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15 pages

Original kept on file

October 15, 2014

Office of the Police Complaint Commissioner  
5th Floor, 947 Fort Street  
PO Box 9895 Stn Prov Govt  
Victoria, British Columbia V8W 9T8

**Attention: Sylvia Sangha, Registrar**

Dear Ms. Sangha:

**Re: ROBINSON, Taylor - OPCC #2010-5401; Public Hearing #2013-05**

I act for the Chief Constable and Vancouver Police Department in this matter. I attach a copy of a letter from the Chief Constable to Mr. Oppal, and a Report entitled "VPD Initiatives in DTES - Partnering with the Community". Would you kindly provide these items to the Adjudicator. I have, by e-mail, attached a copy of this letter and attachment to all counsel.

Yours truly,

WILSON | BUTCHER



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JIM CHU  
CHIEF CONSTABLE

## OFFICE OF THE CHIEF CONSTABLE

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October 15, 2014

The Honourable Wally Oppal, Q.C., Adjudicator  
c/o Office of the Police Complaint Commissioner  
5<sup>th</sup> Floor, 947 Fort Street  
PO Box 9895 Stn Prov Govt  
Victoria, British Columbia  
V8W 9T8

Dear Mr. Adjudicator:

**Re: ROBINSON, Taylor - OPCC #2010-5401; Public Hearing #2013-05**

Thank you for the invitation to make submissions respecting a number of issues raised by counsel in Constable Taylor Robinson's Public Hearing. As Chief Constable, I appreciate the opportunity to provide further information that I hope will assist you in making your decision.

### **The Incident**

It is clear, and now admitted, that Constable Robinson committed misconduct by pushing Ms. Davidsen to the ground. He perceived a threat when we now know there wasn't one, and then compounded his unjustified use of force by not immediately aiding Ms. Davidsen to her feet. His conduct was unacceptable and inconsistent with the values and training of the Vancouver Police Department (VPD). It has damaged the extraordinary efforts that dozens of other police officers have made, and continue to make on a daily basis, to build positive relationships with the Downtown Eastside community ("DTES").

That said, I, as Chief Constable, have to accept some responsibility for what occurred.

In 2008 and 2009, 151 new officers were hired to ensure that the VPD was at full strength before and during the 2010 Winter Olympics. At the time Constable Robinson graduated from the Justice Institute, 31% of patrol Constables had less than one year of experience, and 40% had less than two years. Although the Department had a long-standing preference that new officers not be assigned to the DTES immediately after completing their training, such assignments did occasionally occur during that time period. Constable Robinson was one of those exceptions and was assigned immediately to the DTES. I note as well that Constable Robinson was unusually young. He was hired at the age of 21, when the average age of new recruits was 27½ years. I will address the steps taken by the VPD to address these issues later.

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I must comment briefly on the allegation of “drilling”. I understand that the phrase was used by a witness officer, a former DTES constable who had developed a personal friendship with Ms. Davidsen. This witness officer’s comments were inaccurate and misunderstood. Not only were the comments completely unsupported by any evidence in this case, but I can advise that I am not aware of a single officer who has heard of that term or practice, nor am I aware of a single complaint alleging such misconduct. I support the findings of Superintendent Hobbs and submissions of Mr. Crossin on this point.

**The Delay**

Concerns have been raised about the cumulative delay of more than four years to bring this case to a conclusion, and two delays in particular: the initial delay in reporting the incident to the Office of the Police Complaint Commissioner (OPCC), and the nine-month delay in concluding the discipline hearing.

Although the *Police Act* provides directory timelines for various steps in the complaint process, the timing of those steps can be compromised where there are parallel proceedings. In this case, a great portion of the overall delay can be attributed to (1) a suspension of the *Police Act* process while criminal proceedings were outstanding, and (2) a request by Constable Robinson’s counsel that the Discipline Hearing be adjourned pending a Human Rights Tribunal hearing. I understand that Commission counsel had advised you that the overall delays are explained.

With respect to the initial delay in reporting this incident to the OPCC, I have the following comments. First, the new Part 11 of the *Police Act* came into force on March 31, 2010, and had been in place for just over two months at the time of the incident. The amendments took up more than 100 pages of statutory text. The VPD was, at the time, still developing policies and procedures that reflected the statutory changes. Second, it is clear that the case did not meet the “reportable injury” level which required reporting under s.89. Third, Inspector Cumberworth was the officer in charge of Professional Standards at the time. He was new in the position and doing the work now done by three Inspectors. He was simply unaware of the obligation to report. This was an honest mistake which is understandable given the complexity of the new *Act*. Inspector Cumberworth has accepted full responsibility for the error.

I must emphasize that Ms. Davidsen’s complaint was treated with the utmost consideration and concern. Constable Robinson’s Patrol Sergeant attended to the scene that day. The file was quickly assigned to Sergeant Jeremy Johnson in the Professional Standards Section. Ms. Davidsen was contacted immediately and informed of the VPD’s regret and disappointment in Constable Robinson’s actions. It is clear that Sergeant Johnson advised Ms. Davidsen of the OPCC complaint process during his interview of her two days after the incident. I note as well that Constable Robinson wrote a letter of apology very shortly after the incident.

In summary, the VPD regrets the failure to inform the OPCC of the incident immediately, but I am asserting that the investigative response after learning about it was immediate and appropriate. The claim that this incident was treated as an “internal discipline” matter is not correct. Internal discipline matters under Division 6 of Part 11 are referred to our Human Resources Section; public trust matters like this case are referred to the Professional Standards Section. It is also not correct to say that the VPD attempted to resolve this case informally.

With respect to the delay in convening the discipline hearing, I note that it was primarily caused by difficulties with Mr. Crossin’s calendar, and an understandable wish to defer the proceedings until after the Human Rights Tribunal hearing.

**Steps taken by the Department in the DTES**

This incident triggered a review of the VPD's work in the DTES. The action taken by the Department includes:

- Immediately after the incident occurred, I approved a mandatory policy that new police officers would not be assigned to the DTES. The VPD recognizes that the work in this neighbourhood is dynamic, challenging, and requires officers to be innovative in their policing and compassionate with the many marginalized people who live in this community. Experienced officers are the preferred choice for assignment to the DTES and new graduates are no longer assigned there.
- A process was developed to transfer all other police officers out of the DTES who had been assigned there immediately upon graduation. These transfers occurred over a six-month period.
- The policy requires that only officers with a minimum two years' policing experience can be considered for transfer to the DTES. While this minimum is lower than the 3 to 5 year range that has been proposed, a police officer working in Vancouver with two years' service has considerable policing experience. In my view, that minimum is appropriate and sufficient, when combined with other necessary attributes, to be successful working in the DTES.
- Officers assigned to the DTES are assigned to work with an experienced partner. I should note, however, that the proposal that partners/mentors have a minimum of 10 years' experience is unrealistic and unnecessary. The reality is that an officer with five years' service working in front-line policing in Vancouver is an experienced officer in that role. At the time of this incident, the average length of service of officers working in the DTES was five years, meaning that some of the officers had less service than that; however, since the policy changes outlined above, average seniority has increased significantly to the current average of 8.5 years' service.
- Newly-transferred officers to the DTES receive an in-depth orientation conducted by a Staff Sergeant. Topics discussed include the mandate, which includes a significant component of community engagement, the history and relevance of SisterWatch (described in the attached report), and the importance of community partners to the success of supporting people who live in the DTES. Further, it is emphasized that officers are expected to display the values of the VPD – integrity, professionalism, accountability and respect – at all times. The officers then spend time working closely with their new sergeant as well as senior members on the team. This is a foot patrol so it is routine for the sergeants to join new members on the beat and help them integrate into policing in the DTES.
- Also of note are the VPD's guiding principles of legal justification and proportionality for all enforcement action taken, and the requirement that such actions be the least intrusive necessary to achieve public safety. These principles are reinforced in many different contexts, such as in the VPD Sex Work Enforcement Guidelines (described in your MWCI report as a "model of community policing at its best") and Public Demonstration Guidelines. A recent example of VPD principles at work is in the conduct of DTES officers working to keep the peace in the Oppenheimer Park tent protest, which Madam Justice Duncan described as demonstrating "patience and restraint".
- To further support the work the VPD is doing in the DTES, our officers at all ranks have worked hard to develop relationships with key stakeholders and local service providers. This includes partnerships

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like SisterWatch, and community bonding initiatives such as "Lunch with the Chief," where DTES residents are invited to a luncheon at the Carnegie Centre to meet senior and frontline VPD officers. A full description of these community education and liaison efforts is in the attached report.

Further details of our Department's community liaison efforts are provided in the report attached to this letter.

**Conclusion**

In conclusion, the issue I leave for you to decide is the appropriate length of suspension required in this case. Constable Robinson must be held accountable for his misconduct, but I would ask that you take into account my acknowledgment that such a young and inexperienced officer should not have been assigned to full-time foot patrol in one of the most challenging policing environments in Canada.

Thank you again for the opportunity to make submissions to you.

Sincerely,

  
Jim Chu  
Chief Constable

/kc

Enclosure

VANCOUVER POLICE DEPARTMENT  
Beyond THE CALL  
BEYOND VANCOUVER POLICE DEPARTMENT  
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## **VPD Initiatives in the DTES**

### **Partnering with the Community**

**October 17, 2014**



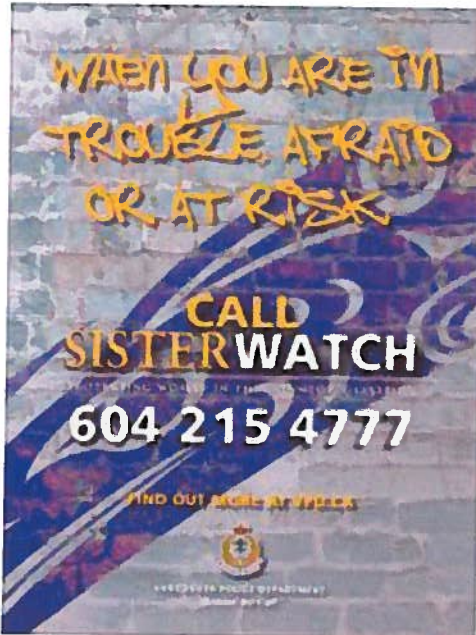
**VANCOUVER POLICE DEPARTMENT**  
*Beyond the Call*

## **Introduction**

The Downtown Eastside (DTES) is a vibrant and in many ways cohesive community, but is also a troubled community. It is filled with people who are passionate about their causes and devoted to making the neighbourhood a better place, but it is also, unfortunately, home to a high percentage of poor and marginalized people. For many living there, addictions, mental illness, poverty and homelessness are a reality. Addictions drive violent crime in the DTES and property crime in many neighbourhoods elsewhere in Vancouver. As a result, the DTES is arguably one of the most challenging neighbourhoods to police in Canada, if not North America, and requires a unique approach to manage many competing interests. The Vancouver Police Department (VPD) has committed to working with this community at all levels of rank and across all types of service it delivers. This report provides several examples of the work the VPD has and is performing in this community to demonstrate that it is committed to reducing crime and protecting the vulnerable; to building relationships and breaking down barriers; and the VPD as an organization – through the work of many individual officers – cares a great deal about the people who live in the DTES and the issues that affect them.

## **Community Engagement**

### **SisterWatch**



This initiative is a Vancouver Police Department/community partnership created in 2010 to reduce violence against marginalized women in the DTES. Chief Constable Chu co-chairs it with Ms. Mona Woodward, Executive Director of the Aboriginal Front Door Society. SisterWatch is truly a police/community partnership with diverse community and VPD representation, including both frontline and senior management ranks in recognition of its importance in addressing violence against women. The SisterWatch initiative has resulted in greater sharing of information about people preying on women in the DTES, which has resulted in timely arrests and prosecution of those responsible.

The VPD will continue to be a community partner in this initiative not only to share information to reduce violence against women but to continue building trust with those in the community.

# Police cracking down on predators

**DOWNTOWN EASTSIDE:** Victims of sex offender Martin Tremblay urged to come forward

BY CASIMY OLIVER  
Senior Reporter

Two weeks after dismantling two criminal groups working in the Downtown Eastside, Vancouver police have concluded a second wave of arrests targeting violent criminals who prey on the city's most vulnerable.

And in an extraordinary move, police also issued a public plea for victims of one of the arrested, Martin Tremblay, 45, to come forward as he is suspected of other unsolved crimes linked to the abuse of teenage girls.

Tremblay, of New Westminster, was one of 11 names released by police Friday stemming from an unprecedented series of investigations in the Downtown Eastside launched under the Sister Watch program.

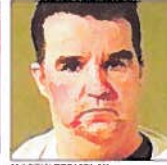
Seized during this latest series of arrests was more than \$50,000 in cash, three kilograms of morph, 0.25 kg of cocaine, 650 milligrams of GHB, two replica assault rifles, handguns, armour and other weapons.

Tremblay, a convicted sex offender, has been charged with four counts of trafficking cocaine and one count of possessing cocaine but police suspect he's linked to other crimes.

In 2002, he was convicted of the



Mona Woodward of Sister Watch, with police Chief Jim Chu in background, told news conference Friday that victims of Martin Tremblay who come forward will be made to feel safe. (BCA PHOTOFILE - PING)



MARTIN TREMBLAY  
— SUBMITTED PHOTO

Wednesday.

Two weeks ago, police spoke of projects Tyrant and Rescue, which led to the arrests of eight people alleged to have used violence and even torture against women in the Downtown Eastside.

Insp. Mike Porteous said those arrested in this latest wave are loosely connected to those arrested during projects Tyrant and Rescue. Charges include sexual assault, forcible confinement, trafficking and robbery.

One of those arrested, Huban Bawani, has allegedly used "strong-arm" tactics in the Downtown Eastside for 10 years, Porteous said.

In 2012, SisterWatch was recognized with a "Crime Prevention and Community Safety Award for a Community Organization," presented by then Minister of Justice and Attorney General Shirley Bond. (<http://vancouver.ca/police/organization/investigation/investigative-services/major-crime/sister-watch.html>)

## Lunch with the Chief



In February 2014, the VPD launched "Lunch with the Chief" in partnership with the Carnegie Centre Society. Eighty-five community members attended the luncheon and were provided with the opportunity to not only associate with frontline members who police their community but also to meet the Chief Constable, Executive members and Police Board representatives. Creating relationships on a personal level with Downtown Eastside community members shows that VPD members are real people, that we are here to help them and keep them safe and that we want to be part of the community; and what better way to do that than by breaking bread. This is an ongoing initiative in the DTES with the third in a series of

"Lunch with the Chief" events scheduled for November 2014.



### **Missing Women Memorial March**

Since 2011, VPD members have had the honour of being invited to participate in the annual Missing Women Memorial March. This event is held every Valentine's Day to remember and honour Missing and Murdered Aboriginal Women in Canada. The March brings approximately 5,000 people together in a show of support for the victims of violence. On average, approximately 50-60 VPD members take part in this important event.



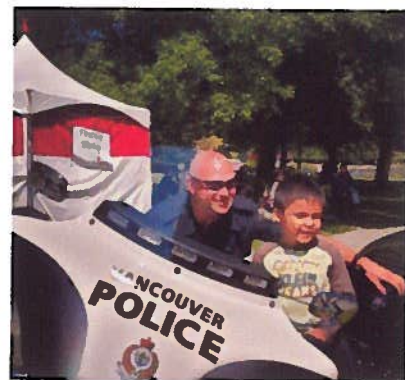
### **National Day of Action**



Traditionally, October 4<sup>th</sup> is a National Day of Action with planned protests across Canada. In Vancouver, there is a march from Main and Hastings to Crab Park where a vigil to honour the Missing and Murdered Women. Several VPD members are invited to attend and participate in this important event.

### **National Aboriginal Day**

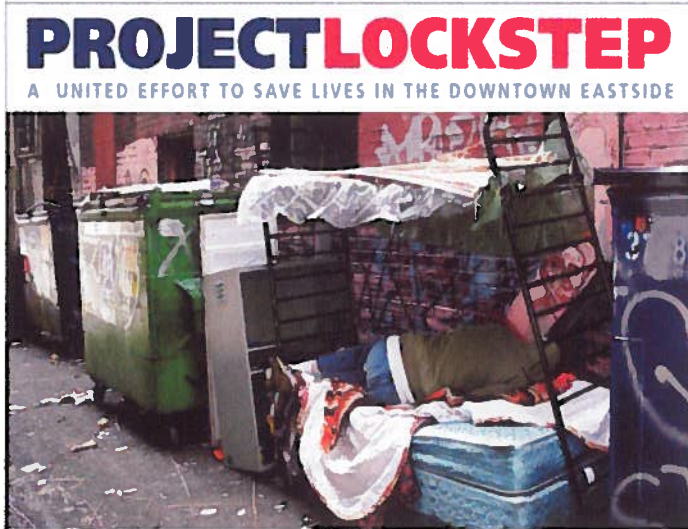
Each year, members of the VPD participate in National Aboriginal Day. A number of events take place at Musqueam, Trout Lake, the Aboriginal Friendship Centre and Oppenheimer Park. We are invited to participate and stand beside elders in the Aboriginal community at these sites in an effort to continue building relationships with DTES residents from the Aboriginal community.



### **National Aboriginal Remembrance Day**

VPD members have taken part in this annual ceremony since 2011. We provide our traffic unit to ensure the safety of participants and are called upon to place a wreath in memory of Aboriginal Veterans.

## Project Lockstep



In 2009, the VPD undertook an examination of the root causes of the degradation of the DTES that took place over the course of many years. What it found was not earth shattering – that a public health and public order crisis overwhelmed the lives of a significant number of people living in the DTES.<sup>1</sup> This crisis affects all three levels of government and Project Lockstep was a call on governments to take action in a mandated and coordinated manner to address the root causes of this crisis in the DTES.

## Town Hall Meetings

Members of the Vancouver Police Department have participated in a number of Town Hall meetings at the Carnegie Centre to discuss issues surrounding violence, homelessness, poverty and policing in the Downtown Eastside. While the first few meetings initiated by the VPD in 2010 could fairly be described as adversarial, they have evolved to be community-led, friendly, productive meetings full of good will, humour and a sense of optimism. VPD members from senior management as well as line-level beat officers participate with diverse community representatives, breaking down barriers to effective communication and understanding. Information and ideas brought forward at the meetings are shared, assessed and acted upon by the VPD and reported back to the community.



<sup>1</sup> <http://vancouver.ca/police/assets/pdf/reports-policies/vpd-project-lockstep.pdf>, p. 7

## **Outreach**

The Vancouver Police Department has partnered with a number of agencies in the Downtown Eastside of Vancouver for the purposes of creating a safer environment for residents:

### **Single Room Occupancy Operators**

The VPD has built solid relationships with Single Room Occupancy (SRO) hotel operators such as Atira and Community Builders. This has served the community well in working towards increasing safety within the SROs.

### **InSite**

Officers in the DTES and InSite (Supervised Injection Site) staff work closely together to connect residents of the DTES with health and treatment services, and to address public safety issues. For example, on October 12, InSite notified the VPD there had been a series of overdoses because of contaminated drugs. The VPD immediately took steps to get that information out to the community through various channels.

### **Battered Women Support Services**

The VPD has partnered with Battered Women's Support Services to assist with providing outreach to female victims of crime, and formally supported BWSS in its successful grant application in 2012 to enhance its outreach work.

### **Aboriginal Front Door Society**

The Vancouver Police Department partnered with the Aboriginal Front Door Society on education workshops for young women and girls focused on prevention of Sexual Exploitation.

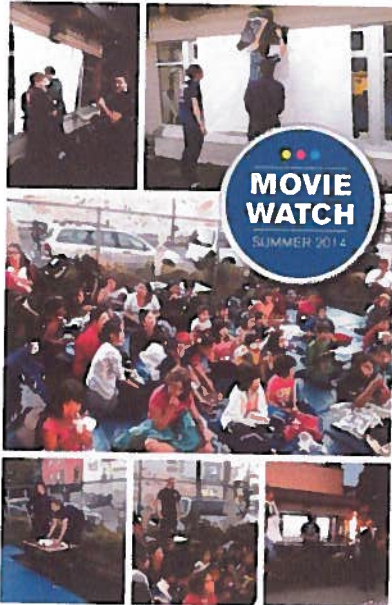


### **Aboriginal Mother's Centre**

The VPD partnered with the Aboriginal Mother's Centre in the development and delivery of "Where the Waters Meet. A building bridges project." This innovative program brings women from the Aboriginal Mother's Centre and members of the VPD together to build stronger and

more trusting relationships. As part of this program, ten workshops have been scheduled with six already completed. The final four workshops will be completed by December 2014.

### RayCam/Carnegie Centre Movie Nights



This initiative came about through the initial SisterWatch meetings. VPD members schedule a number of “movie nights” at the RayCam Community centre. Families are encouraged to attend to watch a movie and enjoy snacks and popcorn. There are approximately 3-4 movie nights held every year. The latest movie night was held in September 2014.

### Frames Film Project

This is a new initiative involving youth from the DTES and VPD members working together to foster youth crime prevention at the Frog Hollow Neighbourhood House.

### Food for the Homeless



The VPD partnered with Save on Meats to distribute tokens for free breakfast sandwiches for those in need in the DTES. The VPD has also recently used our VPD Cadet Program launched, in 2014 to distribute these tokens, as well as blankets and socks, to needy residents.



## Sex Work Liaison

The VPD has partnered with “PACE” (*Providing Alternatives Counselling & Education Society By, With, and For Sex Workers*), a grassroots sex worker advocacy organization, to deliver self-defence training. As recently as October 1<sup>st</sup>, PACE wrote to the VPD to express its appreciation for the work the VPD has done to make sex workers safer:

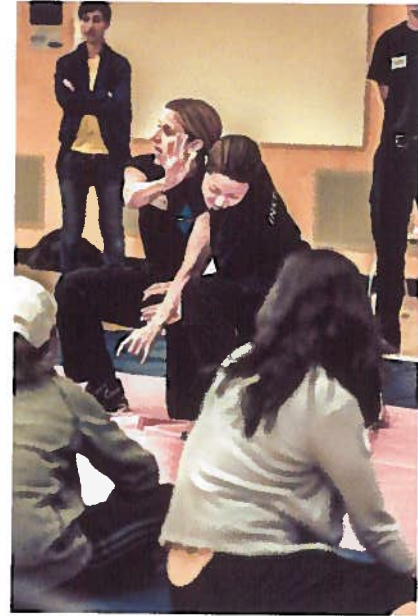
*I just wanted to let you know how much I, the Safety Coaches and the members/participants appreciated this training and to thank everyone. I want to let you know how fabulous I and everyone thought the day went. Really, really useful, not complicated and easy to remember...you were all so friendly, personable and articulate, the members got to know more VPD [personnel] and find out that they are not the enemy.*

The VPD deploys both a full-time Sex Industry Liaison Officer and a full-time Homeless Outreach Officer. Each of these officers works closely with their clients to problem-solve, build productive relationships, and contribute to improved safety. This initiative was praised in an interview with Susan Davis – a victim of rape and a sex worker who testified at the Missing Women Commission of Inquiry (MWCI):

*Davis praised the more recent efforts of the VPD to liaise with, and protect, DTES women, particularly through the VPD sex-worker liaison Const. Linda Malcolm.<sup>2</sup>*

In March 2012, the VPD implemented the “Sex Work Enforcement Guidelines” as a guiding document to establish a process by which the VPD will work with the sex industry community to open lines of communication and foster increased engagement. The Guidelines also assist front line officers in understanding the VPD’s philosophy and expectations regarding the investigation of crime in the sex industry. Commissioner Oppal commented on the Guidelines in the final MWCI report:

*I support the approach taken by the VPD...because of the community engagement process undertaken in developing the guidelines...The guidelines prioritize “high-risk safety concerns,” making them the driving force of any level of enforcement by the Vancouver police. The guidelines approach is a model of community policing at its best.<sup>3</sup>*



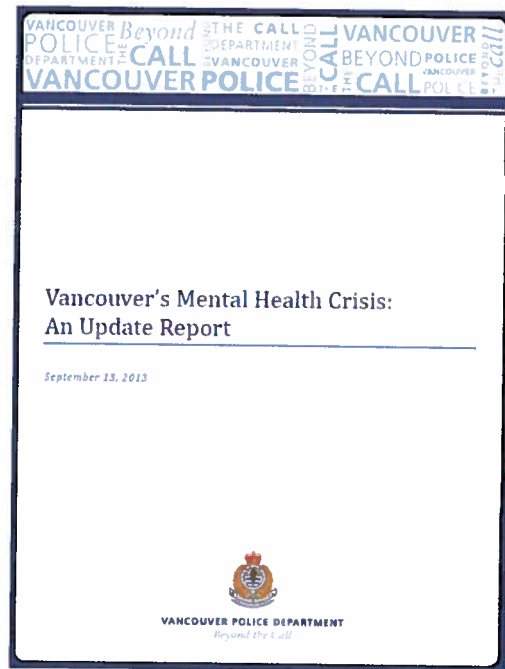
<sup>2</sup> [http://missingwomen.blogspot.ca/2011\\_10\\_01\\_archive.html](http://missingwomen.blogspot.ca/2011_10_01_archive.html)

<sup>3</sup> <http://www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf>, p. 130

## Mental Health

The VPD has partnered with Vancouver Coastal Health to create Assertive Community Treatment (ACT) teams and Assertive Outreach Teams (AOTs) to better assist the mentally ill in Vancouver, the majority of them in the DTES. So far, rigorous research has demonstrated remarkably significant impacts in reducing the number of negative contacts with the criminal justice system, reducing victimization, and improving the quality of life for seriously mentally ill residents of the DTES and elsewhere in Vancouver.

The VPD raised awareness about the mental health crisis that has gripped the DTES in 2008 when it published a ground-breaking and award-winning report entitled "Lost in Transition", which made a series of recommendations aimed at improving the lives of the mentally ill in Vancouver. The VPD followed up with a report card on the status of these recommendations in 2010 and found that many had not yet been addressed by various service providers including the provincial government. In 2013, the VPD released an "update" report which once again shined a spotlight on this crisis following a series of very violent incidents involving mentally ill suspects. Chief Constable Chu and Mayor Gregor Robertson together called on the provincial government to act and it responded by dedicating additional money to support mental health initiatives in the DTES and elsewhere.



## Policing Protests

In accordance with the VPD's Public Demonstration Guidelines, the VPD uses tactics that recognize the public's right to lawful demonstration while upholding the law in a proportionate manner and with the least level of intrusiveness in doing so.<sup>4</sup> A successful example of the implementation of these guidelines occurred during the policing of the "Pidgin Protest," and most recently during the Oppenheimer encampment. A commitment to community engagement during protests such as these has served the VPD and the community well in fostering relationships and peaceful resolutions to protests.

## Research Initiatives to Help Improve Lives in the DTES

The VPD has partnered with academics to conduct research, and is concurrently working with provincial government officials, on an initiative to change the manner and frequency of welfare cheque distribution to reduce the vulnerability of recipients to predatory criminals in the DTES. In addition, the VPD conducts enhanced enforcement initiatives during welfare cheque issue

<sup>4</sup> <http://vancouver.ca/police/assets/pdf/reports-policies/public-demonstration-guidelines.pdf>

weeks to reduce and prevent violent crime during a time when marginalized citizens are more vulnerable to victimization.

## **Conclusion**

The VPD is committed to making the DTES safer for all who live, work and visit there, and to improving the lives of the thousands of marginalized citizens who call it home. This report has summarized some of the key initiatives VPD members are involved in to achieve these goals. The VPD is making a positive contribution to life in the DTES and its successes are the result of a high level of commitment at every level of the organization and true partnerships with diverse stakeholders.