

2016/2017 Second Quarter in Review

(July 1, 2016 to September 30, 2016)

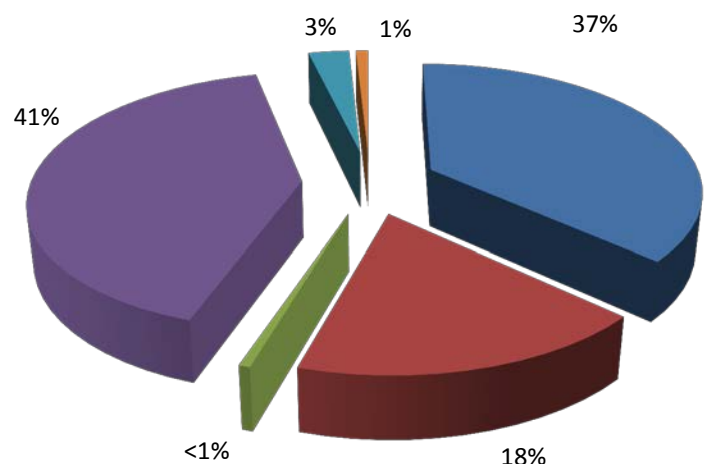
Please note the data contained in the following report may vary slightly from previous releases. Where differences exist, it can be assumed that the most current data release reflects the most accurate and up-to-date data.

The files opened by the OPCC from July 1, 2016, to September 30, 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*).

348 Files Opened between July 1, 2016 and September 30, 2016

- 128 ■ Registered Complaints
- 62 ■ Questions or Concerns
- 2 ■ Internal Discipline
- 143 ■ Monitor
- 10 ■ Ordered Investigations
- 3 ■ Service Or Policy



Admissibility of Registered Complaints Received between July 1, 2016 and September 30, 2016

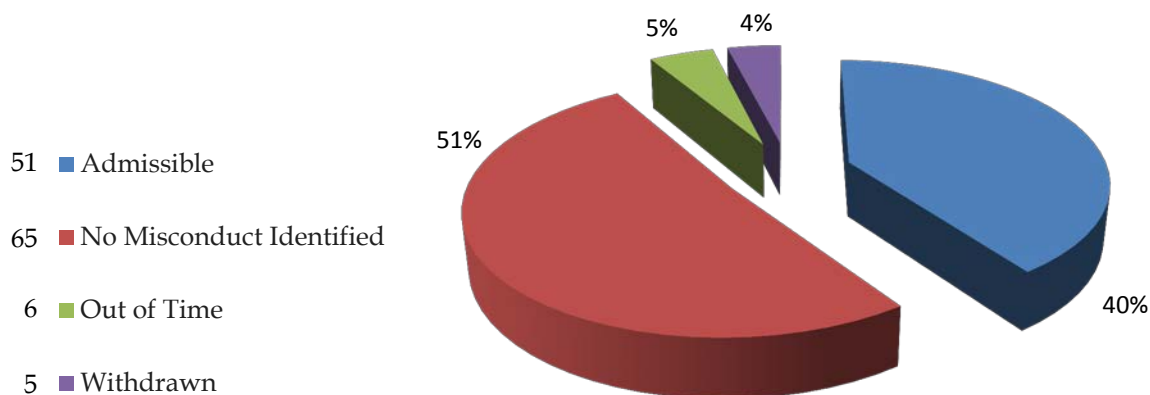
The legislation requires that all registered complaints received must first be reviewed by the OPCC to determine whether they are admissible under Division 3 – Public Trust – of the *Police Act*.

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

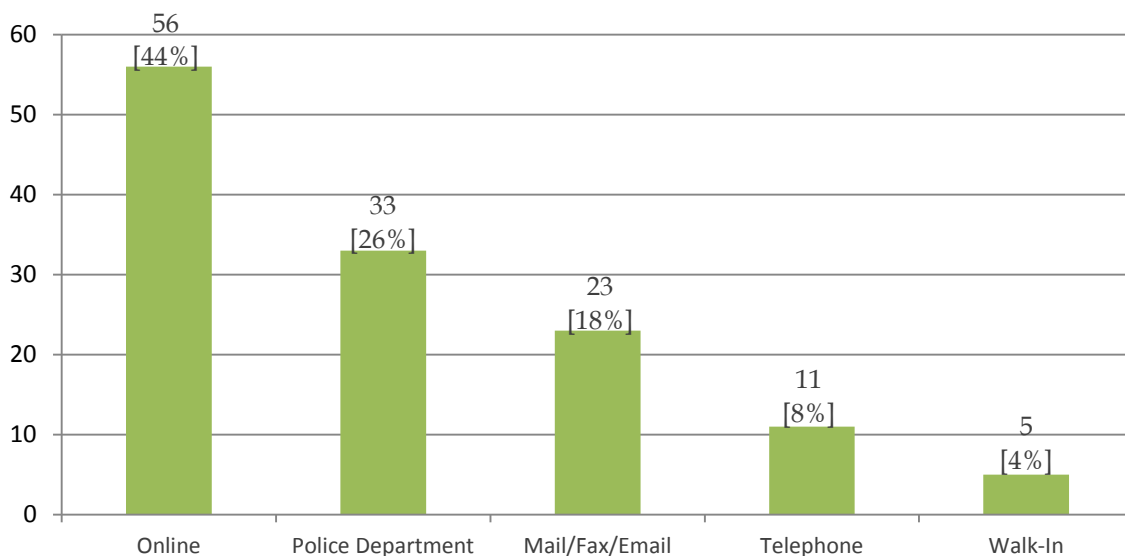
- Contain allegation(s) of conduct that, if proven, would constitute misconduct as defined by the *Act*;
- The complaint must be filed within one year of when it occurred; and
- Not be frivolous or vexatious

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 July 1, 2016 and September 30, 2016



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

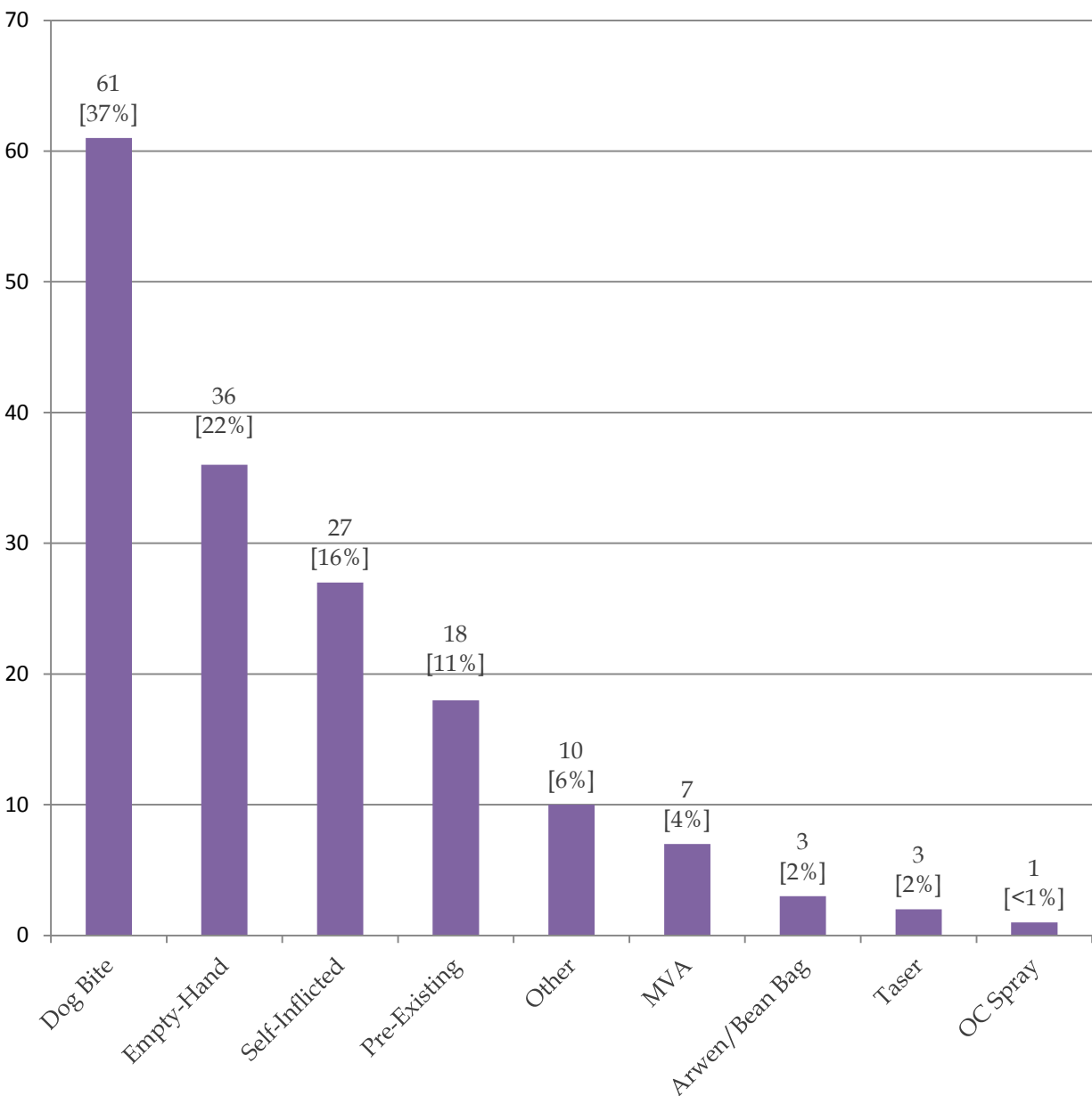
Files Opened between July 1, 2016, and September 30, 2016 – By Department

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	28	1	4	0	0	1	0	21	0	1	0
Central Saanich	1	0	0	0	0	0	0	1	0	0	0
CFSEU	0	0	0	0	0	0	0	0	0	0	0
Delta	17	3	7	0	0	1	0	4	2	0	0
Nelson	4	2	1	0	0	0	0	0	0	0	1
New Westminster	17	1	3	0	0	0	1	9	3	0	0
Oak Bay	1	1	0	0	0	0	0	0	0	0	0
Port Moody	2	1	0	0	0	0	0	0	1	0	0
Saanich	31	11	1	0	1	0	0	3	15	0	0
SCBCTAPS	29	2	1	0	0	0	0	2	24	0	0
Stl'atl'imx	0	0	0	0	0	0	0	0	0	0	0
Vancouver	167	31	30	1	1	3	1	86	13	0	1
Victoria	41	21	3	0	0	0	0	15	0	1	1
West Vancouver	10	2	1	0	0	1	0	2	4	0	0
TOTAL:	348	76	51	1	2	6	2	143	62	2	3

Reportable Injury Notifications s. 89 Received between July 1, 2016 and September 30, 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 July 1, 2016, and September 30, 2016, the OPCC received **138** notifications of reportable injuries involving **166** uses of force.

- 02 which resulted in a mandatory external investigation;
- 01 which resulted in Police Complaint Commissioner Ordered Investigation
- 02 which resulted in an individual filing a registered complaint.

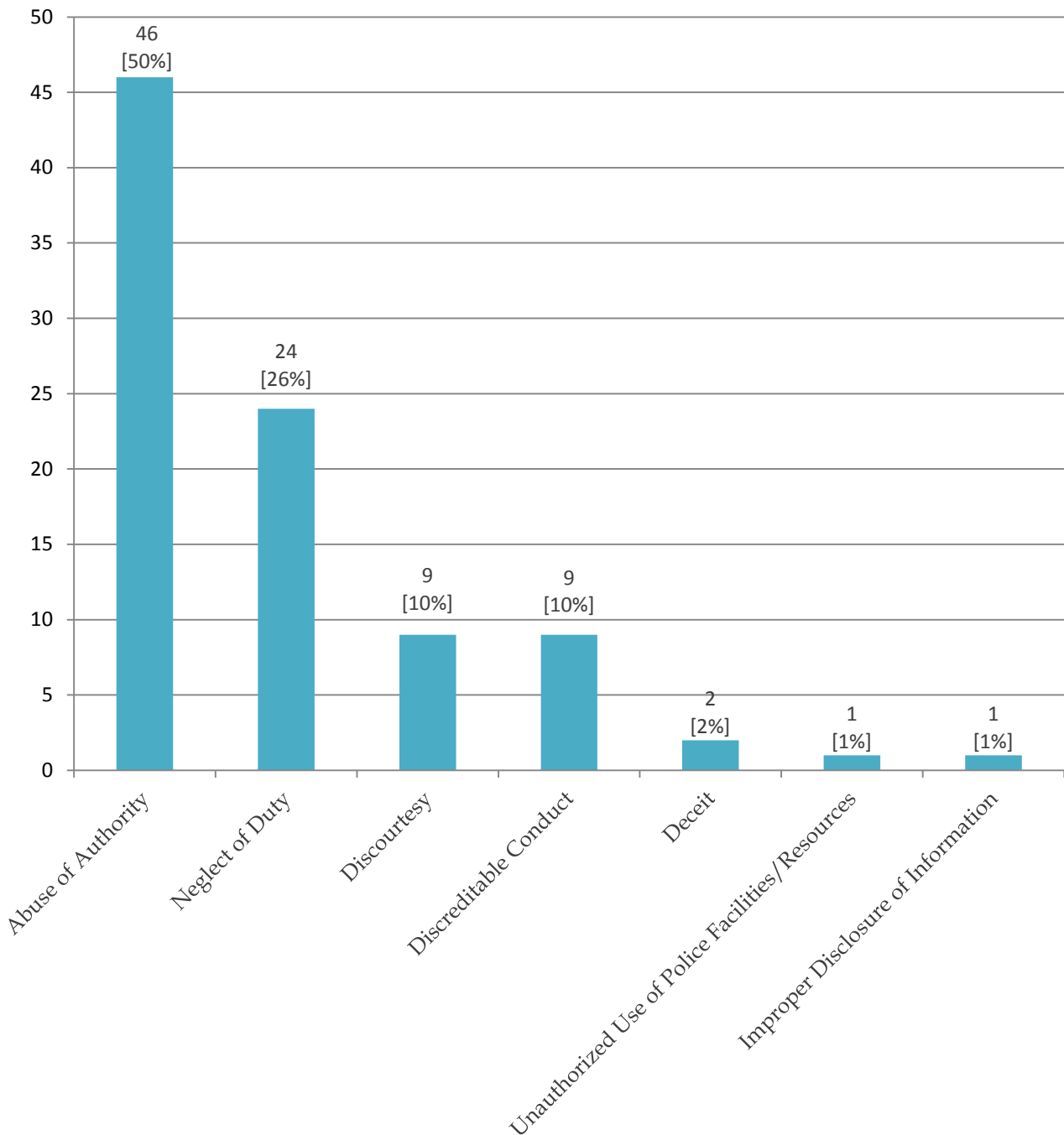


² 'Other' are incidents where a person is in medical distress with the cause being unknown.

Allegations Forwarded on for Investigation between July 1, 2016 and September 30, 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 July 1, 2016, and September 30, 2016, the OPCC identified **92** 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.



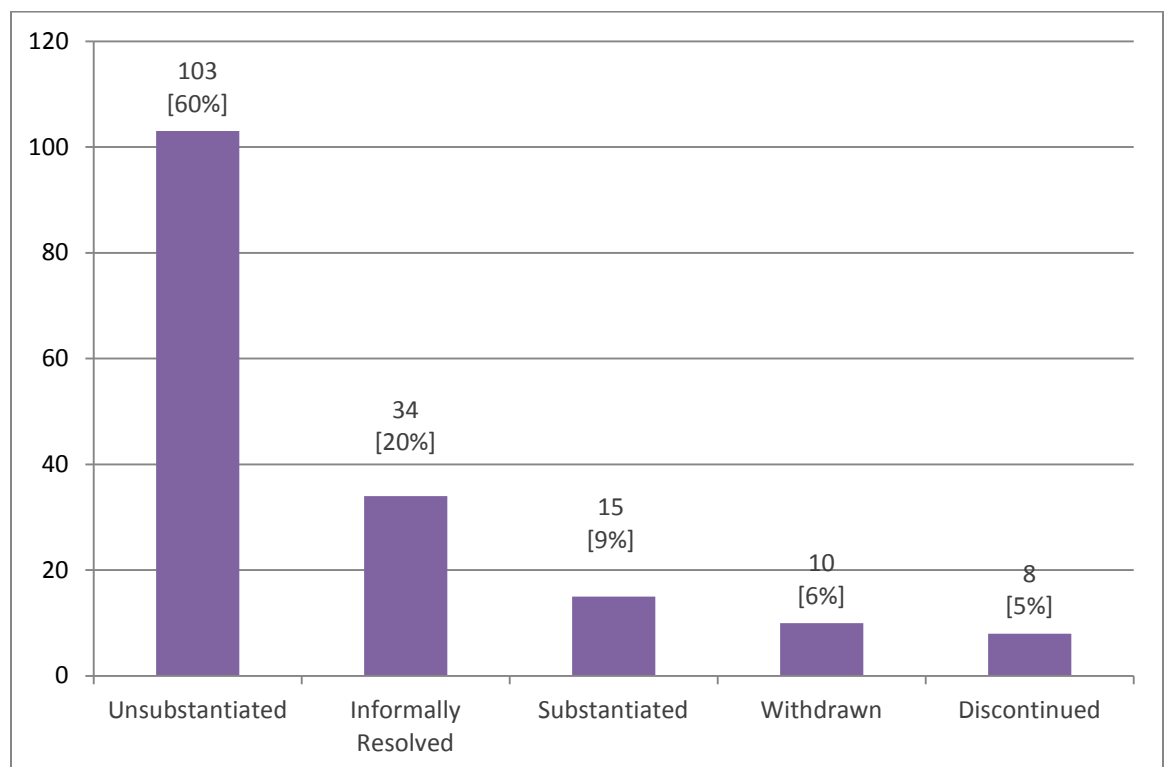
Allegations Concluded between July 1, 2016 and September 30, 2016

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 July 1, 2016 and September 30, 2016, the OPCC concluded **170** 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 July 1, 2016, and September 30, 2016, the OPCC reviewed and approved informal resolution agreements relating to **34 (21%)** allegations of misconduct. Under the *Police Act*, only registered complaints are eligible for alternative dispute resolution.

2016/2017 Fiscal Year	2nd Quarter (July 1, 2016 to September 30, 2016)
Allegations Informally Resolved	34 (21%)
Total Allegations Concluded	160

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 July 1, 2016, and September 30, 2016.

Mediation (Division 4)

Adjudicator Reviews between July 1, 2016 and September 30, 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 July 1, 2016, and September 30, 2016, the Commissioner appointed a retired judge to act as a new Discipline Authority in one matter.

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

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

Between July 1, 2016, and September 30, 2016, the Commissioner appointed a retired judge to conduct two Reviews 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 July 1, 2016, and September 30, 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 July 1, 2016, and September 30, 2016

Abbotsford

Internal Discipline
(OPCC File 2016-11822)

Misconduct: Discreditable Conduct
Date of Incident: April 6, 2016

The police member entered into a conversation with a sex trade worker in relation to obtaining sexual services.

Misconduct: Deceit
Date of Incident: April 8, 2016

The police member made several statements to a Professional Standards Investigator in relation to the April 6, 2016, incident which were later determined to be untrue.

Re Discreditable Conduct
(conduct that discredits the department)

- Dismissal

Re Deceit
(false or misleading oral or written statement)

- Dismissal

The police member was still in his probationary period as a police constable when this incident occurred. As a direct result of this incident the police member resigned from the department.

Central Saanich

No substantiated misconduct in this reporting period

CFSEU (Combined Forces Special Enforcement Unit)

No substantiated misconduct in this reporting period

Delta

Registered Complaint
(OPCC File 2015-11356)

Misconduct: Unauthorized Use of Police Facilities/Resources
Date of Incident: October 14, 2015

Three police members conducted improper PRIME queries in relation to an off-duty police member's call for assistance.

Misconduct: Improper Disclosure of Information

Three police members improperly disclosed information obtained through the improper use of police databases in the form of text messages.

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

Member 1

- Verbal reprimand

Member 2

- Verbal reprimand

Member 3

- Ethics training

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

<p>Misconduct: Accessory to Misconduct</p> <p>A police member encouraged other police members to query the police file and to disclose what they viewed on the file over a group text message.</p>	<p>Member 1</p> <ul style="list-style-type: none"> • Written reprimand <p>Member 2</p> <ul style="list-style-type: none"> • Written reprimand <p>Member 3</p> <ul style="list-style-type: none"> • Ethics training <p>Re Accessory to Misconduct (aiding, abetting or counselling misconduct)</p> <p>Member 1</p> <ul style="list-style-type: none"> • Written reprimand
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<p>Registered Complaint (OPCC File 2015-11044)</p> <p>Misconduct: Discreditable Conduct Date of Incident: August 2, 2015</p> <p>An off-duty police member unlawfully detained a male and female for theft at a home improvement store and made accusatory and derogatory remarks towards the male and female. The police member's conduct made store employees feel threatened and nervous.</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • Written reprimand • Counselling/Treatment • Training to consist of legal refresher and conflict resolution
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Nelson

No substantiated misconduct in this reporting period

New Westminster

No substantiated misconduct in this reporting period

Oak Bay

No substantiated misconduct in this reporting period

Port Moody

No substantiated misconduct in this reporting period

SCBCTAPS

<p>Internal Discipline (OPCC File 2016-11936)</p> <p>Misconduct: Damage to Police Property Date of Incident: May 24, 2016</p> <p>The police member intentionally struck the computer screen of a Mobile Data Terminal causing it to break after an error occurred that resulted in a loss of data.</p>	<p>Re Damage to Police Property (misusing/losing/damaging police property)</p> <ul style="list-style-type: none"> • Advice to future conduct
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<p>Internal Discipline (OPCC File 2015-11274)</p> <p>Misconduct: Discreditable Conduct Date of Incident: November 23, 2015</p>	
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<p>The police member included information in an affidavit that would likely bring discredit to the reputation of the police department.</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • Advice to future conduct
<p>Ordered Investigation (request by department) (OPCC File 2015-11237)</p> <p>Misconduct: Unauthorized Use of Police Facilities/Resources Date of Incident: November 2, 2015</p> <p>The police member queried his tenant using police databases.</p>	<p>Re Unauthorized Use of Police Resources/Facilities (unauthorized search of CPIC/PRIME)</p> <ul style="list-style-type: none"> • Written reprimand
<p>Ordered Investigation (request by department) (OPCC File 2015-11071)</p> <p>Misconduct: Neglect of Duty Date of Incident: February 11, 2015</p> <p>The police member recovered two back packs that were left on a bus. The police member entered the two back packs and the 23 items contained therein into PRIME. It was later determined that 4 of the items could not be located.</p> <p>Misconduct: Neglect of Duty</p> <p>The police member failed to record the locker number of the seized property in his notebook contrary to department policy.</p> <p>Misconduct: Neglect of Duty</p> <p>The police member failed to make a notebook entry listing the property seized on February 11, 2015, contrary to department policy, and the police member failed to save or preserve evidence of the returned property which consisted of a sheet of foolscap paper, contrary to department policy.</p>	<p>Re Neglect of Duty (failure to account for money/property received)</p> <ul style="list-style-type: none"> • Work under close supervision <p>Re Neglect of Duty (inadequate documentation/notes/records)</p> <ul style="list-style-type: none"> • Work under close supervision <p>Re Neglect of Duty (inadequate documentation/notes/records)</p> <ul style="list-style-type: none"> • Work under close supervision <p>The police member was to work under close supervision for a period of 48 working shifts.</p>

Saanich

<p>Registered Complaint (OPCC File 2016-11560)</p> <p>Misconduct: Discreditable Conduct Date of Incident: January 29, 2016</p> <p>The police member responded in an official capacity to a request for assistance from a person he/she knew well.</p>	<p>Re Discreditable Conduct (conduct that discredits the department)</p> <ul style="list-style-type: none"> • Advice to future conduct
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St'at'l'imx Tribal Police

No substantiated misconduct in this reporting period

Vancouver

<p>Registered Complaint (OPCC File 2015-11259)</p> <p>Misconduct: Neglect of Duty Date of Incident: November 2, 2015</p> <p>The police member removed a folding knife, a fixed blade knife</p>	<p>Re Neglect of Duty</p>
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and a wrist filler from an intoxicated person before lodging him into a police transport vehicle. The police member did not secure those items at the property office nor comment on them in his police report. The items were subsequently returned to the complainant.

(improper/inadequate documentation of seized property)

- Verbal reprimand

Victoria

Ordered Investigation (initiated by PCC)
(OPCC File 2015-11194)

Misconduct: Discreditable Conduct
Date of Incident: October 10, 2015

The police member was involved in a minor collision with a pedestrian and failed to stop.

Re Discreditable Conduct
(conduct that discredits the department)

- Written reprimand
- Referral for further training with regard to report writing

West Vancouver

No substantiated misconduct in this reporting period