five years, in contrast to a poll three years previously, where that figure was 47 per cent. Of the police officers surveyed by the Commission, 97 per cent felt that incidents involving youth violence are increasing.

It should be noted that there is little statistical support for the belief that our crime rate is out of control and our streets are no longer safe. While the total volume of crime has increased, statistics tell us that our rate of crime measured against the population has remained stable over the last eight years. I think that some assurances ought to be given to the public that we are not living in Los Angeles and that the conditions relating to public safety and security are quite different from those in the United States. Mr. Markwart of the BC Corrections Branch told the commission that, contrary to public perceptions, police statistics indicate that youth crime in general and youth property crime in particular have not increased in the past several years. On the other hand, the same statistics do confirm that there have been real and substantial increases in violent youth crimes other than homicide. Rising rates of youth violence in British Columbia must, however, be put into context; adults, rather than youth, are responsible for an overwhelming majority of violent crimes. There is a perception that youth are committing an inordinate number of homicides. However, police statistics report that youth were responsible for 2 per cent of the homicides in this province in 1992, a figure which has remained unchanged since 1986.

I do not wish to minimize the effects of crime. We have a crime problem. In this province we have seen some startling examples of random violence. I listened to the heart-wrenching words of Chuck Cadman, whose son Jesse was murdered as a result of a senseless, violent act. I also heard from battered women, from victims of child abuse and homophobic violence, from Native people, and others who related their stories to the commission. Their concerns must be addressed.

In spite of a lack of statistical verification of a rising crime rate, our citizens are fearful of violence in our streets, schools and homes. Most recently, the Vancouver Safer City Task Force found that “while the perception of danger may be without any statistical basis at present, it is our view that the city is on the verge of significant safety problems and, unless safety issues are addressed immediately, Vancouver will become a centre of greater criminal activity.” It should also be noted that statistics are not an accurate measure of the public's fear of crime. The public has repeatedly told us that it feels our communities are violent. This perception is itself a reality which must be addressed.

The public holds our police in high regard. This is perhaps best illustrated by the public's overwhelming support of the Vancouver Police Department and the RCMP in their handling of the Stanley Cup riot prior

to any investigation. Our system of policing has generally worked well. This fact is evident when we compare our police forces with others, both nationally and internationally. Canadians have high expectations of the police. They expect the police to respond quickly and effectively to criminal activity. They expect the police to console victims, apprehend offenders and prevent crime. However, an apparent concern of a rising crime rate has led the public to become increasingly dissatisfied and frustrated with both the justice system at large and the police in particular. This was clearly communicated by the many people who appeared before the commission.

The police must respond to society's changing social conditions. Chief Constable Patrick Wilson of the Delta Police Department told the commission,

*Our system of policing is not in serious trouble yet.... I am suggesting that it will be if we do not plan and structure our organizations to meet the demands that are ahead. We see more serious crime and violence in our urban areas. We see an increasing disregard for law and order. We see restless and often disturbed young people who are challenging all of our social agencies. We still have some choices in BC; however our time line is getting short. What is occurring to our south and what we are experiencing and can anticipate in the next 10 years... from across the Pacific ...should be giving us a message that now is the time for serious planning.*

Many police officers and policing experts agree with Chief Constable Wilson's statements. The demand for police services has grown rapidly. This increase in demand has taken place in a time of budgetary constraint. In 1992 the total cost for policing in this province exceeded \$582 million. The chief constables of this province have expressed concern at the rising costs of policing. They have advocated that policing agencies be permitted to share in revenues accumulated by the province from court-imposed penalties for provincial-statute violations. We endorse this idea. However, care ought to be taken to avoid the perception that police enforcement of laws is motivated by revenue-raising policies.

## **Governance Section: B**

The subject of governance may be the most important issue examined by this Inquiry. A liberal democracy such as Canada is founded on the rule of law and a system of responsible government. Two principles are fundamental to policing in a democratic society. The first is that police who enforce our laws are ultimately responsible to civilian authorities. The second is that the police must be independent in all operational matters. They must, upon reasonable grounds, be free to investigate anyone without any political interference or any fear of political interference. It is my view that a legislative statement, enunciating the principle of police independence, is necessary.

As you know, the governance of our police comes from federal, provincial and municipal sources. The solicitor general is the minister responsible for federal policing. The province has a constitutional mandate to ensure that the province is policed effectively, in this province the attorney general has historically been responsible for policing, with the exception of a brief period when a solicitor general assumed that role. The ministry has within it a number of different branches that perform justice-related activities.

The BC Police Commission was established in 1974. Its primary objectives were to standardize the policing community in the province and to act as a civilian body to oversee and account to the public for policing. The commission was to be independent of government. It had the task of reconciling the province-wide control over standards, uniformity and accountability with the operational control that is vested in the municipalities.

The complaint commissioner is the deputy chair of the Police Commission. The commission performs the appellate function in the public-complaints procedure and the internal discipline of police officers. There is a perception of conflict in the complaint commissioner sitting on the body that is responsible for setting standards for policing. It is for this reason that we believe that the authority to deal with public complaints should be removed from the commission. I will deal with this more fully when I discuss the subject of public complaints.

The commission, under the guidance of Mr. David Edgar, has performed a valuable service to the police and the public of this province. The commission has played an integral role in training, setting standards and auditing police forces. It has been instrumental in establishing guidelines on such important matters as the use of force, high-speed chases, no-knock searches and spousal violence. However, it is my view that these functions ought to be the responsibility of the attorney general, the chief law enforcement officer of

the province. Setting standards for policing and the conduct of research and policy development falls clearly within the constitutional and statutory mandate of the provincial government and the minister responsible: the attorney general. Initiatives such as the policy on violence against women in relationships and community-based policing are clearly driven by public demand. The public must have the right to make these demands from government. While the attorney general has a unique role in government, there surely can be no conflict of interest in that office assuming conduct over these very important matters relating to public policy, in this era of accountability, we must be careful in delegating important issues of public interest to independent bodies. It is for these reasons that we have recommended that the BC Police Commission be disbanded and its functions be allocated elsewhere.

We have some concerns about the appointment methods and effectiveness of police boards. There is a perception that appointments to these boards are made on a political basis. Many boards lack purpose and direction. We have seen boards that appear to be under the direction of police chiefs. Many board members feel it is their function to be advocates for the police department. These problems are common to boards across Canada. Many board members simply do not appreciate the nature and importance of their duties. Although citizens who make up our boards are well-intentioned, they do not receive the necessary direction and training.

The role of a board is very important in the governance of police. The board is the employer of the police and collectively represents the community at large. Perhaps the most critical function it performs relates to the hiring of a police chief. Yet board members receive very little guidance and assistance in the performance of this task.

Police boards must be aware of their community's needs and priorities in the areas of public safety and policing. They should and must hold the police chief accountable for policing in their communities. They must critically assess the performance of both the chief constable and the department. This is seldom done.

Part VI of the Police Act allows those areas which are policed by the RCMP to establish police committees. While the duties of these committees differ from those of police boards, the purpose is similar in that they provide an opportunity for local community input into policing it is somewhat disturbing that in the 20 years since the passage of the Police Act, only two such committees have been established, and these were only of short duration. At present there are no such committees in RCMP areas, although some informal liaison committees have often been established at the insistence of detachment commanders. Paradoxically, citizens told the inquiry that the RCMP was responsive to their concerns when a strong voice was raised relating to the functioning of the local detachment.

**Community-  
Based  
Policing  
Section: C**

The public has told this Inquiry that it wants community-based policing. This sentiment has been echoed in virtually every part of this province. The public wants a closer relationship with the police in order to solve community problems relating to crime and public safety. Many members of the public see the police as being remote and uninvolved in community affairs.

Our present system of policing has serious limitations. It is incident-driven. It is reactive in nature in that it takes the form of police officers responding to calls in patrol cars. The usual scenario is that after an incident has taken place, police arrive and begin an investigation. Some members of the police and public have argued that the present model of policing is effective and therefore no real change is needed. This argument fails to note that the fear of crime and victimization is increasing. Moreover, because of their busy workload, police are responding to fewer calls. In some centres in this province, police do not investigate house break-ins. In fact, the rate at which police solve house break-ins in this province is well under 10 per cent.

Community-based policing is a philosophy or style of policing. While it may mean different things to different people, it essentially calls for a partnership between the police and the public in order to produce a peaceful and secure environment for our communities. It is proactive in nature as opposed to the present system, which is reactive. Community-based policing necessarily involves problem solving. This style of policing attempts to deal with some of the social, economic, political and environmental causes of crime. Under this system, communities would become more involved in establishing priorities. From our visits to the Strathcona and Mount Pleasant neighborhoods of Vancouver, it is apparent that the citizens are unhappy with the present form of policing. These areas are afflicted with a proliferation of criminal activity

such as prostitution, drug trafficking and thefts. These communities are crying out for assistance. The public wants to participate with the police in order to decrease crime and enjoy safer communities. Under the present system, there is little involvement by the public in community-policing problems. The decisions and policies are typically made at the top of the police hierarchy.

Strathcona is one of Vancouver's oldest communities. It is a vibrant community comprising many young families. Their quality of life has clearly suffered. The citizens are proactive. They are involved in a number of programs including foot patrols and Neighbourhood Watch. The Strathcona Residents' Association has asked the Inquiry to recommend community-based policing for the area. We endorse this suggestion and would recommend that there be a model community-based policing project for Strathcona.

Police forces generally seem amenable to adopting the philosophy of community-based policing. The RCMP's Strategic Action Plan Update for community policing states:

*Many police forces in Canada as in other parts of the western world are recognizing that the community is no longer willing to be regarded as a passive recipient of police services. Reduced resources and a more aware, activist and culturally diverse public, among other things, are leading police forces to examine the types of services they are providing, and to reorganize their delivery of those services.*

Virtually every police department in North America claims to be committed to, and involved in, community-based policing. They make the claim based on some of their programs. These include school liaison programs, storefront stations, community relations units, victim services operations, bicycle patrols and Block Watch. These programs may be important to particular communities, but their mere presence does not ensure the presence of community-based policing. These programs are still managed by, and run for, the benefit of the police. Our interviews and surveys indicate that police have little or no contact with many communities.

It is apparent that there has not been a total commitment to community-based policing anywhere in BC. To be fair, such departments as New Westminster, Delta and the Burnaby detachment of the RCMP seem to be moving toward adopting this philosophy.

There are some noteworthy examples of police departments which have successfully adopted and implemented community-based policing. These include Madison (Wisconsin), San Diego (California), Portland (Oregon), Edmonton (Alberta) and Halton (Ontario). Edmonton is often seen to be the most successful Canadian experiment in community-based policing. An innovative style of policing, implemented in a significant way by Superintendent Chris Braiden, has been both effective and popular in that city.

Most police departments have found it difficult to implement community-based policing. A major reason for this difficulty is the somewhat archaic structure of policing organizations. It is essential that there be organizational and operational changes if community-based policing is to work. There must be some decentralization and individual empowerment so that line officers are given more authority to work with communities. Senior management is sometimes fearful that line officers may act contrary to department policy. There is also fear that some measure of control may be lost. It is my view that these concerns can be easily addressed. Management style is crucial to the success of community-based policing. One officer told the Inquiry that she was removed from community policing because she was "too progressive."

There seems to be a reluctance on the part of senior police managers to delegate authority to street-level officers. This is somewhat ironic in that the public appears to have confidence in its officers. There is little evidence to suggest that greater autonomy for line officers will somehow weaken a police department.

David Bayley, an American professor who is a specialist in international criminal justice and policing, states:

*Although different languages are being employed to describe what is central to community policing, I have found that certain operational elements recur again and again when police forces seriously attempt to improve the reality as well as the perception of public safety under the banner of community policing... Consultation, adaptation, mobilization and problem-solving constitute an operational definition of community policing in practice around the world.*

Finally, it should be noted that, by implementing community-based policing, the community can become a source of information for police in their activities to control crime.



**Regionalization  
of Policing  
Services  
Section: D**

In recent times in this province, and in the rest of Canada, there have been numerous discussions and studies relating to amalgamation and regionalization of police forces. On the surface it would appear that the amalgamation of police forces is necessary in several regions of the province. One might seriously question the wisdom of having five municipal police forces and six RCMP detachments on southern Vancouver Island, which has a population of approximately 300,000. There appears to be no rationale for the mixture of municipal forces and RCMP detachments in the Lower Mainland. In the Kootenays, the City of Nelson has a municipal force, while the surrounding area is policed by the RCMP.

We did not do an exhaustive analysis of amalgamation and regionalization. There are several reasons for this. The subject warrants a comprehensive examination and study. There must be a thorough cost-benefit analysis.

The proponents of amalgamation argue that it would lead to uniformity of enforcement, specialization, better co-ordination of resources, and that it would offer ongoing in-house training, fewer infrastructures, improve efficiency and avoid duplication. It is also argued that police work transcends municipal boundaries. The opponents of amalgamation argue that it would lead to a decline in police service, create more bureaucracy, result in a loss of identity for the community and the police, lose local control over policing and impede community-based policing.

We are not recommending the amalgamation of any police department. The major reason for this position is that, with few exceptions, there is no public interest in amalgamating police forces. Locally based policing is clearly supported by local politicians, who see it as effective and cost-efficient. There cannot be any amalgamation of police departments unless there is a clear political will, which is lacking in this province. The question of accountability is very much at the heart of the matter. To which city or municipality would a regional force be accountable? Is it appropriate for a regional district to oversee and manage police forces? Can amalgamation of police forces be properly accomplished in the absence of amalgamation of local governments?

The citizens in those municipalities that oppose amalgamation are fearful that the standard of policing service they now receive will deteriorate with larger, merged forces. The mayor of Esquimalt, Chris Clement, told the Inquiry that the average response time for police attendance in that municipality is three minutes. Chief Constable William Nixon, of the Saanich Police Department, told us that amalgamation would be detrimental to community-based policing. When we visited areas such as Oak Bay, Nelson, New Westminster and Delta, the political leaders and the public were overwhelmingly in favor of the present system. These and other municipalities that have chosen to maintain their own forces have, in effect, spoken through the democratic process.

This Inquiry is recommending that there be a regional integration of specific services, the most important relating to the need for a common communications system. At present, police forces operate under different radio frequencies and use different communication systems. Under our present system, if a Vancouver Police officer were engaged in a high-speed chase that entered the City of Burnaby, the officer would find it quicker to use a pay telephone to communicate with the Burnaby RCMP than to use the present police communication system. One Vancouver police officer told us that "it bothers me that I can be patrolling the 3600-block of East Hastings in Vancouver unaware that a robbery has just occurred in the 3700-block of East Hastings in Burnaby. By the time I learn of that occurrence, enough time has elapsed to allow the suspect to get away." In the Capital Regional District, as another example, the Victoria Police Department will soon have a radio system with a frequency that differs from the frequencies used by the surrounding police departments.

I think it is imperative that a major crime unit be established for the Lower Mainland and for Greater Victoria so that intelligence and investigating information be shared. An RCMP staff-sergeant told me that he has been involved in major criminal investigations without knowing that a police department from an adjoining municipality was investigating the same subject.

There are other areas in which services can be regionally integrated between municipal forces and the RCMP. These include the establishment of common major crime units, forensic laboratories, commercial crime sections, identification sections, dog squads and emergency response teams. Many departments maintain these specialty services, despite their infrequent use. There is much duplication of service. Delta Chief Constable Wilson has stated:

*I suggest that our smaller cities and municipalities do not have large enough police departments or budgets to adequately provide for police specialized services.... Serious crime must be addressed through larger integrated investigation sections that have personnel with the expertise and equipment required to solve complex cases.*

The real objective in any discussion on regionalization is to improve efficiency in the delivery of police services.

**Human  
Resources  
Management  
Section: E**

The Inquiry examined in some detail the selection, training and promotion methods for police officers. Obviously this is an important issue, for the way we select, train and promote police for leadership will affect the quality of policing that we as a society receive.

The selection processes for police forces are, for the most part, encouraging. Because of a large number of candidates applying for few positions, police forces have had the luxury of being selective in recruiting. Thus there has been a marked increase in the admission standards. Most recruits have some form of post-secondary education. Between 60 per cent and 70 per cent of the recruits at the RCMP training academy in Regina have university degrees. Numerous officers in both the municipal forces and the RCMP have degrees. A number have post-graduate degrees, and a number of officers in both the RCMP and municipal police departments have degrees in law. Most recruits have background courses in the social sciences, such as criminology, psychology and sociology. Thus most candidates who now go into policing are highly qualified, often with more diverse backgrounds than their predecessors. Senior and junior members at all levels in police organizations have recognized that selection standards have changed dramatically over the past 15 to 20 years. Senior managers have described the new recruits as “very analytical,” “very intelligent,” “open to change” and “having life experience.”

However, the hiring of women, visible minorities, natives and members of the gay/lesbian community is a matter of considerable concern to this commission. Our police forces do not reflect the gender and ethnic diversity of our population. As you know, there has been a tremendous change in the character and makeup of the population of this province. Approximately 9 per cent of the population may be categorized as "visible minority." Visible minorities now make up approximately 25 per cent of the population of Vancouver, yet they make up only five per cent of the Vancouver Police Department. Visible minorities account for only 2.2 per cent of the RCMP officers stationed in this province. Of the 77 police officers in West Vancouver, there are five women, one native and no visible minorities. While women make up 52 per cent of our population, they comprise but 9.5 per cent of the Vancouver Police Department. Those figures are 10.5 per cent in Victoria and 11.6 per cent in Saanich. Women make up 11.5 per cent of the RCMP officers in this province. Of a total of 1,152 officers in the Vancouver Police Department, seven are native. Vancouver's large gay/lesbian community has complained that there has been no active recruiting done in that community for more officers.

This issue relating to diversity is so important that it affects virtually every aspect of this inquiry. Thus, we did not treat it separately. Such subjects as public accountability, community-based policing and the use of force are all affected by the question of cultural and gender diversity. If police forces are to have the confidence and support of the public, they must represent the cultural, ethnic and gender diversity of the community at large. There is a real danger that, unless some meaningful steps are taken to make police forces more representative of the communities they serve, a sense of alienation will develop between police and minorities. This alienation and antagonism already exists in the United States and, to a lesser extent, in Toronto and Montreal. In Montreal, deep conflict exists between the police and the black community. In a recent conversation, a police chief from a large American city told me that Canadians should “not make the same mistakes that we made.” He said that in the inner American cities, which are largely populated by minorities, there is strong antagonism towards the police. The bitterness has prevented any meaningful relationship from developing between the police and the community. He told me that, in those communities in the inner cities, “we are the enemy; nobody gives us any information.” He attributes the animosity to historical exclusion and police unwillingness to become involved in minority neighborhoods.

In this province some progress has been made. There are many chief constables and senior managers who have taken proactive steps to achieve fairness in hiring practices. The Canadian Association of Chiefs of Police has adopted an employment equity policy. A police multicultural liaison committee was established in 1986 in order to facilitate more minority hiring. The RCMP has been more proactive in this area. The

commissioner of the RCMP has established two advisory committees, one on aboriginal peoples and a second on visible minorities. The RCMP has invited members of these committees to sit in on initial interviews with recruits to ensure fairness in the process. A strong commitment by the commissioner has helped produce some positive results. However, overall, the move towards gender and cultural diversity has failed to keep pace with the general trends in the population. It is felt by some members of the multicultural community that there is no real will among many police chiefs to address this issue. It appears that some police departments are not committed to change. While the policies in theory are progressive, little real progress has been made. It is felt by many that there is systemic resistance to change.

Some police and the public are under the impression that the recruitment of women, minorities, natives and gay/lesbians will lead to a deterioration of standards. Still others believe that employment equity is a form of reverse discrimination. On numerous occasions I have been approached by police officers who have expressed these concerns. One such concern was voiced as follows:

*I'm not prejudiced, but I think the quality of recruits has been compromised to reflect visible minorities and we are running into problems because we select people that aren't of the same standard.*

Another officer told the Inquiry:

*When there are six of us fighting 300 in a nightclub, you kind of hope that maybe you've got a bunch of big guys there, and not a bunch of really small people, whether it be female or a minority or whatever; you want a bunch of big guys.*

I pause here to reflect on how big the “big guys” must be in order to fight “300 in a nightclub.”

It is apparent from these quotations that policing work is often associated with policemen and guys, not police officers and people. The gender bias in the language used to describe the job demonstrates that policing is seen by some as a male occupation.

Until recently, policing in Canada was the bastion of the white male. The RCMP did not accept female officers until 1974. The municipal departments allowed women into their ranks much earlier. However, many were restricted to such areas as community relations and school liaison programs. There is no evidence to suggest that recruiting women, visible minorities, natives or gay/lesbians will have a negative effect on the calibre of policing. We must not evaluate women officers according to male standards. Women officers bring many skills and abilities relevant to a new approach to policing. While some male officers raise concerns about the ability of women to perform physically, there is a growing recognition of the value of their communication and conciliation skills. Furthermore, there is no evidence to conclude that women are not able to perform physically. Many women's groups and victims' groups have told us that they prefer to deal with women officers. These groups told us that women officers are more compassionate and understanding. While much of this is anecdotal, we heard these comments from many different sources. A Vancouver police officer recently asked me, “Why do we need more women in policing?” Police managers have a moral duty to correct the misconceptions which prevail in the minds of some police that political correctness is the motivating factor for employment equity.

It is interesting to note that these under-represented groups have not asked for special considerations for entry, such as quotas or affirmative action. They simply want an equal opportunity - an opportunity which historically has been denied to them. The Committee for Racial Justice has advocated a firm timetable with concrete objectives and a monitoring process. We agree with this recommendation. It is for these reasons that we have recommended that you appoint an independent committee that is representative of community interests to monitor police forces and report on a quarterly basis on the nature of progress. Under-representation cannot be ignored. The importance of this issue cannot be overemphasized. We must learn from the American experience.

Women's groups, multicultural associations, native people and gay/lesbians have expressed concern about the manner in which police often treat women and minorities. Of the approximately 1,100 submissions received by this Inquiry, 26 per cent related to violence against women as an issue. Three full days of hearings were held solely to hear women's concerns; no other group required similar separate scheduling. I also attended women's shelters in Vancouver, Victoria and Burnaby, in order to hear the concerns of women who are the subject of wife assault, sexual assault, and stalking. Some of the complaints that we continue to hear involve police attitudes, reluctance to become involved or recommend charges, failure to take complaints seriously and failure to understand the dynamics of the problem.

Police play a critical role in stopping violence against women. Since they are invariably the first people on the scene of an incident, their attitudes, policies and procedures have a direct bearing on how we as a society deal with these very serious problems. Women's groups have registered a number of complaints. As you know, there are firm policies in place for police when they deal with these crimes. Your ministry instituted a Violence Against Women in Relationships policy in March 1993. The RCMP, in 1986, established firm guidelines as to how officers are to deal with these issues. Many municipal forces have their own policies. While many conscientious officers are carrying out the terms of these policies, it has been our experience that many officers simply are either unaware or are unwilling to take more proactive roles.

Generally speaking, the mandatory arrest policies and sensitivity training of police have met with positive results. However, the leaders of many women's groups tell us that the mandatory arrest policy is only carried out on a selective basis, and therefore cannot be assessed properly. It is interesting to note that we received some criticism relating to the mandatory arrest policy. Some First Nations women view taking away a victim's choice by mandatory arrest as insulting. Others have told us that such a policy discourages counselling. We are not suggesting at this time that the mandatory arrest policy be abandoned or modified. This issue is complex. Chief constables should encourage their officers to exercise their discretion in favor of making arrests whenever appropriate. Furthermore, the attorney general should encourage and support efforts to develop and establish local wife assault coordination committees among police, the social service community and other justice agencies. It should be noted that this is not exclusively a police problem.

Some women groups feel that the police response ought to be based on the principles of community-based policing in that the policy should work towards the self-determination and autonomy of women. At the same time, some are concerned that community-based policing programs, with less emphasis in reactive policing, may lead police not to respond to calls for service from women who are being assaulted. A community-based police force would be more willing to involve itself in community difficulties. It would operate in a preventive manner, but it would still react in appropriate circumstances. It should be noted that response is critical to community-based policing. The women's groups have advocated (and we have recommended) that there be mandatory sensitivity training for all officers. There is a concern that the funds for this training should come out of a budget for training rather than special funding because that deprives women's groups of funding that they may use for other purposes. The women's groups have also suggested that volunteers cannot be expected to train the police without compensation.

Most police stations in the province have victim-service organizations on their premises. There are many committed volunteers who assist victims of crime. However, some women's advocacy groups have suggested that victim services ought to be removed from police stations and housed elsewhere. They argue that having victim-service organizations in police stations is of greater assistance to the police than to the victims. It is said that the emphasis ought to be on assisting the victims.

It is our firm belief that all police departments must institute mandatory in-service training on the subjects of wife assault, sexual assault and child abuse. Moreover, the training courses ought to be conducted by members of affected groups.

There is a problem relating to the enforcement of civil restraining orders. Some police feel that they have no jurisdiction to serve and enforce restraining orders. It is felt that this falls within the authority of the sheriff's office. Often police are unaware of the existence of orders. For this reason we advocate a central registry to which the police would have access. However, until such time as any registry is established, police should allow civil restraining orders to be registered with CPIC (Canadian Police Information Centre).

We also heard from the gay/lesbian community. The urban centres of British Columbia have large gay and lesbian communities. While we are unable to substantiate in precise numbers the size of the gay/lesbian community, we are satisfied that it is substantial and their demands for equal and sensitive treatment are legitimate. The inquiry was told that 63 per cent of gays in Vancouver report being physically assaulted in their lifetime. There have been complaints that the police have not been vigorous in their pursuit of offenders. It should be noted, however, that the Vancouver Police Department has established a gay/lesbian liaison committee in order to address these problems. We have recommended that police departments should conduct in-service training on the characteristics of bias crimes against gays and lesbians and for issues relating to homophobia.

The inquiry also heard submissions from persons with disabilities on the special needs of those people with respect to policing. Some of these concerns related to access to policing services. Accessibility of police services for people in wheelchairs, and the availability of telecommunications devices and interpreters for deaf people, for instance, were brought to the Inquiry's attention as specific examples of this type. Other problems related to police behavior towards persons with disabilities. Police may, for example, address a person other than the disabled person who made the complaint when they arrive to investigate a situation. They may not take the time to listen to people with difficulty communicating, or to ensure those people understand their rights. These behaviors serve to heighten the trauma of disabled people who have been the victims of crime. The submissions highlighted the need for more resources to ensure that persons with disabilities have access to the police, and for sensitivity training for the police in order to ensure that they understand and are sympathetic to the special needs of persons with disabilities and treat them with dignity and respect.

The organization of police forces is extremely important because it ultimately determines the way in which we, the public, are policed. The organizational structure of policing must be re-examined. Its rigid para-military nature has outlived its usefulness. It is authoritarian in nature. Such a model was appropriate when officers were trained to follow orders through a chain of command. One officer told the Inquiry that "employees are not encouraged to question but merely respond, obey commands and follow the regulations. Those who obey are rewarded; those who raise questions about the organization and its activities are suspect and seldom gain rewards." Such a rigid structure does not lend itself to the needs of the organization, the best interests of the officers involved, or the community at large. Decision-making becomes cumbersome and any change in policy or direction becomes inordinately slow because of the various levels that must scrutinize any such change. It is ironic that a police officer is expected to obey commands from superior officers without question, yet may be required to make split-second life-or-death decisions as part of the job.

One of the most negative aspects of the para-military structure is that it fails to recognize the talents of officers who work the street. The traditional model is out of touch with the new breed of highly educated personnel. One inspector told me that "we have hired well-educated people with ambition, but we discourage that ambition by demanding that they follow orders without questioning those orders." Another officer wrote to the commission and stated, "I personally believe that, unless the structure is changed, even a well-educated police officer who believes in change will ultimately, through time, succumb to conformity and will be inept as a past police leader." There is also a real danger that today's highly educated officers who are not challenged will become frustrated with policing and leave the profession for other fields. Today's police managers have to realize that they simply cannot treat street officers in the same way they, the managers, were treated during their formative years. The constables should be senior management's most important internal resource and the primary source of information on the day-to-day realities of policing. While some senior managers told the commission that they want to restructure so as to serve the person who is "lowest in our police structure," it simply has not happened.

Some police forces (notably Delta) have moved towards a more participatory style of management. Contrary to the practice in other forces, police constables in some sections of that department routinely deal with staff sergeants and inspectors without being expected to follow the traditional route through their corporal and sergeant. The police constable can be directly involved in the decision-making process and is now being allowed to take a more active role in the department.

Much decision-making ought to be brought to the constable level. Constables express concern that they are not consulted on the operational decisions that affect their day-to-day duties.

The number of levels in any department will generally depend on the size of that department. In the Vancouver Police Department there are nine levels, while there are six in Victoria and Saanich. In the RCMP there are 12 levels.

The promotion method has fallen into disrepute. Promotion is only attained by moving upward from one rank to the next. Rank has been a symbol of success to many officers. There are no rewards or promotions within levels. There is a perception that promotion is arbitrary, political and a perpetuation of the old boys' network. According to one officer, "If you play the game with the boys, you have a better chance than if you just do your job." The system is slow to reward deserving officers. Promotion to the next rank may depend on the available openings. In a large department such as Vancouver, an officer will not be promoted to the rank of corporal for at least 10 years. In recent times it has been as long as 12 to 15 years. In the RCMP the wait may be longer.

The present system of promotion places a premium on rules and discipline as opposed to actual accomplishments. Career management strategies are needed for officers, with a specific change in the promotion methods. Forces must consider other forms of recognition apart from financial rewards or an increase in rank. This could include such things as career flexibility and a greater participation in managerial decision making. The system must find a way to reward the many officers who work in a professional way but whose accomplishments go unrecognized. Policing ought to look to other organizations in society in order to evaluate personnel.

The present rank structure does not take full advantage of officers' abilities. One officer told the commission that after she obtained her law degree she practiced corporate and commercial law for two years. She then went into policing. She has an expertise in commercial work. Although she has been with the department for four years, she is unable to join the commercial crime section until she attains the rank of corporal or detective, which will take approximately five more years. In the meantime she remains a patrol officer and the value of her expertise is eroded by the passage of time.

The present structure of policing must be flattened in order to take full advantage of the abilities of officers and to empower constables to deal with street problems. In order to have effective community-based policing, the street constable must have more decision-making power to deal with citizens' problems. The manner in which a police force is flattened will depend upon a number of factors, including community needs, the size, the structure, the priorities and the strategic plan of that force. Many police managers and officers agree that flattening is necessary. The BC Federation of Police Officers has recommended that police organizations be flattened to three levels: practitioners, supervisors and managers. Others have suggested that such ranks as corporal/detective, staff sergeant and superintendent could be eliminated. The Edmonton Police Service recently eliminated the position of inspector.

Obviously the way in which a particular force seeks to reorganize itself will depend upon a number of different factors.

Our communities are constantly changing, and our police forces must be adaptable to these changes. Our police forces must recognize the abilities of line officers, foster involvement in decision-making and accept self-criticism. In this way police management will be able to meet the challenges and changes of tomorrow.

Most policing experts agree that the position of chief constable is the most important in terms of progress and direction taken by a police department. We have discussed the functions, roles and responsibilities of chief constables. The complex nature of the position requires that chief constables be skilled not only in operational matters but in managerial and human relations areas as well. Modern police forces require managers with broad and diverse knowledge. We have recommended that there be open competitions for chief constables. We have also recommended that the positions not be restricted to people with police backgrounds.

**Use of  
Non-Police  
Personnel  
Section: F**

The private security industry has, in recent years, experienced tremendous growth. Between 1971 and 1991, the number of police officers in Canada increased by 41 per cent, while the number of private security personnel increased by 126 per cent. Private security personnel outnumber public police officers by a ratio of more than 2 to 1— in the United States that ratio is 7 to 1.

There are a number of reasons for this growth: Canadians are security conscious; there is a perception that the crime rate is rising; the demand for security has increased; and public police are, by virtue of their number and cost, unable to provide the security demanded both by public and private interests. The growth has taken place primarily in shopping malls, residential apartments, industrial sites and at public events.

The primary difference between public police and private security is that, while the former serves society at large, the latter serves its clients. Private security is essentially a loss-prevention or property-security oriented industry. It is motivated by profit. Conflict arises because private security officers often affect the rights of the public in public places.

The province has imposed licensing requirements for security firms. However, in-house security personnel who are employed by businesses that are not security businesses are exempt from provincial legislation. Thus many security guards who are employed by private property owners do not require provincial licences.

The Private Investigators and Security Agencies Act is the primary statute regulating the private security industry. Under the Act a registrar is authorized to make decisions regarding licensing. It is relatively easy to qualify for a licence. The requirements include Canadian citizenship, residence, age, and fluency in English. Applicants for a security business licence as a private investigator must also have had two years' prior experience as a licenced investigator. A number of people who engage in what may be considered private security are not regulated by the Act due to a specific exemption. Armored-car personnel are exempt from licensing provisions. They are legally entitled to possess firearms in their employment. They carry a .38-calibre revolver as well as a 12-gauge shotgun, which is stored in the vehicle. Other than general restrictions under the Criminal Code, there are no specific legal restrictions regarding the type of firearms carried by armored-car personnel.

The certified union representing armored-car personnel appeared before the Inquiry, as did individual employees. They were all critical of their employers for failure to provide adequate training. Again, the qualifying standards for armored-car employees are relatively lax. The main requirements are a firearms acquisition certificate (which essentially means one does not have a criminal record), competence in the use of a firearm, and some unspecified training.

Our research shows that armored-car companies do not provide uniform practices and training programs for firearms. Each company has its own training programs. There are no industry-wide standards. Clearly there is a need for such standards and for better training. This was recognized recently by a British Columbia Supreme Court jury, which heard the case of an armored-car driver who was charged with manslaughter in the shooting death of a man after an aborted holdup. After the jury found the driver not guilty, it took the unusual step of making a recommendation that armored-car personnel receive "ongoing situational training." The jury also said that firearms training alone does not mean that one is "adequately prepared."

We have examined aboriginal policing from two perspectives. First we considered it from the perspective of establishing aboriginal police forces and, second, we examined the treatment of aboriginal people by police.

**Aboriginal  
Policing  
Section: G**

Much has been said about the relationship of aboriginal peoples to the Canadian justice systems. It has been said that the values of native people are incompatible with those of the systems. There have been numerous studies done in Canada relating to aboriginal policing. The most recent one in this province was the Cariboo-Chilcotin Justice Inquiry chaired by Judge Anthony Sarich. Most studies have concluded that the historical relationship between native

People and the police has been marked by antagonism and distrust.

Any discussion of aboriginal policing and the treatment of aboriginal people by police must begin with the acknowledgment of diversity amongst aboriginal people in this province. There are 196 bands, 30 tribal groups and many cultures amongst aboriginal people in this province . It would therefore be a mistake to conclude that a unified system of policing would be appropriate for all aboriginal people . It is therefore recommended that the province engage in consultation with native hands in order to discuss the needs and priorities of their respective communities.

It is our view that the first decision for any band would be to determine whether it would be in its best interest to establish its own police force or maintain its present arrangement with municipal police or the RCMP. Many native bands in this province want to establish their own police forces. If there is a constitutional right to self-government, then that right must include the right to police. It is our view that the province must assist native bands that wish to establish their own police forces. It must be made clear, however, that the decision relating to the model or underlying philosophy of the police force must be left to each band. It may well be that the conventional organizational structure in use by other police forces may not be suitable to the cultural and traditional values of a particular community. It should be noted, however, that under present law the standards set out in the Police Act relating to such matters as the use of force and accountability would be applicable to aboriginal policing.

The establishment of a police force is an extremely complex and costly undertaking. The only tribal police force in this province is operated by the Stl'atl'imx Nation in the Lillooet area. The force, which was established in 1992, polices the seven communities of that Nation. It is essentially a community-based

policing operation, which stresses prevention rather than enforcement. The force has eight officers. In addition, the RCMP have seconded two members to the force. The force reports to a police board that includes a representative from each band served by the St'at'limx Nation Tribal Police (SNTP). The board, which meets monthly, hires officers, sets budgets and deals with complaints against individual officers. It has a protocol agreement with the RCMP wherein the latter is responsible for the investigation of indictable offences, while the SNTP is responsible for the investigation of summary offences. While the authority of the SNTP is limited to the reserve, the RCMP can (and often does) request its assistance with off-reserve incidents. During our visit to Lillooet, it was apparent that the native community was content with the workings of the force.

The Squamish and Penticton bands have also indicated that they wish to establish their own forces. It is our view that the RCMP should create an ongoing series of workshops, facilitated by officers with expertise in aboriginal policing, in order to assist the aboriginal communities in establishing their own Police forces. In any event, whatever form of policing is adopted by an aboriginal community, it must meet the needs of that particular community.

At present there are 89 RCMP detachments providing service to reserves in this province. Many hands in this province told the Inquiry that they were satisfied with the RCMP's proactive approach towards the native communities. In our travels around the province we heard many good things about many individual officers who have taken an exceptional interest in working with native communities.

The RCMP have established a number of initiatives, which include a community consultative committee program, satellite offices, deployment of aboriginal RCMP members under a community policing program, and an expanded use of auxiliaries. The chief of the Cowichan Band told me that they were happy with the RCMP because of its added presence on reserves. The appointment of Inspector Tony Mahon, who is in charge of aboriginal policing at "E" Division of the RCMP, has also been a positive step. He has brought a unique expertise and perspective to aboriginal policing.

The use of auxiliary officers is particularly important to aboriginal communities. Auxiliaries provide a police presence on reserves. This presence offers a sense of security to communities. We are therefore recommending that the auxiliary program be expanded, both in terms of duties and numbers.

Many aboriginal people live off-reserve in urban centres, and these people also have aboriginal rights with respect to policing. In order to understand the significance of this aspect of aboriginal policing, it is important to note that there may be 15,000 aboriginal people in Vancouver. Many others reside in centres such as Victoria, Nanaimo, Prince George, Kamloops and Prince Rupert. These people often feel alienated from the police, and their relationship is frequently and unfortunately characterized by distrust. The policing of urban aboriginal people must be done in a manner which is sensitive to aboriginal needs and respectful of the diversity of aboriginal cultures. Furthermore, a process needs to be developed through which the urban aboriginal communities can voice their concerns to the police.

In fairness to the police, there are programs in place that attempt to address the special needs of aboriginal urban communities. The Vancouver Police have established a Native Liaison Unit, though it is staffed by only two police officers. However, the aboriginal community has little input into the selection or transfer of officers for the unit. A recent transfer of an officer who was both extremely effective and popular with the aboriginal community caused considerable controversy. It is our view that such transfers ought to be done in consultation with the native community.

It must be stressed that all police officers should receive sensitivity training with respect to aboriginal cultures, and policing must be done in the urban aboriginal setting according to a community-based policing model, where the initiatives in policing come from the community itself. To that end, we have recommended the province begin discussions with aboriginal groups, municipal governments, community groups and the federal government with respect to urban aboriginal policing. We have also suggested that these discussions include the establishment of a framework for the creation of urban peacekeepers in the larger centres.

The RCMP has also established community store front offices, also known as community police access centres. They are generally staffed by volunteers. They are a component of community-based policing. The purpose of these offices is to increase access to the police. It is our recommendation that the province, the federal government and aboriginal representatives should develop a province-wide policy to establish and operate such centres.



**High-Risk Policing Section: H** Police use of force has been a subject of major concern for this commission. Some British Columbians believe that the police on occasion use excessive and indiscriminate force. There is no doubt that four incidents in 1992 helped foster that belief. The first related to the Vancouver Police Emergency Response Team's wrongful arrest and apprehension of two men named Zhang and Wong. The incident was captured on videotape and appeared to show the police treating the two men in an aggressive way. The second involved the police shooting of Frank Bell, who had in his hand a Sony Walkman. He failed to obey police commands to drop it. The police apparently mistook the Walkman for a weapon. The third related to the shooting of Danny Possee by a police officer during the course of a drug raid. The fourth incident concerned the shooting by an RCMP officer of a North Vancouver man, who had a channel changer in his hand.

This is a particularly complex area because it is related to accountability, complaints and training. There is no doubt that there is tremendous pressure on police in responding to volatile situations. The police are confronted with increasing numbers of weapons. The police are taught conceptual models of force options. They receive training on how to deal with aggression and violence. The objective, of course, is to train officers so that they may effectively defuse volatile incidents without an excessive use of force.

In this area we have examined neck restraints, handguns and high-speed pursuits. Neck restraints have been controversial. There have been a number of deaths and injuries resulting from the application of these restraints. There is an inherent danger in any form of neck restraint. Most police officers agree with this assessment. The neck restraint should be defined as a high-level use of force which ought to be used only when less violent means are not available. Thus we have recommended that the trachea chokehold be prohibited. However, research shows that the vascular neck restraint, which differs in technique from the choke hold, is much safer. We are of the view that this force option be retained, providing that any officer who uses this restraint does so with proper training and with a knowledge of first aid.

The question of firearms is of great concern to the police. As you know, the standard police firearm is the .38-calibre revolver. The special squads use more sophisticated weapons such as the 9-mm semi-automatic pistol. The police have vigorously argued that they face increasing numbers of incidents involving firearms and that they are "outgunned by the criminals." Police are encountering weapons on an increasing basis. However, the public should know that there is no evidence to suggest that the police are "outgunned."

It is our recommendation that the police be permitted the use of semiautomatic handguns. The .38-calibre revolver which the police now use is simply outdated. It was developed in 1894. Few technological changes have been made to this weapon, except for the addition of a speed loader. It is a difficult weapon to reload under normal circumstances. There are serious questions relating to the safety of both the user and the public. There is little confidence in this weapon. A number of police forces in Canada (including those in Calgary, Edmonton and Toronto have now changed to the semi-automatic pistol. For these reasons I have come to the conclusion that a change is both appropriate and necessary.

**Complaints and Discipline Section: I** The public complaints procedure and the police discipline system have created much concern and discussion. Few areas of policing have provoked as much discussion as the subject of civilian oversight of Police conduct. Public accountability has been a recurring theme during the commission's deliberations. The public is demanding accountability of the police. I do not think that the demands of the public are unreasonable. The public has conferred upon the police powers which are not conferred upon ordinary citizens. While the public recognizes the difficulties faced by today's police officers, it nevertheless requires accountability. In any democratic society based on the rule of law and responsible government, it is fundamental that police independence be balanced with accountability.

The Police Act sets out the procedure for receiving, investigating and adjudicating complaints against officers from municipal forces, while the RCMP Act sets out the procedure for complaints against members of that force. Under the Police Act, any person who has a complaint against an officer may complain to the chief constable, the senior officer on duty, or the complaint commissioner, who is a member of the BC Police Commission. A chief constable may investigate the complaint or attempt an informal resolution. If a citizen is not satisfied with an informal resolution, the chief constable must go further and conduct an investigation. The complaint commissioner must be given a status report on a periodic basis. After the chief constable has investigated the complaint, disciplinary action may follow if the chief constable finds that the complaint has been proven. If a citizen is not satisfied with the resolution of the complaint, appeals lie to a police board and to the BC Police Commission. Under this system, the

procedure is left largely in the hands of the police, who conduct the investigations, make the decisions and, if necessary, impose sanctions.

The public is dissatisfied with this system for a number of reasons. First, there is a perception that the process is biased in favor of the police. We have been told by the public that the police should not be entrusted with the investigation and discipline of their own officers. Second, the procedure requiring attendance at a police station, where the officer whose conduct is the subject of the complaint is employed, is seen to be intimidating. Third, the public has told us that, in many cases, the police have discouraged them from making complaints. Fourth, there is a perception that the system is defensive and legalistic. For instance, a public complaint must be in writing, it must comply with limitations of time, the standard of proof is high, and the formal definition of a complaint is narrow. Furthermore, the process often takes a long time to complete.

It is interesting to note that many police officers who may be the subject of complaints have also expressed concerns about the system. They say that the system lacks fairness and that police managers are all too eager to accept a citizen's version of a complaint. The police also say that it may be unfair that a chief constable who has read the initial complaint has the power to assign an investigating officer and an officer who presents or prosecutes the case. The chief constable then has the ultimate authority over discipline.

There is a clear perception that the present mechanism does not ensure objectivity and fairness. A related concern is that internal police investigations rarely result in the substantiation of complaints. Statistics gathered by the BC Police Commission reveal that the majority of complaints are either informally resolved, withdrawn, abandoned or refused. It should be noted that these concerns are not confined to this jurisdiction.

Many citizens have argued that the lack of police accountability is not just a perception, but is a fact, while members of the police community have generally asserted that this perception is misguided. From an examination of complaint files, it appears that either view may be valid, depending on the individual case.

The low rates of substantiation are seen by the public as indicative of a failure on the part of the police to adequately or fairly investigate complaints. The police, on the other hand, tend to argue that such statistics prove that the system is working; that is, that most complaints are either frivolous or are being successfully, informally resolved. In any event, the system has fallen into disrepute. One prominent lawyer who appeared before the commission told us that he has absolutely no faith in the complaint procedure under the Act. He stated that he advises all his clients to forget about the Act and take civil court action against the Police officer and the city or municipality involved.

Two questions must be answered: who ought to investigate the complaint, and who ought to adjudicate it?

This issue is extremely complex. Most citizens have suggested that only external, independent investigators can be trusted to conduct unbiased investigations. It is said that only civilian investigators will be truly impartial. However, other citizen groups have told us that the police ought to be allowed to continue investigating themselves, as long as there is sufficient civilian oversight or civilian review to ensure that the investigations are conducted fairly and impartially. The councils of Vancouver, New Westminster and Delta have all said that, since we trust the police to investigate other crimes, we should trust them to investigate other Police personnel. The BC Civil Liberties Association has taken the position that Police should continue to investigate themselves on the basis that, while the present investigations are frustratingly slow, they are generally done in a competent, thorough and impartial way. It is also suggested that if outside investigators are used who do not have police experience, police witnesses may not cooperate fully. This would have a negative effect on the quality of the investigation and on the citizen's complaint.

It is also argued that civilian investigators would undermine the authority of the chief constable. Most policing experts have said that chief constables must retain control over disciplining their officers. This process makes the chief constable accountable. Experience has shown that where this authority has been taken away from the chief constable and placed entirely in the hands of civilian investigators, the chief constable inevitably abdicates any responsibility for the discipline of officers.

There is a compelling need in this province for strong, independent civilian oversight of the police. Therefore, we have recommended the establishment of an office of a complaint commissioner operating at the level of an ombuds person who would have the complete authority to oversee all investigations, which

would be conducted by the Police. In the event that the complaint commissioner found the investigation of an officer to be inadequate or flawed, he or she would have the authority to conduct a further investigation, either by the same investigators or investigators chosen by the commissioner. In order to ensure accountability, the office of the commissioner must be vested with complete independence and the authority to conduct independent investigations if necessary.

Under the present system, few people are aware of the existence of the complaint commissioner. A complaint commissioner ought not to be a member of the BC Police Commission. As discussed earlier, it is our view that having a complaint commissioner as an adjunct to a body that sets policing standards, assists police training and works with the police, creates a potential for conflict of interest. The complaint commissioner must be completely independent and assume a quasi-judicial role. It is suggested that the commissioner be appointed by a unanimous recommendation of a special committee of the legislature and that he or she would report to the legislature. Such an appointment method would greatly enhance the public's perception of independence and fairness in the complaints process.

We have recommended compulsory mediation of complaints. Our research has shown that most citizens who have registered complaints would have been satisfied by a simple apology or an explanation. In most cases the Public is prepared to tolerate mistakes, provided that a satisfactory explanation is given. There is a disturbing tendency for Police not to offer explanations when they are warranted. Derek Possee, whose son was killed, told me of his frustrations in going from one place to another in order to get a satisfactory explanation. He said five months had elapsed before he had any idea what had transpired. Surely someone could have advised him as to what investigation, if any, was taking place.

Dissatisfaction with the complaint process in this province is further exacerbated by the fact that the RCMP, which polices the majority of the Province both in terms of population and geography, operates under a separate system. The system's lack of independence is best illustrated by the fact that legislation establishing and empowering the Public Complaints Commission is simply a part of the RCMP Act. Again, the investigation and adjudication of complaints is in the hands of the police. A dissatisfied person may appeal to the Public Complaints Commission, a civilian body, for further review. However, while that body may hold a hearing, it is restricted to making recommendations to the commissioner of the RCMP.

Although the commissioner is required to consider the recommendations made by the complaints commissioner, he is not required to act on them. If, however, he decides not to act on the recommendations, he must report to the solicitor general and the complaints commissioner regarding the disposition. The commissioner takes the position that the Provisions of the Privacy Act prevent him from conveying information concerning case disposition to a complainant although a letter to the complainant is required under the RCMP Act.

The RCMP complaints system has some advantages over its Provincial counterpart. There is greater accessibility for complainants, made possible by a toll-free number. The system is not restricted to those people who are primarily affected, in that any member of the Public with a complaint about the conduct of an RCMP officer may lodge a complaint. The Public Complaints Commission chairperson may initiate a complaint investigation, and the system allows for the discretion to waive time limits for lodging complaints. These provisions ought to be incorporated into the provincial system.

In spite of the above-mentioned merits, the system as a whole is not accountable. We heard many complaints from the public who had experience with the system. Regrettably, we were not able to do a scientific survey of complainants because the RCMP refused access to their files. I pause here to note, however, that in all other respects the RCMP was most cooperative with the Inquiry. The greatest single complaint that the public has about the RCMP system is that members of the public are never advised of the outcome of their complaints. The sole responsibility for complaints and discipline rests with the commissioner. It should be noted that, while the RCMP employs 25 per cent of its operational force in this province, 46 per cent of the complaints received by the Public Complaints Commission originate from this province.

The case of Kitty Nowdluk-Reynolds, an Inuit woman who was sexually assaulted in the Northwest Territories, while being extreme, is illustrative of the frustration experienced by complainants who are not told of disciplinary decisions. Her attacker was charged with aggravated sexual assault. She then moved to Surrey. She was served with a subpoena to appear at a preliminary hearing in the Northwest Territories. She took no action to comply with the subpoena. She later said that the terms were not properly explained to her. She was eventually arrested by the RCMP and placed in custody for eight days until she finally

appeared in court. As a victim of crime who had spent time in custody, she was understandably upset. Included in the number of complaints she lodged against the RCMP was her being transported to court in the same vehicle as her attacker. The RCMP dismissed her complaints. She wanted an apology and she wished to know what disciplinary measures would be taken against the officers. She appealed to the Public Complaints Commission. The commission was extremely critical of the RCMP and made a number of recommendations. The commissioner of the RCMP and other members of the force then apologized to her and the force eventually paid her \$100,000 in damages. To date the public is still unaware of what disciplinary measures (if any were taken against the offending officers.

The RCMP has taken the position that the province has no jurisdiction to deal with complaints relating to officers of the force. The force relies on a series of Supreme Court of Canada decisions which generally state that the Provinces have no authority to legislate upon matters that may affect the internal operation and policies of the RCMP. Because the RCMP is a federal force, provincial laws interfering with its internal workings and management are inapplicable. If Police Public complaints processes can be categorized as relating to the internal workings and management of police forces, then a provincial

Public complaints process would not apply to the RCMP. I must say I have some difficulty with that proposition. It is extremely doubtful that public complaints are properly classed as internal. If RCMP officers who police in British Columbia are subject to other provincial statutes such as the Motor Vehicle Act, why would they not be subject to a Provincial Public complaints process? Furthermore, where the RCMP is operating as a provincial Police force, how can its operations as such logically involve its federal character? It is its federal character or nature which is the legal basis for its immunity from provincial laws. In the case of Attorney-General of Alberta et al v. Putnam et al, Mr. Justice Dickson, in dissenting Reasons, stated:

*An independent review of police actions is important because it fosters respect for and confidence in the police - a matter vital to the effective administration of justice. It also enables the attorney general, as the chief law enforcement officer, to monitor more effectively the manner in which the RCMP is performing its provincial policing function.... In my view, the surest way of undermining public confidence in the force, and in justice in general, would be to place the RCMP in a cocoon, and exempt the actions of its members from investigation by an independent tribunal.*

This complex issue is reviewed more fully in the report. It is clearly unacceptable that citizens of this province are subject to two different standards of accountability and processes for investigation and disposition of complaints about police. Clearly there should be one process for complaints against all police officers. There are several ways in which this can be accomplished. The first would be to have the RCMP, by moral suasion, consent to compliance with the provincial complaints systems, This could be effected by reopening the contract with the RCMP. This seems highly unlikely. The second way would be to enact provincial legislation which would be applicable to all police officers in the province.

There is a concern among some people that rules relating to accountability "tie the hands Of the police" and that the Police are prevented from carrying out their duties by "technicalities." These myths must be put to rest. While the police deserve and need public support, we cannot, in a country based on democratic ideals, countenance Police misconduct. It should also be noted that the credibility and respect of Police forces is strengthened when they are publicly accountable for their actions. Seattle Police Chief Dr. Norman Stamper, a recognized expert on policing, told us that if he were the chief of a Police department that was not subject to civilian oversight, he would help create a body that would be responsible for overseeing the police.

**The Role  
of the  
RCMP in  
Policing the  
Province  
Section: J**

I now wish to generally discuss the RCMP. As you know, with the exception of the 12 municipalities that have their own police forces, the Province has been policed by the RCMP since 1950. The RCMP is designated as the provincial police force under the Police Act. The RCMP Polices 70 Per cent of the province in terms of population, thus any meaningful discussion of policing in this province cannot take place without reference to the RCMP.

There are three agreements under which the RCMP provides policing services to the province and the municipalities. The first is between the federal and provincial governments, and regulates Provincial policing in unincorporated areas of the province and in municipalities with a population of under 5,000. The second is an umbrella agreement between the federal and provincial governments. It provides policing

services to those municipalities with a population in excess of 5,000. The third agreement is between individual municipalities and the provincial government and relates to the way in which the RCMP will provide policing services to those municipalities.

The RCMP has served this province well. It has an international reputation of high standing. It has not only brought a national policing presence to the Province, in its provincial and municipal duties, has provided an expertise equal to that of any other force. It has provided particular expertise in such areas as narcotics, commercial crime, and customs and excise. The force has generally worked well with other police agencies. On the provincial and municipal levels, this Inquiry heard many favorable comments relating to the RCMP. It is apparent that many of its officers have become involved in the social fabric of the communities they police. The communities of this province have benefited from many highly dedicated officers of the RCMP.

In discussing the future policing needs of this province, it is imperative to ask ourselves whether it is appropriate to have a provincial and municipal police force which has its headquarters in Ottawa. It is apparent from the Police Act, the RCMP Act and the agreements that the province has limited control over the RCMP. The Police Act states that the commanding officer of the RCMP is deemed to be the commissioner of the provincial police force. The Act also states that the commissioner, under the attorney general's direction, has general supervision over the police force. However, the RCMP Act places RCMP officers under the direction of the federal solicitor general. This apparent conflict is dealt with in the contract that places clear limitations on the extent to which the commissioner takes direction from the attorney general. The agreement states that "the commanding officer shall act under the direction of the minister (federal solicitor general in aiding the administration of justice in the Province...." It is interesting to note that the first contract entered into between the Province and the federal government in 1950 relating to the RCMP stated that the commanding officer of the RCMP "shall act under the direction of the attorney general without reference to the senior officers of the force at Ottawa...." Clearly, the attorney general, the chief law enforcement officer of the Province, now has less control over the RCMP than that which was agreed upon in 1950.

While there is in place a protocol agreement between the attorney general and the RCMP for an exchange of letters regarding the province's policing needs and priorities, there remains a clear perception that, in terms of governance, the province has little influence on the RCMP.

Further, there is virtually no provincial or municipal control relating to RCMP Personnel. The decisions relating to personnel are made either in Ottawa or by division headquarters in Vancouver. It is most disturbing that municipalities and cities policed by the RCMP do not select their own detachment commanders. In recent times, the municipalities have been consulted; however, the final decision is made by the RCMP. The City of Richmond is Policed by the RCMP and has a population of 130,000; yet the elected mayor and council of that city do not have the power to select their own chief of police. This is done for them from Ottawa. In most municipalities, policing is the largest single budgetary expenditure. However, there is no Police board to which the detachment commander is accountable.

Recently we have seen national fiscal policies adversely affect policing at the local level. The federal government altered the compensation agreement with local officers without any input from either local government or the officers. The RCMP's transfer policy was the subject of comment during the Inquiry's public meetings. Many citizens were disturbed at the unilateral transfer of an officer from their community. It should be noted that many RCMP officers are highly dedicated and have become involved in the communities they police. The Inquiry was told that, in Cranbrook, which has a detachment of less than 50 officers, there were 17 transfers in 1992. With such a turnover in personnel, community-based Policing becomes difficult to implement because communities scarcely have time to become acquainted with their officers before they are transferred.

The transfer policy is defended on two bases. It is said that many transfers are made for the purposes of promotion. Second, it is said that it is healthy to bring in new officers to a community. I have difficulty with both propositions. Promotions are effected in other police forces without the benefit of geographical transfers, and community-based policing requires that officers become members of a community and participate in its affairs. The transfer policy generally serves the best interests of the RCMP and the individual officer in terms of career development. It does not, however, always serve the best interests of the community.

These concerns relating to the RCMP are systemic and should not detract from the dedication and Professionalism of the many officers in the force. This province has been the beneficiary of many committed RCMP officers of all ranks, who have served and continue to serve this province well.

The RCMP must make fundamental changes and be more responsive to the needs of British Columbia's communities. The force simply must become more accountable to local needs and allow more participation by local government. British Columbians are entitled to an open and uniform system of policing. The RCMP is undergoing much change. I am confident that the force is capable of accommodating the needs of this province. However, in the event that the RCMP is not prepared to undergo the necessary change that is suggested in this report, it will be imperative for the province to consider establishing its own provincial police force.

During the course of the Inquiry, a number of deputy sheriffs approached us in order to voice concerns over such matters as staffing, training and equipment. As you know, the deputy sheriffs were not within our terms of reference. For this reason, we did not canvass this issue. We do think, however, that their concerns ought to be heard. It is my view that consideration should be given to returning to the sheriffs some of their traditional duties, such as serving court documents. This would likely be cost-effective and in keeping with their historical role as court officers. We heard many comments relating to the Young Offenders Act. There is a clear and obvious perception that the Act is both lenient and renders young offenders unaccountable for their actions. Many citizens feel that the Act has failed in its Purpose and does not serve to Protect the public. The Act has also been a source of frustration to the police who tell us that it creates excessive paperwork. I appreciate that the Young Offenders Act is federal legislation. I am also aware of the fact that significant amendments are being made to the Act. I am simply passing on these concerns for your consideration.

I mentioned earlier that there has been a substantial increase in the number of violent youth crimes. The public and the police are very much concerned about an apparent increase in the number of violent attacks. The question of violence in schools can best be addressed by an increased presence of school liaison officers as an additional component of community-based policing.

It is my view that we, as a society, must take a greater interest in policing. There is little critical analysis of the police. I must say that I was somewhat disappointed by the lack of understanding of the policing system by many political leaders. In many instances politicians conveyed their understanding of policing by simply telling us that they were proud and supportive of their police. While we, as a society, must support the police, we must nevertheless demand from them accountability and professionalism. Our political leaders have not demanded accountability from our police. By holding the police accountable, we ensure a higher standard of professionalism from which we, as a society, stand to be the beneficiaries.

I stated earlier that it is disconcerting that our cities and municipalities policed by the RCMP have no power to select their chief constables. It is even more disconcerting that there is little apparent concern in those communities. There appears to be no concern amongst municipal politicians that there are no police committees under the Police Act in RCMP areas.

When I broached this subject with many senior police officers, the general response was that the politicians have little interest in policing. One municipal councillor who appeared at our hearings did not know the percentage of his municipality's budget that was attributable to policing. In fairness to the police, they have simply filled a vacuum created by political leaders who, for the most part, have abdicated their responsibility in policing except in times of crises or noteworthy incidents. In conclusion, it must be clearly understood that policing in a democratic society is much too important to be left solely to the police.

In closing, I wish to express my sincere appreciation to the many British Columbians who either appeared before or sent written submissions to the Inquiry. We learned much from them, and it is hoped that whatever changes take place as a result of this Inquiry will benefit them. I am most grateful to the many municipal and RCMP officers who took part in the Inquiry and offered their advice to us. I wish to thank the police in this province, in Canada, the United States, Australia, New Zealand, and the United Kingdom who took part in our surveys and assisted us in other ways. One of the most gratifying aspects of the Inquiry was the response of the police community, which provided many constructive ideas to improve policing. I am particularly grateful to the many police officers who gave willingly of their time when I

attended police stations, accompanied them in their police cars, and walked with them on their beats. I learned much from them. Their patience and understanding is very much appreciated.

I also wish to thank the 12 municipal chief constables of this province, the deputy commissioner of the RCMP Dennis Farrell, and the many detachment commanders of the RCMP for their assistance and cooperation. I also wish to thank the BC Federation of Police Officers.

I am most grateful for having been given the opportunity to conduct this Commission of Inquiry. It is my sincere hope that the endeavor results in some positive benefit to policing and to our province.

Yours very truly,

Wallace T. Oppal  
Commissioner

# The Recommendations

## THE GOVERNANCE OF POLICING IN BRITISH COLUMBIA

The province enshrine in legislation the principles that:

- (a) a police officer is not subject to direction from any level of government in deciding whether to investigate an alleged offence, how to do so and whether to recommend that charges be laid;
- (b) a municipal, regional or provincial elected official who is responsible for policing is entitled to be informed of policing issues, including operational matters, that raise questions of public policy; and
- (c) the police are accountable to civilian authority for how they decide to investigate, how they investigate and whether they recommend charges.

**(Page B-6: Volume 1)**

2. The province legislate its responsibility to set province-wide standards on major policing issues, including:
  - (a) recruitment;
  - (b) recruit training;
  - (c) professional development;
  - (d) business management of policing;
  - (e) private policing;
  - (f) enforcement priorities;
  - (g) policing operations;
  - (h) ethical standards for police officers; and
  - (i) the investigation and adjudication of allegations of misconduct.**(Page B-45: Volume 1)**
3. The province assign all of its policing responsibilities to the Ministry of Attorney General.  
**(Page B-45: Volume 1)**
4. The Ministry of Attorney General establish a law enforcement branch (working title), headed by a deputy minister or a dedicated assistant deputy minister.  
**(Page B-45: Volume 1)**
5. The Ministry of Attorney General select the deputy or dedicated assistant deputy minister of law enforcement from candidates who have proven business management, professional policing and policy analysis credentials, and an ability to work effectively with the public and with colleagues within the ministry and the police community.  
**(Page B-45: Volume 1)**
6. The Ministry of Attorney General ensure that the Law Enforcement Branch is:

- (a) responsible for maintaining a comprehensive policing information database;
- (b) responsible for undertaking or commissioning empirical and legal research on policing issues;
- (c) responsible for performing a policy analysis function as a prerequisite to the setting of province-wide standards; and
- (d) required, in the process of developing government policy on policing issues, to consult with the police community and the public and encourage input from these sources.

**(Page B-45: Volume 1)**

7. The province establish that the Ministry of Attorney General is responsible for monitoring compliance with provincial policing standards.  
**(Page B-48: Volume 1)**
8. The Ministry of Attorney General and the Union of British Columbia Municipalities strike a committee to set broad policy goals for the rationalization of police services throughout the province. This committee's mandate should include developing procedures to ensure that:
  - (a) all interested parties have an opportunity to participate fully in the process, commensurate with their interest;
  - (b) the cost of the implementation process is shared equitably;
  - (c) the cost of the reformed policing service is shared equitably; and
  - (d) all decisions are made professionally, free of any political interference.**(Page B-49: Volume 1)**
9. The province amend the Police Act to provide for the creation of community police hoards in municipalities policed by independent municipal forces.  
**(Page B-51: Volume 1)**
10. The province require each local police agency to report, as requested but not less often than annually, to its community policing oversight body on the extent to which and the manner in which it has adhered to the oversight body's local standards and has implemented its goals.  
**(Page B-52: Volume 1)**
11. Members of police hoards continue to be appointed.  
**(Page B-59: Volume 1)**
12. The province amend the Police Act to provide that a majority of the community police board members will be appointed by the municipality.  
**(Page B-59: Volume 1)**



13. The province amend the Police Act to provide that board members must either be resident or have a primary place of business in the municipality.  
**(Page B-59: Volume 1)**
14. The province amend the Police Act to provide that:
- (a) all police board vacancies be advertised and that applications be solicited for such vacancies;
  - (b) applicants be short-listed by a committee of council;
  - (c) short-listed applicants be interviewed in public by council about their qualifications and their views about policing;
  - (d) all candidates be formally notified of the outcome of the selection process; and
  - (e) unsuccessful candidates for the police board be given written reasons upon request why they were not recommended for appointment.
- (Page B-61: Volume 1)**
15. The province amend the Police Act to require:
- (a) the attorney general to submit the names of proposed provincial appointees to municipal councils for the same scrutiny to which potential municipal appointees will be subjected;
  - (b) municipal councils to submit to the attorney general, within one month, a written assessment of the proposed provincial appointees; and
  - (c) the attorney general, before recommending any appointment, to give consideration to such an assessment, together with consideration of council's assessment of unsuccessful short-listed candidates for municipal selection to the police board.
- (Page B-62: Volume 1)**
16. The province amend section 24(1) of the Police Act to provide that only persons who are eligible to be elected as a councillor in a municipality shall be appointed to a police board of that municipality.  
**(Page B-63: Volume 1)**
17. The province amend the Police Act to provide that:
- (a) municipal councillors may not serve as members of police boards; and
  - (b) municipal employees may not serve as members of police boards of the municipalities that employ them.
- (Page B-65: Volume 1)**
18. The province amend the Police Act to provide that the mayor may sit as ex officio member only and may not vote.  
**(Page B-66: Volume 1)**
19. The province amend the Police Act to provide that:
- (a) a provincial board appointment that is unfilled for a period of 60 days or more may automatically be filled by the municipal council if the council is able to approve a candidate for such a vacancy before the provincial government does so; and
  - (b) such a council designate will be considered a provincial rather than a municipal appointee.
- (Page B-68: Volume 1)**
20. The province amend the Police Act to provide that:
- (a) police board members be appointed for fixed terms of four years;
  - (b) police board members be limited to serving a total of no more than two terms;
  - (c) the chair of a police board be elected annually by the board from among the appointed members and permitted to serve as chair for no more than two terms;
  - (d) police board members be removable during their terms only for cause, to include malfeasance, conflict of interest, gross negligence, bringing policing into disrepute, or incompetence; and
  - (e) terms of police board appointees be staggered to ensure a consistent quorum of membership.
- (Page B-70: Volume 1)**
21. The province amend the Police Act to provide that:
- (a) police board members whose terms are not renewed be provided with written reasons within 30 days of request; and
  - (b) police board members who are removed for cause be provided with written reasons within 30 days of request.
- (Page B-70: Volume 1)**
22. The province amend the Police Act to provide that police board members have an absolute privilege of resigning from their terms on the police board, with or without cause, at any time.  
**(Page B-71: Volume 1)**
23. The province amend the Police Act to provide that:
- (a) the customary size of municipal police boards consist of seven members, with the mayor an ex officio member of the police board; and
  - (b) by resolution of a municipal council, the lieutenant governor-in-council may be asked either to increase the size of a police board by one provincial appointee and one municipal appointee (to nine members in total) or to decrease the size of a police board by one provincial appointee and one municipal appointee (to five members in total).
- (Page B-72: Volume 1)**

24. The province amend the Police Act to provide that:
- (a) the police board may give orders and directions to the chief constable, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police department; and
  - (b) the police board shall not direct the chief constable with respect to specific operational decisions or with respect to the day-to-day operations of the police department.
- (Page B-76: Volume 1)**
25. The province amend the Police Act to provide that a municipal council may only exercise global budget approval and may only accept the police department budget presented to it by the community police board or refer it back to the board with instructions that it be altered upward or downward by a specific dollar amount or percentage.
- (Page B-79: Volume 1)**
26. The province amend the Police Act to provide that the Community Police Board Coordination Unit place a high priority on providing police board members with a workshop on policy-driven budgeting and strategic planning.
- (Page B-80: Volume 1)**
27. The province amend the Police Act to provide that:
- (a) all public police board meetings be advertised; and
  - (b) all public police board meetings be held somewhere other than the police building.
- (Page B-80: Volume 1)**
28. The province amend the Police Act to:
- (a) make the establishment of community police committees in RCMP-policed municipalities mandatory;
  - (b) require the size of the committees to be flexible, ranging from five to nine members, depending on the size of the community; and
  - (c) ensure that the appointment process and the functions of the community police committees are as much as possible the same as those for community police boards.
- (Page B-82: Volume 1)**
29. The province amend the Police Act to:
- (a) make the establishment of community committees in areas with populations of less than 5,000 and unincorporated areas mandatory;
  - (b) require that one community committee is created for each area served by a detachment; and
  - (c) ensure that members are appointed to community committees by the provincial government and that residents of the area are encouraged to apply for appointment.
- (Page B-82: Volume 1)**
30. The province amend the Police Act to:
- (a) create a Community Police Board Coordination Unit with responsibility to provide training to community police boards, community police committees and community committees, prepare a manual of operation to assist community police boards, community police committees and community committees in carrying out their tasks, and provide advice and assistance to community police boards, community police committees and community committees with respect to human resources management, legal matters, the budgetary process, preparation of annual reports, the planning and facilitation of community consultations and the creation of standards and policies; and
  - (b) require the director of the Community Police Board Coordination Unit to report annually to the attorney general and to community police boards, community police committees and community committees.
- (Page B-84: Volume 1)**
31. The province amend the Police Act to provide that:
- (a) the Community Police Board Coordination Unit be mandated and provided the resources to produce a comprehensive orientation handbook for new members of community police boards, community police committees and community committees; and
  - (b) the Community Police Board Coordination Unit be mandated and provided the resources to annually update and revise its comprehensive orientation handbook for new members of community police boards, community police committees or community committees.
- (Page B-89: Volume 1)**
32. The province amend the Police Act to provide that:
- (a) the Community Police Board Coordination Unit be mandated to develop a list of appropriate procedures and performance expectations of police boards and of individual police board members that will be subject to regular audits; and
  - (b) the Community Police Board Coordination Unit include in its handbook a detailed explication of the matters that will be subject to an audit.
- (Page B-90: Volume 1)**
33. The province amend the Police Act to provide that:
- (a) the Community Police Board Coordination Unit include in its handbook for new board and committee members a discussion of conflict of interest to sensitize board and committee members to the importance of this issue; and
  - (b) the Community Police Board Coordination Unit

give consideration to the development of a set of conflict of interest guidelines for police board, police committee or community committee members, possibly as part of a larger code of ethics.

**(Page B-91: Volume 1)**

## COMMUNITY-BASED POLICING

34. The province amend the Police Act to recognize community-based policing as the appropriate model for providing accountable, efficient and effective police services to the citizens of British Columbia.  
**(Page C-23: Volume 1)**
35. The province amend the Police Act to ensure that each community police board or community police committee initiates a consultation process that will develop a community-based policing plan. This process should include the following:
- (a) police-agency task analysis;
  - (b) community involvement in identifying community needs and policing goals;
  - (c) community ratification;
  - (d) periodic reviews; and
  - (e) implementation and outcome evaluation.
- (Page C-29: Volume 1)**
36. The Community Police Board Coordination Unit provide community police boards, community police committees and community committees with the information and expertise necessary to organize and manage a community consultation process designed to identify community needs and policing goals.  
**(Page C-29: Volume 1)**
37. The province amend the Police Act to require each community to file a copy of its plan for community-based policing with the Law Enforcement Branch of the Ministry of Attorney General and to ensure that this forms part of the periodic audit performed by that branch.  
**(Page C-31: Volume 1)**

## REGIONALIZATION OF POLICE SERVICES

38. The Law Enforcement Branch create and fund a police communications and information systems committee with representation from provincial and municipal governments, regional districts, police boards, municipal police, and the RCMP to:
- (a) review current systems, available technologies and options for the implementation of provincially or regionally-based radio communications and information systems;
  - (b) liaise with the Integrated Case Processing System Project and the task forces proposed below; and
  - (c) report to the attorney general with recommendations and detailed implementation plans within nine months.
- (Page D-56: Volume 1)**
39. The Law Enforcement Branch and the GVRD create and fund a Greater Vancouver task force on rationalization of policing services, with representation from municipal governments, police boards, municipal police agencies, the RCMP, and the Ministry of Municipal Affairs, whose purpose would be to:
- (a) examine the feasibility and options for centralized, regional or joint delivery of policing services in the regional district (including specialized enforcement and investigations, specialized and support services such as emergency-response teams, dog services, identification services, detention facilities and any other services or functions that the task force deems appropriate);
  - (b) liaise with the police communications and information systems committee; and
  - (c) report to the attorney general with recommendations and detailed implementation plans within nine months.
- (Page D-56: Volume 1)**
40. The Law Enforcement Branch and the CRD create and fund a Capital Region task force with the same representation and duties as the Greater Vancouver task force.  
**(Page D-56: Volume 1)**
41. The Coordinated Law Enforcement Unit's policy board and its joint management team commit themselves to a staffing policy that:
- (a) encourages and accepts only the best available personnel for assignment to its joint forces operation; and
  - (b) adopts a performance evaluation policy that maintains a continuous high standard of police work.
- (Page D-59: Volume 1)**

42. The deputy attorney general encourage the Coordinated Law Enforcement Unit's policy board to ensure that the services of the unit are assigned only to those individuals and incidents that have a significant impact on the levels of crime in the province.  
**(Page D-59: Volume 1)**

## **HUMAN RESOURCES MANAGEMENT**

43. Municipal police agencies adopt strategies for organizational change that meaningfully involve all members.  
**(Page E-5: Volume 1)**
44. Municipal police agencies develop more autonomous and participative management practices. These practices should allow for member input in a number of areas, including resource allocation, service delivery, call prioritization, work schedules, record keeping, administrative procedures, and the recruitment and training of new members.  
**(Page E-5: Volume 1)**
45. Municipal police agencies develop methods for supporting and encouraging autonomous and participative management practices, such as compensation systems that reward team performance.  
**(Page E-5: Volume 1)**
46. Municipal police agencies ensure that middle management and supervisors focus more on planning, organizing, facilitating and managing information and less on the functions of monitoring and evaluation.  
**(Page E-6: Volume 1)**
47. Municipal police agencies ensure that mid-level and supervisory personnel actively participate in the redesign of their roles within their agencies.  
**(Page E-6: Volume 1)**
48. Municipal police agencies encourage autonomous and participative management practices by ensuring that the information, knowledge, skills and abilities necessary for self-management are present both at the management and the work group level.  
**(Page E-7: Volume 1)**
49. Municipal police agencies adopt new structures, which include fewer levels and promote and reward lateral movement.  
**(Page E-8: Volume 1)**
50. Municipal police agencies base compensation on an officer's contribution to the organization, not the officer's level of rank.  
**(Page E-8: Volume 1)**
51. The Law Enforcement Branch, in consultation with community police boards and committees, police agencies and police associations, develop a minimum set of criteria for human resource tools.  
**(Page E-11: Volume 1)**
52. Municipal police agencies develop human resource positions responsible for identifying and implementing human resource strategies that will meet the personal and professional needs of their employees as well as the goals of the agency. These strategies should focus on the use of human resource information systems that include:
- (a) human resource planning;
  - (b) job evaluation and classification;
  - (c) employee selection;
  - (d) performance appraisal;
  - (e) training and development needs identification; and
  - (f) career development.
- (Page E-11: Volume 1)**
53. Municipal police agencies test and evaluate human resource information systems before adopting them.  
**(Page E-11: Volume 1)**
54. The Ministry of Attorney General, through the Law Enforcement Branch, develop the expertise to provide police agencies with information and support to develop and implement human resource information systems. Similar support should be provided to community police boards and committees through the proposed Coordination Unit.  
**(Page E-11: Volume 1)**
55. Police agencies continually monitor and evaluate human resource management initiatives. At the very least, they should review productivity, service delivery and employee morale.  
**(Page E-12: Volume 1)**
56. The Ministry of Attorney General establish an Employment Advisory Committee made up of representatives of groups who have traditionally been marginalized to:
- (a) consult with their respective groups on issues of employment equity, specifically recruitment, training, retention and promotion;
  - (b) advise the Law Enforcement Branch on issues of employment equity; and
  - (c) review the implementation of employment equity plans by police agencies.
- (Page E-17: Volume 1)**

57. The attorney general appoint members of the Employment Advisory Committee from a list of names provided to the attorney general by groups identified by the ministry after consultation with major stakeholders.  
**(Page E-18: Volume 1)**
58. The Law Enforcement Branch include in periodic audits an assessment of each police agency's policies and programs relating to employment equity.  
**(Page E-18: Volume 1)**
59. Municipal police agencies develop strategies to ensure that the composition of the agency reflects the diversity of the community it serves.  
**(Page E-18: Volume 1)**
60. Municipal police agencies develop employment equity programs and actively recruit members of under-represented groups.  
**(Page E-18: Volume 1)**
61. Municipal police agencies develop information programs concerning employment equity practices and ensure the participation of all personnel.  
**(Page E-19: Volume 1)**
62. Municipal police agencies evaluate selection and hiring criteria to determine the skills and attributes relevant to current policing objectives, particularly with a view to eliminating criteria that unnecessarily bar women from the policing profession.  
**(Page E-21: Volume 1)**
63. Police agencies incorporate into recruitment programs the dissemination of policing information to schools, colleges and universities.  
**(Page E-21: Volume 1)**
64. Police agencies create mixed-gender recruitment teams and ensure that female recruiters are available to potential female candidates.  
**(Page E-21: Volume 1)**
65. Community police boards and committees, police agencies, the police association, the Law Enforcement Branch and the Employment Advisory Committee consider how to implement initiatives to promote the recruiting and retaining of female officers.
- These initiatives should include:
- (a) objective selection criteria;
  - (b) flexible work schedules;
  - (c) child care;
  - (d) maternity benefits; and
  - (e) parental leave.
- (Page E-23: Volume 1)**
66. Municipal police agencies develop and implement maternity policies to be circulated to all personnel with full explanations of rationale and ramifications.  
**(Page E-24: Volume 1)**
67. Community police boards and committees, police agencies, the police union, the Law Enforcement Branch and the Employment Advisory Committee establish a policy that prohibits harassment of any person on the basis of race, color, ancestry, place of origin, political belief, religion, sex, sexual orientation, age, marital status or family status, physical or mental disability.  
**(Page E-25: Volume 1)**
68. The Law Enforcement Branch ensure that training devoted to issues of sexual and other types of harassment is part of basic recruit training and in-service courses.  
**(Page E-25: Volume 1)**
69. The province require police recruits to complete one year of post-secondary education at an accredited university or college prior to applying to a police agency.  
**(Page E-27: Volume 1)**
70. The province provide financial assistance to persons who find it difficult to meet the educational requirements of a career in policing. This should include providing funding to assist First Nations members to complete Grade 12 equivalency and other standard criteria.  
**(Page E-28: Volume 1)**
71. Provincial and municipal governments encourage police boards to provide police agencies with the resources to employ and train officers from a recruit level.  
**(Page E-28: Volume 1)**
72. Officers be allowed to apply for and be appointed to any policing position within the province for which they have the qualifications.  
**(Page E-29: Volume 1)**
73. The province, in consultation with community police boards and committees, police agencies and the police union, establish and maintain a pointer file system as part of a police database to facilitate the movement of police officers between agencies. This file should be accessible to recruiting officers within each agency and include, at a minimum:
- (a) name;
  - (b) date of birth;
  - (c) social insurance number;

- (d) current and previous employers; and  
(e) standardized performance appraisal information.  
**(Page E-30: Volume 1)**
74. Within one year of the provincial government establishing a pointer file system, each community police board and committee supply the province with a completed file on each of its current employees.  
**(Page E-30: Volume 1)**
75. Community police boards, community police committees and community committees ensure that lateral entry into an agency is based, in part, on an assessment of the information contained within the provincial pointer file.  
**(Page E-31: Volume 1)**
76. The province amend the Police Act to permit community police boards, community police committees and community committees to hire specialist or non-police applicants for positions that do not require police experience.  
**(Page E-32: Volume 1)**
77. Community police boards, community police committees and community committees ensure that:  
(a) recruits are interviewed only by interviewers trained in current personnel selection techniques; and  
(b) questions used to screen candidates are reviewed by the proposed Employment Advisory Committee to ensure that they are free from cultural, gender or sexual bias.  
**(Page E-33: Volume 1)**
78. All municipal police agencies use the Assessment Centre at the Police Academy to screen new recruits.  
**(Page E-35: Volume 1)**
79. The attorney general make the guidelines for the use of assessment centres set forth by the British Columbia Police Commission in C9.1.1, C9.1.2, and C9.1.3. of the Provincial Standards for Municipal Police Departments in British Columbia, 1991, mandatory.  
**(Page E-35: Volume 1)**
80. The province fund the research and development of alternate assessment strategies through the Assessment Centre at the Police Academy.  
**(Page E-35: Volume 1)**
81. The attorney general clearly define the lines of accountability and responsibility of the Police Academy to the government.  
**(Page E-36: Volume 1)**
82. The province provide funding for the Police Academy through the Justice Institute of BC.  
**(Page E-36: Volume 1)**
83. The province establish a Police Training Advisory Committee to replace the training officers advisory committee as defined within the Rules regarding training, certification and registration of municipal constables appointed under section 26 of the Police Act. This committee should provide advice to the director of the Police Academy and the Law Enforcement Branch on the development of standards for content and presentation of training materials for municipal police.  
**(Page E-37: Volume 1)**
84. The province appoint the director of the Police Academy as the chairperson of the Police Training Advisory Committee.  
**(Page E-37: Volume 1)**
85. The province ensure that the membership of the Police Training Advisory Committee includes, but is not restricted to, the chair of the Employment Advisory Committee, as well as a representative of the BC Association of Police Chiefs, the BC Federation of Police Officers, the BC Association of Police Boards and the Law Enforcement Branch.  
**(Page E-37: Volume 1)**
86. The Police Academy, in consultation with Police Training Advisory Committee, review its current curriculum in order to identify those areas, such as law and human relations, that could be better taught by civilian specialists.  
**(Page E-38: Volume 1)**
87. The province increase the resources it provides for the Police Academy to hire civilian specialists as full-time employees.  
**(Page E-38: Volume 1)**
88. The Police Academy develop team-teaching strategies in specialty fields of instruction. These teams should consist of civilian experts partnered with seconded police instructors.  
**(Page E-38: Volume 1)**
89. The province establish recruit training as part of an articulated two-year post-secondary program which includes both academic education at a college or university and the skills and field training coordinated by the Police Academy.  
**(Page E-39: Volume 1)**
90. The Police Academy include ethics as a component of recruit and in-service training where appropriate.  
**(Page E-39: Volume 1)**

91. The Ministry of Attorney General, the Ministry of Education, the Police Academy and the Police Training Advisory Committee strike a committee mandated to design and implement a forgivable loan program to assist individuals in need to acquire the education necessary for a career in policing.  
**(Page E-40: Volume 1)**
92. The Police Training Advisory Committee review training curricula to ensure that recruit, supervisory and management candidates become fully familiar with gender and minority group issues.  
**(Page E-40: Volume 1)**
93. The Police Training Advisory Committee, or a subcommittee thereof, review the learning objectives of police recruit field training and develop a substantive program of an appropriate length in order to accomplish these objectives.  
**(Page E-41: Volume 1)**
94. The Police Training Advisory Committee, or a subcommittee thereof, review the knowledge, skills and abilities required for the role of the police field training officer, in order to establish:
- (a) mandatory provincial standards for the selection and use of field training officers; and
  - (b) the requirement for mandatory requalification of field training officers to these standards every three years.
- (Page E-41: Volume 1)**
95. Upon completion of the review of the role of the police field training officers and the establishment of standards for their selection and use, the Police Academy examine the current training of field training officers to ensure that these officers are adequately prepared to meet those provincial standards.  
**(Page E-42: Volume 1)**
96. Municipal police agencies ensure that police recruits are assigned to two field training officers, one of whom is designated as the primary trainer responsible for providing 75 per cent of the recruit's field training.  
**(Page E-42: Volume 1)**
97. The provincial government, community police boards, and police agencies support the Police Academy's proposed changes to the recruit training program.  
**(Page E-44: Volume 1)**
98. The Law Enforcement Branch evaluate the Police Academy's proposed changes to the recruit training program and make the results of this evaluation available to instructors, police agencies, community police boards, community police committees, community committees and the Employment Advisory Committee for review and comment. These comments should be incorporated in any subsequent revision of the proposed changes.  
**(Page E-44: Volume 1)**
99. The Ministry of Attorney General, the Ministry of Education, the BC Association of Chiefs of Police, the BC Federation of Police Officers, the BC Association of Police Boards, the Police Academy and the Police Training Advisory Committee strike a committee mandated to review the feasibility of pre-employment training.  
**(Page E-46: Volume 1)**
100. The Police Training Advisory Committee develop standards for selection of police officers for in-service training courses offered by the Police Academy.  
**(Page E47: Volume 1)**
101. The Police Academy develop appropriate adult learning strategies for in-service training.  
**(Page E-48: Volume 1)**
102. The Police Training Advisory Committee analyze ongoing needs and program development and investigate appropriate tools for evaluating the effectiveness of in-service training.  
**(Page E-48: Volume 1)**
103. Municipal police agencies establish training committees representative of all levels of the agency to identify the training needs of all personnel.  
**(Page E-48: Volume 1)**
104. Police agencies and the Police Academy collaborate in developing and delivering in-service training programs.  
**(Page E-48: Volume 1)**
105. The province, in consultation with the Police Training Advisory Committee, establish standards of training for supervisory and management personnel that reflect the new organizational structure recommended for BC's police agencies, and require individuals to complete such training before attaining supervisory or management rank.  
**(Page E-49: Volume 1)**
106. The Police Academy, in consultation with the Police Training Advisory Committee, develop courses to meet the needs of the middle and senior ranks of management in police agencies. These courses should cover, but not be limited to:
- (a) self-awareness/intuitive management skills;
  - (b) bridging cultural boundaries;
  - (c) strategic planning;
  - (d) quality improvement techniques;
  - (e) managing with a customer focus;
  - (f) high-performance work teams;

- (g) empowered leadership;
  - (h) project management;
  - (i) performance appraisals;
  - (j) conflict resolution; and
  - (k) career management.
- (Page E-49: Volume 1)**
107. The Ministry of Attorney General, the Police Academy and the RCMP establish a formal arrangement for joint in-service training at all levels.  
**(Page E-50: Volume 1)**
108. The province establish a joint liaison committee between the Police Academy, the Law Enforcement Branch and the Ministry of Education to explore the possibility of articulating appropriate courses with colleges or universities. The objective of this committee should be to develop a series of courses which, if taken sequentially, could lead to post-secondary credit at degree-granting institutions.  
**(Page E-50: Volume 1)**
109. The province ensure that specific funds are available for in-service training and that these funds are separate from funds for recruit training.  
**(Page E-51: Volume 1)**
110. Community police boards, community police committees and community committees ensure adequate resources are available to police agencies to allow police officers to attend all levels of training.  
**(Page E-51: Volume 1)**
111. The province amend the Police Act to clarify the extent of responsibility of municipalities or the minister for the training of police officers in their agencies and liability for failure to adequately train police officers.  
**(Page E-52: Volume 1)**
112. The Law Enforcement Branch, in consultation with municipal police agencies and community police boards, community police committees and community committees, establish standard criteria for assessing candidates for promotion. This standard should ensure that:
- (a) raters have access to and use performance appraisal data gathered throughout a candidate's working career;
  - (b) candidates for promotion compete for specific positions as opposed to generic rank; and
  - (c) the promotion process supports the long-term personal development of employees.
- (Page E-53: Volume 1)**
113. The Law Enforcement Branch include the standard criteria for assessing candidates for promotion as part of its periodic audit of police agencies.  
**(Page E-53: Volume 1)**
114. The Employment Advisory Committee, in consultation with the Law Enforcement Branch, examine criteria for promotion with a view to eliminating barriers to career progress for women.  
**(Page E-54: Volume 1)**
115. The province amend section 34(1) of the Police Act to reflect the appropriate functions of chief officers, including to:
- (a) promote the rule of law;
  - (b) assist the community to preserve the peace;
  - (c) be accountable both to the law as a constable and to the police governing authority as a chief;
  - (d) provide a representational function of the police service to the community, to various constituencies, and to appropriate civilian governing authorities;
  - (e) facilitate change within the organization;
  - (f) engage in strategic planning;
  - (g) encourage personnel enhancement and succession planning; and
  - (h) ensure adequate resource management.
- (Page E-55: Volume 1)**
116. Community police boards and committees specify the roles and responsibilities of chief officers in their employment contracts, ensuring that they fulfill the functions described by the Police Act  
**(Page E-56: Volume 1)**
117. The province amend the Police Act to specify that applicants for the position chief officers must have a university degree.  
**(Page E-57: Volume 1)**
118. The province amend the Police Act to waive the educational requirements for chief officers, at the discretion of a community police board, for the next 10 years, on the condition that the applicant has, for example:
- (a) demonstrated self-initiative;
  - (b) actively participated in a variety of social service and community associations; or
  - (c) obtained at least two years' experience in a senior position in an agency other than the agency in which the officer applied for a position.
- (Page E-59: Volume 1)**
119. The Law Enforcement Branch, the BC Association of Police Boards and the Police Training Advisory Committee establish a committee to determine, in consultation with officers:



- (a) the criteria necessary to perform each managerial function in a police agency;
- (b) the process for meeting criteria for each managerial function in a police agency;
- (c) the process for certifying that applicants to managerial positions have met the criteria;
- (d) the schedule and process for recertification; and
- (e) a program for regularly evaluating the effectiveness of the criteria and certification process for senior management positions.

**(Page E-59: Volume 1)**

120. The province ensure that where officers have fulfilled the requirements for a management function, their pointer files contain this information.

**(Page E-59: Volume 1)**

121. The province provide financial assistance for this process.

**(Page E-60: Volume 1)**

122. The province amend the Police Act to:

- (a) make all competitions for chief officer and deputy chief constable open to all qualified police officers on a province-wide basis; and
- (b) make all competitions for nonoperational management positions open to civilians.

**(Page E-61: Volume 1)**

123. The Law Enforcement Branch include in its handbook for community police board members comprehensive set of guidelines for recruiting executive officers.

**(Page E-61: Volume 1)**

124. The Community Police Board Coordination Unit include in its handbook for community police board members a comprehensive set of guidelines for evaluating executive officers.

**(Page E-62: Volume 1)**

## USE OF NON-POLICE PERSONNEL

125. Community police boards, committees and police agencies establish joint task forces to:

- (a) establish which tasks could be assigned to civilians;
- (b) redefine job descriptions to create necessary civilian positions;
- (c) establish which positions would require special constable status;
- (d) liaise with the Law Enforcement Branch on training and operational standards for proposed civilian positions; and
- (e) establish a plan for implementing civilianization within 18 months.

**(Page F-10: Volume 2)**

126. The Law Enforcement Branch, in consultation with community police boards, committees and the law enforcement community:

- (a) identify law-enforcement tasks in the areas outlined above, or other areas, which could be assigned to civilians throughout the province;
- (b) establish training standards, licensing requirements and operational standards for all civilian law-enforcement tasks;
- (c) establish standards for the coordination of police officer and civilian duties in law-enforcement procedures; and
- (d) ensure that public safety is not compromised by use of civilians in law-enforcement activities throughout the province.

**(Page F-10: Volume 2)**

127. The Law Enforcement Branch, in consultation with public interest representatives and the law enforcement community, establish province-wide regulations that ensure civilians involved in law enforcement are accountable to the public.

**(Page F-11: Volume 2)**

128. The province amend the Private Investigators and Securities Agencies Act to ensure that:

- (a) private security agents cannot unfairly take advantage of their status as private persons to deprive citizens of Charter protections; and
- (b) police cannot use private security agents to avoid Charter protections for citizens during the law-enforcement process.

**(Page F-14: Volume 2)**

129. The province amend the Private investigators and Security Agencies Act to regulate competence and accountability of both employers and employees within the in-house or proprietary-security sector.

**(Page F-16: Volume 2)**

130. The province amend the Private Investigators and Security Agencies Act to:

- (a) include the Corps of Commissionaires;
- (b) include all people employed for the purpose of maintaining order and control at an establishment or event and who may be required to use force in carrying out their duties;
- (c) include any person employed for the purpose of protecting the safety of another person or group of persons, whose duties may require the use of force;
- (d) require licensing of armored car employees; and
- (e) ensure that the Act is flexible enough that other security services can be included as needed.

**(Page F-17: Volume 2)**

131. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to:
- (a) prescribe, for both business and employee licence applicants, specific, measurable qualification criteria regarding experience, education, skill, mental condition, character, and repute of the applicant; and
  - (b) oblige licensees and applicants to report convictions for any offence, including offences under provincial statutes.
- (Page F-19: Volume 2)**
132. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to:
- (a) place on the applicant the burden of demonstrating that the applicant meets specified qualifying criteria; and
  - (b) remove any presumption that an applicant is entitled to a licence unless, as a minimum requirement, the applicant satisfies the qualifying standards, subject always to the Registrar's discretion to reject any applicant as undesirable.
- (Page F-19: Volume 2)**
133. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to:
- (a) develop for security business applicants more thorough and rigorous qualifying standards and assessment procedures which would, in addition to criminal records checks, include specific screening procedures; and
  - (b) ensure that, at licence renewal, the Registrar reviews the actual performance of the licensee in business.
- (Page F-20: Volume 2)**
134. The province:
- (a) set licence fees to ensure administrators recover the costs of administering the more comprehensive regulations proposed here; and
  - (b) consider using temporary licences and licences of longer duration.
- (Page F-21: Volume 2)**
135. The province ensure that any interested member of the public, including licence applicants, has easy and direct access to all current policies of the Registrar and the Security Programs Division for the administration of the Private Investigators and Security Agencies Act and regulations.
- (Page F-21: Volume 2)**
136. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to:
- (a) require specific training standards for all security guard/patrol personnel and their supervisors;
  - (b) require all security guards/personnel to attain these standards within a specified period of time;
  - (c) ensure that training programs are based on the principles of comprehensiveness, accessibility, affordability, flexibility and consistency;
  - (d) establish periodic retraining of private security personnel; and
  - (e) establish periodic review and revision of training standards.
- (Page F-22: Volume 2)**
137. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to require specific qualifying standards with respect to training for all private-investigator applicants.
- (Page F-23: Volume 2)**
138. The province amend the Private Investigators and Security Agencies Act and regulations to provide the Registrar with clear authority to initiate prosecution of offences under the Act.
- (Page F-24: Volume 2)**
139. The province either amend the Private Investigators and Security Agencies Act and regulations to establish guidelines to set out comprehensive public-complaint procedures for administrators, the public and the industry.
- (Page F-24: Volume 2)**
140. The province amend the Private Investigators and Security Agencies Act and regulations to enable the Registrar to conduct a full investigation into any allegation of misconduct under the Act.
- (Page F-24: Volume 2)**
141. The province amend the Private Investigators and Security Agencies Act and regulations to:
- (a) include a system of regulatory fines, official reprimands and probation with conditions; and
  - (b) provide for informal settlements in the case of disputed violation notices.
- (Page F-25: Volume 2)**
142. The province amend the Private Investigators and Security Agencies Act and regulations to require licensees to disclose or report to the Registrar and keep records of the following matters:
- (a) all complaints made regarding conduct relating to the business or employees;

- (b) all civil suits instituted against businesses or employees;
  - (c) all instances where a firearm or other weapon has been used by a licensee;
  - (d) all particulars relating to the dismissal of employees for cause;
  - (e) all petitions for bankruptcy commenced by or against a licensee; and
  - (f) declarations that all provincial and federal taxes have been paid as due.
- (Page F-26: Volume 2)**
143. The province amend the Private Investigators and Security Agencies Act and regulations to require all licensees to carry a specified minimum amount of liability insurance, as a condition of obtaining or retaining a licence.
- (Page F-26: Volume 2)**
144. The province amend the Private Investigators and Security Agencies Act and regulations to require the Registrar to submit an annual report to be tabled in the legislature, which should:
- (a) include statistics relating to the issuance and renewal of licences, disciplinary action taken, expenditures and revenues and other information relevant to the administration of the Act; and
  - (b) be made available to the public after review by the legislature.
- (Page F-27: Volume 2)**
145. The province amend the Private Investigators and Security Agencies Act and regulations to:
- (a) require a hearing before the Registrar, where there is a substantial likelihood that a licence will be cancelled or suspended; and
  - (b) give a licensee the right to waive this requirement.
- (Page F-27: Volume 2)**
146. The province amend the Private Investigators and Security Agencies Act and regulations to allow the Registrar to engage inspectors and investigators to carry out proposed additional investigations.
- (Page F-28: Volume 2)**
147. The province ensure there is a realistic budget for the Registrar's mandate under the Act.
- (Page F-28: Volume 2)**
148. The province consider amending the Private Investigators and Security Agencies Act and regulations to give the Advisory Board a role in disciplinary proceedings.
- (Page F-29: Volume 2)**
149. The province amend the Private Investigators and Security Agencies Act and regulations to:
- (a) include minimum qualifications for Advisory Board membership including specified experience and evidence that candidates are respected within the industry for their integrity, impartiality and competence; and
  - (b) ensure there is thorough consultation with industry and other stakeholders prior to appointing members.
- (Page F-30: Volume 2)**
150. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to expand the Advisory Board to include additional members from industry and other stakeholder sectors not currently represented.
- (Page F-30: Volume 2)**
151. The province amend the Private Investigators and Security Agencies Act and regulations to:
- (a) require the Advisory Board to submit an annual report to the Registrar;
  - (b) require this report to be tabled in the legislature or at least distributed to all stakeholders;
  - (c) require the Registrar to formally respond to recommendations and initiatives from the Advisory Board;
  - (d) specify non-renewable terms for members; and
  - (e) specify that members be removable for cause.
- (Page F-31: Volume 2)**
152. The province ensure that the Advisory Board and the [Security Programs] Division establish formal and informal mechanisms for regular consultation with industry.
- (Page F-31: Volume 2)**
153. The province amend the Private Investigators and Security Agencies Act and regulations to place the Registrar or designate on the Advisory Board as an ex officio member, with no voting rights.
- (Page F-31: Volume 2)**
154. The province, in consultation with affected stakeholders, amend the Private Investigators and Security Agencies Act and regulations to require that all security business licensees be members of an industry association.
- (Page F-32: Volume 2)**
155. The Law Enforcement Branch, in consultation with the Police Academy of the Justice institute, establish a core training standard for all special provincial constables employed in the province.
- (Page F-34: Volume 2)**

156. The Law Enforcement Branch require employers to train their special provincial constable appointees to the established standard.  
**(Page F-34: Volume 2)**
157. The province amend the Police Act to require that, prior to appointment, candidates for the office of special provincial constable must satisfactorily complete a basic course in the skills necessary to effectively undertake the task.  
**(Page F-34: Volume 2)**
158. The province amend the Private Investigators and Security Agencies Act and regulations to:
- permit organizations covered by the Act to hire special provincial constables; and
  - establish criteria specifying when an organization qualifies to hire special provincial constables.
- (Page F-35: Volume 2)**
159. The province amend the Police Act and regulations to establish criteria for appointing special provincial constables, including:
- standards for training and equipment;
  - the term of appointment; and
  - the restriction of powers conferred on a special provincial constable by the appointment.
- (Page F-35: Volume 2)**
160. The Law Enforcement Branch determine which agencies should retain, for special provincial constables, powers of investigation, search, seizure, summons, the swearing of warrants and arrest.  
**(Page F-37: Volume 2)**
161. The Law Enforcement Branch establish procedures linking special provincial constables in these agencies with other policing agencies and optimize training and enforcement strategies.  
**(Page F-37: Volume 2)**
162. The province amend the Police Act and regulations to require organizations using special provincial constables to obtain the minister's approval that any uniform worn by their special provincial constables is clearly distinct from uniforms worn by officers.  
**(Page F-38: Volume 2)**
163. The province amend the Police Act to:
- specify the form of identification that must be carried by special provincial constables; and
  - require that special provincial constables present identification on request.
- (Page F-38: Volume 2)**
164. The province establish a complaints and discipline process for special provincial constables that includes:
- public review by an external review body;
  - publicly available procedures, set out in a statute or regulations;
  - hearings open to the public; and
  - final authority in the minister to decide whether a special provincial constable should be terminated from employment in that role. In the event of such a termination, the person may retain employment by being shifted to some other function in the organization.
- (Page F-39: Volume 2)**
165. The Law Enforcement Branch, in consultation with the policing community, establish an expanded role for reserves and auxiliaries throughout the province.  
**(Page F-41: Volume 2)**
166. The province:
- determine what benefit the community derives from the reserve and auxiliary program;
  - establish in conjunction with municipalities and the federal government, the appropriate level of funding; and
  - establish that the balance of the funding required to maintain the reserve and auxiliary program should be provided by the employing authorities and the private users of reserve and auxiliary officers.
- (Page F-44: Volume 2)**
167. The Law Enforcement Branch ensure that:
- prior to being assigned to operational street duty, reserves and auxiliaries are required to complete training sufficient to equip them with the skills, abilities and knowledge to allow them to act in full support of a regular police officer;
  - the training of reserves and auxiliaries is subject to periodic review by persons acquainted with the skills and abilities required of reserves and auxiliaries, and the skills and abilities required in adult education; and
  - reserves and auxiliaries are periodically trained and tested on a centralized basis.
- (Page F-45: Volume 2)**
168. The province amend the Police Act and regulations to provide a comprehensive review process, mirroring that applied to regular officers, to ensure that any complaint regarding the actions of an auxiliary or reserve officer while on duty is subject to an objective evaluation.  
**(Page F-46: Volume 2)**

## ABORIGINAL POLICING

169. The province foster the exercise of aboriginal self-policing rights and negotiate with those communities on the jurisdictional issues surrounding aboriginal policing.  
**(Page G-9: Volume 2)**
170. The RCMP and affected communities undertake a review of the community advisory group program, with the objective of identifying the factors that either contribute to or hinder its success. The province should actively facilitate this process.  
**(Page G-15: Volume 2)**
171. The province, the federal government and aboriginal representatives develop a province-wide policy with respect to the establishment and operation of community police access centres. This policy should be informed by the expertise and experiences of constables in detachments that are operating community police access centres as well as that of police organizations in other jurisdictions.  
**(Page G-16: Volume 2)**
172. The province, the federal government and aboriginal representatives review existing policy regarding the RCMP auxiliary officer program with a specific focus on the appropriateness of the current guidelines for eligibility and the scope of activities in which auxiliaries may engage.  
**(Page G-17: Volume 2)**
173. The RCMP conduct a thorough review of call-screening procedures that are used by dispatchers, particularly for those calls that are received after hours from reserve residents.  
**(Page G-25: Volume 2)**
174. The RCMP require dispatchers to undergo cultural awareness training similar to that received by RCMP members.  
**(Page G-25: Volume 2)**
175. The RCMP engage in an ongoing series of workshops using a "case study" approach to ensure that policing services in aboriginal communities meet the needs of those communities. These workshops should be facilitated by officers with expertise in aboriginal policing, to make senior administrators, middle managers, and line officers aware of successes and failures in the delivery of police services to aboriginal communities. These workshops should provide a forum where strategies and techniques for more effective and responsive policing in aboriginal communities can be shared and developed. Most importantly, these workshops should involve aboriginal community members to ensure that policing services can be accurately assessed and the real concerns of aboriginal people are addressed.  
**(Page G-26: Volume 2)**
176. The Vancouver Police Department implement ongoing workshops for officers involved in policing aboriginal people to provide an interactive forum to learn about aboriginal culture and the aboriginal community in Vancouver.  
**(Page G-28: Volume 2)**
177. The Ministry of Attorney General establish, via a non-police aboriginal community service organization, community forums at which the police and the aboriginal community can develop and maintain an ongoing dialogue. These forums should be held off police premises.  
**(Page G-29: Volume 2)**
178. The Vancouver Police Department ensure that the board of directors of the Vancouver Police Native Liaison Society plays a direct role in the selection and retention of officers to staff the Native Liaison Unit.  
**(Page G-30: Volume 2)**
179. The Vancouver Police Department establish a mixed-gender team of constables in the Native Liaison Unit.  
**(Page G-30: Volume 2)**
180. The Vancouver Police Department ensure that criteria for selecting officers for the Native Liaison Unit include the requirement that candidates for the positions have a knowledge of aboriginal people or have demonstrated an interest in acquiring such knowledge.  
**(Page G-30: Volume 2)**
181. The Vancouver Police Department ensure that officers being considered for assignment to the Native Liaison Unit have taken, or will take, specialized training in areas such as crisis intervention, mediation, and responding to incidents of sexual and spousal assault.  
**(Page G-31: Volume 2)**
182. The Vancouver Police Department use greater sensitivity when transferring officers away from the Native Liaison Unit, especially those who have developed a rapport with the community.  
**(Page G-31: Volume 2)**
183. The Vancouver Police Department maximize coverage by the Native Liaison Unit by:
- (a) altering the shift hours of the officers;
  - (b) ensuring that officers have different schedules and do not take the same day off; and
  - (c) providing coverage for weekends and late evenings.
- (Page G-32: Volume 2)**

184. The Vancouver Police Department ensure that constables in the Native Liaison Unit initiate contact with aboriginal communities outside the city limits.  
**(Page G-32: Volume 2)**
185. The Vancouver Police Department, in consultation with the Vancouver Police Native Liaison Society, establish a community-based station in the Downtown Eastside and restructure the Storefront operation within a community-based policing model.  
**(Page G-33: Volume 2)**
186. The Vancouver Police Department establish joint police liaison committee with the Musqueam Band. This committee should develop specific initiatives designed to improve the delivery of policing services to the Musqueam reserve.  
**(Page G-34: Volume 2)**
187. The province initiate discussions with relevant aboriginal organizations, municipal governments, community groups and the federal government concerning all facets of policing in the urban context.  
**(Page G-35: Volume 2)**
188. The Vancouver aboriginal community, the federal and provincial governments, and the Vancouver Police Board establish a framework for the development and implementation of a force of urban aboriginal peacekeepers in the City of Vancouver.  
**(Page G-36: Volume 2)**
189. The provincial and federal governments jointly fund a study of aboriginal policing in Vancouver, focusing on the attitudes of aboriginal residents and police officers and including extensive field observations of policing in Vancouver.  
**(Page G-36: Volume 2)**
190. The RCMP review the policy that prohibits officers in the Aboriginal Constable Policing Program from policing off-reserve areas, particularly in those areas where a detachment is involved in policing a substantial number of aboriginal people.  
**(Page G-37: Volume 2)**
191. The RCMP develop aboriginal cultural workshops for police managers at the detachment level. This training should be specific to aboriginal cultures in the officers' jurisdiction.  
**(Page G-37: Volume 2)**
192. The RCMP review the transfer policy with a view to providing more flexibility for officers engaged in aboriginal policing. With the consent of the officer and the band, the officer should be permitted to remain in a particular posting.  
**(Page G-38: Volume 2)**
193. The attorney general, in conjunction with the relevant ministries and in consultation with the aboriginal community, the police community and the First Nations Tribal Justice Institute, set minimum standards with regard to curriculum and graduate skill levels to be met by the Institute.  
**(Page G-40: Volume 2)**
194. The province require the First Nations Tribal Justice Institute to clarify its status and to provide detailed information to First Nations trainees which specifically states that:
- (a) it is a pre-employment training program;
  - (b) graduates are not qualified to be sworn police officers; and
  - (c) there are no guarantees of employment for graduates.
- (Page G-40: Volume 2)**
195. The attorney general, as part of the memorandum of understanding between the Justice Institute of British Columbia and the First Nations Tribal Justice Institute and as a prerequisite for any additional support of or working relationship with the Tribal Justice Institute, require the Institute to undergo an external, independent audit and evaluation of all facets of the program.  
**(Page G-40: Volume 2)**

## HIGH-RISK POLICING

196. The province establish a provincial use-of-force coordinator, who will:
- (a) monitor and enforce the provisions of a police use-of-force regulation; and
  - (b) propose amendments to the regulation for consideration by the attorney general.
- (Page H-4: Volume 2)**
197. The attorney general enact a Police Act Regulation that provides provincial standards for police use of force. The regulation should replace the existing Police Firearm Regulations and then be expanded to set use-of-force standards for reporting, accountability, policy, procedure, equipment, training and recertification.  
**(Page H-8: Volume 2)**
198. The attorney general require police to report use of force on a prescribed form when:
- (a) an officer discharges a firearm (except during training, as currently provided);
  - (b) an officer points a firearm at a person or persons;
  - (c) an officer uses a weapon on a person (weapon-use will generally mean the use of capsicum spray or a baton);
  - (d) an officer injures a person through a use of force;

- (e) an officer uses a vehicle to pursue someone;
- (f) an officer rises a dog to arrest someone; or
- (g) an officer rises the vascular neck restraint.

**(Page H-9: Volume 2)**

199. The attorney general include the following in the proposed rise-of-force regulation:

- (a) a definition of neck restraint as a high-level use of force to be used only when less violent means are not available;
- (b) a requirement that all operational police officers be certified and annually recertified in the use of lateral, vascular neck restraint;
- (c) a prohibition of all techniques of neck restraint except lateral, vascular neck restraint; and
- (d) a requirement that all officers trained in neck restraint must be trained in appropriate first-aid techniques.

**(Page H-11: Volume 2)**

200. In the proposed use-of-force regulation, the attorney general prohibit police agencies from using multiple-shot ammunition, with the following exceptions:

- (a) emergency response teams may continue to use the ammunition for special purposes; and
- (b) police agencies may continue to use the ammunition for the destruction of animals.

**(Page H-12: Volume 2)**

201. The Police Academy prepare allowable ammunition specifications for consideration by the attorney general. This could be done by the proposed provincial use-of-force coordinator.

**(Page H-17: Volume 2)**

202. The attorney general ensure that the proposed use-of-force regulations

- (a) permit use by police officers of the present service revolver and the double-action-only semi-automatic handgun, which should be specified generically;
- (b) permit the following calibers: .38 Special, 9-mm X 19 and .40-caliber Smith & Wesson; and
- (c) include allowable ammunition specifications.

**(Page H-17: Volume 2)**

203. The Police Academy, in conjunction with the proposed provincial rise-of-force coordinator, develop a handgun course training standard which should be used for transitional training of officers in the rise of semi-automatic handguns.

**(Page H-17: Volume 2)**

204. The Police Academy, in consultation with the proposed use-of-force coordinator, conduct a thorough review of the firearms training and firearms qualification standards as they apply to the police

service handgun, including the following considerations:

- (a) increasing the annual service handgun qualification to a semi-annual or quarterly frequency;
- (b) introducing low-ready, finger-off-the-trigger as a practice both in training and qualification; and
- (c) introducing decision-making and situational shooting to training and qualification procedures.

**(Page H-18: Volume 2)**

205. The attorney general include in the proposed rise-of-force regulations the provisions in the present Police Firearm Regulations.

**(Page H-19: Volume 2)**

206. The proposed rise-of-force coordinator, in consultation with affected stakeholders, review and recommend revisions to the Police Firearm Regulations in light of the 1994 changes to the Criminal Code use-of-force provisions.

**(Page H-19: Volume 2)**

207. The attorney general ensure that the proposed rise-of-force regulations set out standards for police pursuits, including the following:

- (a) criteria for initiating and continuing police pursuits;
- (b) alternatives to pursuits;
- (c) cautions about hazardous pursuit techniques;
- (d) criteria and procedures for abandoning pursuits; and
- (e) definition of supervisory control over pursuits.

**(Page H-20: Volume 2)**

208. The attorney general ensure that the proposed rise-of-force regulations require all operational police officers to be issued with capsicum spray and trained in its use. Training should include basic instruction as well as annual recertification.

**(Page H-21: Volume 2)**

209. The Firearms Section of the Justice institute of BC immediately evaluate less-than-lethal shotgun technology. The use-of-force coordinator position probably will not be fully operational for one year. This issue needs immediate examination.

**(Page H-22: Volume 2)**

210. The Police Academy develop an officer-skills package for annual training of operational police officers, as part of a core recertification program. It should cover:

- (a) communication skills;
- (b) conflict resolution intervention skills;
- (c) mediation;

- (d) force models and philosophy;
  - (e) officer survival and awareness; and
  - (f) serious-incident methodologies.
- (Page H-22: Volume 2)**
211. The attorney general include in the proposed use-of-force regulation a requirement that:
- (a) dogs and dog handlers must be certified and annually recertified in accordance with the British Columbia Municipal Police Dog Standards; and
  - (b) police agencies must keep written records of their dog and handler training.
- (Page H-24: Volume 2)**
212. The proposed use-of-force coordinator designate eight police dog trainers from both the RCMP and municipal police agencies to validate certification and recertification.
- (Page H-24: Volume 2)**
213. The attorney general ensure that the proposed rise-of-force regulations:
- (a) permit only the straight baton, the PR-24 side-handle baton and expandable versions of each;
  - (b) set out technical specifications for permissible batons;
  - (c) prohibit impact weapons such as saps and blackjacks;
  - (d) direct police officers to avoid use of metal flashlights as impact weapons except as a last resort; and
  - (e) require all operational municipal police officers to be certified and annually recertified in the use of batons.
- (Page H-25: Volume 2)**
214. As part of a general rationalization of services, municipalities and the RCMP consider the regionalization of emergency response teams in the Lower Mainland, including the Matsqui region.
- (Page H-26: Volume 2)**
215. The Police Academy, in conjunction with the use-of-force coordinator, develop standards for training, equipment, firearms and basic operating procedures of emergency response teams.
- (Page H-27: Volume 2)**
216. The attorney general ensure that the proposed use-of-force regulations require all emergency response team officers to be trained and certified to provincial standards.
- (Page H-27: Volume 2)**
217. The attorney general ensure that the proposed use-of-force regulations require core training to be instituted.
- (Page H-28: Volume 2)**
218. The Law Enforcement Branch, in consultation with the Police Academy, revise recruit training on search warrant procedures to
- (a) enhance the initial expertise of recruits; and
  - (b) provide probationary constables with a more complete knowledge of the legal requirements so that they can integrate practical experience with a critical understanding of the legal framework.
- (Page H-39: Volume 2)**
219. Police agencies, in consultation with the Police Academy, provide operational officers with current and accurate policy and procedural direction regarding search practices.
- (Page H-40: Volume 2)**
220. The Law Enforcement Branch:
- (a) develop comprehensive training and operational manuals concerning search warrant practice for distribution to forces throughout British Columbia;
  - (b) ensure such manuals include both policy directives concerning practice, and a review of the relevant law;
  - (c) ensure such manuals are regularly reviewed, revised, and redistributed with updated information;
  - (d) ensure the policy directives in such manuals reflect legal requirements, the requirements of safe and effective policing, the need to limit intrusions on individual rights and the need to minimize the rise of force to every extent compatible with the safety of police officers;
  - (e) designate a source of legal information for police to use on a regular basis; and
  - (f) establish ongoing training requirements for officers who are using search warrants as a regular or important part of their duties.
- (Page H-41: Volume 2)**
221. The province ensure that:
- (a) the search warrant application is recognized as a judicial process that is no different in kind from any other judicial function;
  - (b) police maintain detailed and complete records of each application process; and
  - (c) no part of a search warrant application is made off the record.
- (Page H-43: Volume 2)**
222. Municipal police forces maintain a search warrant registry in which they record the number of search warrants that are applied for, where such applications are made, how many warrants are denied, how many warrants are granted, whether force is being used in the execution of the warrant, and whether seizures are made.
- (Page H-43: Volume 2)**



223. The province ensure that police records on the Information to Obtain include a description of previous applications that may have been made with respect to the same search.

**(Page H-43: Volume 2)**

224. The province:

- (a) substantially enhance the ongoing training of existing court-services justices;
- (b) ensure that the appointment, remuneration and training of all new justices of the peace will establish a highly trained and completely independent corps of judicial officers;
- (c) ensure that adjudication facilities for search warrant applications provide a suitably formal atmosphere;
- (d) ensure recording facilities otherwise available in the provincial court are extended to hearing rooms for search warrant applications;
- (e) require a record of all search warrant applications to be created;
- (f) require each court registry to maintain a registry of all search warrant applications, the records of the application process, and records of reasons for refusing an application;
- (g) abolish the office of stipendiary justice;
- (h) establish a province-wide facility, either centralized or in each judicial district, equipped with facsimile, tele-conference and record capacities for the purpose of receiving tele-warrant applications outside court registry hours;
- (i) staff these facilities with senior court-services justices and require the facility to maintain a registry of all applications, records of the applications and reasons for disposition; and
- (j) require each criminal registry and tele-warrant registry to report annually to the chief judge of the provincial court on the number and type of search warrant applications received.

**(Page H-47: Volume 2)**

225. The attorney general include the following in the proposed use-of-force regulation basic search warrant procedures:

- (a) prior to executing a search warrant, a police officer shall notify the officer in charge that a search warrant will be executed;
- (b) all police officers executing a search warrant shall wear identification that clearly identifies them as police officers; and
- (c) all police officers executing a search warrant shall be required to conduct a risk assessment, if practicable, prior to entry. The risk assessment shall be provided to the officer in charge and shall review: number of residents in the target premises, their names and descriptions; criminal record checks of the residents; history of violence of the residents, if any; presence of weapons in

the target premise; information provided by informants or other sources; whether surveillance information, informant information, or any other information relied upon is recent or dated; results of previous surveillance; expected arrival or departure of other residents; expectation of dangerous circumstances, including the grounds for the expectation; potential for the obstruction of evidence; whether the entry should be with or without weapons drawn; whether the circumstances justify the use of extra force in terms of special weaponry or personnel; what factors affect whether entry should be announced or unannounced; and the effect of the use of visible police identification, such as clearly lettered jackets or vests.

**(Page H-48: Volume 2)**

226. The Law Enforcement Branch establish province-wide training standards which instruct police officers that:

- (a) they use the minimum level of force reasonably required to effect the execution of a search warrant;
- (b) the use of force is exceptional and must be justified as such in the specific circumstances of each individual case;
- (c) whenever possible, they conduct the risk assessment outlined above as part of an operational plan for executing a search warrant; and
- (d) they create a written plan for the execution of each search warrant to include assessment of each item listed above.

**(Page H-49: Volume 2)**

227. The Law Enforcement Branch establish a process and format to ensure that police agencies compile data on the rise of search warrants such that the associated risks to both police officers and the public can be assessed and the execution of search warrants improved.

**(Page H-50: Volume 2)**

228. The Law Enforcement Branch ensure that:

- (a) the safety of both the public and the police is enhanced by sufficient planning and consultation by the police prior to the execution of search warrants;
- (b) in appropriate circumstances, police officers are required to identify themselves, both visually and orally, to give notice of authority and purpose and to be refused entry, prior to the execution of search warrants upon residential premises; and
- (c) in the absence of emergent or exigent circumstances, no-knock searches are subject to prior judicial authorization.

**(Page H-52: Volume 2)**

229. The province ensure that private security personnel such as armored-car guards are regulated as to what firearms they are entitled to use.

**(Page H-54: Volume 2)**

230. The province ensure that private security personnel are prohibited from rising multiple-shot ammunition.

**(Page H-54: Volume 2)**

231. The province amend the Private Investigators and Security Agencies Act and regulations to require that armored-car guards possess a valid firearms acquisition certificate as prescribed in the Criminal Code.

**(Page H-54: Volume 2)**

232. The province amend the Private Investigators and Security Agencies Act and regulations to:

- (a) require that armored-car guards successfully complete a prescribed firearm training course before starting work;
- (b) prescribe a firearm training course which includes topics such as the legal authority and limitations relating to the rise of firearms, safe handling, care and control relating to firearms, judgement analysis (shoot-no-shoot decision-making in crisis situations) strategy and tactics, gun retention/side-arm holster defence, force options and less-than-lethal force, and the most appropriate firearms, ammunition and other equipment (e.g., bullet-resistant vests) for armored-car service use;
- (c) prescribe the means for delivering training and the frequency and degree of periodic retraining and certification;
- (d) prescribe appropriate standards for certification;
- (e) set guidelines with respect to the appropriate rise of armed force by armored-car guards; and
- (f) ensure that use of force by armored-car services is monitored by the proposed use-of-force coordinator.

**(Page H-56: Volume 2)**

233. The province amend the Private Investigators and Security Agencies Act and regulations to:

- (a) require armored-car personnel to report drawing and discharging of a firearm to the Registrar and retain, for inspection, records of incidents where fire arms are drawn by armored-car guards;
- (b) require the Registrar to investigate the discharge of all firearms by armored-car guards with a view to ensuring the competency of the guard and adequacy of training;
- (c) set standards regarding the adequate supervision and support of armored-car guards by their employers concerning the use of armed force; and
- (d) require the Registrar to prepare an annual report

regarding use of armed force by armored-car guards and the strategies of regulatory officials regarding rise of armed force by armored-car guards.

**(Page H-57: Volume 2)**

234. The province:

- (a) ensure that employers who assess risk to determine the crew complement for a particular route, do the assessment in consultation with employee representatives;
- (b) create an advisory body or task force to determine guidelines for the rise of three-person crews that should be followed by the industry; and
- (c) consider the introduction of a pilot program, to evaluate the rise of two- and three-person crews based on comparative quantitative and qualitative factors.

**(Page H-59: Volume 2)**

235. The province amend the Private Investigators and Security Agencies Act and regulations to establish a training program for private security guards that includes instruction on the legal authority for, and limits on, the use of force.

**(Page H-61: Volume 2)**

236. The province prohibit security personnel from possessing firearms and other weapons except as determined by a use-of-force coordinator after consideration of clear evidence that such weapons are required for self-defence purposes.

**(Page H-62: Volume 2)**

237. The proposed use-of-force coordinator monitor the use of force by the security industry and ensure that the industry is accountable for its use of force.

**(Page H-62: Volume 2)**

238. The province assign the proposed use-of-force coordinator the responsibility of:

- (a) assisting the Registrar to properly regulate the use of armed force by armored-car personnel;
- (b) developing policy and standards regarding the use of force by armored-car guards;
- (c) monitoring and enforcing use-of-force policies and standards for licensees under the Private Investigators and Security Agencies Act; and
- (d) working in conjunction with other responsible officials on rise of force by the private security industry, including, for example, those who issue permits to carry under the Criminal Code.

**(Page H-63: Volume 2)**

239. The province amend the Private Investigators and Security Agencies Act and regulations to:
- (a) prohibit the use of dogs by the security industry to track or apprehend people;
  - (b) require licensing of all companies or individuals that sell, rent, lease, train or otherwise provide services relating to dogs for the purpose of protecting persons or property or conducting investigations; and
  - (c) set standards relating to the training and use of guard dogs.

**(Page H-64: Volume 2)**

240. The province amend the Police Act and regulations to ensure special provincial constables:
- (a) are regulated by the proposed use-of-force regulation; and
  - (h) are subject to yearly qualification requirements and standards imposed by the proposed use-of-force coordinator.

**(Page H-65: Volume 2)**

241. The province:
- (a) amend the Police Firearms Regulations to make special provincial constables subject to its terms and conditions;
  - (b) restrict designate status to special provincial constables who have a demonstrated need to possess firearms for the purposes of their work;
  - (c) maintain a complete register of those officers authorized as designated persons;
  - (d) require any agency wishing to issue firearms to the designated officers to demonstrate that appropriate safeguards are in place governing the issue and storage of weapons, the training of officers and the reporting of incidents in which shots are fired;
  - (e) require that organizations seeking to hire special provincial constables first agree not to supply offensive tactical equipment to special provincial constables unless they have the minister's approval; and
  - (f) require any offensive tactics employed by an organization to meet the standards prescribed by the minister, including appropriate training of special provincial constables.

**(Page H-65: Volume 2)**

242. The province:
- (a) require reserves and auxiliaries to be trained to a provincial standard for the carrying of sidearms and shotguns, before they are permitted to assume operational responsibilities;
  - (b) ensure that the standard includes minimum target marks and proficiency in the handling of a variety of firearms;
  - (c) ensure that reserves and auxiliaries are subject to the Police Firearm Regulations;

- (d) require reserves and auxiliaries to be subject to the proposed use-of-force regulation; and
- (e) require reserves and auxiliaries to be subject to the qualification and certification standards imposed by the use-of-force coordinator.

**(Page H-67: Volume 2)**

## **PUBLIC COMPLAINTS ABOUT MUNICIPAL POLICING**

243. The Ministry of Attorney General ensure that:
- (a) police officers are trained to acknowledge a mistake forthrightly and to convey a sincere apology to a person wrongly arrested, searched, injured or insulted;
  - (b) officers and complainants are encouraged to use informal resolution and alternate dispute resolution strategies, such as arbitration, conciliation, mediation, or negotiation;
  - (c) investigating officers are not present during informal resolution and alternate dispute resolution; and
  - (d) apologies or explanations are normally given by the officer involved, not the investigating officer.

**(Page 1-8: Volume 2)**

244. The province amend the Police Act to define the terms "informal resolution" and "alternate dispute resolution."

**(Page 1-8: Volume 2)**

245. The complaint commissioner appoint alternate dispute resolution professionals to help resolve complaints in a relaxed and neutral setting, not in a police station.

**(Page 1-8: Volume 2)**

246. The Ministry of Attorney General ensure that:
- (a) informal resolution and alternate dispute resolution are available as early in the complaint process as possible and throughout all stages of process, including disciplinary hearings and appeals;
  - (b) both officers and members of the complaint commissioner's office have authority to initially informally resolve complaints;
  - (c) alternate dispute resolution is offered to a complaint immediately where informal resolution has been unsuccessful;
  - (d) informal resolution and alternate dispute resolution do not preclude the public process from continuing where the complaint commissioner determines it to be in the public interest;

- (e) no file is considered informally resolved unless the complainant has stated so in writing or, where the complainant cannot write, the complaint commissioner has recorded the complainant's verbal instructions that the complainant is satisfied.

**(Page 1-10: Volume 2)**

247. The province ensure that:

- (a) complainants can lodge their complaints with either the police or the complaint commissioner;
- (b) police inform citizens will lodge a complaint at the police station that both options are equally available;
- (c) the complaint commissioner's office makes itself more accessible to complainants by establishing its main office in Vancouver and delegates in other large cities; increasing publicity about the commissioner's role; distributing detailed brochures about the role of the commissioner to community centres and other public locations; and placing brochures in prominent locations at all police stations;
- (d) the commissioner does not routinely redirect complainants to police stations but rather informs complainants of both options for lodging a complaint;
- (e) where a citizen is reluctant to attend at the police station, a delegate from the office of the complaint commissioner should be available to act as an intermediary despite the fact that police may be conducting an investigation;
- (f) all offices of complaint commissioners are located away from police stations; and
- (g) a toll-free number for the office of the complaint commissioner is available for complainants who live in remote areas or who cannot attend the commissioner office.

**(Page 1-12: Volume 2)**

248. When the complaint commissioner receives a complaint, the commissioner notify the chief constable and the named police officer.

**(Page 1-13: Volume 2)**

249. The Ministry of Attorney General establish the following safeguards for citizens who elect to complain at police stations:

- (a) the officer approached by a complainant will advise the complainant that complaints may be lodged with the complaint commissioner as well as the police and will give the complainant brochures on the commissioner;
- (b) all persons receiving and informally resolving complaints will be trained to convey information clearly in a friendly, non-intimidating manner;

follow sound practices of dispute resolution; be sensitive to complainants cultural backgrounds; and treat all complainants respectfully, including marginalized persons;

- (c) provincial audits will periodically assess police receipt and informal resolution of complaints; and police will record all complaints they have received, including those informally resolved, and send copies of these records to the complaint commissioner.

**(Page 1-13: Volume 2)**

250. When police have informally resolved a complaint, the complaint commissioner write to the complainant supporting the resolution but stating that the complainant may still contact the commissioner about unresolved concerns.

**(Page 1-14: Volume 2)**

251. The province make abuse, threats, harassment or intimidation of complainants and any form of police retribution against complainants in relation to the complaint process a Discipline Code offence and ensure senior police officers publicly and strongly express a zero-tolerance attitude towards such conduct.

**(Page 1-14: Volume 2)**

252. The province ensure that:

- (a) persons receiving complaints have a duty to accurately record all allegations, whether verbal or written, including those which do not meet the legal definition of a complaint;
- (b) complainants need only make a verbal request for an investigation; and
- (c) where a complainant asks for an investigation, police or the complaint commissioner must investigate.

**(Page 1-15: Volume 2)**

253. The province amend the Police Act to:

- (a) define service and policy complaints;
- (b) require persons receiving complaints to categorize the complaint as disciplinary or service-and-policy, subject to review by the complaint commissioner;
- (c) require both types of complaints to be addressed simultaneously insofar as possible;
- (d) require the appropriate police board to determine whether service-and-policy complaints should be resolved by way of investigation and/or public inquiry, subject to review by the complaint commissioner;
- (e) create a duty in the complaint commissioner, upon review of the findings and conclusions by the police board, to make recommendations to the

- police board that are a public record; and
- (f) enable the complaint commissioner to initiate a provincial audit of police adherence to provincially established service standards or policies.

**(Page 1-17: Volume 2)**

254. The province establish the following standards for service and policy complaints

- (a) the complaint commissioner writes to the complainant acknowledging the complaint;
- (b) police boards record all responses taken to the complaint and forwards these to the complaint commissioner;
- (c) the complaint commissioner reports back to the complainant describing the findings, conclusions, and/or recommendations of the police board;
- (d) the complaint commissioner has discretion to investigate immediately upon notification of a service and policy complaint where a complaint alleges that a service or policy standard that was set by the police board was inadequate and the commissioner believes the police board is in a potential conflict of interest;
- (e) the complaint commissioner has discretion to make recommendations after the review outlined in (d), which are a public record; and
- (f) the complaint commissioner reviews findings and conclusions and/or recommendations of the police board in order to obtain a broad overview and to compare standards among various police boards and identify trends.

**(Page 1-18: Volume 2)**

255. The Ministry of Attorney General ensure that:

- (a) when citizens ask police about the complaint process, police immediately provide them with a brochure and the toll-tree number of the office of the complaint commissioner;
- (b) people can easily obtain translation or interpretation services that are independent of police;
- (c) community groups, which complainants may be more likely to trust, are funded to create awareness about complaint procedures and services;
- (d) police and other people speaking through interpreters to complainants are trained in cross-cultural communication; and
- (e) the citizen complaints form provides more space for citizens to elaborate on the response they are seeking.

**(Page 1-19: Volume 2)**

256. After consultation with MOSAIC as to which languages are most needed, the complaint commissioner ensure that detailed information on the

complaints process is translated into additional languages.

**(Page 1-20: Volume 2)**

257. The province amend the Police Act to:

- (a) require status reports to describe specific Investigative procedures police are following and to explain delays;
- (b) require s.59 letters to respond to each of the complainants allegations and, where an allegation has been investigated, to state a factual account of the incident that gave rise to the complaint; a description of investigative steps; a brief description of the evidence from witnesses (the complaint commissioner should be able to withhold this information to protect privacy or safety interests of a witness); a brief description of any relevant documentation or physical evidence; and the results of the investigation; and
- (c) require s.59 letters to be written in plain language and in an informative, impartial, concerned, personal and positive manner.

**(Page -21: Volume 2)**

258. The province amend the Police Act to:

- (a) require s.59 letters to describe any verbal or written reprimand and any other disciplinary action imposed or specific corrective action taken and the specific allegations these disciplinary measures address; and
- (b) require that the complaint commissioner keep a public record briefly describing every complaint, including any disciplinary or other action imposed in respect of each allegation.

**(Page 1-23: Volume 2)**

259. The province:

- (a) establish an independent civilian complaint commissioner who actively supervises investigations of complaints with cooperation from police investigators;
- (b) enable the complaint commissioner to conduct an investigation or, where the commissioner does not assume conduct of the matter, enable the chief constable or a delegate to initiate the investigation and appoint investigators;
- (c) require the chief constable to send to the complaint commissioner all investigation files and other material relating directly or indirectly to a complaint;
- (d) enable the complaint commissioner to require investigating officers to justify particular lines of questioning, interview additional witnesses, consult experts, gather other kinds of data or evidence, and account for their conclusions; interview and take statements from any person the commissioner deems appropriate; assume conduct of an investigation initially or while an investigation is in progress using independent investigators, police from any agency the

- commissioner chooses, or a combination of these; and investigate a non-complaint matter that the commissioner deems to be a matter of public trust;
- (e) require all letters to complainants about investigations, including reporting letters and s.59 letters, to be sent by the complaint commissioner and not by the police;
  - (f) require the complaint commissioner to have a legal background or training; and
  - (g) require investigators employed in the office of the complaint commissioner to have extensive investigation training and experience.
- (Page 1-28: Volume 2)**
260. The province:
- (a) give the person who has conduct of the investigation authority to determine what is "appropriate action" under s. 12(1) of the Regulation\* [\*Note: in the remainder of the Recommendations, "Regulation" refers to the Police Discipline Regulation of the Police Act.]
  - (b) give the complaint commissioner discretion, after consulting with the chief, to overrule the chiefs decision and require a different action; and
  - (c) require the chief to carry out the action decided upon.
- (Page 1-30: Volume 2)**
261. The province amend the Police Act to prohibit officers from investigating a complaint where:
- (a) they have or have had a direct supervisory role over the accused officer;
  - (b) they work or have worked on the same watch or shift as the accused officer;
  - (c) they have or have had a social relationship with the accused officer;
  - (d) they have or have had a social or working relationship with the complainant; or
  - (e) when, in the opinion of the complaint commissioner, a fair and just investigation cannot take place.
- (Page 1-30: Volume 2)**
262. The province prohibit police from releasing unauthorized, irrelevant or prejudicial personal information about a complainant to the media during an investigation.
- (Page 1-31: Volume 2)**
263. The province enable the complaint commissioner to act as a complainant where a matter of public trust is at issue, regardless of whether there is a complainant who is willing or able to complain about the matter.
- (Page 1-32: Volume 2)**
264. The chief constable notify the complaint commissioner of all pending internal disciplinary investigations and give the commissioner access to all internal investigation files.
- (Page 1-33: Volume 2)**
265. The chief constable give the complaint commissioner copies of all circulated internal investigation files.
- (Page 1-33: Volume 2)**
266. The complaint commissioner determine whether or not each disciplinary matter relates to the public trust.
- (Page 1-33: Volume 2)**
267. If the matter relates to the public trust, the complaint commissioner assume the role of complainant and either supervise the investigation or investigate the matter independently.
- (Page 1-33: Volume 2)**
268. If a file contains insufficient information to determine whether a matter relates to the public trust, the complaint commissioner assume a supervisory role in the investigation until such time as a determination can be made.
- (Page -33: Volume 2)**
269. The complaint commissioner keep track of any service or policy issues arising from internal investigations in order to identify trends that may be of public concern.
- (Page 1-33: Volume 2)**
270. The province amend the Police Act to:
- (a) require the complaint commissioner to make the final determination regarding whether or not to refuse to investigate or further investigate;
  - (b) require the complaint commissioner to communicate this decision directly to the complainant and to the named police officer; and
  - (c) enable investigators to recommend a refusal to further investigate to the complaint commissioner at any the during an investigation.
- (Page 1-35: Volume 2)**
271. The Ministry of Attorney General develop province-wide public guidelines for the interpretation of s. 58(1) and ensure that police investigators apply them.
- (Page 1-35: Volume 2)**
272. Wherever possible, the words "frivolous" and "vexatious" be avoided in letters to complainants informing them that their complaint will not be investigated or further investigated and non-inflammatory language used to explain reasons for the decision.
- (Page 1-36: Volume 2)**

273. The province amend the Police Act to provide guidelines for interpreting the words "frivolous" and "vexatious."

**(Page 1-36: Volume 2)**

274. The province amend the Police Act to:

- (a) repeal s. 58(1)(h);
- (b) require the complaint commissioner to attempt to notify a directly affected person as soon as a third party has lodged a complaint;
- (c) enable the commissioner to act as complainant substituting for a third party who has a reasonable wish to avoid publicity;
- (d) enable the complaint commissioner to join a directly affected person as an additional complainant or as sole complainant; and
- (e) enable the hearing panel or the complaint commissioner to close hearings which are normally open to the public to protect reasonable privacy interests.

**(Page 1-36: Volume 2)**

275. The province amend the Regulation to:

- (a) expand limitation periods; and
- (b) define disciplinary proceedings as "commenced" with the issuance of the Notice of Alleged Disciplinary Default.

**(Page 1-37: Volume 2)**

276. The province enable the complaint commissioner to modify both limitation periods under the Police Act and under the Regulation where circumstances warrant.

**(Page 1-38: Volume 2)**

277. The province establish an appeal, with leave, to a Supreme Court judge from a refusal to investigate or further investigate under s. 58 of the Police Act.

**(Page 1-38: Volume 2)**

278. The province:

- (a) make the complaint commissioner an officer of the legislature, reporting to the legislature, and appointed by unanimous recommendation of a special committee of the legislature;
- (b) enable the complaint commissioner to comment publicly on the citizen complaint process when it is in the public interest; and
- (c) establish a public process for appointing the complaint commissioner, including qualification and requirements, fixed terms, open competition and public guidelines for the selection process which would involve marginalized groups.

**(Page 1-40: Volume 2)**

279. The complaint commissioner annually collect and analyse statistical data on complaints and recommend such things as research initiatives, policies and police training.

**(Page 1-42: Volume 2)**

280. A trained employee from the office of the complaint commissioner complete Form 11 for all complaint files.

**(Page 1-42: Volume 2)**

281. The province amend the Police Act to:

- (a) ensure Form 11 provides more accurate and detailed information, including a greater number of precise categories for allegations, as identified by the Inquiry, and coding of each investigated allegation as substantiated or unsubstantiated; and
- (b) ensure Form 8 reports on internal discipline require listing and coding of all original allegations.

**(Page 1-42: Volume 2)**

282. The Ministry of Attorney General develop guidelines on appropriate action by police officers who are concerned about the misconduct of a senior officer, to address matters such as confidentiality, privacy of information, fear of retribution, reporting, records keeping and following investigation.

**(Page 1-43: Volume 2)**

283. The province:

- (a) give police officers legal authority to contact the complaint commissioner about alleged misconduct of their chief or deputy chief;
- (b) require the complaint commissioner to receive all reports of alleged misconduct by chiefs or deputies and then appoint one or more of the following to investigate: an investigator from the commissioner's office; a chief constable from another department; a lawyer; and/or an investigator attached to or appointed by the Ministry of Attorney General;
- (c) require the investigator to report to the complaint commissioner, who should decide what action, disciplinary hearing or otherwise, is appropriate; and
- (d) require the same independent tribunal that adjudicates public disciplinary hearings to adjudicate allegations against chiefs and deputies.

**(Page 1-44: Volume 2)**

284. The province amend the Police Act and Regulation to:

- (a) repeal the autrefois acquit rule in s. 10(3) of the Regulation; and
- (b) prohibit chief constables from declining to take disciplinary action simply because Crown counsel has declined to lay criminal charges.

**(Page 1-44: Volume 2)**

285. The Ministry of Attorney General establish written, public guidelines requiring police to immediately investigate as a Criminal Code complaints about officers which:

- (a) would be, if proved, offences under the Criminal Code; and
- (b) are not frivolous or vexatious.

**(Page 1-45: Volume 2)**

286. The province require the complaint commissioner to review all allegations that have not been investigated as criminal matters to ensure that this requirement has been met.

**(Page 1-45: Volume 2)**

287. The province:

- (a) give the complaint commissioner final authority to determine whether investigative reports concerning alleged misconduct by police officers should be sent to the Crown;
- (b) require the complaint commissioner to consider recommendations by the investigator in making this determination;
- (c) develop written, public guidelines for investigators which require them to consider among other things whether the investigation revealed the allegation would be, if proved, an offence under the Criminal Code; and the allegation was other than frivolous or vexatious; and
- (d) require investigators to immediately forward the report to the Crown where the allegation is not frivolous and vexatious and if proved would be an offence under the Criminal Code.

**(Page 1-46: Volume 2)**

288. The province amend the Police Act to require the complaint commissioner to extend the limitation period for filing a complaint where complainants have been charged with a criminal offence, so that the limitation period does not begin to run until the criminal charges have been disposed of.

**(Page 1-47: Volume 2)**

289. The complaint commissioner monitor investigations to ensure that the the for summary conviction charges tinder the Criminal Code does not expire before a charge is laid.

**(Page 1-47: Volume 2)**

290. The province redraft the Regulation to delete, where possible, criminal-law language and procedures.

**(Page 1-49: Volume 2)**

291. The province amend the Regulation to include a statement of the aims and purposes of disciplinary sanctions which includes the following principles:

- (a) the main purpose of police discipline is to assist a police agency to achieve its organizational objective of delivering fair, impartial, effective and efficient police services to the community;
- (b) both aggravating and mitigating circumstances must be taken into account in determining a just sanction;
- (c) where disciplinary action is necessary, an approach that seeks to correct and educate a police officer should precede one that seeks to blame and impose punishment;
- (d) when disciplinary action is necessary, the least onerous sanction appropriate in the circumstances should be chosen;
- (e) deterrence of other police officers and maintenance of public respect should only be pursued as sanctioning objectives within the context of what is otherwise an affirmative, remedial, corrective or proportionate sanction;
- (f) disciplinary sanctions should be consistent (similar cases should receive similar sanctions; and
- (g) where organizational, administrative or systemic factors are a significant contributing factor to the misconduct, priority should be given to correcting these factors rather than blaming and disciplining the individual officer.

**(Page -49: Volume 2)**

292. The Ministry of Attorney General, in consultation with the municipal chiefs:

- (a) establish a provincial system for the dissemination of discipline decisions which would be publicly available; and
- (b) work with the RCMP and other provincial police bodies to establish a national police discipline digest.

**(Page 1-51: Volume 2)**

293. The province amend the Regulation to provide that the following factors, though not exhaustive, are legitimate aggravating or mitigating factors in determining an appropriate sanction:

- (a) previous good record of the officer;
- (b) long service of the officer;
- (c) whether or not the misconduct was an isolated incident in the employment history of the officer;
- (d) the existence or absence of provocation;
- (e) whether or not the misconduct was premeditated or aberrational;
- (f) whether the imposition of a particular penalty will create a special economic hardship for an officer in light of that officer's particular circumstances;
- (g) evidence that the rules or internal policies of the police service (written or unwritten have not been uniformly enforced or applied, thus constituting a form of discrimination;



- (h) evidence indicating that a police officer misunderstood the nature or intent of a given order or directive and as a result disobeyed it;
  - (i) the seriousness of the misconduct and the impact on or consequence to other persons;
  - (j) officer cooperation, frankness, and overall attitude;
  - (k) circumstances of mental or emotional stress or a context of substance addiction or drug dependence;
  - (l) the likelihood of future misconduct arising from the same cause or causes;
  - (m) other mitigating or aggravating factors unique to the personal circumstances of the officer or the misconduct involved; and
  - (n) a systemic problem which contributed to the misconduct or may be a mitigating factor.
- (Page 1-52: Volume 2)**
294. The province amend the Regulation to diversify the sanction provisions and include such remedial, corrective, reparative and punitive sanctions as the following:
- (a) counselling;
  - (b) recommendation for special training;
  - (c) recommendation for professional counselling;
  - (d) recommendation for transfer;
  - (e) direction to work under close supervision;
  - (f) apology;
  - (g) restitution, where appropriate;
  - (h) remedial orders or recommendations designed to correct organizational or systemic factors in the police agency that contributed to the disciplinary default;
  - (i) verbal or written reprimand;
  - (j) suspension without pay for up to three, six or 12 months (which could be combined with orders for counselling or retraining);
  - (k) demotion;
  - (l) direction to resign; and
  - (m) dismissal.
- (Page 1-53: Volume 2)**
295. The Ministry of Attorney General draft a provincial code of ethics in consultation with the chiefs, the Federation and other interested parties.
- (Page 1-54: Volume 2)**
296. The province amend the Discipline Code to:
- (a) include the code of ethics as a preamble or as part one, with a provision that a police officer may not be charged with a disciplinary default arising out of the code of ethics unless that conduct is expressly included in the list of disciplinary defaults; and
  - (b) rename the Discipline Code the “Code of Professional Conduct.”
- (Page 1-54: Volume 2)**
297. The province amend the Regulation and Code to:
- (a) redraft them in gender-neutral language and adhere as much as possible to plain-language criteria;
  - (b) include an express prohibition of abusive or insulting language or behavior or discrimination on the basis of gender, race, color, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sexual orientation, source of income or economic status;
  - (c) include provisions outlined in the recommendation under Increasing Access to the Complaints Process concerning intimidation of complainants during the complaint process; and
  - (d) include an express provision that wilful or negligent violation of a person's fundamental rights and freedoms such as those guaranteed in the Canadian Charter of Rights and Freedoms is a contravention of the Code.
- (Page 1-55: Volume 2)**
298. The Ministry of Attorney General:
- (a) inform all police agencies of the ministry's policy on Crown disclosure to the defence;
  - (b) clarify in that policy or a related policy the details of the police duty to disclose to the Crown; and
  - (c) ensure police are trained on the rationale for and importance of complete and timely disclosure to the Crown.
- (Page 1-56: Volume 2)**
299. Police departments develop adequate information management systems to ensure that all investigatory information is communicated to the Crown.
- (Page 1-56: Volume 2)**
300. The province amend the Code to make it a disciplinary default for a police officer to fail to make full and timely disclosure to the Crown in accordance with the Attorney General's disclosure policy.
- (Page 1-56: Volume 2)**
301. The province amend the Discipline Code to:
- (a) define the appropriate degree of fault;
  - (b) clarify Code provisions and update them in line with provisions in other provincial codes; and
  - (c) include an explicit statement that off-duty conduct is disciplinable if that conduct adversely affects the legitimate occupational requirements or reputational interests of the police agency.
- (Page 1-59: Volume 2)**

302. The Ministry of Attorney General:
- (a) consider the Calgary Police Service Regulation on off-duty employment and business activities as the model for BC policies;
  - (b) establish province-wide standards for off-duty employment and business activities of police;
  - (c) establish province-wide standards for off-duty political activities by police officers;
  - (d) ensure that off-duty conduct policies are rationally connected to a legitimate interest or requirement of the police agency;
  - (e) ensure that police receive ongoing education on the abuse of alcohol and drugs in police agencies and programs to combat this;
  - (f) ensure that police training contains material on stress and the abuse of alcohol and drugs; and
  - (g) ensure that alcohol and drug treatment, including counselling, is available to officers and that officers with alcohol or drug problems are encouraged to get the necessary help.

**(Page 1-59: Volume 2)**

303. The province amend the Police (Discipline) Regulation to:

- (a) transfer internal disciplinary matters to the provincial labor process to be resolved according to the provisions within collective bargaining legislation;
- (b) ensure discipline arising out of citizen complaints and other public trust cases is dealt with by the reformed public complaints process outlined in this report; and
- (c) require internal police discipline to be subject to arbitration by a single arbitrator selected from a pound of three or four experienced and respected adjudicators appointed by the Chief Justice of the Supreme Court.

**(Page 1-64: Volume 2)**

304. The Ministry of Attorney General ensure collective agreements between police and police boards are amended to reflect the changes to grievance procedures implied by these recommendations and specifically to include the following language which is deemed to apply by virtue of s. 84(3) (a) and (b) of the Labour Code, namely:

- (a) the employer shall not dismiss or discipline an employee bound by this agreement except for just and reasonable cause; and
- (b) if a difference arises between the parties relating to the dismissal or discipline of an employee, or to the interpretation, application, operation or alleged violation of this agreement, including a question as to whether a matter is arbitrable, either of the parties, without stoppage of work,

may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the differences to arbitration. The parties shall agree on a single arbitrator; and the arbitrator shall hear and determine the difference and issue a decision, which is final and binding on the parties and any person affected by it.

**(Page 1-65: Volume 2)**

305. The province:

- (a) establish an independent tribunal to adjudicate at disciplinary hearings arising from citizen complaints, complaints initiated by the complaint commissioner or public trust issues;
- (b) establish an appointment process for tribunal members that is fair, clearly articulated, and open to public scrutiny; and
- (c) ensure the appointment process states qualification requirements and includes requirements that at least one member of the tribunal has legal training; one member of the tribunal is a non-lawyer appointed on the recommendation of the local police association and another member is a non-lawyer appointed on the recommendation of the local community police board or committee; the chair of each tribunal is a lawyer recommended for appointment by the attorney general; the tribunal may not include police officers; marginalized groups may make representations during the selection process; tribunal members will serve for fixed terms; and candidacy for positions will be open.

**(Page 1-68: Volume 2)**

306. The province ensure that:

- (a) where an allegation of a disciplinary default has been proven at a discipline hearing, the penalty should be imposed by the presiding disciplinary tribunal;
- (b) the chief constable may not override the disciplinary tribunal's decision;
- (c) the tribunal is limited to a predetermined range of penalties in the Regulation;
- (d) the officer who is the subject of the complaint must be told prior to the discipline hearing what the maximum penalty for each charge may be as established by the complaint commissioner; and
- (e) the tribunal is bound by the maximum penalty.

**(Page 1-69: Volume 2)**

307. The province:

- (a) establish open public disciplinary hearings for matters arising from citizen complaints, from the complaint commissioner or from incidents

directly affecting the public, subject to the proviso that hearings may be closed to the public in order to protect values of superordinate importance;

- (b) legislate values of super ordinate importance and reasons for closing a hearing to the public; and
- (c) establish that hearings regarding matters of a purely internal nature are closed to the public.

**(Page I-70: Volume 2)**

308. The province:

- (a) adopt the civil standard of proof for public complaints and public trust discipline; and
- (b) repeal the summary conviction rules in s. 2 3(2) of the Regulation and replace them with the civil rules of procedure and evidence.

**(Page 1-71: Volume 2)**

309. The province require a police officer to give evidence during investigations and at complaints and disciplinary hearings but ensure that the officer's statements are not admissible at any other proceedings unless the officer consents.

**(Page 1-72: Volume 2)**

310. The province extend to at least two years the the limits in the Municipal Act for filing a civil action relating to compensation for personal injury or property damage arising from wrongful police actions.

**(Page 1-72: Volume 2)**

311. The province:

- (a) establish an appeal to a BC Supreme Court judge from decisions of the independent tribunal which adjudicates police discipline arising from public complaints, complaints initiated by the complaint commissioner or other public trust matters;
- (b) provide that subsequent appeals go to the BC Court of Appeal but that such appeals will be limited to questions of law alone; and
- (c) legislate the rules of evidence and procedure that govern appeals and the manner in which appeals relate to a discipline hearing, including a provision that the civil standard of proof is applicable on appeal.

**(Page 1-74: Volume 2)**

312. The province:

- (a) ensure that complainants, officers complained about and the complaint commissioner have a right to a first-level appeal from a decision of a disciplinary tribunal;
- (b) ensure that this appeal is on the record and not a new trial and that it is restricted to a question of fact, a question of law or a question of mixed fact and law; and
- (c) eliminate the right of an officer who is the subject

of a complaint to request an internal appeal to the police board where the complainant has chosen not to appeal.

**(Page I-76: Volume 2)**

313. The province:

- (a) ensure that both officers and citizens may, if they wish, present their case through counsel of their choice at disciplinary hearings and appeals, regardless of the severity of the penalty; and
- (b) enable the complaint commissioner to appoint counsel where the complaint commissioner believes that the complainant cannot afford to retain counsel and the complainant is ineligible for legal aid.

**(Page 1-77: Volume 2)**

314. The province enable the appeal tribunal to increase or decrease the punishment levied on an officer by the disciplinary tribunal but not increase it beyond the maximum predetermined penalty.

**(Page 1-77: Volume 2)**

## **THE ROLE OF THE RCMP IN POLICING THE PROVINCE**

315. The province undertake a full study of the actual costs, utility and impact of the RCMP on policing the province.

**(Page J-43: Volume 2)**

316. The province undertake negotiations with the federal government and the RCMP to bring the policies and practices of the agency in line with the recommendations of the Inquiry.

**(Page J-43: Volume 2)**

317. The province begin investigation of the establishment of a provincial police agency So as to be prepared should the RCMP not comply with provincial policing policy.

**(Page J-43: Volume 2)**