

Special Committee to Review the Police Complaint Process Report



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

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November 25, 2019

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Report of the Special Committee to
Review the Police Complaint Process.

Respectfully submitted on behalf of the Committee,

Rachna Singh, MLA
Chair

Table of Contents

Composition of the Committee	i
Terms of Reference	ii
Executive Summary	1
Historical Context - Oversight of the Police Complaint Process	3
Committee Process	5
Audit Results.	7
Efficiency, Effectiveness and Accessibility of the Police Complaint Process	11
Improvements to the Police Complaint Process	16
Amendments to the <i>Police Act</i> – Part 11	19
Office of the Police Complaint Commissioner	24
Supports for Police	27
Summary of Recommendations.	29
Appendix A: Management Letter	34
Appendix B: Compliance Audit Report	37
Appendix C: Performance Audit Report.	49
Appendix D: Office of the Police Complaint Commissioner Response to Audit Findings . . .	70
Appendix E: Public Hearing Participants.	73
Appendix F: Written Submissions	74

Composition of the Committee

Members

Rachna Singh, MLA	Chair	Surrey-Green Timbers
Mike Morris, MLA	Deputy Chair	Prince George-Mackenzie
Garry Begg, MLA <i>(Chair February 6, 2019 to February 27, 2019)</i>		Surrey-Guildford
Adam Olsen, MLA <i>(to October 10, 2019)</i>		Saanich North and the Islands
Ellis Ross, MLA		Skeena

Committee Staff

Susan Sourial, Clerk Assistant, Committees and Interparliamentary Relations

Lisa Hill, Committee Research Analyst

Terms of Reference

On November 27, 2018 and February 21, 2019, the Legislative Assembly agreed that a Special Committee be appointed to conduct an audit respecting the outcome or resolution of randomly selected complaints and investigations, pursuant to section 51.2 of the *Police Act* [RSBC 1996] c. 367 and to prepare a report no later than November 26, 2019 on the results of that audit.

The said Special Committee shall have the powers of a Select Standing Committee and in addition is empowered:

- a. to appoint of their number one or more subcommittees and to refer to such subcommittees any of the matters referred to the committee;
- b. to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. to adjourn from place to place as may be convenient; and
- d. to retain such personnel as required to assist the committee;

and shall report as soon as possible to the House, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

Executive Summary

On November 27, 2018 and February 21, 2019, the Legislative Assembly agreed that a Special Committee be appointed to conduct an audit respecting the outcome or resolution of randomly selected complaints and investigations, pursuant to section 51.2 of the *Police Act* [RSBC 1996] c. 367 and to prepare a report no later than November 26, 2019 on the results of that audit. The Special Committee to Review the Police Complaint Process (the “Committee”) issued a Request for Proposals (RFP) on March 25, 2019 for an auditor to conduct compliance and performance audits, the latter focused on determining whether the Office of the Police Complaint Commissioner (OPCC) had met its goals as set out in its *2015/16-2018/19 Service Plan*. On May 21, 2019, the Committee appointed MNP LLP to conduct the audits.

The Committee also launched a public consultation process at the beginning of April to seek input on the police complaint process and focused on the following questions:

- Is the police complaint process efficient, effective and accessible?
- Are there aspects of the police complaint process that could be improved?
- What changes to the *Police Act* - Part 11 (Misconduct, Complaints, Investigations, Discipline and Proceedings), if any, should be made?

The Committee met with representatives from the Office of the Police Complaint Commissioner and the Ministry of Public Safety and Solicitor General on April 1, 2019. This was followed by public hearings on June 5 and 6, 2019 during which the Committee heard from invited organizations. The Committee also received a number of written submissions prior to the consultation deadline of June 28, 2019.

On October 21, 2019, MNP LLP briefed the Committee on the audit findings. The overall results from the audits were positive; the auditors noted that 65 percent of complaint files were completed within the six month timeframe stipulated within the Act, compared to 45 percent in 2012. Compliance audit recommendations included improving record-keeping and documentation and a more comprehensive review of the police complaint system. Recommendations from the performance audit focused on improved communications and public outreach, as well as the development of a data analytics role in support of information sharing. In his response to the audits, the Police Complaint Commissioner accepted all the audit recommendations and indicated that his office will work to improve their record-keeping and documentation processes, as well as communications and outreach activities.

The Committee makes a number of recommendations to increase the efficiency, effectiveness and accessibility of the police complaint process, including ensuring that appropriate supports are in place so that complainants are able to initiate a complaint in a respectful and safe environment; and that additional resources are provided to community and advocacy groups to ensure the provision of necessary supports, including interpretation services. The Committee wants to see police training include information on cultural competencies and other best practices. Committee Members agree that complainants should be able to appeal decisions of the OPCC regarding the admissibility of complaints, and that there needs to be a means to discontinue a complaint from proceeding. The Committee would like to see the *Police Act* amended to enable the OPCC to conduct systemic reviews and issue guidelines on areas not currently covered by the

Act. In addition, Committee Members think that providing opportunities for appointing a broader range of designated observers to monitor the police complaint process would improve transparency.

Looking at improvements to the police complaint process, Committee Members believe that the expanded use of Alternative Dispute Resolution (ADR) and other programs, as well as partnering with Indigenous communities regarding ADR, could lead to more efficient and effective resolution of some complaints.

In terms of amendments to the *Police Act*, Committee Members make a number of suggestions, including a review of the overall timelines set out in Part 11 of the Act; the implementation of a “fast-track” process for lesser complaints; the option for OPCC to group complaints; and clearer definitions around Service and Policy complaints. Committee Members agree that allowing the Police Complaint Commissioner to arrange a public hearing at any point in the investigative process and amending the current definition of “discipline authority” in the Act could have positive impacts on the process. The Committee also agrees that government should review oversight of lock-up staff in RCMP-policed municipalities and Special Municipal Constables.

The Committee also makes recommendations regarding the Office of the Police Complaint Commissioner as well as supports for police. Committee Members feel that the OPCC should improve their communication and outreach activities, and ensure the provision of cultural competency training for staff, with a focus on Indigenous and newcomer communities. The Committee would also like the OPCC to develop a shared database as a resource for *Police Act* investigators and discipline authorities.

Regarding supports for police, Committee Members want to ensure that *Police Act* investigators and discipline authorities have the training and resources required to perform their roles. Recommendations in this area include the provision of standardized training and the development of a provincial standard accreditation program.

Historical Context - Oversight of the Police Complaint Process

In British Columbia, the Office of the Police Complaint Commissioner (OPCC) oversees the handling of complaints related to the conduct of approximately 3,500 sworn municipal police officers and Special Municipal Constables employed by 11 municipal police departments, the Transit Police Service, the Organized Crime Agency of BC, and the St'at'lmx Tribal Police.

In the early days of policing in British Columbia, municipal police boards had authority over disciplinary measures for officers; however, no standardized process existed to enable citizens to initiate complaints against the police. Monitoring of complaints was handled by the BC Police Commission, whose members were appointed by Executive Council. In 1988, amendments to the *Police Act* established the Deputy Chair of the BC Police Commission as the Complaint Commissioner with a role of overseeing the investigative process, and the Police Board acted as a disciplinary tribunal. Due to a number of incidents involving civilians and police, a Commission of Inquiry into policing and the governance of municipal police departments in BC was ordered by the provincial Attorney General in 1992. The Hon. Justice Wallace T. Oppal, Q.C. led the Commission and released the results of his inquiry in a 1994 report entitled *Closing the Gap - Policing and the Community*. Recommendations touched on how complaints against the police were received, investigated and resolved. The report found opportunities to improve police accountability and public transparency, including the need for oversight mechanisms to ensure improved impartiality in complaint investigations.

In response to the Oppal report, the Police Complaint Commissioner was established as a statutory officer of the Legislature in 1998. The Office of the Police Complaint Commissioner is responsible for “providing independent and impartial civilian oversight of investigations into police misconduct.” In 2005, an RCMP investigation of the Vancouver Police Department emphasized the need for reform and prompted the Police Complaint Commissioner to suggest that a comprehensive audit of police processes for handling complaints be conducted. In response, the Minister of Public Safety and Solicitor General announced a review of the police complaint process headed by Hon. Justice Josiah Wood, Q.C. In February 2007, Mr. Wood released a report of his findings and suggested there should be a new mechanism for the OPCC to monitor the complaint process and provide advice or direction as necessary to ensure full and thorough investigations, and increased civilian participation.

Previous Audits of the Police Complaint Process

In August 2001, the Legislative Assembly appointed the first Special Committee to Review the Police Complaint Process. The Committee released its report a year later with 42 recommendations, focused primarily on amendments to the *Police Act*, but also recommendations related to the practices of the OPCC. The Committee also recommended that a legislative review be conducted every four years.

Amendments to the *Police Act* in 2010 included the provision for a special committee of the Legislative Assembly to conduct an audit within three years of the legislative amendments coming into force.

In May 2012, a Special Committee was appointed to conduct an audit respecting the outcome or resolution of randomly-selected complaints and investigations under Part 11 of the *Police Act*. The Special

Committee appointed the Office of the Auditor General (OAG) to conduct the audit to determine whether police complaints were processed in compliance with Part 11 of the Act. The OAG report included two recommendations which the Special Committee endorsed in its March 2013 report to the Legislative Assembly:

1. That the Office of the Police Complaint Commissioner work with police professional practices staff to identify and address the challenges associated with achieving the six-month limit established for the completion of investigations as specified under the Police Act.
2. That the Office of the Police Complaint Commissioner provide formal training to staff at police detachments on the receipt and handling of complaints.

The OAG report noted that it “may be appropriate for a future special committee to consider whether a more comprehensive external examination is appropriate in order to determine if the outcomes intended by Justice Wood are being achieved.”

Committee Process

Request for Proposals (RFP)

At their February 27, 2019 meeting, Committee Members adopted a motion to issue a Request for Proposals (RFP) to appoint an auditor to undertake the audit of the police complaint process and appointed the Chair and Deputy Chair to oversee the RFP process on behalf of the Committee. The RFP was posted on the BC Bid website on March 25, 2019 with a deadline of April 26, 2019. Three proposals were received and at their May 21, 2019 meeting, the Committee adopted a motion appointing MNP LLP to conduct the audit process.

Briefing with MNP LLP

The Members of the Committee met with representatives from MNP LLP on June 6, 2019. The RFP issued by the Committee stipulated that a compliance audit pursuant to Section 51.2 of the *Police Act* be undertaken, in relation to the outcome or resolution of randomly selected complaints and investigations, as well as a performance audit to determine whether the OPCC met its goals as set out in its *2015/16-2018/19 Service Plan*. The audit team explained their engagement approach and outlined the deliverables which would include their findings and any recommendations to improve internal OPCC processes or address any gaps in existing controls.

Briefing with the Office of the Police Complaint Commissioner

The Police Complaint Commissioner, Clayton Pecknold, appeared before the Committee on April 1, 2019 and provided an update on the progress made by the OPCC since the 2012 audit. The Police Complaint Commissioner indicated that his office has implemented a number of changes in an effort to improve the timely completion of investigations under the *Police Act* and provide the recommended training to police officers. The Commissioner has also been working in conjunction with various police departments to promote the use of Alternative Dispute Resolution (ADR), including a one year pilot program with the Vancouver Police Department.

Briefing with the Ministry of Public Safety and Solicitor General

Presenting on behalf of the Ministry of Public Safety and Solicitor General, Ms. Brenda Butterworth-Carr, Tr'injā shār njit dintlät, Assistant Deputy Minister and Director of Police Services, Policing and Security Branch, also presented to the Committee on April 1, 2019. Ms. Butterworth-Carr told Committee Members that she believes that "accountability is part of core operations and functioning among police at both the senior leadership and officer level, and there's a full recognition of the importance of civilian oversight within police." Committee Members heard that the ministry had released the *B.C. Policing and Community Safety Plan* in 2013, which included an action item for the ministry to conduct a comprehensive review of the *Police Act*, which was undertaken in 2015-16. Due to competing priorities and various demands for resources within the ministry, comprehensive amendments to the Act have not yet been implemented.

Public Consultation

On April 3, 2019, the Committee issued a province-wide news release announcing the launch of a public consultation and an advertisement was placed in major provincial and community newspapers. The Legislative Assembly's social media accounts and the Committee's website were also used to promote the consultation. The Committee invited British Columbians to provide a written, audio or video submission prior to June 28, 2019 focused on the following questions:

- Is the police complaint process efficient, effective and accessible?
- Are there aspects of the police complaint process that could be improved?
- What changes to the *Police Act* - Part 11 (Misconduct, Complaints, Investigations, Discipline and Proceedings), if any, should be made?

The Committee also held two public hearings on June 5 and June 6, 2019 to hear from invited police and law enforcement organizations, Indigenous organizations, and community advocacy groups regarding the police complaint process. The names of the individuals and organizations that made oral and written submissions are listed in Appendices E and F.

The Committee wishes to acknowledge that the police complaint process can be stressful for everyone involved, including complainants and police officers, and would like to thank the various organizations and individuals who provided valuable input to their public consultation process.

Meetings Schedule

Fourth Session, 41st Parliament

February 27, 2019	Organization	Victoria
April 1, 2019	Briefings	Victoria
May 6, 2019	Briefing; Process Review	Victoria
May 21, 2019	Appointment of Auditor	Victoria
June 5, 2019	Public Hearings	Surrey
June 6, 2019	Public Hearings	Surrey
September 30, 2019	Deliberations	Victoria
October 21, 2019	Briefing; Deliberations	Victoria
October 24, 2019	Deliberations	Victoria
October 28, 2019	Briefing; Deliberations	Victoria
November 13, 2019	Deliberations	Victoria
November 18, 2019	Deliberations; Adoption of Report	Victoria

Audit Results

At its meeting on October 21, 2019, the Committee heard from MNP LLP that the overall results from the compliance and performance audits were positive. The compliance audit examined three aspects of police complaint files: control strengths, areas of non-compliance, and opportunities for improvement. The auditors examined a statistically-relevant sample of 311 complaint files which represented approximately 10 percent of the files captured within the specified timeframe. The auditors observed an improvement in the number of complaint files completed within the six-month timeframe stipulated in Part 11 of the *Police Act*, with 65 percent of files completed within this timeframe; the 2012 audit found that only 45 percent of files were completed within the same timeframe. The auditors confirmed that there were authorized extensions in place regarding the 35 percent of complaint files not completed within the stipulated timeframe. In terms of other observations related to non-compliance, the auditors found that there were 12 complaint files in which the first progress report was not filed within the 30-day time limit, and 10 complaint files in which the discipline authority decision was not filed within the 10-day time limit.

The auditors found that four complaint files did not have sufficient evidence to determine if the Final Investigation Report or discipline authority decision was delivered to the complainant within the stipulated 10-day time limit. The *Police Act* does not specify a time limit for the investigating officer to carry out further investigations should the Final Investigative Report be rejected. The auditors suggested that legislation be amended to include a timeframe to undertake further investigations in this case and to define the circumstances to allow such an extension. The auditors also noted that two of the complaint files they examined in their sample were missing documentation. Finally, the auditors noted that police complaint files thus far have only been reviewed for compliance in relation to filing deadlines stipulated in the Act and completeness of documentation.

The performance audit looked at whether the OPCC met its goals as set out in its *2015/16-2018/19 Service Plan*: promoting accountable policing in British Columbia; providing an efficient and effective police complaint process to British Columbians; ensuring that the complaint process is accessible to all members of the community; promoting the development of ADR as a means of resolving complaints between members of the public and policing communities; and ensuring excellence in the work of the OPCC. The audit found that the OPCC promotes accountable policing and provides a means for police departments across the province to impose consistent, corrective and disciplinary measures, but that the OPCC's current methods are not proactive in nature and that the provision of additional detailed current information could allow for more informed decision-making processes.

The audit team indicated that the OPCC provides an efficient and effective police complaint process, including the dissemination of statistics and information regarding decisions to the public and police departments. The Office also holds regular meetings with stakeholders and has worked with police departments to develop early intervention programs and identify potential training issues. However, the auditors would like to see the OPCC do more to inform the public and police departments regarding overall emerging trends in police conduct. While the OPCC provides outreach materials that emphasize the benefits of ADR and the role of independent civilian oversight, the auditors suggested that the OPCC should look at opportunities to improve

the accessibility of the complaint process noting that the office does not currently have outreach programs aimed at police departments or the public. Audit findings also indicated that the OPCC's website is not written in plain language and should be updated to improve accessibility and comprehension. Additionally, while the OPCC provides outreach materials to a number of designated assistance or advocacy agencies, the materials are only provided in English and should be provided in the major languages that newcomers speak.

While the OPCC has provided level 1 informal resolution training for investigators and front-line supervisors, the auditors found that the OPCC had not yet developed a level 2 training course for ADR to provide investigators and front-line supervisors with the skills to handle complex cases and to train their own staff. The auditors noted that the OPCC has internal business practices and an auditing program to ensure that ADR is actively promoted for appropriate complaints.

Regarding the OPCC's commitment to excellence, the audit found that the OPCC has developed internal business practices regarding decision-making, has refined and reviewed its admissibility practices, along with performing monthly internal audits of admissibility decisions, and has an analyst training and mentorship program, therefore meeting its goal to ensure excellence in the work of the OPCC.

The management letter, and compliance and performance audit reports are available in Appendices A, B and C of this report.

OPCC Response to Audit Findings

In their response to the compliance audit, the OPCC accepted all of the auditor's recommendations and indicated they will issue bulletins to police departments and discipline authorities to remind them of the progress report or decision letter submission requirements to meet the respective Subsections 98.1 and 98.9 of the *Police Act* and provide clear instructions regarding how evidence of deliveries to complainants should be retained and logged in the Case Tracker System. The OPCC will also issue an internal directive to staff reiterating the importance of retaining the required documentation to demonstrate their office's due diligence in the handling of police complaints. While not within the purview of their office, the OPCC indicated their support for the auditor's recommendations regarding amendment(s) to the *Police Act* to prescribe time limits for the further investigative steps to be carried out, and required extensions, if necessary, and indicated they believe it would be beneficial to comprehensively review the compliance of all participants within Part 11 of the *Police Act*.

The OPCC also accepted all of the auditor's recommendations resulting from the performance audit and indicated that improvements in their communications and outreach efforts are underway, including the revision and reclassification of a current staff position, expanding its scope and responsibilities to develop and deliver outreach and education programs to promote accessibility. The OPCC has completed a communication needs assessment which will inform their strategic communication framework, and noted that the expansion of their complaint resolution and mediation programs will be incorporated into their Strategic Plan. The Office is also looking to develop a dedicated position focused on research, statistical reporting and analysis, and to also be responsible for creating and maintaining the shared database resource.

The OPCC response to the audit findings is available in Appendix D of this report.

RECOMMENDATION

1. The Special Committee endorses the 10 recommendations made by MNP LLP and recommends the same to the Legislative Assembly:

Compliance Audit

Recommendation #1: The Office of the Police Complaint Commissioner should consider issuing a memo to the individual departments and/or discipline authority, reminding them of the progress report/decision letter submission requirements in order to meet the respective Subsections 98(1) and 98(9) of the *Police Act*.

Recommendation #2: The Office of the Police Complaint Commissioner should consider providing clear instruction to the individual departments on how evidence of deliveries to complainants (e.g. scanned delivery receipts) should be retained and logged into the Case Tracker System.

Recommendation #3: The [provincial government] should consider a proposed amendment to the legislation to prescribe time limits for the further investigative steps to be carried out, and the required extensions if necessary.

Recommendation #4: The Office of the Police Complaint Commissioner should remind staff of the importance of retaining the required documentation to demonstrate the Office's due diligence in the handling of police complaints.

Recommendation #5: The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

Performance Audit

Recommendation #6: The Office of the Police Complaint Commissioner should develop a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures.

Recommendation #7: The Office of the Police Complaint Commissioner's data analytics role should also be responsible for providing trend analysis on a department and provincial level.

Recommendation #8: The Office of the Police Complaint Commissioner should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs.

Recommendation #9: The Office of the Police Complaint Commissioner should revise website and outreach materials to make them easier for the average British Columbian to understand. Publications from the office should also be written in plain language.

Recommendation #10: The Office of the Police Complaint Commissioner should continue to promote Alternative Dispute Resolution as a form of resolving complaints including the continued expansion of the Vancouver Police Department's Alternative Dispute Resolution pilot program.

Efficiency, Effectiveness and Accessibility of the Police Complaint Process

Accessibility of the Process

In response to question #1 regarding the efficiency, effectiveness and accessibility of the police complaint process, the BC Association of Municipal Chiefs of Police and Pivot Legal Society noted that police oversight systems should be committed to police accountability and rooted in the principles of procedural justice, including fairness, voice, transparency, and impartiality. Pivot Legal Society expressed concerns that individuals wronged by police do not have legal aid funding available to them to proceed with complaints through the OPCC or the civil justice system.

The Canadian Mental Health Association, BC Division, noted that, on a worldwide basis, one in four people who experience mental health issues have a history of police arrest, and one in ten people have police involved in their pathway to receiving mental health care. Factors that may contribute to an increased rate of police contact for people living with a mental health issue or addiction include unemployment, low socio-economic status and homelessness. They also stated that one in 100 police dispatches and encounters with citizens involve people with mental health issues. Police in BC respond to approximately 74,000 incidents annually that involve mental health issues; roughly one-quarter of these fall under the *Mental Health Act*, a number that is increasing.

Pivot Legal Society explained that their clients in the Downtown Eastside have expressed fear of filing complaints against the police due to a history of retaliation and threats against individuals who file complaints. Their clients are of the view that there is a lack of accountability resulting from previously filed police complaints which discourages those who are marginalized from making a police complaint in the first place. Residents of highly-patrolled neighbourhoods fear reprisal, particularly when individuals expect to continue to be policed by the officers against whom they are considering bringing a complaint. Racialized people and those experiencing homelessness are more likely to be involved in police incidents and potential or actual police complaints. Issues of race, colonization and stigma against those who live with mental health issues or addiction are structural and systemic matters that are broader than an individual concern, interaction or complaint.

The act of completing the police complaint form can be a barrier for some people who may require assistance navigating the process. Filling out, emailing or mailing a form is not accessible to those who are homeless, dealing with addiction or involved in survival street work. The Ending Violence Association of BC noted that checkboxes or examples of types of complaints might be useful to simplify the complaint form for complainants and to aid in identifying their particular complaint. They stressed that an unduly complex complaint form could deter people from initiating a complaint.

MOSAIC, an organization that serves refugee, immigrant and newcomer communities in the greater Vancouver and Fraser Valley areas, noted that many newcomers have limited English language skills and may find it difficult to understand and access the complaint process, if they are even aware it exists. While some newcomers might contact the police station to speak with a supervisor, many believe their complaint will not be heard or resolved and that police will want to protect their fellow officers. Some newcomers experience

distrust or negative perceptions of police influenced by corrupt police departments in their originating country. MOSAIC suggested that cultural competency training might be helpful for police to improve their interactions with newcomers.

In their presentation, the First Nations Leadership Council indicated that negative stereotyping and racial profiling can lead to systemic discrimination and that there are concerns regarding the potential for systemic misconduct, bias or discrimination which may go unaddressed in the current police complaint system. They noted that, historically, police and law enforcement have played a role in perpetrating cultural genocide against Indigenous peoples. Over-enforcement and police brutality towards Indigenous peoples remain major concerns, and systemic bias and the power imbalance between police and Indigenous peoples is “deeply entrenched and undeniable.” Systemic changes could increase the likelihood of building the confidence of Indigenous peoples in the police complaint process and policing in BC in general, and would support the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission of Canada’s Calls to Action, and other reconciliation initiatives underway in British Columbia.

The Vancouver Aboriginal Community Policing Centre Society shared that they receive approximately 12-20 inquiries a year regarding how to file a police complaint; however, very few of the inquiries lead to a complaint being filed as many Indigenous people believe that harm may come to them if they initiate a complaint against police. The First Nations Leadership Council also expressed this concern, noting that accessibility issues, safety concerns and other barriers prevent Indigenous people from making complaints. The Society noted that Indigenous women are especially hesitant to initiate a complaint, particularly if the complaint relates to sexual misconduct, abuse or assault and that Indigenous peoples are underrepresented as citizens who file police complaints because they are unwilling or unable to initiate complaints or complete the process. They also noted that Indigenous officers may offer unique perspectives regarding best practices for interactions with Indigenous populations for policing, communications, and community engagement, and may aid in reducing barriers between police and Indigenous communities.

Efficiency and Effectiveness of the Process

The BC Association of Municipal Chiefs of Police suggested that the administration of processes should focus on resolving matters in a fair, transparent and timely manner. In their view, this could help improve perceptions of the process among police officers and the communities they serve. The Association also stated that there needs to be a way to stop a complaint, particularly when a complaint turns out to be vexatious or frivolous in nature. Currently, even if an officer admits they did something wrong which is minor in nature, the full complaint process must still proceed. The Committee also heard that the *Police Act* does not presently include provisions for complainants to initiate a review of a decision regarding admissibility of a complaint made by the Police Complaint Commissioner.

The Canadian Mental Health Association, BC Division, Pivot Legal Society, and the British Columbia Civil Liberties Association, noted that the OPCC is in a unique position to capture and report on themes and emerging trends in relation to police complaints. Pivot Legal Society indicated that data collection is a way to measure discrimination and disproportionate policing. These organizations recommended that the OPCC be empowered to leverage this information through the dissemination of publicly-available reports as a step forward in addressing these matters.

As referenced on page 7 of this report, the auditors indicated they would like to see the OPCC do more to inform the public and police departments regarding overall emerging trends in police conduct. In his

presentation to the Committee, the Police Complaint Commissioner agreed that his office is in a unique position and would like to pursue the opportunity to conduct self-initiated systemic reviews which would include methodological data analysis to highlight emerging trends and themes. He stated this would help bring to light any system-wide issues in policing, and inform changes to policies or practices, and improve the preventative and proactive resolution of more isolated matters.

The Police Complaint Commissioner also suggested that his guideline-making authority be expanded beyond the current provisions specified in the Act. This would improve clarity for investigating officers regarding the investigative process, including their rights and obligations under the Act. Additional guidelines could also help improve consistency in the conduct of investigations across jurisdictions and enhance the use of informal mechanisms for resolving complaints, where applicable.

Alternative Methods to Accept Complaints

In order to make a complaint, complainants can either contact the Office of the Police Complaint Commissioner, access the complaint form online, or make a complaint in person at any police station. The Vancouver Aboriginal Community Policing Centre Society suggested that there could be alternative methods to accept police complaints or ways to provide assistance to those who wish to make a complaint, potentially through third-party agencies or community-based organizations, so that complainants do not have to speak with police directly. The Ending Violence Association of British Columbia made a similar suggestion and asked that third-party protocols be put in place to allow individuals to make a complaint through a community-based agency and that complainants should be allowed to make anonymized complaints. The First Nations Leadership Council told the Committee that the legislation should direct the OPCC to create more informal and accessible venues for the public to report anecdotal experiences of their interactions with police and have those reports investigated. John Harvey suggested that complainants be able to contact their local Police Board member to provide a verbal statement regarding a complaint and have the issue forwarded to the full Board for their attention.

Committee Discussion

Committee Members agreed that the complaint process should be as accessible as possible for all British Columbians. They expressed concerns regarding the complexity of the complaint form, and the challenges of making a complaint and navigating the process, and support improvements to the form and the process to alleviate barriers that currently exist. The Committee recognized the importance of complainants making a complaint in their own words and relating their own experiences and felt that allowing third-party agencies or advocacy groups to provide in-person support for complainants would improve the accessibility of the process. In addition, Members suggested that skilled staff or municipal employees at police stations be made available to provide initial support and help complainants complete the police complaint form, following which a police officer on duty could review the information. This could also help improve the accuracy of the information captured in the application. Members recognized that making a complaint at a police station may be intimidating for some people and discussed the possibility of other accessible locations where individuals could make a complaint, acknowledging that this would require further investigation and engagement with stakeholders.

Members wanted to ensure that the police complaint process is as accommodating as it can be for everyone, including those from Indigenous and newcomer communities. They expressed support for regular

engagement with Indigenous organizations to enable a better understanding of the current issues and challenges in order to develop collaborative solutions. Inviting representatives from Indigenous communities or advocacy groups to observe the complaint process in order to gain insight into how investigations are conducted and concluded could increase transparency and public confidence. The Committee supported the Police Complaint Commissioner's suggestion to allow a broader range of designated observers to monitor the police complaint process.

Training for police officers is developed to meet established provincial standards and is reviewed on a regular basis. The Committee wanted to ensure that these standards are aligned with current best practices in relation to cultural competencies, trauma-informed practices, and best practices regarding interactions with those living with mental health issues. Committee Members also noted the need to ensure that training provided by the RCMP Pacific Region Training Centre and the Justice Institute of British Columbia is aligned, as these institutions are currently the primary sources for training police officers.

With respect to complainants being able to appeal a decision of the Police Complaint Commissioner regarding admissibility of a complaint, the Committee agreed that the Act should be examined to enable such appeals.

The administration of the police complaint process should be focused on resolving matters in a fair, transparent and timely manner. Committee Members supported the expansion of the Police Complaint Commissioner's guideline-making authority to help provide additional information for investigating officers and help improve consistency in how investigations are conducted across police departments.

The OPCC is in a unique position to examine data for trends; publicly releasing this information could be valuable to police departments and other organizations. However, Committee Members acknowledged the need for discretion in order to minimize negative impacts on the operations of any particular police department. The Committee expressed support for the auditor's recommendation that the OPCC could further develop their capacity for data analytics and provide this information to the public, especially in relation to any emerging trends in police conduct, while continuing to provide information to police departments on decisions and statistics. Employing further measures to highlight trends and systemic issues may lead to proactive measures aimed at preventing misconduct among police officers.

RECOMMENDATIONS

The Special Committee recommends to the Legislative Assembly that the provincial government:

Accessibility of the Process

2. Work with municipalities to ensure the availability of skilled municipal staff at police stations to assist complainants to complete the police complaint form.
3. Examine and address the need for advocacy and support for those living with mental health issues in navigating the police complaint process.

4. Ensure that training for police officers includes information regarding cultural competency, trauma-informed practices, and best practices regarding interactions with those living with mental health issues, and that there are opportunities to refresh this training.
5. Increase resources for community advocacy groups to provide support and assistance to those who wish to initiate a police complaint and to provide other accessible locations that are safe and respectful spaces for complainants.
6. Provide funding to community advocacy groups to offer interpretation services to complainants who require this service.
7. Provide opportunities for meaningful consultation with diverse community groups as part of statutorily-required reviews of the *Police Act* to ensure that the Act is free of systemic discriminatory practices.
8. Initiate a consultation or study to examine relationships between Indigenous communities and police to better understand the current issues and challenges in order to work toward developing collaborative solutions.
9. Examine ways to facilitate opportunities for a broader range of designated observers to monitor the police complaint process in the interest of increased transparency, understanding and insight.

Efficiency and Effectiveness of the Process

10. Amend the *Police Act* to provide complainants with the opportunity to initiate a review of Office of the Police Complaint Commissioner decisions regarding the admissibility of police complaints.
11. Amend the *Police Act* to allow a police complaint investigation to be discontinued should there be suitable and ample evidence that the issue or complaint did not occur, or if the complaint is clearly baseless in nature.
12. Amend the *Police Act* to enable the Office of the Police Complaint Commissioner to conduct self-initiated systemic reviews, including data analysis, to highlight emerging or high-level trends, and to report publicly on any findings.
13. Amend the *Police Act* to expand the Police Complaint Commissioner's authority to make binding guidelines in any area not currently covered by the Act.

Improvements to the Police Complaint Process

Civilianized Complaint Process

Some submissions in response to the Committee's second question regarding improvements to the police complaint process expressed hesitation to move to a civilianized police complaint process, while others felt that a civilianized system would bring about the greatest impact to restore public confidence in the process. The BC Police Association (BCPA) were of the view that there was no groundswell of public activism for changes to oversight or the complaints process as it currently exists, therefore indicating that the public is satisfied with the status quo. The BCPA noted they are not in favour of widespread changes to how investigations are currently conducted. The BCPA highlighted the need to balance the cost of hiring independent investigators if the OPCC were to take over handling of the complaint process from police officers to ensure that resources are being utilized effectively, as there could be a significant cost implication to changing how this is currently done. A separate funding mechanism for new independent investigators would need to be created - whether through the OPCC or another oversight body. Additionally, it may be difficult to find the right people to conduct these complaints independently and with the right skill set and experience – a view shared by the British Columbia Association of Police Boards.

The BC Association of Municipal Chiefs of Police did not dismiss the option of a fully civilianized investigative system; however, they expressed reservations as to the implications of such a major change, noting that the Chief Constable in a police force has the ultimate responsibility for hiring and disciplining personnel in their workforce. They suggested that the Committee should consider what a fundamental change to the system would be intended to correct, and whether or not a fully civilian investigative system or approach would be likely to improve outcomes. Factors to consider include: current research, reports, learnings from other jurisdictions, cost, availability of investigative skill sets for staff, and the capacity to complete investigations in a timely manner. It was suggested that an evidence-based approach with a focus on the needs of British Columbians be considered.

Other presenters, such as the BC Civil Liberties Association, were in favour of a civilianized police complaint process and noted that other jurisdictions, such as Ontario, have enacted or amended legislation to allow their OPCC-type independent agencies to receive, review and investigate complaints. They were of the view that ensuring independent and impartial investigations of complaints could help foster public confidence, trust and the perception of fairness and independence, not only in the police complaint system, but also in policing more generally. The First Nations Leadership Council suggested that fully independent oversight through the OPCC over allegations of misconduct and potential systemic issues is necessary in order to begin to build Indigenous peoples' confidence in policing.

The BC Civil Liberties Association stated there is an issue of public confidence regarding police investigating police, especially with vulnerable populations. The Ending Violence Association of BC expressed a similar view, stating that the current police complaint process is inaccessible to marginalized communities who perceive the system to be inherently biased. In their written submissions, some individuals expressed related concerns noting that "police will support their fellow police officers in terms of investigations and complaints" and

“police team members work together to protect each other despite their mistakes or wrongdoings.” In his presentation to the Committee on April 1, 2019, the Police Complaint Commissioner stated that, in his view, “the reality is that there continues to be some both real and perceived bias, especially in smaller departments, in conducting these investigations.”

Integrated Investigative Unit

The British Columbia Association of Police Boards and the BC Association of Municipal Chiefs of Police suggested that an integrated unit consisting of police officers from various departments could be created to investigate complaints. It was suggested that the unit could also include civilian analysts working alongside discipline authorities or investigative officers. The British Columbia Civil Liberties Association noted that a cost-sharing model could be developed across municipal police departments to fund an integrated investigative unit, which could potentially reduce costs over time for individual police departments.

Alternative Dispute Resolution (ADR) and Restorative or Transformative Justice

The Committee heard about the one-year ADR pilot project between the OPCC and the Vancouver Police Department Professional Standards Section in 2017. At the conclusion of the pilot project, there was an approximate 50 percent increase in the number of successful resolutions. The OPCC reports that in 2018, approximately 50 percent of all admissible complaints appeared suitable for diversion to ADR and of those complaints, approximately 45 percent were successfully resolved. The remainder were either withdrawn by the complainant, discontinued by the Commissioner, or proceeded to a full investigation. The Vancouver Aboriginal Community Policing Centre Society suggested that the Committee consider increased use of restorative and transformative justice programs, including the ability to divert a file to these programs at any point in the process. As noted on page 10 of this report, the auditor recommended that the OPCC continue to promote ADR as an option to resolve complaints, including the continued expansion of the Vancouver Police Department’s ADR pilot program.

Committee Discussion

Public confidence in the conduct of police complaint investigations is integral to the process. No matter who oversees the investigation of complaints, legislation and prescribed policies need to be adhered to. Members expressed a desire to see the investigative process improved and streamlined where possible to enable investigations to be conducted efficiently and effectively.

The Committee noted that the investigative process can put additional strain on resources in police departments, including discipline authorities. Some Members agreed that a civilianized complaint process could help alleviate this burden on police departments and could provide an opportunity to implement an arm’s-length, professional adjudicative model which would free these officers from lengthy discipline proceedings. The Committee articulated concerns regarding the qualifications of investigators to undertake this type of work if a civilianized process was put in place. One option would be to ensure that police departments are adequately resourced to handle the complaints investigation process without impacting other services. Members also discussed the suggestion of an integrated investigative unit, but expressed concerns regarding operational, funding and resource challenges involved.

The Committee acknowledged the value of ADR and other programs related to transformative or restorative justice, and view these as viable options that could be used more often to resolve issues that would qualify for these processes, particularly those of a lesser nature. Members agreed with the auditor's recommendation that the OPCC should continue to promote ADR as a form of resolving complaints. The Members also felt that transformative or restorative justice programs should be better promoted and utilized, including further engagement with Indigenous communities and providing more information to discipline authorities and investigating officers regarding the benefits of these types of programs. Amending current legislation to make it easier to recommend the use of ADR from an earlier point in the investigative process could allow ADR to be used regularly, when appropriate, rather than being seen solely as an alternative measure.

RECOMMENDATIONS

Alternative Dispute Resolution (ADR) and Restorative or Transformative Justice

The Committee recommends to the Legislative Assembly that the provincial government and the Office of the Police Complaint Commissioner:

14. Continue to promote and expand the use of Alternative Dispute Resolution (ADR) and restorative or transformative justice programs to support the effective and efficient resolution of applicable police complaints.
15. Partner with Indigenous communities to provide information to discipline authorities and investigating officers regarding the benefits of Alternative Dispute Resolution (ADR) and restorative or transformative justice programs.

Amendments to the *Police Act* – Part 11

In response to the Committee’s final question regarding changes to Part 11 of the *Police Act*, a number of submissions made suggestions for amendments. The BC Association of Municipal Chiefs of Police expressed concern that Part 11 of the Act is very process heavy and has been described as “dense, complicated, and often confusing.” This creates a number of practical challenges in administering the system for police agencies conducting investigations and provides the opportunity for inconsistencies in interpretation of the Act between police agencies and unions, as well as the OPCC. They hoped that any amendments to the Act would work to improve consistency in processes regarding how investigations are handled. Due to its complexity, the BC Police Association suggested the Act should be amended only after careful consideration and analysis by stakeholders who are familiar with it and work with the legislation on a regular basis.

The BC Association of Municipal Chiefs of Police noted that changes with regard to disciplinary and corrective measures would better meet the corrective intention of the Act and will likely reduce the need for unnecessary investigative steps when police officers are willing to admit responsibility for errors and receive corrective measures in minor cases that fall short of serious misconduct. A number of submissions suggested that should there be multiple complaints against a particular police officer, these could be combined into a single proceeding or group complaint in the interest of increased efficiency.

The British Columbia Association of Police Boards suggested that the wording in the Act that the Board can “dismiss” a complaint has negative connotations and that the Act should be amended to read that the Board can “investigate or resolve” or “investigate and conclude” a complaint.

The First Nations Leadership Council indicated that the *Police Act* should require mandatory documentation and reporting of all public trust complaints and policy and service complaints where the complainant or affected persons are Indigenous, as well as the percentage of those complaints that are investigated and/or substantiated, and that this information should be made available to the public in the OPCC’s Annual Report.

Several submissions asked for a simplified or “fast-track” option for the processing of police complaints to be created within the Act, as well as a stipulation to halt vexatious or frivolous complaints. The Ending Violence Association of British Columbia and the First Nations Leadership Council suggested that the current definition of “serious harm” be expanded to include other types of harm. A number of submissions also asked that the timelines currently stipulated within the Act be reviewed. Pivot Legal Society suggested that the Act include a provision to reassign, transfer or suspend an officer in question to avoid possible retaliation or fear of retaliation by complainants - preferably to take place before the officer is informed of the complaint and the complainant’s identity.

In his written submission to the Committee, the Commissioner suggested that “the *Police Act* be amended to provide the Commissioner with the power to arrange a public hearing at any stage of the police complaint process when the public interest demands it, or when a public hearing is required to preserve or restore public confidence in the investigation of misconduct or administration of police discipline.”

Discipline Authority

In their presentation, the British Columbia Association of Police Boards suggested that the Police Board should be defined as the discipline authority of the Chief of Police and that any information or reports arising from an investigation of the Chief be made available to the full Board, rather than only to the Board Chair. In order to remove any perception of conflict of interest and commensurate with the seriousness of an investigation into a public official of a higher status, the Police Complaint Commissioner suggested that retired judges should be designated as the discipline authority with respect to investigations regarding the conduct of Chief Constables or Deputy Chief Constables.

The Commissioner also recommended that the definition of “discipline authority” be amended to include persons appointed according to regulations and approved by the Police Complaint Commissioner or Chief Constable. In the Commissioner’s view, this would “allow the system to maintain sufficient flexibility so that appropriate matters remain with the Chief Constable, or their delegate, while other matters may be directed to persons with adjudicative expertise.”

Lock-up Staff in RCMP-policed Municipalities

Jay Chalke, Ombudsperson of BC, presented to the Committee on May 6, 2019 to discuss his concerns regarding lock-up staff in RCMP-policed municipalities who are not subject to oversight by the OPCC as they do not fall within Part 11 of the *Police Act*. He explained to Committee Members that these staff are generally municipality workers and do not belong to a municipal police force. The lock-up staff are not subject to the discipline authority of the local RCMP, or by extension, the national Civilian Review and Complaints Commission for the RCMP. The Ombudsperson has received complaints regarding lock-up staff in RCMP-police municipalities but does not have the statutory jurisdiction to investigate the complaints. He told the Committee, that “regardless of how a municipality obtains its policing services, there is a need to ensure that effective oversight mechanisms are in place.” The First Nations Leadership Council suggested that these staff be brought under an appropriate oversight body to handle these types of complaints in a standardized and transparent manner.

Special Municipal Constables

The Police Complaint Commissioner noted that, as law enforcement models evolve, so should the methods of appropriate oversight. For example, when the Vancouver Police Department brought in a community safety officer program and Special Municipal Constables were used in their jail, a regulation was created to bring these staff within the purview of the OPCC. The Commissioner suggested that there may be a more flexible way to ensure that the OPCC is overseeing staff who are doing jobs that were historically performed by police officers. The Commissioner observed that some chiefs of police are moving toward tiered policing models and using different levels of officers to accomplish necessary tasks and it might be in the public interest that they come within the oversight of the OPCC. The BC Association of Municipal Chiefs of Police indicated that the Act could be clarified regarding to what extent it covers Special Municipal Constables and suggested that only Special Constables that are paid employees should fall under Part 11 of the Act.

Committee Discussion

Committee Members acknowledged the complexity of Part 11 of the *Police Act* and discussed opportunities to improve the efficiency and utilization of current resources, including ways to better filter out clearly baseless complaints. In light of different perspectives presented during the Committee's consultation, and in alignment with the auditor's recommendation, Committee Members were of the view that government should undertake an overall review of the timelines set out in the Act and make amendments as necessary. A "fast-track" or simplified process could be used to resolve complaints that are minor in nature, and where the officer in question admits responsibility and is willing to accept an appropriate disposition. Additionally, grouping multiple complaints together could help improve efficiency, which aligns with the recommendation of the OPCC.

Members discussed the differences between discipline and corrective measures and how each option might be applied by discipline authorities depending on the circumstances and severity of the complaint. The options related to discipline are meant to be punitive in nature and may have an impact on an officer's wages or their ability to be promoted. Corrective measures are meant to be instructive and would be recorded on the officer's service or personnel record, but not their discipline file, which exist as two separate entities. Any punitive measures recorded on an officer's discipline file should remain on file longer than any corrective measures noted on their personnel or service record.

Members agreed that, in the interest of increased transparency, a retired judge should be defined as the discipline authority of the Chief or Deputy Chief, and that any information or reports arising from such an investigation be made available to all Board members, rather than just the Board Chair.

In order to enhance the integrity of the investigative process, the Committee supported an amendment to the *Police Act* to allow the Commissioner to call a public hearing at any stage of the process, and to amend the current definition of "discipline authority" to permit qualified professionals to be appointed as required by the Commissioner or Chief Constable. Committee Members hoped this could help expedite and strengthen the police complaint process in particular matters.

Acknowledging the value of statistical information and how this can be used to perform data analysis to highlight trends, the Committee would like to see amendments to the *Police Act* to require mandatory documentation and reporting of all complaints. Committee Members also agreed that connotations regarding wording in the Act are important and support the amendment suggested by the British Columbia Association of Police Boards.

Members reviewed the Ombudsperson's presentation, as well as input received from the OPCC and others, and agreed that the Ministry of Public Safety and Solicitor General should work with appropriate partners to identify any issues or concerns regarding lock-up staff in RCMP-policed communities and whether these staff should come under the oversight of an independent body. In addition, Members supported a review of the *Police Act* to ensure that only paid employees, such as Special Municipal Constables and Reserve or Auxiliary Constables, fall within Part 11 of the Act.

RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the provincial government:

Amendments to the *Police Act* – Part 11

16. Amend the *Police Act* to provide the Police Complaint Commissioner with the power to arrange a public hearing at any stage of the process.
17. Review the overall timelines set out in Part 11 of the *Police Act* for appropriateness, conflicts, overlaps and general practicality, and make amendments as necessary.
18. Amend the *Police Act* by adding a “fast-track,” streamlined, simplified, or expedited process for complaints that are minor in nature, where the police officer admits responsibility and is willing to accept an appropriate disposition.
19. Empower the Office of the Police Complaint Commissioner to receive and consider group complaints from two or more individuals concerning the same police officer.
20. Amend the *Police Act* to provide clearer definitions regarding Service and Policy complaints, as well as distinctions between what constitutes corrective measures or discipline, and ensure that only disciplinary actions as defined in the Act are placed on a Service Record of Discipline (SROD).
21. Amend the wording of Section 171(1)(d) of the *Police Act* to replace “dismiss” a police complaint with “investigate and resolve” or “investigate and conclude” a police complaint.
22. Amend the *Police Act* to require mandatory documentation and reporting of all complaints in order to collect statistical information.

Discipline Authority

23. Amend the current definition of “discipline authority” in the *Police Act* to include persons appointed pursuant to regulations and approved by the Police Complaint Commissioner or Chief Constable.
24. Amend the *Police Act* to define a retired judge as the discipline authority of the Chief or Deputy Chief of Police, and ensure that any information or reports arising from an investigation of the Chief or Deputy Chief of Police are made available to all Board members.

Lock-up Staff in RCMP-policed Municipalities

25. Initiate a review to determine if lock-up staff or municipal guards in RCMP-policed municipalities should come under the jurisdiction of an appropriate independent oversight body.

Special Municipal Constables

26. Review and amend the *Police Act* to ensure that only paid employees, such as Special Municipal Constables and Reserve or Auxiliary Constables, fall within Part 11 of the Act.

Office of the Police Complaint Commissioner

Training for OPCC Staff

A number of organizations, including the Canadian Mental Health Association, BC Division, Pivot Legal Society, and the Coalition on Missing and Murdered Indigenous Women and Girls BC suggested that OPCC staff might benefit from additional training to increase their level of cultural competency and from opportunities to learn from stakeholder groups. This includes working with Indigenous and newcomer agencies and community groups, as well as organizations that serve people with mental health issues. Pivot Legal Society noted that to “combat systemic discrimination in policing, the *Police Act* must require meaningful, ongoing community consultation about decolonizing and anti-racist policies and practices.” The BC Association of Chiefs of Police indicated that providing opportunities for police officers and OPCC staff to share experiences and learn from each other could help ensure investigations are managed in a more congruent and efficient manner.

Communications and Outreach

The BC Police Association, the First Nations Leadership Council, and the Coalition on Missing and Murdered Indigenous Women and Girls BC noted that the OPCC should engage in outreach activities with targeted communities to inform and educate British Columbians about the complaint process.

Community organizations that serve newcomers, such as MOSAIC, indicated that the OPCC could offer proactive education outreach to settlement service organizations and ethno-cultural communities, which would be highly beneficial for their clients. The OPCC could offer translated copies of their complaint form and other materials in the major languages that newcomers speak and update the list of support groups that provide language-specific and culturally-appropriate assistance to newcomers on their website.

In their submission, the Coalition on Missing and Murdered Indigenous Women and Girls BC noted that the OPCC has stated that they want to do more outreach to understand the needs of different communities in order to make improvements to the police complaint system. The First Nations Leadership Council stated that the OPCC needs to increase their outreach in vulnerable communities, including Indigenous peoples living in urban areas. The OPCC acknowledged that statistically, few Indigenous peoples are filing complaints under the current process, a trend it would like to better understand to address any issues that might be preventing Indigenous peoples from doing so.

A number of individuals who made submissions and organizations such as the Ending Violence Association of British Columbia indicated that the OPCC needs to improve its outreach and communications to increase transparency and improve the public’s awareness and trust in their processes. To increase perceptions related to fairness and transparency, they would like to see more frequent and clear updates and information provided to complainants in a timely fashion regarding the status of their complaint, ensuring that they are made aware of the overall process, what steps were taken, and how decisions were made.

The BC Police Association suggested that the OPCC should undertake specific targeted outreach activities for marginalized and vulnerable populations who may experience particular challenges with the complaints process, including Indigenous communities and specific groups that might have mistrust in the police, language barriers, or who may face challenges accessing the resources necessary to make a complaint. The First Nations Leadership Council noted that even in cases where no misconduct is found according to the *Police Act*, these could still highlight issues of a systemic nature.

As noted by the auditors, the OPCC could improve their public outreach and communications, ensuring that plain language is used in the complaint form and all communication materials, including their website. In addition, translated versions of the complaint form and other communication materials should be made available in the languages that newcomers speak. In response to the auditor recommendations, the OPCC indicated that improvements to their communications and public outreach are underway, including a communication needs assessment which will inform their strategic communication framework.

Shared Database Resource

The BC Association of Municipal Chiefs of Police and the BC Association of Chiefs of Police both indicated that a shared database of complaint files would be a useful resource for investigative officers. Allowing discipline authorities and investigating officers the opportunity to search past decisions regarding discipline and corrective measures, as well as previous court rulings and OPCC bulletins, would aid in decision-making and increase the level of consistency in decisions made in police departments throughout the province. The OPCC noted that the 2007 report by Hon. Justice Josiah Wood, Q.C. suggested that a contemporaneous file monitoring system be implemented to allow police departments and the OPCC to review complaint files in real time. To date, the OPCC reports that this file system has not been implemented, but that a secure server has been set up to enable file transfers.

Committee Discussion

Committee Members were encouraged to learn that the OPCC plans to improve their communications and public outreach efforts. OPCC staff should have the training and experience required to be able to effectively communicate and interact with the communities they serve, as well as effectively evaluate complaints initiated by a variety of stakeholder groups, including Indigenous and newcomer communities, and those living with mental health issues. The Committee agreed with the auditor's recommendation that the OPCC could do more to inform and educate British Columbians about the police complaint process and a number of the suggestions received were practical in nature and could be implemented by the OPCC, including translation of materials into additional languages, ensuring that forms, publications and the OPCC website are written in plain language, and offering updated information on the various supports available to those who may require assistance to make a police complaint.

Members expressed a desire to see the OPCC collect and provide more information on complainants, including demographics, to better identify trends and improved targeted communications and outreach efforts for various groups. Statistically, not many individuals from Indigenous communities file police complaints; further information may provide a rationale as to why this is the case and to explore opportunities to enhance targeted outreach to Indigenous communities. In addition, the creation of an online database of past decisions and court rulings could ensure discipline authorities and investigating officers have historical precedents to draw upon for their work.

RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the Office of the Police Complaint Commissioner:

Training for OPCC Staff

27. Provide training for Office of the Police Complaint Commissioner staff to ensure a better understanding and evaluation of complaints initiated by those living with mental health issues.
28. Provide cultural competency training and frequent opportunities for Office of the Police Complaint Commissioner staff to engage with the communities they serve, including Indigenous and newcomer communities.

Communications and Outreach

29. Increase engagement and outreach activities to inform and educate British Columbians about the police complaint process, with a particular focus on agencies that serve Indigenous people living in urban areas, settlement service organizations, and organizations that serve vulnerable communities.
30. Offer translated copies of the police complaint process form, brochures, and other communication materials in the major languages that newcomers speak.
31. Examine ways to make the police complaint process more accessible for those from Indigenous and newcomer communities.
32. Update the police complaint form to include plain language and clearly delineate information that is voluntary.
33. Update the list on the Office of the Police Complaint Commissioner website of support groups that provide language-specific and culturally-appropriate assistance to newcomers who wish to initiate a police complaint.
34. Provide communication materials wherever the police complaint form is available, including online and at police stations, outlining the various supports offered through community organizations.

Shared Database Resource

35. Create, update and maintain a secure online database of past decisions and court rulings regarding discipline and corrective measures to allow discipline authorities and investigating officers to access relevant information and precedents.

Supports for Police

Issues for Police Departments and Officers

The British Columbia Association of Police Boards highlighted a number of issues and concerns regarding the police complaint process, including the negative impacts resulting from lengthy complaints processes such as increased stress for police officers and increased financial costs assumed by police departments. For example, if an external investigator is appointed, the home department of the officer under investigation must pay those costs. Should the case be referred to the courts seeking judicial relief, the costs incurred can mount to hundreds of thousands of dollars. The British Columbia Association of Police Boards also noted that police agencies have expressed concerns regarding inconsistent approaches to investigations, decisions and outcomes related to police complaints which can create confusion among investigators, discipline authorities, and police officers involved in complaints.

Research shows that investigative processes are one of the most often noted stressors that police officers experience and that they can have a detrimental effect on the police officers under investigation. The BC Association of Municipal Chiefs of Police stated that investigations regarding a police officer's conduct can take years to conclude and may involve investigations by the Independent Investigations Office, OPCC, and WorkSafe BC. Additionally, investigations may precede other processes such as coroners' inquests and civil trials. The BC Association of Chiefs of Police noted that discipline authorities have a multitude of complex responsibilities during the investigative process, as well as in relation to the corrective measures that take place after the investigation has concluded.

Training Opportunities

The BC Association of Chiefs of Police informed the Special Committee that no formalized or standardized provincial training program currently exists for *Police Act* investigators who oversee the complaint process in their individual police departments. Standardized training would promote best practices and ensure increased consistency in the approach and handling of investigations. This could also enhance credibility of the discipline process, and improve trust and confidence in decisions that are rendered related to disciplinary actions. Currently, investigators are required to educate themselves to prepare for the investigative role and need to rely on experienced colleagues or discipline authorities, professional standards investigators from municipal agencies, or expensive legal opinions from lawyers when advice is required.

The Vancouver Police Department provides two weeks of advanced training and three weeks post-police academy training to new recruits at the department's expense. This is in addition to the costs borne by new recruits who pay for some expenses from their own pocket. While the OPCC offers a one-day introduction course on the *Police Act*, it focuses primarily on the OPCC and its processes, not on investigations. The BC Association of Municipal Chiefs of Police and the Ending Violence Association of BC stated that training would help improve understanding of the complexities of Part 11 of the Act, help meet the expectations of the OPCC, and help officers prepare clearly-articulated decisions with regard to investigations.

On a related note, the BC Civil Liberties Association expressed concern that the quality of investigations varies by police department and in relation to which officers are conducting the investigations. The BC Association of Municipal Chiefs of Police shared the concerns of other police organizations and recommended that training could help improve communications, understanding of expectations for discipline authorities and investigating officers, contribute to consistent investigative standards and approaches, and reduce incidents of perceived inconsistent decision-making by police agencies.

Information Sharing

A number of organizations, including the BC Association of Chiefs of Police, indicated that there is a need for *Police Act* investigators, discipline authorities, OPCC staff and the judiciary to have more opportunities to share knowledge and information to help ensure a more uniform approach to investigations, as well as discuss relevant trends and best practices.

Committee Discussion

Committee Members discussed the various challenges that police officers and police departments face in terms of resources and the need to continue to uphold the rule of law in a sometimes rapidly changing environment. The Committee wanted to see appropriate supports in place to ensure that investigative officers have the training and resources they need to conduct *Police Act* investigations in a standardized, fair, effective and efficient manner. Standardized accreditation programs are already in place for other matters related to policing and Committee Members were of the view that a similar program would promote best practices and help improve consistency in the approach and handling of investigations.

Committee Members encouraged the sharing of information between the various groups and organizations involved in the police complaint process and agreed that more opportunities should be provided to allow these groups to share best practices, discuss relevant trends, and share their knowledge and experiences.

RECOMMENDATIONS

The Special Committee recommends to the Legislative Assembly that the provincial government and the Office of the Police Complaint Commissioner:

Training Opportunities

36. Partner with the Justice Institute of BC to standardize training on the *Police Act* investigation process for discipline authorities and investigating officers, and refresh the training on a regular basis.
37. Develop a provincial standard accreditation program to improve consistency in how discipline authorities and investigating officers carry out their roles.

Information Sharing

38. Create regular opportunities to allow *Police Act* investigators, discipline authorities, Office of the Police Complaint Commissioner staff, and legal counsel to share information and best practices and discuss relevant trends regarding *Police Act* investigations.

Summary of Recommendations

Audit Results

1. The Special Committee endorses the 10 recommendations made by MNP LLP and recommends the same to the Legislative Assembly:

Compliance Audit

Recommendation #1: The Office of the Police Complaint Commissioner should consider issuing a memo to the individual departments and/or discipline authority, reminding them of the progress report/decision letter submission requirements in order to meet the respective Subsections 98(1) and 98(9) of the *Police Act*.

Recommendation #2: The Office of the Police Complaint Commissioner should consider providing clear instruction to the individual departments on how evidence of deliveries to complainants (e.g. scanned delivery receipts) should be retained and logged into the Case Tracker System.

Recommendation #3: The [provincial government] should consider a proposed amendment to the legislation to prescribe time limits for the further investigative steps to be carried out, and the required extensions if necessary.

Recommendation #4: The Office of the Police Complaint Commissioner should remind staff of the importance of retaining the required documentation to demonstrate the Office's due diligence in the handling of police complaints.

Recommendation #5: The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

Performance Audit

Recommendation #6: The Office of the Police Complaint Commissioner should develop a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures.

Recommendation #7: The Office of the Police Complaint Commissioner's data analytics role should also be responsible for providing trend analysis on a department and provincial level.

Recommendation #8: The Office of the Police Complaint Commissioner should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs.

Recommendation #9: The Office of the Police Complaint Commissioner should revise website and outreach materials to make them easier for the average British Columbian to understand. Publications from the office should also be written in plain language.

Recommendation #10: The Office of the Police Complaint Commissioner should continue to promote Alternative Dispute Resolution as a form of resolving complaints including the continued expansion of the Vancouver Police Department's Alternative Dispute Resolution pilot program.

Efficiency, Effectiveness and Accessibility of the Police Complaint Process

The Committee recommends to the Legislative Assembly that the provincial government:

Accessibility of the Process

2. Work with municipalities to ensure the availability of skilled municipal staff at police stations to assist complainants to complete the police complaint form.
3. Examine and address the need for advocacy and support for those living with mental health issues in navigating the police complaint process.
4. Ensure that training for police officers includes information regarding cultural competency, trauma-informed practices, and best practices regarding interactions with those living with mental health issues, and that there are opportunities to refresh this training.
5. Increase resources for community advocacy groups to provide support and assistance to those who wish to initiate a police complaint and to provide other accessible locations that are safe and respectful spaces for complainants.
6. Provide funding to community advocacy groups to offer interpretation services to complainants who require this service.
7. Provide opportunities for meaningful consultation with diverse community groups as part of statutorily-required reviews of the *Police Act* to ensure that the Act is free of systemic discriminatory practices.
8. Initiate a consultation or study to examine relationships between Indigenous communities and police to better understand the current issues and challenges in order to work toward developing collaborative solutions.
9. Examine ways to facilitate opportunities for a broader range of designated observers to monitor the police complaint process in the interest of increased transparency, understanding and insight.

Efficiency and Effectiveness of the Process

10. Amend the *Police Act* to provide complainants with the opportunity to initiate a review of Office of the Police Complaint Commissioner decisions regarding the admissibility of police complaints.
11. Amend the *Police Act* to allow a police complaint investigation to be discontinued should there be suitable and ample evidence that the issue or complaint did not occur, or if the complaint is clearly baseless in nature.
12. Amend the *Police Act* to enable the Office of the Police Complaint Commissioner to conduct self-initiated systemic reviews, including data analysis, to highlight emerging or high-level trends, and to report publicly on any findings.
13. Amend the *Police Act* to expand the Police Complaint Commissioner's authority to make binding guidelines in any area not currently covered by the Act.

Improvements to the Police Complaint Process

Alternative Dispute Resolution (ADR) and Restorative or Transformative Justice

The Committee recommends to the Legislative Assembly that the provincial government and the Office of the Police Complaint Commissioner:

14. Continue to promote and expand the use of Alternative Dispute Resolution (ADR) and restorative or transformative justice programs to support the effective and efficient resolution of applicable police complaints.
15. Partner with Indigenous communities to provide information to discipline authorities and investigating officers regarding the benefits of Alternative Dispute Resolution (ADR) and restorative or transformative justice programs.

Amendments to the *Police Act* – Part 11

The Committee recommends to the Legislative Assembly that the provincial government:

16. Amend the *Police Act* to provide the Police Complaint Commissioner with the power to arrange a public hearing at any stage of the process.
17. Review the overall timelines set out in Part 11 of the *Police Act* for appropriateness, conflicts, overlaps and general practicality, and make amendments as necessary.
18. Amend the *Police Act* by adding a "fast-track," streamlined, simplified, or expedited process for complaints that are minor in nature, where the police officer admits responsibility and is willing to accept an appropriate disposition.
19. Empower the Office of the Police Complaint Commissioner to receive and consider group complaints from two or more individuals concerning the same police officer.

20. Amend the *Police Act* to provide clearer definitions regarding Service and Policy complaints, as well as distinctions between what constitutes corrective measures or discipline, and ensure that only disciplinary actions as defined in the Act are placed on a Service Record of Discipline (SROD).
21. Amend the wording of Section 171(1)(d) of the *Police Act* to replace “dismiss” a police complaint with “investigate and resolve” or “investigate and conclude” a police complaint.
22. Amend the *Police Act* to require mandatory documentation and reporting of all complaints in order to collect statistical information.

Discipline Authority

23. Amend the current definition of “discipline authority” in the *Police Act* to include persons appointed pursuant to regulations and approved by the Police Complaint Commissioner or Chief Constable.
24. Amend the *Police Act* to define a retired judge as the discipline authority of the Chief or Deputy Chief of Police, and ensure that any information or reports arising from an investigation of the Chief or Deputy Chief of Police are made available to all Board members.

Lock-up Staff in RCMP-policed Municipalities

25. Initiate a review to determine if lock-up staff or municipal guards in RCMP-policed municipalities should come under the jurisdiction of an appropriate independent oversight body.

Special Municipal Constables

26. Review and amend the *Police Act* to ensure that only paid employees, such as Special Municipal Constables and Reserve or Auxiliary Constables, fall within Part 11 of the Act.

Office of the Police Complaint Commissioner

The Committee recommends to the Legislative Assembly that the Office of the Police Complaint Commissioner:

Training for OPCC Staff

27. Provide training for Office of the Police Complaint Commissioner staff to ensure a better understanding and evaluation of complaints initiated by those living with mental health issues.
28. Provide cultural competency training and frequent opportunities for Office of the Police Complaint Commissioner staff to engage with the communities they serve, including Indigenous and newcomer communities.

Communications and Outreach

29. Increase engagement and outreach activities to inform and educate British Columbians about the police complaint process, with a particular focus on agencies that serve Indigenous people living in urban areas, settlement service organizations, and organizations that serve vulnerable communities.
30. Offer translated copies of the police complaint process form, brochures, and other communication materials in the major languages that newcomers speak.
31. Examine ways to make the police complaint process more accessible for those from Indigenous and newcomer communities.
32. Update the police complaint form to include plain language and clearly delineate information that is voluntary.
33. Update the list on the Office of the Police Complaint Commissioner website of support groups that provide language-specific and culturally-appropriate assistance to newcomers who wish to initiate a police complaint.
34. Provide communication materials wherever the police complaint form is available, including online and at police stations, outlining the various supports offered through community organizations.

Shared Database Resource

35. Create, update and maintain a secure online database of past decisions and court rulings regarding discipline and corrective measures to allow discipline authorities and investigating officers to access relevant information and precedents.

Supports for Police

The Special Committee recommends to the Legislative Assembly that the provincial government and the Office of the Police Complaint Commissioner:

Training Opportunities

36. Partner with the Justice Institute of BC to standardize training on the *Police Act* investigation process for discipline authorities and investigating officers, and refresh the training on a regular basis.
37. Develop a provincial standard accreditation program to improve consistency in how discipline authorities and investigating officers carry out their roles.

Information Sharing

38. Create regular opportunities to allow *Police Act* investigators, discipline authorities, Office of the Police Complaint Commissioner staff, and legal counsel to share information and best practices and discuss relevant trends regarding *Police Act* investigations.

Appendix A: Management Letter



September 27, 2019

Legislative Assembly of British Columbia
c/o Parliamentary Committees Office, Room 224
431 Menzies Street
Victoria, BC V8V 1X4

For the attention of The Special Committee

Management letter with respect to independent review of the Office of the Police Complaint Commissioner – Compliance Audit and Performance Audit.

The Special Committee engaged MNP LLP “MNP” as auditor to conduct the following:

- A compliance audit pursuant to Section 51.2 of the *Police Act*.
- A performance audit to determine if the Office of the Police Complaint Commissioner met its goals as set out in its 2015/16-2018/19 Service Plan.

On an overall basis the results from our review were positive. We would like to express our appreciation for the co-operation and assistance we have received during the course of our audit from The Office of the Police Complaint Commissioner. Their assistance allowed us to complete our work on time and without delay.

The following section summarizes areas identified during our review:

1. Compliance Audit Pursuant to Section 51.2 of the *Police Act*

The following strengths, non-compliance, and opportunities for improvement were identified as part of our audit:

Control Strengths

- Based on our sampled complaints, we observed a decline in the number of non-compliance within complaint files year-on-year for the period under review. The downward trend is in part attributable to the implementation the Case Tracker System (“CTS”), which effectively auto-populates filing deadlines based on the investigation dates when a complaint is first filed into the system.
- Sampled Complaints were well documented and effectively tracked in the Case Tracker System (“CTS”). Case logs were detailed and informative, allowing the reviewer to easily track the progress of a complaint file from start to finish.
- Since the Auditor General’s review of sampled case files covering the period 2010-2012, the OPCC has improved department procedures with the objective of completing investigations within the 6-months period as stipulated in Part 11 section 99(1) of the *Police Act*. Based on our sample reviewed, 65% of complaints were completed within the 6-months period (2010-2012: 45%). Of the 35% sampled complaints not completed within this period, it was verified that all files were supported by authorized extensions.



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Non-compliance Related Observations

1. In 12 of 311 (4%) sampled complaint files, the first progress report was not filed within 30 business days as required.
2. In 10 of 311 (3%) sampled complaint files, the DA decision was not filed within 10 business days as required.

Opportunities for Improvement

1. In 4 of 311 (1%) sampled complaint files, there was insufficient evidence on file to determine if the Final Investigation Report (FIR) or Discipline Authority (DA) decision was delivered to the complainant within 10 business days as required. There is no clear guidance or legislation on what evidence is to be obtained.
2. The current legislation does not specify a time limit for the investigating officer to carry out further investigative steps following the rejection of a submitted FIR. Consideration should be given to amending existing legislation to include timelines for carrying out these procedures, and circumstances in which extensions may be granted. This will help ensure files are completed in a timely manner.
3. Two complaint files reviewed were missing documentation.
4. The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

2. Office of the Police Complaint Commissioner – Performance Audit

On an overall basis the OPCC has met its goals as set out in its 2015/16 – 2018/19 service plan. While priorities have shifted over time, the OPCC has largely accomplished all of the criteria that the Office was expected to achieve such as:

- Promoting accountable policing.
- Providing an efficient and effective police complaint process.
- Ensuring the complaint process is accessible to all members of the community.
- Promoting the development of Alternative Dispute Resolution.
- Ensuring excellence in the work of the OPCC.

Following a series of interviews with OPCC leadership, as well as a detailed document review, the audit determined that the OPCC did not fully meet the following expectations.

- The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures. This method is not proactive, and more-detailed up-to-date information would allow for more informed decision making.
- The OPCC reports frequently to the public and police departments on decisions and statistics but could do more to inform the public and police departments on emerging trends in police conduct.

- The OPCC does not have outreach programs for police departments and the public, which results in an ad hoc approach to outreach and engagement.
- The OPCC website is not written in plain language and is only available in English.
- The OPCC supplies designated assistance agencies with outreach materials, but they are not written in plain language.
- The OPCC has not developed a level 2 training course for Alternative Dispute Resolution to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff.

The OPCC can begin to address these areas through the following recommendations:

1. Developing a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures.
 - The OPCC data analytics role should also be responsible for providing trend analysis on a department and provincial level.
2. The OPCC should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs.
3. The OPCC should revise its website and outreach materials to make them easier to read and understand. Publications from the Office should also be written in plain language.
4. The OPCC should continue to promote ADR as a form of resolving complaints including the continued expansion of the Vancouver Police Department ADR pilot program.

Our work and findings do not in any way constitute advice or recommendations (and we accept no liability in relation to any advice or recommendations) regarding any commercial decisions made as a result of this report.

The work we performed does not constitute an audit examination or any assurance engagement under the standards of the Chartered Professional Accountants of Canada ("CPA Canada") and hence no opinion, attestation or other form of assurance is provided or implied.

We wish to express our sincere thanks to The Special Committee for engaging us to [perform this review. Should The Committee have any questions regarding the content of this letter, please do not hesitate to contact me.

Sincerely,



Alan Cosgrave CPA, FCPA (Irl), CFSA, CICA, CRICP, CPSCP
Partner, Enterprise Risk Services
Tel: 604.637.1521
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Appendix B: Compliance Audit Report

MNP



Legislative Assembly of BC The Office of the Police Complaint Commissioner - Compliance Audit

September 27, 2019

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September 27, 2019

Legislative Assembly of British Columbia
c/o Parliamentary Committees Office, Room 224
431 Menzies Street
Victoria, BC V8V 1X4

To Whom it may concern,

Re: The Office of The Police Complaint Commissioner – Compliance Audit

We have completed our independent review of the Office of the Police Complaint Commissioner “OPCC” – Compliance Audit and enclosed within this report is a summary of observations and recommendations. This report has been prepared to provide the Special Committee with an independent assessment of the OPCC’s managing of complaints pursuant to Part 11 of the *Police Act* and any regulations and policies.

Our work and findings do not in any way constitute advice or recommendations (and we accept no liability in relation to any advice or recommendations) regarding any commercial decisions made as a result of this report. The work we performed does not constitute an audit examination or any assurance engagement under the standards of the Chartered Professional Accountants of Canada (“CPA Canada”) and hence no opinion, attestation or other form of assurance is provided or implied.

We wish to express our sincere thanks to the staff at the OPCC for their assistance during our review. Should you have any questions regarding the content of our report, please do not hesitate to contact me.

Yours truly,



Alan Cosgrave CPA, FCPA (Irl), CFSA, CICA, CRICP, CPSCP
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CONTENTS

Introduction	3
Overview of the Office of the Police Complaint Commissioner	3
Engagement Scope	4
Audit Methodology	4
Scope Limitation.....	5
Limitations	6
Acknowledgement.....	6
Executive Summary	7
Detailed Findings and Observations	8
Non-Compliance Related Findings and Observations	8
Opportunities for Improvement	8
Appendix A: Summary of Observations & Recommendations	10

INTRODUCTION

On February 21, 2019, pursuant to Section 51.2 of the *Police Act [RSBC 1996] c. 367*, the Legislative Assembly of British Columbia appointed the Special Committee to Review the Police Complaint Process (the “Special Committee”) to conduct an audit respecting the outcome or resolution of randomly selected complaints and investigations under Part 11 of the Act, and to prepare a report no later than November 26, 2019 on the results of that audit.

The Special Committee engaged MNP LLP “MNP” as auditor to conduct the following:

- A compliance audit pursuant to Section 51.2 of the *Police Act*. - **Refer to Executive Summary for Results**
- A performance audit to determine if the Office of the Police Complaint Commissioner met its goals as set out in its 2015/16-2018/19 Service Plan – **Separate Report**

Overview of the Office of the Police Complaint Commissioner

Mandate

The OPCC is a civilian, independent office of the Legislature. Its role is to oversee and monitor complaints and investigations involving municipal police in British Columbia as well as to administer discipline and proceedings under the *Police Act*.

The OPCC receives complaints from the public and determines whether they are admissible. When a complaint is admissible, the OPCC will open an investigation, and in some cases, refers complaints for adjudicative review. Investigations are undertaken by police agencies and the OPCC ensures that they are professional, impartial and fair to all parties involved. The OPCC maintains records of all police complaints and *Police Act* investigations and their outcomes.

The Police Complaint Commissioner “the Commissioner” is responsible for advising, informing and assisting all parties involved in the complaint process.¹ The vision and mission of the OPCC is as follows:

Vision

To engage in effective civilian oversight that provides accountability and builds public confidence in policing.

Mission

The Office of the Police Complaint Commissioner promotes accountable policing within our communities and enhances public confidence in law enforcement through impartial, transparent civilian oversight.

The OPCC oversees complaints involving the following municipal police departments:

- Abbotsford
- Central Saanich
- Combined Forces Special Enforcement Unit of British Columbia
- Delta
- Nelson
- New Westminster
- Oak Bay
- Port Moody
- Saanich
- South Coast BC Transportation Authority Police Service
- Stl’atl’imx Tribal Police
- Vancouver
- Victoria
- West Vancouver

¹ Opcc.bc.ca/about-us/opcc-purpose/

ENGAGEMENT SCOPE

The scope of this compliance audit was to determine whether complaints and investigations were completed in compliance with Part 11 of the Policy Act and any related regulations and policies.

We selected our sample from the entire population of police complaints filed in BC between the years 2012 to 2018. The sample size for the compliance audit was determined to provide sufficient assurance that complaints and investigations were completed in compliance with Part 11 of the *Police Act* and any related regulations and policies.

Audit Methodology

MNP conducted the review from June to September 2019, utilizing a proven, effective and comprehensive engagement methodology based on national and international standards and industry leading practices, including the Institute of Internal Auditor Standards – Professional Practice. Our engagement methodology is presented in the following 4-phased approach:



Phase 1 - Project Planning
Key Activities
<ul style="list-style-type: none"> Discussed and confirmed project scope, summarizing the purpose, objectives, and outcomes of the project, as well as confirming and agreeing upon the project methodology and approach; Identified and reviewed relevant documentation such as organization charts, process documentation, reports, and data extracts; and Reviewed Part 11 of the <i>Police Act</i> and any related regulations and policies.
Outcome / Deliverables
<ul style="list-style-type: none"> Confirmation of the approach, objectives, and communication protocol; and, Information Request.

Phase 2 – Policy and Processes Review
Key Activities
<ul style="list-style-type: none"> Conducted a walkthrough of the complaints process and Case Tracker System (“CTS”) with the OPCC management and staff to gain an understanding of the current complaints process; and Identified the key compliance requirements of Part 11 of the <i>Police Act</i> and related regulations and policies, and created a compliance testing template to test those requirements.
Outcome / Deliverables
<ul style="list-style-type: none"> Complaints Compliance Testing Worksheet

Phase 3 – Sample Testing

Key Activities

- Based on the entire population of 3,057 concluded complaints initiated between 2012 and 2018, MNP selected a sample size of 311 complaints, approximately 10% of the population. Samples were selected to ensure proportionate representation of complaints by:
 - Year complaint filed;
 - Internal vs. External complaints;
 - Admissibility;
 - Complaints settled via the Alternative Dispute Resolution process;
 - Complaints proceeded to Investigations;
 - Complaints escalated to Prehearing Conference; and
 - Complaints proceeded to Disciplinary Proceedings;
- Tested the sample size of 311 complaints for compliance with the identified requirements of Part 11 of the *Police Act* and related regulations and policies; and
- Validated findings and observations with the OPCC management and discussed possible solutions for remediation.

Outcome / Deliverables

- Summary of observations from the sample test

Phase 4 – Reporting

Key Activities

- Prepared a draft report with findings and recommendations based on the testing performed;
- Issued the draft report for the OPCC management review and response;
- Obtained management comments and action plans;
- Prepared a final report incorporating responses received and addressed comments from the draft report; and,
- Prepared a Management Letter and presented the final report and Management Letter to the Special Committee.

Outcome / Deliverables

- Draft report for the OPCC management response;
- Final Report and Management Letter; and,
- Presentation of Final Report and Management Letter to the Special Committee.

Scope Limitation

The scope of our compliance audit was limited to a review of complaint files for compliance with the explicitly stated requirements of Part 11 of the *Police Act*. As such, we did not perform any assessment on the appropriateness of decisions rendered as a result of the investigations.

LIMITATIONS

Our work was planned and conducted to assess compliance with Part 11 of the *Police Act*. Our work and findings do not in any way constitute advice or recommendations (and we accept no liability in relation to any advice or recommendations) regarding any commercial trust decisions. The work we performed does not constitute an audit examination or any assurance engagement under the standards of the Chartered Professional Accountants of Canada (“CPA Canada”) and hence no opinion, attestation or other form of assurance is provided or implied.

Our work was not designed to identify and cannot necessarily be expected to disclose defalcations, fraud and other irregularities. As a result, this report does not necessarily include all those matters, which a more extensive or special examination might develop. The discovery of irregularities might, of course, have resulted from our review and, if so, anything significant would be reported to you.

Our work was conducted based on the assumption that information provided to us by contractors, management and employees of the OPCC was reliable, accurate and complete. We did not subject the information contained in the report to checking or verification procedures except to the extent expressly stated. In no circumstances shall we be responsible for any loss or damage, of whatsoever nature, arising from information material to our work being withheld or concealed from us or misrepresented to us by contractors, management and employees of the OPCC or any other person of whom we may make enquiries.

ACKNOWLEDGEMENT

We would like to express our appreciation for the cooperation from and efforts made by the OPCC personnel and management during this engagement.

EXECUTIVE SUMMARY

Overall, police complaints are being managed in compliance with the *Police Act*. The processes and systems that support the handling of police complaints ensure that the complaints are effectively logged, noted diligently, tracked to completion, and substantiated by supporting documentation.

The following strengths, non-compliance, and opportunities for improvement were identified as part of our audit:

Control Strengths

- Based on our sampled complaints, we observed a decline in the number of non-compliance within complaint files year-on-year for the period under review. The downward trend is in part attributable to the implementation of the Case Tracker System (“CTS”), which effectively auto-populates filing deadlines based on the investigation dates when a complaint is first filed into the system.
- Sampled Complaints were well documented and effectively tracked in the Case Tracker System (“CTS”). Case logs were detailed and informative, allowing the reviewer to easily track the progress of a complaint file from start to finish.
- Since the Auditor General's review of sampled case files covering the period 2010-2012, the OPCC has improved department procedures with the objective of completing investigations within the 6-months period as stipulated in Part 11 section 99(1) of the *Police Act*. Based on our sample reviewed, 65% of complaints were completed within the 6-months period (2010-2012: 45%). Of the 35% sampled complaints not completed within this period, it was verified that all files were supported by authorized extensions.

Non-compliance Related Observations

- In 12 of 311 (4%) sampled complaint files, the first progress report was not filed within 30 business days as required.
- In 10 of 311 (3%) sampled complaint files, the DA decision was not filed within 10 business days as required.

Opportunities for Improvement

- In 4 of 311 (1%) sampled complaint files, there was insufficient evidence on file to determine if the Final Investigation Report (FIR) or discipline authority (DA) Decision was delivered to the complainant within 10 business days as required. There is no clear guidance or legislation on what evidence is to be obtained.
- The current legislation does not specify a time limit for the investigating officer to carry out further investigative steps following the rejection of a submitted FIR. Consideration should be given to amending existing legislation to include timelines for carrying out these procedures, and circumstances in which extensions may be granted. This will help ensure files are completed in a timely manner.
- Two complaint files reviewed were missing documentation.
- The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

Detailed Findings and Observations are provided in the next section, along with a summary provided in **Appendix A** of this report.

DETAILED FINDINGS AND OBSERVATIONS

Non-Compliance Related Findings and Observations

1. Initial Progress Report

As per section 98.1 of the *Police Act*:

“Within 30 business days after the initiation of an investigation, the investigating officer must file a report with the discipline authority and the police complaint commissioner on the progress of the investigation”.

To determine whether the OPCC complied with this requirement, we counted the number of business days between the dates of two documents sent to the complainant: the date of the Notice of Complaint Initiation of Investigation (“NOCIOI”), and the date of the first progress report. Factoring statutory holidays and extensions granted, 12 of the 311 (4%) sampled complaints did not have their first progress report filed within 30 business days of the NOCIOI. Per discussion with the Police Complaint Commissioner, the legislation makes it the responsibility of the police department to ensure that progress reports are filed in a timely manner.

2. DA Decision Letter

As per section 98.9 of the *Police Act*:

“Within 10 business days after receiving an investigating officer’s final investigation report, the discipline authority, or the police complaint commissioner in consultation with the discipline authority, may reject that report and direct that further investigative steps be taken”.

To determine whether the OPCC complied with this requirement, we counted the number of business days between the date of the Final Investigation Report and the date of the discipline authority’s (“DA”) Decision letter, factoring in statutory holidays and extensions granted. Based on our sampled files, 10 of 311 (3%) of the complainants did not receive the DA Decision letter within the 10 business days. Per discussion with the Police Complaint Commissioner, the legislation makes it the responsibility of the discipline authority to file their decision letter in a timely manner.

Opportunities for Improvement

3. Notification of FIR/DA Decision Letter to Complainant

As per section 112.1 of the *Police Act*:

“Within 10 business days after receiving an investigating officer’s final investigation report in respect of the conduct of a member or former member, the discipline authority must

(b)(i) subject to subsection (6), provide the complainant, if any, with a copy of the final investigation report, and

(c) notify the complainant, if any, the member or former member, the police complaint commissioner and the investigating officer of the next applicable steps to be taken in accordance with this section”.

Based on the sample files reviewed, evidence of the FIR or DA Decision Letter delivery to the complainant was either a scanned electronic copy of the courier receipt, or case logs in CTS noting that the letters were issued.

While case logs are beneficial for documenting that a letter was issued, procedures should be enhanced to specify what supporting documentation i.e. Canada Post receipt, or supporting email, should be retained.

In 4 of the 311 sample complaints reviewed, there was insufficient evidence (neither delivery receipt nor case log) to confirm that the Final Investigation Report or DA Decision letter was sent to the complainant. There is no clear guidance or legislation to specify what evidence of delivery to the complainant should be obtained.

4. Direction for Further Investigative Steps

As per section 98.10 of the *Police Act*:

“An investigating officer must promptly comply with a direction under subsection (9) (under section 98), and re-submit a final investigation report to the discipline authority and the police complaint commissioner within 5 days of carrying out those steps”

While the investigating officer is required to re-submit a FIR within 5 business days of carrying out further investigative steps, there is no required time limit to how long the investigating officer has to carry out those steps.

5. Incomplete Documentation

Based on our review of 311 files, we identified 2 files missing the following information:

- In 1 complaint resolved by Alternative Dispute Resolution. The Informal Resolution document was not signed by the complainant.
- 1 complaint case was missing the scanned electronic file for progress report #3.

The above noted files pertained to complaints filed in 2013 and 2014. No instances of incomplete documentation were observed in files reviewed between 2015-2018.

6. Detailed File Review

As mentioned in our scope limitation, this audit was focused primarily on the OPCC’s compliance with Part 11 of the *Police Act* and did not provide an assessment of the appropriateness of decisions rendered as a result of investigations. While the overall results of our audit were positive and we expect to see continued compliance moving forward, the police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

APPENDIX A: SUMMARY OF OBSERVATIONS & RECOMMENDATIONS

Provided below is a summary of the non-compliance observations and opportunities for improvement and associated recommendations:

Ref	Observations and Opportunities for Improvement	Recommendations
Non-compliance Observations		
1	12 of 311 police complaints did not comply with Section 98.1 of the <i>Police Act</i> , requiring the first progress report to be filed within 30 business days of the Notice of Complaint Initiation of Investigation.	The OPCC should consider issuing a memo to the individual departments and/or discipline authority, reminding them of the progress report/decision letter submission requirements in order to meet the respective subsections 98.1 and 98.9 of the <i>Police Act</i> .
2	10 of 311 police complaints did not comply with Section 98.9 of the <i>Police Act</i> , requiring the DA Decision letter to be filed within 10 business days of receiving the Final Investigation Report.	
Opportunities for Improvement		
3	In 4 of 311 police complaints, there was insufficient evidence to determine whether the Final Investigation Report or DA Decision Letter was sent to the complainant within 10 business days as required by Section 112.1 of the <i>Police Act</i> .	The OPCC should consider providing clear instruction to the individual departments on how evidence of deliveries to complainants (e.g. scanned delivery receipts) should be retained and logged into the Case Tracker System.
4	Current legislation does not prescribe time limits for an officer to carry out investigative steps following the rejection of a FIR.	The Special Committee should consider a proposed amendment to the legislation to prescribe time limits for the further investigative steps to be carried out, and the required extensions if necessary.
5	Two complaint cases were missing supporting documentation.	The OPCC should remind staff of the importance of retaining the required documentation to demonstrate the OPCC's due diligence in the handling of police complaints.
6	Police complaint cases thus far have only been reviewed for compliance with filing deadlines and completeness of documentation.	The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.

ABOUT MNP

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Appendix C: Performance Audit Report

MNP



Legislative Assembly of BC The Office of the Police Complaint Commissioner - Performance Audit

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September 27, 2019

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September 27, 2019

Legislative Assembly of British Columbia
c/o Parliamentary Committees Office, Room 224
431 Menzies Street
Victoria, BC V8V 1X4

To whom it may concern,

Re: The Office of The Police Complaint Commissioner – Performance Audit

We have completed our independent review of the Office of the Police Complaint Commissioner “OPCC” – Performance Audit and enclosed within this report is a summary of observations and recommendations. This report has been prepared to provide The Special Committee with an independent assessment of the performance of the OPCC relative to goals set out in the OPCC’s 2015/16 – 2018/19 Service Plan.

Our work and findings do not in any way constitute advice or recommendations (and we accept no liability in relation to any advice or recommendations) regarding any commercial decisions made as a result of this report.

The work we performed does not constitute an audit examination or any assurance engagement under the standards of the Chartered Professional Accountants of Canada (“CPA Canada”) and hence no opinion, attestation or other form of assurance is provided or implied.

We wish to express our sincere thanks to the staff at the OPCC for their assistance during our review. Should you have any questions regarding the content of our report, please do not hesitate to contact me.

Yours truly,

Alan Cosgrave CPA, FCPA (Irl), CFSA, CICA, CRICP, CPSCP
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CONTENTS

Introduction	3
Overview of the Office of the Police Complaint Commissioner	3
Engagement Scope	4
Audit Methodology	4
Limitations	5
Acknowledgement.....	5
Executive Summary.....	6
Detailed Findings and Observations.....	7
Appendix A: Detailed Findings & Recommendations.....	15
Appendix B: Interview List	17
Appendix C: List of Documents Obtained.....	18

INTRODUCTION

On February 21, 2019, pursuant to Section 51.2 of the *Police Act [RSBC 1996] c. 367*, the Legislative Assembly of British Columbia appointed the Special Committee to Review the Police Complaint Process (the “Special Committee”) to conduct an audit respecting the outcome or resolution of randomly selected complaints and investigations under Part 11 of the Act, and to prepare a report no later than November 26, 2019 on the results of that audit.

The Special Committee engaged MNP LLP “MNP” as auditor to conduct the following:

- A compliance audit pursuant to Section 51.2 of the *Police Act*. - **Separate Report**
- A performance audit to determine if the Office of the Police Complaint Commissioner met its goals as set out in its 2015/16-2018/19 Service Plan – **Refer to Executive Summary for Results**

Overview of the Office of the Police Complaint Commissioner

Mandate

The OPCC is a civilian, independent office of the Legislature. Its role is to oversee and monitor complaints and investigations involving municipal police in British Columbia as well as to administer discipline and proceedings under the *Police Act*.

The OPCC receives complaints from the public and determines whether they are admissible. When a complaint is admissible, the OPCC open an investigation, and in some cases, refers complaints for adjudicative review. Investigations are undertaken by police agencies and the OPCC ensures that they are professional, impartial and fair to all parties involved. The OPCC also maintains records of all police complaints and *Police Act* investigations as well as their outcomes.

The Police Complaint Commissioner “the Commissioner” is responsible for advising, informing and assisting all parties involved in the complaint process.¹ The vision and mission of the OPCC is as follows:

Vision

To engage in effective civilian oversight that provides accountability and builds public confidence in policing.

Mission

The Office of the Police Complaint Commissioner promotes accountable policing within our communities and enhances public confidence in law enforcement through impartial, transparent civilian oversight.

The OPCC oversees complaints involving the following municipal police departments:

- Abbotsford
- Central Saanich
- Combined Forces Special Enforcement Unit of British Columbia
- Delta
- Nelson
- New Westminster
- Oak Bay
- Port Moody
- Saanich
- South Coast BC Transportation Authority Police Service
- Stl’atl’imx Tribal Police
- Vancouver
- Victoria
- West Vancouver

¹ Opcc.bc.ca/about-us/opcc-purpose/

ENGAGEMENT SCOPE

The scope of this performance audit was to assess the performance of the OPCC relative to goals set out in the OPCC's 2015/16 – 2018/19 Service Plan. These goals were:

- To promote accountable policing in British Columbia.
- To provide an efficient and effective police complaint process in British Columbia.
- To ensure the complaint process is accessible to all members of the community.
- To promote the development of Alternative Dispute Resolution as a means of resolving complaints between members of the public and policing.
- To ensure excellence in the work of the OPCC.

As such, the audit lines of enquiry were as follows:

1. Has the OPCC promoted accountable policing?
2. Has the OPCC provided an efficient and effective police complaint process?
3. Has the OPCC ensured the complaint process is accessible to all members of the community?
4. Has the OPCC promoted the development of Alternative Dispute Resolution as a means of resolving complaints?
5. Has the OPCC ensured excellence in the work of the OPCC?

Audit Methodology

The graphic below outlines the main steps taken to complete the audit.



LIMITATIONS

Our work was planned and conducted to assess the performance of the OPCC relative to goals set out in the OPCC's 2015/16 – 2018/19 Service Plan. Our work and findings do not in any way constitute advice or recommendations (and we accept no liability in relation to any advice or recommendations) regarding any commercial trust decisions. The work we performed does not constitute an audit examination or any assurance engagement under the standards of the Chartered Professional Accountants of Canada ("CPA Canada") and hence no opinion, attestation or other form of assurance is provided or implied.

Our work was not designed to identify and cannot necessarily be expected to disclose defalcations, fraud and other irregularities. As a result, this report does not necessarily include all those matters, which a more extensive or special examination might develop. The discovery of irregularities might, of course, have resulted from our review and, if so, anything significant would be reported to you.

Our work was conducted based on the assumption that information provided to us by contractors, management and employees of OPCC was reliable, accurate and complete. We did not subject the information contained in the report to checking or verification procedures except to the extent expressly stated. In no circumstances shall we be responsible for any loss or damage, of whatsoever nature, arising from information material to our work being withheld or concealed from us or misrepresented to us by contractors, management and employees of OPCC or any other person of whom we may make enquiries.

ACKNOWLEDGEMENT

We would like to express our appreciation for the cooperation from and efforts made by the OPCC personnel and management during this engagement.

EXECUTIVE SUMMARY

On an overall basis the OPCC has met its goals as set out in its 2015/16 – 2018/19 service plan. While priorities have shifted over time, the OPCC has largely accomplished all of the criteria that the Office was expected to achieve such as:

- Promoting accountable policing.
- Providing an efficient and effective police complaint process.
- Ensuring the complaint process is accessible to all members of the community.
- Promoting the development of Alternative Dispute Resolution.
- Ensuring excellence in the work of the OPCC.

Following a series of interviews with OPCC leadership, as well as a detailed document review, the audit determined that the OPCC did not fully meet the following expectations.

- The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures. This method is not proactive, and more-detailed up-to-date information would allow for more informed decision making.
- The OPCC reports frequently to the public and police departments on decisions and statistics but could do more to inform the public and police departments on emerging trends in police conduct.
- The OPCC does not have outreach programs for police departments and the public, which results in an ad hoc approach to outreach and engagement.
- The OPCC website is not written in plain language and is only available in English.
- The OPCC supplies designated assistance agencies with outreach materials but they are not written in plain language.
- The OPCC has not developed a level 2 training course for Alternative Dispute Resolution to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff.

The OPCC can begin to address these areas through the following recommendations:

Recommendations

1. Developing a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures.
 - The OPCC data analytics role should also be responsible for providing trend analysis on a department and provincial level.
2. The OPCC should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs.
3. The OPCC should revise its website and outreach materials to make them easier to read and understand. Publications from the Office should also be written in plain language.
4. The OPCC should continue to promote ADR as a form of resolving complaints including the

continued expansion of the Vancouver Police Department ADR pilot program.

DETAILED FINDINGS AND OBSERVATIONS

This section details the findings from interviews with OPCC leadership as well as a detailed document review. Findings are organized to align with the audit lines of enquiry.

1. Has the OPCC promoted accountable policing?

Based on the OPCC Service Plan from 2015/16 – 2018/19 as well as subsequent service plans, we expected to find:

- The OPCC delivers investigations, proceedings, decisions and adjudications within the time limits specified under the Act.
- The OPCC performs internal audits to ensure investigations and decisions are in compliance with *Police Act* legislation.
- The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures.

With regards to these criteria we found:

1.1 The OPCC delivers investigations, proceedings, decisions and adjudications within the time limits specified under the Act.

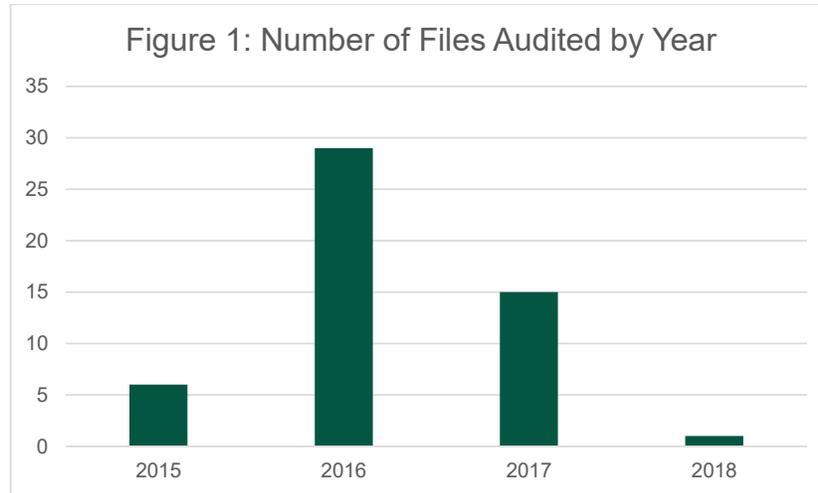
Upon determining that a complaint is admissible, the OPCC must notify the complainant and the chief constable of the municipal police department where the complaint originated. From this point, the police department has six months to complete the investigation. In some instances, the Commissioner may grant extensions, or the discipline authority for the investigation may request further investigation.²

We found through our compliance audit of 311 files that 65 percent were completed within six months, and 100 percent of those which took longer had authorized extensions.

1.2 The OPCC performs internal audits to ensure investigations and decisions are in compliance with *Police Act* legislation.

In 2016, the OPCC brought in a former OPCC manager to review case files for quality of oversight and to identify areas for improvement. Monthly audits are completed on a random selection of files to ensure internal business practices were followed, and that the content of the investigation file demonstrates a commitment to quality and an absence of bias. Figure 1 outlines the number of audits completed between 2015 and 2018. A note should be made that files are only audited once closed and audits of files from 2017 and 2018 are likely to still occur.

² *Police Act*



Aside from the formal audit process, informal mechanisms for quality review occur through bi-weekly meetings with the investigation analyst and their manager. Any issues that arise from these meetings and those identified through the audit process are addressed through a range of approaches varying from informal discussions with an analyst, to the review and improvement of internal business practices.

1.3 The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures. This method is not proactive and additional, up-to-date information would allow for more informed decision making.

The OPCC publishes annual reports that include summaries of all concluded investigations. These summaries contain the type of misconduct, a brief summary of the misconduct and the final discipline or corrective measure taken. Similar information is posted in quarterly statistical reports as well. Municipal police departments would like to have a searchable database that they could use in real time, instead of searching through a series of documents with little information with which to compare cases.³

Leadership at the OPCC also indicated that a database of concluded cases would be desirable. However, specific care would be required in developing such a database due to issues around confidentiality. The database would need to include enough detail to provide discipline authorities with the information they need to analyze and make appropriate comparisons between cases. This would need to be balanced with ensuring the level of detail does not make it possible for users to figure out the identities of either party.

2. Has the OPCC provided an efficient and effective police complaint process?

Based on the OPCC Service Plan from 2015/16 – 2018/19 as well as subsequent service plans, we expected to find:

- The OPCC provides 24/7 access to online services to submit complaints.
- The OPCC frequently reports to the public and police departments on decisions, statistics and emerging trends in police conduct.

³ British Columbia Association of Chiefs of Police, Submission to the Special Committee, June 6, 2019

- The OPCC holds regular meetings with stakeholders in the police complaint process.
- The OPCC has assisted municipal police departments in developing proactive early intervention programs and identify potential training issues.

Findings related to these criteria include:

2.1 The OPCC provides 24/7 access to online services to submit complaints.

Complaints can be made through a variety of methods including in-person and over the phone during OPCC office hours, as well as, through a form submitted via email, mail, fax or the OPCC webpage. These latter methods are available 24/7.

2.2 The OPCC reports frequently to the public and police departments on decisions and statistics but could do more to inform the public and police departments on emerging trends in police conduct.

The OPCC creates an annual report each year which is posted on its website. Annual reports are available from 2013 to 2017/18. These annual reports include information about the OPCC's role and work, as well as, outlines the steps of the complaint process. In addition, the annual report includes statistics on the number and types of complaints, admissibility decisions, concluded investigations, alternative dispute resolution and reportable injuries. Similar statistics are reported on a quarterly basis as well.

Individual police departments can receive additional information, but they must request this from the OPCC. The OPCC does not perform and make available analysis on trends in police conduct. Leadership at the OPCC indicated that, subject to budgetary allowances, a staff member will be hired to perform trend analysis on police complaints.

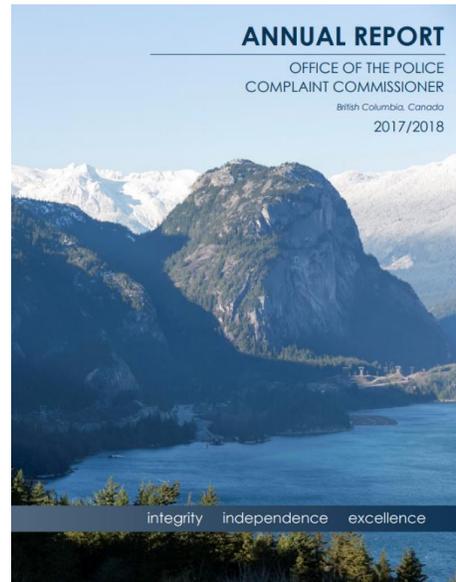
2.3 The OPCC holds regular meetings with stakeholders in the police complaint process.

The OPCC meets regularly with various stakeholders in the police complaint process including:

- The provincial government,
- Police department executives,
- Police union representatives,
- BC Civil Liberties Association,
- Pivot Legal Society, and
- Educational institutions.

These meetings are to promote mutual understanding of the police complaint process, and to share information on best practices.

The OPCC had endeavoured to review all stakeholder relationships in 2018/19 and develop an outreach program specific to each stakeholder. This task has not been started, but it is likely to occur in the coming year.



2.4 The OPCC has assisted municipal police departments in developing proactive early intervention programs and identify potential training issues.

The OPCC has a dedicated analyst to review all reportable injury files. In these cases, someone was injured and transported to the hospital. This analyst looks for patterns in these cases and determines if there are any areas for concern. If patterns exist, such as an increase in the number of cases pertaining to one individual or department, the Deputy Commissioner brings this to the department.

As previously mentioned, the OPCC would like to have more information regarding trends in police complaints. This information could then be used to assist municipal police departments in proactively developing early intervention programs and identifying potential training issues.

3. Has the OPCC ensured the complaint process is accessible to all members of the community?

Based on the OPCC Service Plan from 2015/16 – 2018/19, as well as subsequent service plans, we expected to find:

- The OPCC has outreach programs for police departments and the public.
- The OPCC outreach materials emphasize the benefits of ADR and the role of independent civilian oversight.
- The OPCC website is written in plain language, and in a number of languages which represent the diversity of communities in BC.
- The OPCC supplies designated assistance agencies with plain language, informative materials for their clients.

Through document review and interviews findings indicated:

3.1 The OPCC does not have outreach programs for police departments and the public.

While the OPCC does reach out to various police and public stakeholders, they do not have an outreach program. As mentioned, the OPCC had intentions to complete a review of all stakeholder relationships and develop an outreach plan in 2018/19, but that project has not started.

3.2 The OPCC outreach materials emphasize the benefits of ADR and the role of independent civilian oversight.

The OPCC has specific outreach materials regarding Alternative Dispute Resolution “ADR”, which is often referred to as Complaint Resolution (CR). The same information is made available on the OPCC website.

The OPCC outreach materials also describe the role of the Office, independent oversight, and the complaints process. However, the written materials are technical and likely difficult for the average British Columbian to understand. This will be further explored in the following criteria.

3.3. The OPCC website is not written in plain language and is available in only English.

The OPCC website provides detailed information on the Office, the *Police Act*, the complaints process and ADR. However, this information when tested for a Flesch Reading Ease Score had a score of 23.3. Similarly, the material had a Flesch-Kincaid Grade level of 14.9. Both of these scores indicate that the website is written in a complex manner most suitable to be read by people with advanced degrees.

The Flesch Reading Ease test uses a 100-point scale. The score is calculated using the average sentence length and the average number of syllables per word. Higher scores indicate the material is easier to read.

The Flesch-Kincaid Grade Level score uses the same pieces of information but provides a score which can be associated with the typical U.S. school grade levels. For information that is intended for the non-technical public, a score around 8 is usually desirable.⁴

Early OPCC service plans indicated a desire to have the OPCC website translated into several languages which were representative of the British Columbia population. This has not been done and was removed from subsequent service plans.

3.4 The OPCC supplies designated assistance agencies with outreach materials but they are not written in plain language.

Similarly to the website, resource materials that are provided to designated assistance agencies are not written in an easy to read manner. It is likely that many clients of designated assistance agencies would need help to understand the role of the OPCC and the complaint process.

4. Has the OPCC promoted the development of Alternative Dispute Resolution as a means of resolving complaints?

Based on the OPCC Service Plan from 2015/16 – 2018/19 as well as subsequent service plans, we expected to find:

- The OPCC has provided level 1 informal resolution training for investigators and front-line supervisors.
- The OPCC has developed a level 2 ADR training course to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff.
- The OPCC has internal business practices and an internal auditing program to ensure ADR is actively promoted for appropriate complaints.
- The OPCC has revised and enhanced external guidelines for police departments to follow when using ADR to resolve complaints.

Document review and interviews revealed:

⁴ Flesch, Rudolf. "Flesch–Kincaid readability test." Retrieved October 26 (2007): 2007.

What are the Benefits of Complaints Resolution?

- The benefits of Complaint Resolution (CR) are that it allows for the exploration of perspectives, an exchange of dialogue and a better understanding between the parties. Informal resolutions and mediations enhance community policing by improving the relationship between members of the community and police officers one complaint at a time. In addition, a successful resolution can have a positive impact on the participants' family, friends and the community as a whole.
- ADR can provide a powerful learning opportunity for both a complainant and a police officer, with lasting benefits.
- Traditional police investigations are not geared towards addressing goals such as conciliation and restoring relations.
- CR gives the parties involved a sense of empowerment in that they control the process and together arrive at a positive resolution to the complaint.
- Civilian oversight of police complaints ensures that both a complainant and police receive a fair and balanced adjudication of a complaint. Research has shown that CR processes are highly satisfactory to all parties involved.

-One size does not fit all, OPCC Complaints Resolution Brochure

4.1 The OPCC has provided level 1 informal resolution training for investigators and front-line supervisors.

The OPCC hired a mediator with experience in police and police issues to design and administer level 1 informal resolution training. The course provided training on basic dispute resolution skills, communication and conflict styles and used role playing to provide attendees with opportunities to use these skills.

This training was available for all professional standards investigators, as well as, supervisor positions in police departments. The training was voluntary and the OPCC believe all individuals with an interest in ADR will take the training.

4.2 The OPCC has not developed a level 2 training course for Alternative Dispute Resolution to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff.

The OPCC began to develop a level 2 training course which was anticipated to be a “train-the-trainer” course that would allow investigators to return to their individual departments and train others. During this process the OPCC decided that instead of level 2 training, the OPCC would work with investigators with ADR experience and develop individualized training for departments using the tips and strategies that were useful in that department already. A pilot program was launched with the Vancouver Police Department in 2017. The OPCC reports the following strategies that were developed through the course of the project:

- OPCC Alternative Dispute Resolution Team formed;
- Rebranded the name of the resolution program (Complaint Resolution);
- Regular contact with the complainant and the Resolution Facilitator;
- Active review of all files to assess the suitability to resolve through complaint resolution;
- Revisit the possibility of complaint resolution if the initial attempt fails;
- Regular meetings with the police department’s professional standards section;
- Internal team meetings and developing lessons learned; and
- Implementation of training sessions led by current and former Professional Standards Investigators who have shown leadership in the area of police complaint resolution.

During the 2017/18 year, the OPCC addressed a record 38 percent of complaints through ADR.

4.3 The OPCC has internal business practices and an internal auditing program to ensure ADR is actively promoted for appropriate complaints.

The OPCC has one analyst on staff who is dedicated to promoting ADR. This individual is responsible for contacting complainants and describing the benefits of ADR and the process that would be taken. The OPCC has internal business practices for identifying complaints that may be appropriate for ADR. The OPCC internal auditing program covers both traditional methods of resolution as well as those complaints which used the ADR process.

OPCC leadership believe there is further opportunity to promote ADR and would like to see British Columbia lead the country in its use of ADR.

4.4 The OPCC has revised and enhanced external guidelines for police departments to follow when using ADR to resolve complaints.

In March of 2017, the OPCC released updated guidelines regarding mediation and Complaint Resolution. This guideline provided templates for required documentation and revised the existing guidelines to ensure that complaints are assessed early on to determine if they should be recommended for ADR.

5. Has the OPCC ensured excellence in the work of the OPCC?

Based on the OPCC Service Plan from 2015/16 – 2018/19 as well as subsequent service plans, we expected to find:

1. The OPCC has developed internal business practices to ensure consistent and principled decision making.
2. The OPCC has refined and reviewed admissibility practices and conducts monthly internal audits of admissibility decisions.
3. The OPCC has an analyst training and mentorship program.

Interviews and documented evidence found:

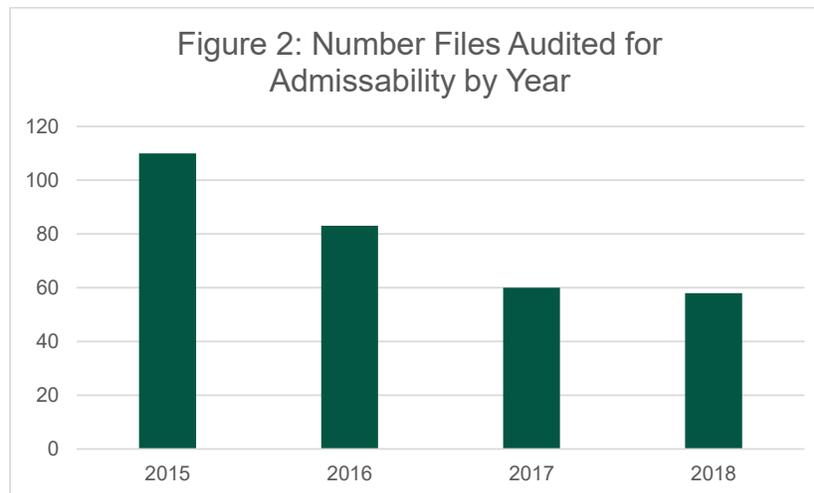
5.1 The OPCC has developed internal business practices to ensure consistent and principled decision making.

The OPCC has a list of documented business practices to guide principled decision making. Among this list, the following are included:

- Admissibility Assessments
- Complaint Resolution Update
- Mediations
- Oversight Expectations
- Reporting Matters to Crown

5.2 The OPCC has refined and reviewed admissibility practices and conducts monthly internal audits of admissibility decisions.

An additional audit function exists to review admissibility decisions. These reviews occur on a quarterly basis. These reviews reassess whether the allegation constitutes misconduct, has been filed within the 12-month timelines and are not frivolous or vexatious. Figure 2 demonstrates the number of admissibility audits completed of files from 2015 to 2018.



5.3 The OPCC has an analyst training and mentorship program.

The OPCC developed training programs specific to employees with civilian backgrounds and those with law enforcement backgrounds. These training programs describe the OPCC's role within the scope of the *Police Act* and the required steps that staff must make or monitor. As an employee begins their role, there are internal business practices which ensure oversight of staff by managers, and a structured process for review of files on a regular basis.

The OPCC mentorship program provides analysts with an individual in the Office, who is not their direct supervisor, to provide career guidance. The OPCC leadership would like to see additional training and professional development opportunities made available for more senior staff as well.

APPENDIX A: DETAILED FINDINGS & RECOMMENDATIONS.

Provided below is a summary of the findings from each of the audit lines of inquiry and associated recommendations:

Lines of Enquiry	Findings	Recommendation
Has the OPCC promoted accountable policing?	<ul style="list-style-type: none"> The OPCC delivers investigations, proceedings, decisions and adjudications within the time limits specified under the Act. The OPCC performs internal audits to ensure investigations and decisions are in compliance with <i>Police Act</i> legislation. The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures. This method is not proactive and additional, up-to-date information would allow for more informed decision making. 	<ul style="list-style-type: none"> The OPCC should develop a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures.
Has the OPCC provided an efficient and effective police complaint process?	<ul style="list-style-type: none"> The OPCC provides 24/7 access to online services to submit complaints. The OPCC reports frequently to the public and police departments on decisions and statistics but could do more to inform the public and police departments on emerging trends in police conduct. The OPCC holds regular meetings with stakeholders in the police complaint process. The OPCC has assisted municipal police departments in developing proactive early intervention programs and identify potential training issues. 	<ul style="list-style-type: none"> The OPCC data analytics role should also be responsible for providing trend analysis on a department and provincial level.
Has the OPCC ensured the complaint process is accessible to all members of the community?	<ul style="list-style-type: none"> The OPCC does not have outreach programs for police departments and the public. The OPCC outreach materials emphasize the benefits of ADR and the role of independent civilian oversight. The OPCC website is not written in plain language and is available in only English. The OPCC supplies designated assistance agencies with outreach materials but they are not written in plain language. 	<ul style="list-style-type: none"> The OPCC should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs. The OPCC should revise website and outreach materials to make them easier for the average British Columbian to understand. Publications from the Office should also be written in plain language.
Has the OPCC promoted the development of Alternative Dispute Resolution as a	<ul style="list-style-type: none"> The OPCC has provided level 1 informal resolution training for investigators and front-line supervisors. 	<ul style="list-style-type: none"> The OPCC should continue to promote ADR as a form of resolving complaints including the

<p>means of resolving complaints between members of the public and policing communities?</p>	<ul style="list-style-type: none"> • The OPCC has not developed a level 2 training course for Alternative Dispute Resolution to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff. • The OPCC has internal business practices and an internal auditing program to ensure ADR is actively promoted for appropriate complaints. • The OPCC has revised and enhanced external guidelines for police departments to follow when using ADR to resolve complaints. 	<p>continued expansion of the Vancouver Police Department ADR pilot program.</p>
<p>Has the OPCC ensured excellence in the work of the OPCC?</p>	<ul style="list-style-type: none"> • The OPCC has developed internal business practices to ensure consistent and principled decision making. • The OPCC has refined and reviewed admissibility practices and conducts monthly internal audits of admissibility decisions. • The OPCC has an analyst training and mentorship program. 	<p>N/A</p>

APPENDIX B: INTERVIEW LIST

The table below lists the individuals who participated in interviews to support MNP's review.

Date	Name	Position
July 24, 2019	David Farrar	Manager, Operational Support and Development
August 7, 2019	Andrea Spindler	Deputy Police Complaint Commissioner
August 8, 2019	Clayton Pecknold	Police Complaint Commissioner

APPENDIX C: LIST OF DOCUMENTS OBTAINED

The following list outlines the background documents obtained to MNP to inform this review.

#	Document Name
1	Length of Investigations_ April 2013 – June 2019
2	OPCC Files internally audited 2015-2019
3	Outreach and Educational work 2013-2018
4	2017 03 31 Guideline – Receiving & Handling Complaints
5	2017 03 31 Guideline – Receiving & Handling Questions or Concerns
6	2017-03-30-Guideline-Alternative-Dispute-Resolution
7	S89 Serious Harm
8	ADR Appendices:
9	<ul style="list-style-type: none"> Consent to Resolution Agreement
10	<ul style="list-style-type: none"> Confirmation of Resolution Agreement
11	<ul style="list-style-type: none"> Rejection of Complaint Resolution Agreement
12	<ul style="list-style-type: none"> Notice of Approval to Attempt Resolution Through Mediation
13	<ul style="list-style-type: none"> Order to Attend Mediation
14	<ul style="list-style-type: none"> Agreement to Participate in Mediation
15	<ul style="list-style-type: none"> Mediators Report Following Mediated Session
16	<ul style="list-style-type: none"> Cancellation of Mediation
17	<ul style="list-style-type: none"> Mediators Evaluation Report
18	<ul style="list-style-type: none"> Cancellation of Mediation & Discontinuance of the Complaint
19	<ul style="list-style-type: none"> Cancellation of Mediation – Complainant No Show
20	<ul style="list-style-type: none"> Cancellation of Mediation – Member No Show
21	<ul style="list-style-type: none"> Cancellation of Mediation – Not applicable or appropriate
22	<ul style="list-style-type: none"> Cancellation of Mediation – Complaint Withdrawal
23	<ul style="list-style-type: none"> List of Support Groups
24	Information Bulletins:
25	<ul style="list-style-type: none"> Mandatory Reporting
26	<ul style="list-style-type: none"> Transitional Complaints
27	<ul style="list-style-type: none"> Progress Report Template
28	<ul style="list-style-type: none"> Investigative Log Example
29	<ul style="list-style-type: none"> Form and Manner
30	<ul style="list-style-type: none"> 6 Month Investigational Time Limit
31	<ul style="list-style-type: none"> Suspension
32	<ul style="list-style-type: none"> Impaired Driving Discreditable Conduct Discipline
33	<ul style="list-style-type: none"> Addendum
34	<ul style="list-style-type: none"> File Transfers
35	<ul style="list-style-type: none"> PSS Audits
36	<ul style="list-style-type: none"> Service Records of Discipline Expungement

37	• Appointment of a Mediator
38	• Determining Public Trust vs. Internal Discipline Matter
39	• Retrieving & Handing of Complaints
40	• Accountable and Transparent Investigations
41	• Confidentiality Form
42	• Special Municipal Constables
43	• Orders of Investigation and NOA's
44	• Encrypted USB
45	PCC Case Summary
46	2012 11 29 Auditor General's Report
47	2012 11 29 OAG Management Letter
48	2015 08 04 Interim Management Response Letter – Auditor General
49	2015 08 04 Interim Management Response Letter – Leg Committee
50	Departments Training Receiving Handling Complaints
51	Extension 2013-2014 and 2014-2015
52	AO CI <i>Police Act</i> Coell_Doyle 29 Nov 12
53	EL Special Committee Coell-Macdonell 12 Sept 2012
54	ML Police Lowe-Macdonell 29 nov 12
55	NoP Special Committee Lowe-MacDonell 21 Sept 2012
56	Summary Report CI <i>Police Act</i> Coell_Doyle 29 Nov 12
57	OPCC Org Chart July 2019
58	2017 03 29 Let Us Help You
59	Complaint Resolution Brochure
60	General Info Brochure
61	Admissibility Audit
62	Quarterly Statistics from 2013 to 2018 3 rd Quarter
63	Annual Reports from 2013 to 2018

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Appendix D: Office of the Police Complaint Commissioner Response to Audit Findings

OPCC Response: SUMMARY OF OBSERVATIONS & RECOMMENDATIONS - Compliance Audit

Provided below is a summary of the non-compliance observations and opportunities for improvement and associated recommendations:

Ref	Observations and Opportunities for Improvement	Recommendations	OPCC Response
Non-Compliance Observations			
1	12 of 311 police complaints did not comply with Section 98.1 of the <i>Police Act</i> , requiring the first progress report to be filed within 30 business days of the Notice of Complaint Initiation of Investigation.	The OPCC should consider issuing a memo to the individual departments and/or discipline authority, reminding them of the progress report/decision letter submission requirements in order to meet the respective subsections 98.1 and 98.9 of the <i>Police Act</i> .	<ul style="list-style-type: none"> • Recommendation accepted: The OPCC will issue a Bulletin to police agencies and discipline authorities.
2	10 of 311 police complaints did not comply with Section 98.9 of the <i>Police Act</i> , requiring the DA Decision letter to be filed within 10 business days of receiving the Final Investigation Report.		
Opportunities for Improvement			
3	In 4 of 311 police complaints, there was insufficient evidence to determine whether the Final Investigation Report or DA Decision Letter was sent to the complainant within 10 business days as required by Section 112.1 of the <i>Police Act</i> .	The OPCC should consider providing clear instruction to the individual departments on how evidence of deliveries to complainants (e.g. scanned delivery receipts) should be retained and logged into the Case Tracker System.	<ul style="list-style-type: none"> • Recommendation accepted: The OPCC will issue a Bulletin to police agencies and discipline authorities.
4	Current legislation does not prescribe time limits for an officer to carry out investigative steps following the rejection of a FIR.	The Special Committee should consider a proposed amendment to the legislation to prescribe time limits for the further investigative steps to be carried out, and the required extensions if necessary.	<ul style="list-style-type: none"> • Recommendation Supported: The OPCC supports this recommendation.
5	Two complaint cases were missing supporting documentation.	The OPCC should remind staff of the importance of retaining the required documentation to demonstrate the OPCC's due diligence in the handling of police complaints.	<ul style="list-style-type: none"> • Recommendation accepted: The OPCC will issue an Internal Directive to staff.
6	Police complaint cases thus far have only been reviewed for compliance with filing deadlines and completeness of documentation.	The police complaint system would benefit from a more comprehensive and independent review of the complaint files to obtain assurance that the complaints are properly addressed and thoroughly investigated.	<ul style="list-style-type: none"> • Recommendation Supported: The OPCC believes it would be beneficial to comprehensively review the compliance of all participants with Part 11 of the Act.

OPCC Response: DETAILED FINDINGS & RECOMMENDATIONS - Performance Audit

Provided below is a summary of the findings from each of the audit lines of inquiry and associated recommendations:

Lines of Enquiry	Findings	Recommendation	OPCC Response
<p>Has the OPCC promoted accountable policing?</p>	<ul style="list-style-type: none"> The OPCC delivers investigations, proceedings, decisions and adjudications within the time limits specified under the Act. The OPCC performs internal audits to ensure investigations and decisions are in compliance with <i>Police Act</i> legislation. The OPCC provides a means for police departments across the province to impose consistent, corrective and disciplinary measures. This method is not proactive and additional, up-to-date information would allow for more informed decision making. 	<ul style="list-style-type: none"> The OPCC should develop a data analytics role to track trends in policing. This role should manage a database of cases which provides sufficient detail to assist discipline authorities with imposing consistent corrective and disciplinary measures. 	<ul style="list-style-type: none"> Recommendation accepted: The OPCC has made a budget request to the Select Standing Committee on Finance and Government Services for fiscal year 2020/21. The request is for a dedicated position focussed on research, statistical reporting and analysis. Subject to funding approval this position will be responsible to create and maintain a database of cases.
<p>Has the OPCC provided an efficient and effective police complaint process?</p>	<ul style="list-style-type: none"> The OPCC provides 24/7 access to online services to submit complaints. The OPCC reports frequently to the public and police departments on decisions and statistics but could do more to inform the public and police departments on emerging trends in police conduct. The OPCC holds regular meetings with stakeholders in the police complaint process. The OPCC has assisted municipal police departments in developing proactive early intervention programs and identify potential training issues. 	<ul style="list-style-type: none"> The OPCC data analytics role should also be responsible for providing trend analysis on a department and provincial level. 	<ul style="list-style-type: none"> Recommendation accepted: The OPCC has made a budget request to the Select Standing Committee on Finance and Government Services for fiscal year 2010/21. The request is for a dedicated position focussed on research, statistical reporting and analysis. Subject to funding this position will collate data sufficient for trend analysis.

<p>Has the OPCC ensured the complaint process is accessible to all members of the community?</p>	<ul style="list-style-type: none"> • The OPCC does not have outreach programs for police departments and the public. • The OPCC outreach materials emphasize the benefits of ADR and the role of independent civilian oversight. • The OPCC website is not written in plain language and is available in only English. • The OPCC supplies designated assistance agencies with outreach materials but they are not written in plain language. 	<ul style="list-style-type: none"> • The OPCC should prioritize its existing plan to perform analysis of all stakeholders and develop specific outreach programs. • The OPCC should revise website and outreach materials to make them easier for the average British Columbian to understand. Publications from the Office should also be written in plain language. 	<ul style="list-style-type: none"> • Recommendation accepted: The OPCC has revised and reclassified the <i>Intake Coordinator Position</i> into an <i>Intake, Communication and Outreach Coordinator</i> expanding the scope and responsibilities to develop and deliver outreach and education programs to promote accessibility. • Recommendation accepted: The OPCC has completed an internal <i>Communications Needs Assessment</i> and will be incorporating this recommendation into its Strategic Communication Framework.
<p>Has the OPCC promoted the development of Alternative Dispute Resolution as a means of resolving complaints between members of the public and policing communities?</p>	<ul style="list-style-type: none"> • The OPCC has provided level 1 informal resolution training for investigators and front-line supervisors. • The OPCC has not developed a level 2 training course for Alternative Dispute Resolution to provide investigators and front-line supervisors the skills to handle complex cases and ability to train their own staff. • The OPCC has internal business practices and an internal auditing program to ensure ADR is actively promoted for appropriate complaints. • The OPCC has revised and enhanced external guidelines for police departments to follow when using ADR to resolve complaints. 	<ul style="list-style-type: none"> • The OPCC should continue to promote ADR as a form of resolving complaints including the continued expansion of the Vancouver Police Department ADR pilot program. 	<ul style="list-style-type: none"> • Recommendation accepted: Expansion of Complaint Resolution and mediation programs will be incorporated into the OPCC Strategic Plan.

<p>Has the OPCC ensured excellence in the work of the OPCC?</p>	<ul style="list-style-type: none"> • The OPCC has developed internal business practices to ensure consistent and principled decision making. • The OPCC has refined and reviewed admissibility practices and conducts monthly internal audits of admissibility decisions. • The OPCC has an analyst training and mentorship program. 	<p>N/A</p>	<p>N/A</p>
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Appendix E: Public Hearing Participants

British Columbia Association of Chiefs of Police, Howard Chow, Dave Jansen, Mike Purdy (06-Jun-19, Surrey)

British Columbia Association of Municipal Chiefs of Police, Colin Watson, Dave Jones (05-Jun-19, Surrey)

British Columbia Association of Police Boards, Mary Collins, John Rizzuti (06-May-19)

British Columbia Civil Liberties Association, Josh Paterson (05-Jun-19, Surrey)

British Columbia Police Association, Tom Stamatakis (06-Jun-19, Surrey)

Canadian Mental Health Association, B.C. Division, Jonny Morris (05-Jun-19, Surrey)

Ending Violence Association of British Columbia, Natalie Dunbar (05-Jun-19, Surrey)

First Nations Leadership Council, Boyd Peters (05-Jun-19, Surrey)

MOSAIC, Sherman Chan (05-Jun-19, Surrey)

Office of the Ombudsperson, Jay Chalke, Q.C., Dave Murray (06-May-19)

Vancouver Aboriginal Community Policing Centre Society, Norm Leech (06-Jun-19, Surrey)

Appendix F: Written Submissions

Paul Bell

British Columbia Association of Municipal Chiefs of Police, Steve Rai

Jerry Cherwonick

Carlyne Clark

Coalition on Missing and Murdered Indigenous Women and Girls BC, Kukpi7 Judy Wilson

Darren Gregory

John Harvey

Heather Johnston

Greg Klein

Allison Knox

Silja Leung

Grant Maxwell

Judy McKee

Office of the Police Complaint Commissioner, Clayton Pecknold

Pivot Legal Society, Lyndsay Watson

Sam Purdy

Curtis Scheirer

Traysea Stelmack

Haruko Williams

Les Yeo

