

2015/2016 Fourth Quarter in Review

(January 1, 2016 to March 31, 2016)

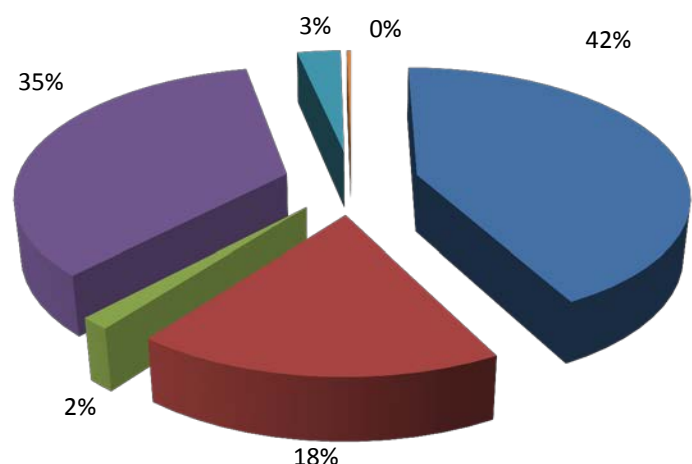
Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data.

The files opened by the OPCC from January 1 to March 31, 2016, can be broken down into the following categories:

- Registered Complaints** Registered Complaints are public trust complaints about a police officer's conduct or actions that affect a member of the public personally or that he or she has witnessed (Part 11, Division 3 of the *Police Act*).
- Questions or Concerns** If a member of the public has a question or concern about a municipal police officer's conduct, but does not wish to file a registered complaint he/she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern, and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review (Part 11, Division 3 of the *Police Act*).
- Ordered Investigations & Mandatory Investigations** Complaint investigations may be ordered by the Police Complaint Commissioner, whether it is upon the request of a department or as a result of information received from any source that raises concerns about officer misconduct. The legislation also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death (Part 11, Division 3 of the *Police Act*).
- Monitor Files** Monitor Files are opened when information is received by the OPCC from the police, including Reportable Injuries, or other sources such as media reports that *may* require an investigation pursuant to the *Police Act*. These are typically incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have been identified to date. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "Reviewed & Closed".
- Internal Discipline** Internal Discipline files involve performance management issues or employer/ employee concerns that do not affect members of the public (Part 11, Division 6 of the *Police Act*).
- Service or Policy** Service or Policy complaints are those regarding the quality of a police department's service to the community or regarding their operating policies (Part 11, Division 5 of the *Police Act*).

326 Files Opened between January 1 to March 31, 2016

- 138 ■ Registered Complaints
- 59 ■ Questions or Concerns
- 5 ■ Internal Discipline
- 113 ■ Monitor
- 10 ■ Ordered Investigations
- 1 ■ Service Or Policy



Admissibility of Registered Complaints Received between January 1 to March 31, 2016

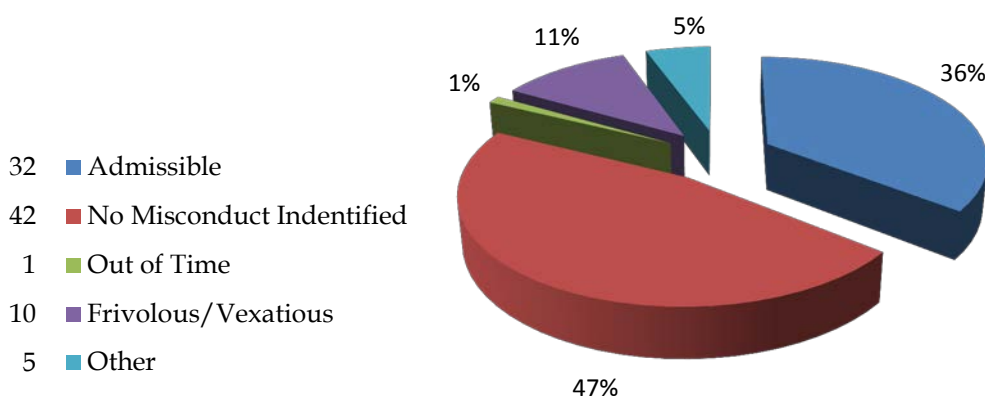
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

In order for a complaint to be deemed admissible, it must:

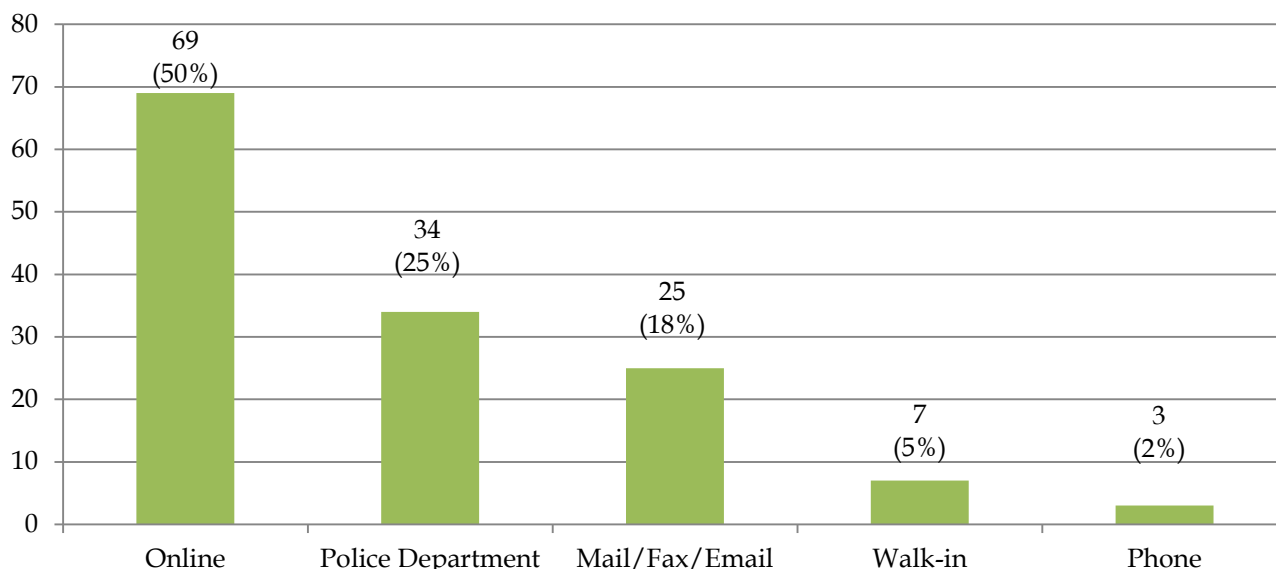
- Contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- The complaint must be filed within one year of when it occurred; and
- Not be frivolous or vexatious

Only admissible registered complaints are forwarded to the Professional Standards Section of the originating department for investigation.

Breakdown of Admissibility of Registered Complaints ¹



How Registered Complaints were received between January 1 and March 31, 2016



¹ When this report was generated, 48 registered complaints were undergoing an admissibility review and a determination had not yet been made.

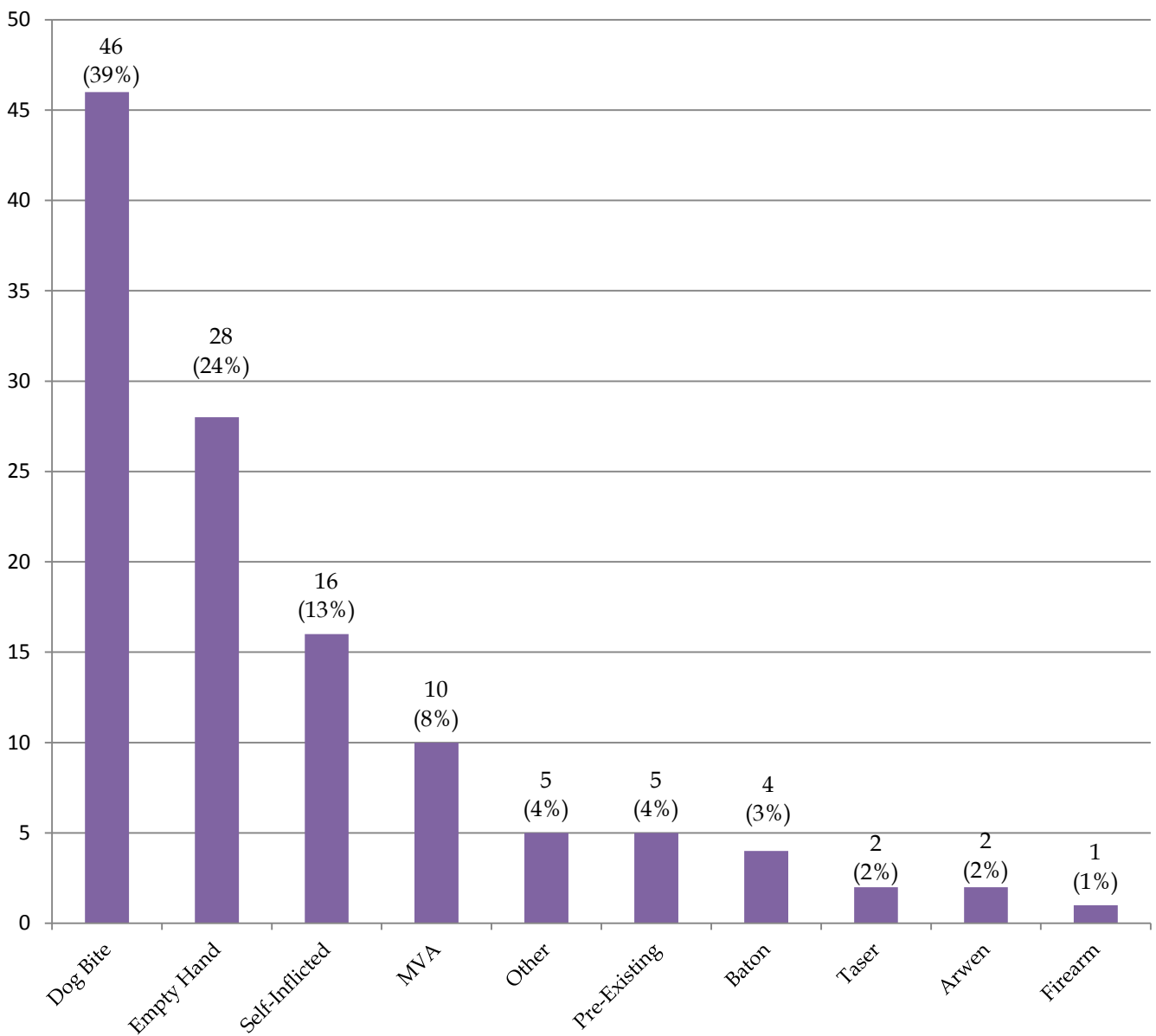
Files Opened between January 1 and March 31, 2016 - By Department

Department	TOTAL	Inadmissible Registered	Admissible Registered	Admissibility Decision Pending	Mandatory Investigation	Ordered Investigation (Dept. Request)	Ordered Investigation (PCC Initiated)	Monitor	Question or Concern	Internal Discipline	Service or Policy
Abbotsford	25	4	2	5	0	1	0	10	2	1	0
Central Saanich	3	0	1	2	0	0	0	0	0	0	0
CFSEU	0	0	0	0	0	0	0	0	0	0	0
Delta	7	0	0	1	0	0	0	6	0	0	0
Nelson	1	0	0	0	0	0	0	1	0	0	0
New Westminster	19	3	1	3	0	2	0	7	2	1	0
Oak Bay	3	0	0	0	0	0	0	1	2	0	0
Port Moody	7	0	0	0	0	0	0	3	4	0	0
Saanich	32	7	2	1	0	1	0	7	13	1	0
SCBCTAPS	27	3	0	2	0	0	0	8	13	1	0
Stl'atl'imx	0	0	0	0	0	0	0	0	0	0	0
Vancouver	149	23	16	28	1	2	1	61	16	0	1
Victoria	42	17	9	5	1	0	0	7	3	0	0
West Vancouver	11	1	1	1	0	1	0	2	4	1	0
TOTAL:	326	58	32	48	2	7	1	113	59	5	1

Reportable Injury Notifications s. 89 Received between January 1 and March 31, 2016 ²

The *Police Act* requires departments to report all incidents where an individual in the care or custody of the police suffers a “reportable injury” that requires medical treatment. These “reportable injuries” are opened as Monitor Files until it is determined whether an investigation will be conducted. Between January 1 and March 31, 2016, the OPCC received **107** notifications of reportable injuries involving **119** uses of force.

- 02 which resulted in a mandatory external investigation;
- 02 which resulted in an individual filing a registered complaint.

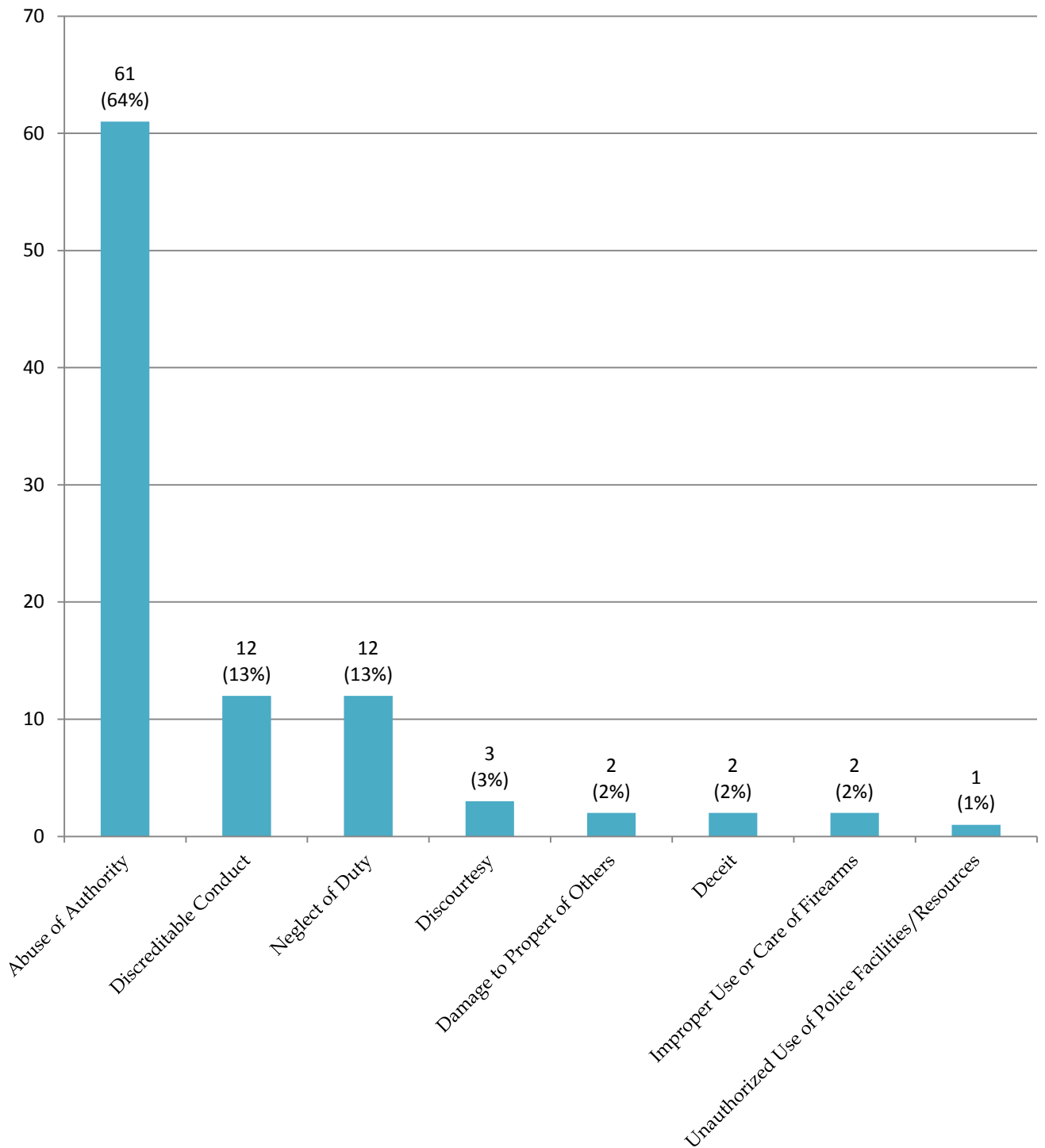


² 'Other' are incidents where a person is in medical distress with the cause being unknown.

Allegations Forwarded on for Investigation between January 1 and March 31, 2016

Once a complaint file is deemed admissible or an investigation is ordered, allegations of misconduct are identified against individual members. The *Police Act* identifies 13 public trust allegations. Between January 1 and March 31, 2016, the OPCC identified 95 public trust allegations and forwarded them to the member(s) department for investigation.

Please note that these are only allegations and do not reflect whether they were substantiated or not substantiated.



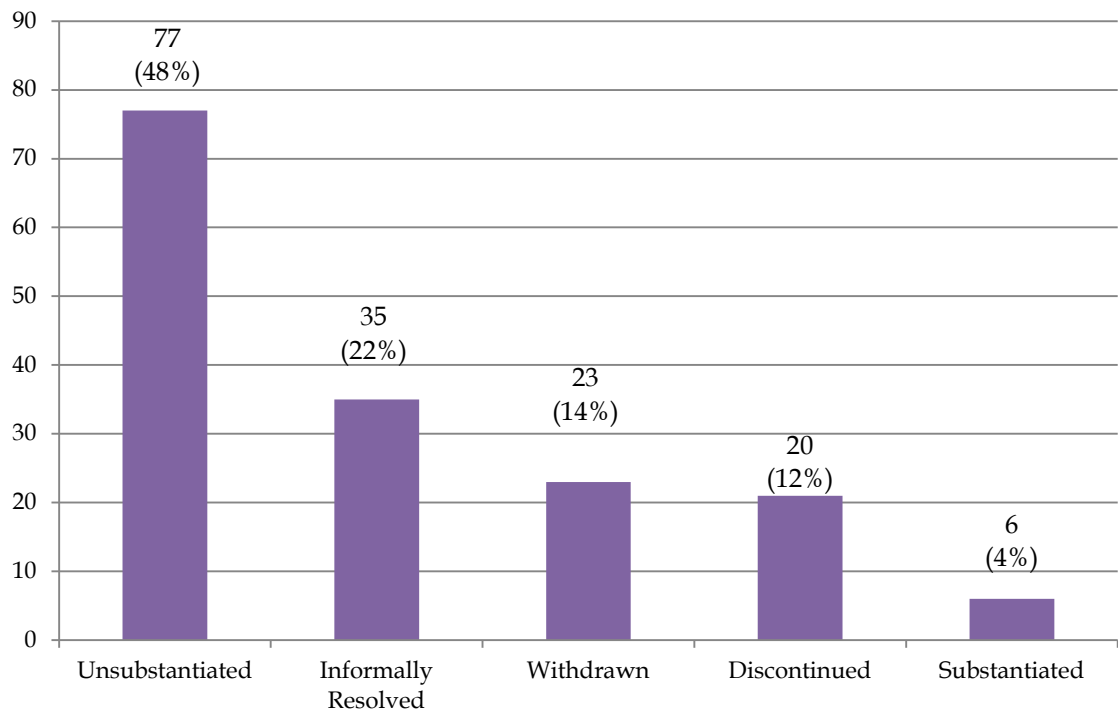
Allegations Concluded between January 1 and March 31, 2016

As stated earlier, all *Police Act* (Division 3 – Public Trust) complaint files are reviewed and separate allegations of misconduct are identified as they relate to each officer involved. A single complaint file may contain multiple allegations against more than one officer. When referring to concluded allegations the figures relate to the allegation, not the complaint file. The figures for files opened and allegations concluded are independent.

Allegations of misconduct against an officer that are processed pursuant to Divisions 3 & 4 of the *Police Act* may result in the following outcomes:

Withdrawn	<i>A Complainant may withdraw his/her complaint at any time in the process; however, the Commissioner may direct that the investigation continue if it is determined it is in the public interest to do so.</i>
Informally Resolved	<i>A complaint may be informally resolved pursuant to Division 4 of the Police Act. Both parties must sign a Consent Letter outlining the agreement and both parties have 10 business days in which to change their mind. The OPCC reviews all informal resolutions and if the Commissioner determines it is not appropriate or inadequate, the resolution is set aside and the investigation continues.</i>
Mediated	<i>Division 4 also permits a complaint to be resolved through mediation, facilitated by a professional mediator. If no agreement can be reached, the investigation continues. Amendments to the legislation now give the Commissioner the authority to direct a Complainant to attend mediation, and similarly, the Chief Constable may order the member to attend.</i>
Discontinued	<i>The Commissioner may direct an investigation into allegations of misconduct be discontinued if it is determined that further investigation is neither necessary nor reasonably practical, or if it is found that the complaint is frivolous, vexatious or made knowing the allegations were false.</i>
Not Substantiated	<i>Following an investigation conducted pursuant to Division 3, the Discipline Authority determines there is no evidence to support the allegation of misconduct and the OPCC determines an adjudicative review is not necessary.</i>
Substantiated	<i>Following an investigation conducted pursuant to Division 3, the Discipline Authority determines the allegation is supported by the evidence. The Discipline Authority must then decide on appropriate disciplinary and/or corrective measures to impose.</i>

Between January 1 and March 31, 2016, the OPCC concluded **161** public trust allegations in the following manner:



Mediation & Informal Resolution of *Police Act* Complaints

Informal Resolution (s.157)

Our experience has shown that there are a large number of police complaints that are better suited to be resolved through alternative dispute resolution than undergoing a formal investigation. By directly participating in the solution to the dispute, the majority of complainants and members come away from the process with a more meaningful and positive level of satisfaction. The Police Complaint Commissioner has identified alternative dispute resolution as a priority for this office.

Under the *Police Act*, there are two avenues of alternative dispute resolution: Informal Resolution which is facilitated by a Professional Standards Investigator at the police department; and Mediation which is conducted by an independent and neutral mediator.

Based on the nature and seriousness of the allegations, an attempt at informal resolution may be recommended by the OPCC to the police department. It is up to the police department to determine whether an attempt at resolving a complaint through ADR will be undertaken. Both the complainant and the respondent member must agree in writing to the proposed resolution and both have ten business days to revoke their consent to informally resolve. The OPCC reviews all informal resolution agreements to ensure the resolution is appropriate and adequate.

Between January 1 and March 31, 2016, the OPCC reviewed and approved informal resolution agreements relating to **35 (23%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for alternative dispute resolution.

2015/2016 Fiscal Year	4th Quarter (January 1 to March 31, 2016)
Allegations Informally Resolved	35 (23%)
Total Allegations Concluded	152

Mediation is a process for resolving disputes between a complainant and a member with the assistance of a neutral professional mediator.

There were no mediations held between January 1 and March 31, 2016.

Mediation (Division 4)

Adjudicator Reviews between January 1 and March 31, 2016

The *Police Act* offers three avenues of review following a Discipline Authority's decision:

**Appointment of a
New Discipline
Authority
[s.117]**

If, following an investigation, the discipline authority determines that the conduct of the member did not constitute misconduct, and the Commissioner believes there is a reasonable basis to believe the decision is incorrect, the Commissioner may appoint a retired judge to review the matter.

Between January 1 and March 31, 2016, the Commissioner made one appointment for a retired judge to act as a new Discipline Authority.

**Review on the
Record
[s.141]**

Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter.

Between January 1 and March 31, 2016, the Commissioner not appoint a retired judge to conduct one review on the record.

**Public Hearing
[s.143]**

Public hearings remain an option for the Commissioner if he believes such a review of a *Police Act* matter is required in the public interest. Public hearings are conducted by retired judges, are open to the public and evidence is presented under oath.

Between January 1 and March 31, 2016, the Commissioner did not call a public hearing.

All decisions from these three adjudicative avenues are available to the public through the OPCC website at www.opcc.bc.ca. As well, there is a schedule of current public hearings indicating the date and place of the hearings. All public hearings are open to the public to attend.

Substantiated Allegations - Concluded between January 1, and March 31, 2016

Abbotsford

No substantiated misconduct in this reporting period

Central Saanich

No substantiated misconduct in this reporting period

CFSEU (Combined Forces Special Enforcement Unit)

No substantiated misconduct in this reporting period

Delta

No substantiated misconduct in this reporting period

Nelson

No substantiated misconduct in this reporting period

New Westminster

Registered Complaint
(OPCC File 2015-10697)

Misconduct: Unauthorized Use of Police Facilities/Resources
Date of Incident: April 10, 2015

A company was contracted to replace and repair the fencing at a townhouse complex where the police member was a resident owner. The police member used police data bases to query one of the contractors and the licence plate of a vehicle being used by the contractors.

Misconduct: Improper Disclosure of Information
Date of Incident: April 20, 2015

A member of the property management company attended the member's residence to update him/her on the progress of the fence repair. During that conversation the police member disclosed that a vehicle being driven by one of the contractors was uninsured, and that one of the contractors had a criminal record.

Re Unauthorized Use of Police Facilities/Resources
(unauthorized search of CPIC/PRIME)

- One day suspension

Re Improper Disclosure of Information
(disclosing information acquired as a police officer)

- Written reprimand

Oak Bay

No substantiated misconduct in this reporting period

Port Moody

No substantiated misconduct in this reporting period

Saanich

Ordered Investigation (request by department)
(OPCC File 2015-10834)

Misconduct: Neglect of Duty
Date of Incident: Undated

<p>The police member responded to an “unwanted guest/intoxicated person” complaint at a private residence. The subject of the call, an intoxicated male, was found to be in breach of his court ordered conditions and his probation officer was notified.</p> <p>The police member failed to continue to communicate with the probation officer in a timely manner.</p>	<p>Re Neglect of Duty (failure to comply with departmental policy/regulations)</p> <ul style="list-style-type: none"> • Verbal reprimand • Work under close supervision for six months
<p>Ordered Investigation (request by department) (OPCC File 2015-10899)</p> <p>Misconduct: Discreditable Conduct Date of Incident: Undated</p> <p>The police member was operating a fitness consulting business during his/her off-duty hours which included appearing in a video that was published on the internet. The content of the video was found to have discredited the department in that it did not meet the reasonable expectations of the public. The police member resigned prior to the investigation being completed.</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • Advice to future conduct

SCBCTAPS

No substantiated misconduct in this reporting period

Stl’atl’imx Tribal Police

No substantiated misconduct in this reporting period

Vancouver

<p>Ordered Investigation (initiated by PCC) (OPCC File 2013-9173)</p> <p>Misconduct: Abuse of Authority Date of Incident: November 1, 2013</p> <p>The police member delivered a closed fist strike to a member of the public who was involved in a fight with another person. This person was rendered unconscious as a result.</p>	<p>Re Abuse of Authority (excessive force - empty hand)</p> <ul style="list-style-type: none"> • Advice to future conduct (which was to include a direction for the member to re-read and study the use-of-force report relating to the incident)
<p>Ordered Investigation (request by department) (OPCC File 2013-9232)</p> <p>Misconduct: Neglect of Duty Date of Incident: September 30, 2013</p> <p>The police member received explicit direction from his/her supervisors to refrain from any involvement in a specific police investigation. Later that same day, the police member attended a police roadside meeting related to that investigation on his/her own accord.</p>	<p>Re Neglect of Duty (failure to follow supervisor’s lawful order)</p> <ul style="list-style-type: none"> • Written reprimand

Victoria

No substantiated misconduct in this reporting period

West Vancouver

No substantiated misconduct in this reporting period