

OFFICE OF THE POLICE COMPLAINT COMMISSIONER

ANNUAL REPORT 2020/2021

INTEGRITY INDEPENDENCE EXCELLENCE



OFFICE OF THE
POLICE COMPLAINT
COMMISSIONER

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OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

November 15, 2021

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my honour to present the 2020/2021 Annual Report for the Office of the Police Complaint Commissioner.

This report has been prepared in accordance with section 51.1(1) of the *Police Act*, RSBC 1996, c. 367.

Yours truly,

Clayton Pecknold,
Police Complaint Commissioner

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Police Complaint Commissioner

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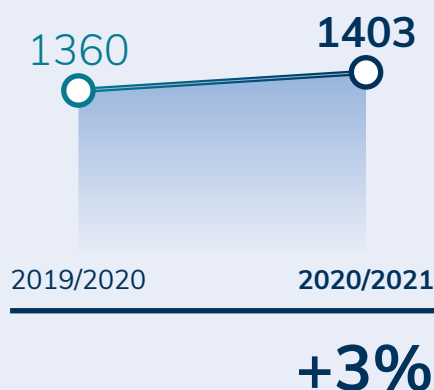


The Year in Numbers

Files Opened

There are a number of different types of files the OPCC opens. There are registered complaints, service or policy complaints, ordered investigations, questions or concerns, monitor files and internal discipline.

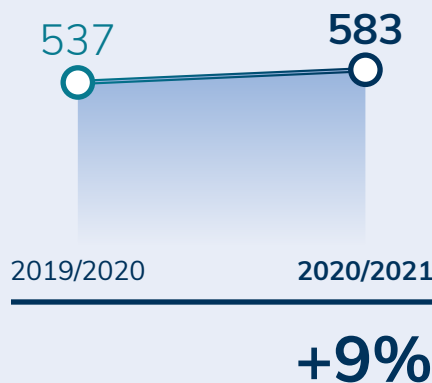
In 2020/2021, the OPCC opened 1403 files. Most of these files are monitor files which are opened when the OPCC receives information from the police, including reportable injuries, or other sources such as public information, that may require an investigation. This was an increase of 3% from last year.



Registered Complaints Received

The public can file complaints about a police officer's conduct or actions. The OPCC reviews all complaints to determine whether there will be an investigation. All investigations are conducted by the police under the oversight of the OPCC.

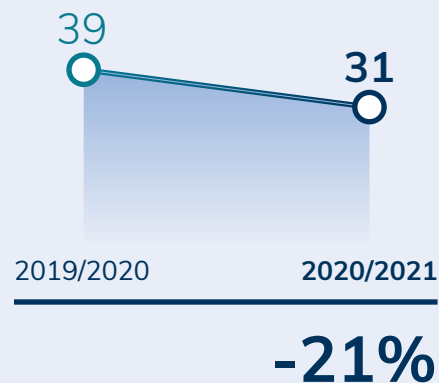
In 2020/2021, the OPCC received 583 complaints from the public about police officer conduct, an increase of 9% from last year.



Service & Policy Complaints

The public can file complaints about the policies or services being provided by a police department. These complaints are the responsibility of the department's police board. The police board is required to advise the OPCC of their course of action. The Commissioner may also make recommendations to the police board.

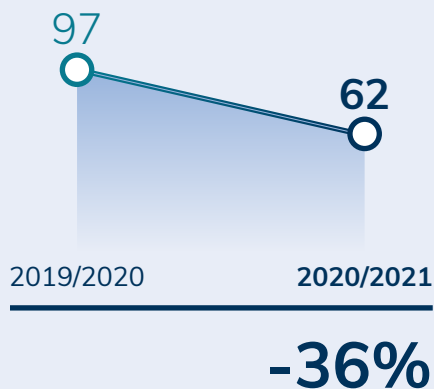
In 2020/2021, the OPCC received 31 complaints about the policies or services being provided at a police department, a decrease of 21% from last year.



Ordered Investigations

The Commissioner can initiate investigations into a police officer's conduct or actions, even if there is no complaint filed by the public. Police departments can also ask the Commissioner to initiate an investigation into the conduct of one of their police officers.

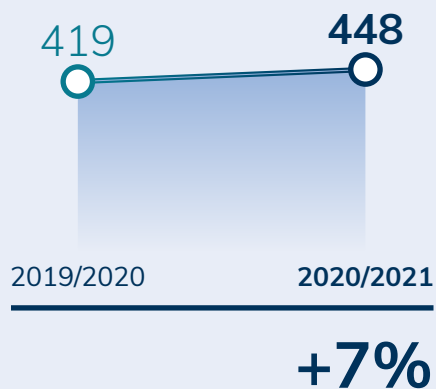
In 2020/2021, the Commissioner initiated 62 investigations into police officer conduct, a decrease of 36% from last year. A total of 41 of those investigations were requested by the involved police department.



Reportable Injuries

Police departments are required to notify the OPCC when a person has been injured by police and were transported to hospital for emergency care. The OPCC reviews all injuries to determine whether an investigation into the police officer's conduct is required.

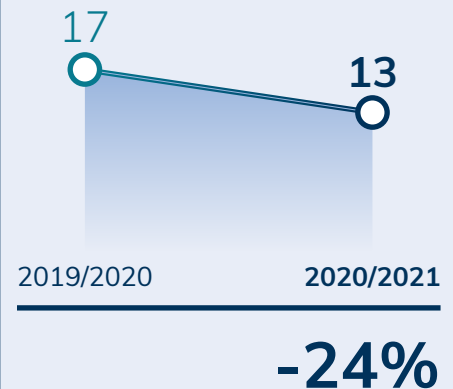
In 2020/2021, the OPCC received 448 reportable injury notifications, an increase of 7% from last year. Of those injuries, a significant number of injuries resulted from empty hand control tactics (use of force without the aid of weapons) and less-lethal firearms (ARWEN and bean bag shotguns).



Adjudicative Reviews

If the Commissioner disagrees with a decision made by a senior officer about whether a police officer committed misconduct or the disciplinary or corrective measure imposed, then the Commissioner can appoint a retired judge to review the matter. There are three types of reviews: Section 117 Reviews, Reviews on the Record, and Public Hearings.

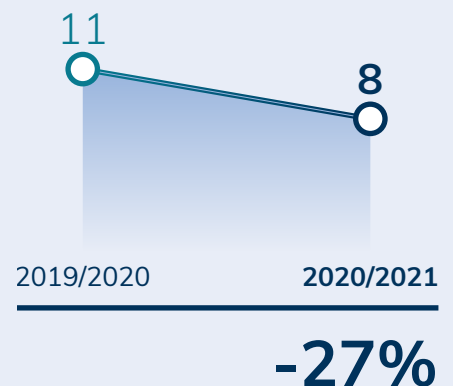
In 2020/2021, the OPCC disagreed with the decision of a senior officer and appointed a retired judge in 13 matters, a decrease of 24% from last year.



Recommendations Made to Police Board or Director of Police Services

The Commissioner has the ability to make recommendations to police boards on matters of policy and procedures and can recommend that the Director of Police Services or the Minister exercise their authority to examine training, cultural or systemic issues that may have contributed to the misconduct or which may prevent its recurrence.

In 2020/2021, the Commissioner made recommendations on 8 matters to police boards, the Director of Police Services and the Minister of Public Safety and Solicitor General. These include recommendations on police matters involving youth, department handling of police complaints, warrantless entries into private residences, and the need for diversity sensitivity in investigations.





Commissioner's Message

I am pleased to provide the 2020/2021 Annual Report. In doing so I gratefully acknowledge that our office is located on the unceded traditional lands of the Ləkʷəŋən People and ancestors. The work of the OPCC extends across the homelands of the Indigenous Peoples within what we now call British Columbia.

Like all British Columbians, the staff of the OPCC spent the year navigating the impacts of the global pandemic while protecting personal health and safety, and maintaining our oversight responsibilities. Similarly, we all share the grief felt by so many who have suffered loss and serious illness because of COVID-19. The pandemic has brought into sharp relief the continued inequity, racism and the acute vulnerability facing so many of our fellow citizens; vulnerabilities which intersect with policing and the work of our office everyday.

As we reported last year, in 2019 the *Special Committee of the Legislature to Review the Police Complaint Process* delivered a report with a number of recommendations for legislative change to enhance accountability in policing. Among these were recommendations that the OPCC be provided the ability to conduct self-initiated systemic reviews and arrange a Public Hearing at earlier stages in the complaint process. The committee also recommended changes to *Part 11* to generally improve the efficiency and timeliness of the police complaint process. More recently, we presented to the *Special Committee on Reforming the Police Act*.

It has a mandate to look at reforms to the *Police Act* more broadly to modernise policing and examine the scope and impact of systemic racism in British Columbia's policing institutions.

Core to the modernisation of policing is ensuring that the civilian governance of police is robust and that municipal police boards are equipped to perform their important work. Good governance is foundational to preventing and addressing systemic and repeated misconduct. It is also key to providing front-line police officers with the appropriate training, policies and support to help them protect the public and adapt to community expectations. This requires police boards to be independent and arms-length from the police services they oversee so they may respond to these expectations transparently and knowledgeably.

The need for engaged and responsive municipal police governing bodies is made more apparent in British Columbia as the City of Surrey transitions to a municipal police service from the RCMP; becoming the second largest Police Service in British Columbia while serving a highly diverse and growing community. With the appointment of the Surrey Police Board, the community is moving from a federal oversight model to a provincial one; giving all citizens of the City of Surrey access to a police complaint process accountable to the provincial legislature. This affords them the ability to make complaints to the Surrey Police Board about police

Good governance is foundational to preventing and addressing systemic and repeated misconduct.

department policies, procedures, resourcing decisions as well as other important governance-related matters. As police officers are appointed, they will fall under the oversight of the OPCC for the purposes of complaints and investigations of misconduct and the disciplinary processes arising therefrom.

The administrative discipline regime under *Part 11* is complex, time consuming and highly process-driven. Many of the procedural aspects are appropriately designed to hold participants accountable and to balance privacy, fairness and accessibility interests. However, the complexity of the legislation has attracted considerable jurisprudence over the past ten years all of which points to the need for reform aligned with the interests of all participants. While the broader *Police Act* reform process is underway, the importance of timely implementation of the recommended legislative changes contained within the 2019 *Special Committee to Review the Police Complaint Process* report (specific to *Part 11*) is therefore readily apparent.

Equally apparent is the need to enhance police governance through legislation. Under the present *Police Act*, the appointment of municipal police board members and the regulatory oversight of their functions falls to government. Within this report — as in many prior reports — are case studies related to recommendations which have been made to police boards arising out of complaints or investigations. These can often intersect with complex

social-policy matters posing a challenge for boards to navigate. Yet, the importance of acting on these recommendations through improved training, policies or supervision, not only serves to protect the public but also serves to protect and support the officers themselves as they go about their difficult and increasingly complex work. Similar to the use of retired members of the judiciary to act as adjudicators under *Part 11*, the effective governance and the independent oversight function of municipal police boards therefore correlates directly to upholding public confidence in the police and is foundational to the system of oversight and accountability in British Columbia.

As we look optimistically to our emergence from the impact of the global pandemic, in all of these matters we look forward to continued engagement with community stakeholders, government and legislators. We also look forward to supporting the evolution of the regulatory and oversight structures underpinning compassionate, responsive and accountable policing in British Columbia.



Clayton Pecknold
Police Complaint Commissioner

ABOUT OUR WORK:

Fostering Public Confidence and Trust in Policing

Who we are

The Office of the Police Complaint Commissioner (OPCC) is the office that British Columbians turn to when they have concerns about the conduct of municipal police. We are an impartial agency—independent of police and government—that oversees complaints and investigations involving municipal police officers. We ensure complaints made under the Police Act are resolved in a timely, transparent and accountable manner, and that the process is accessible to the public it is meant to serve.

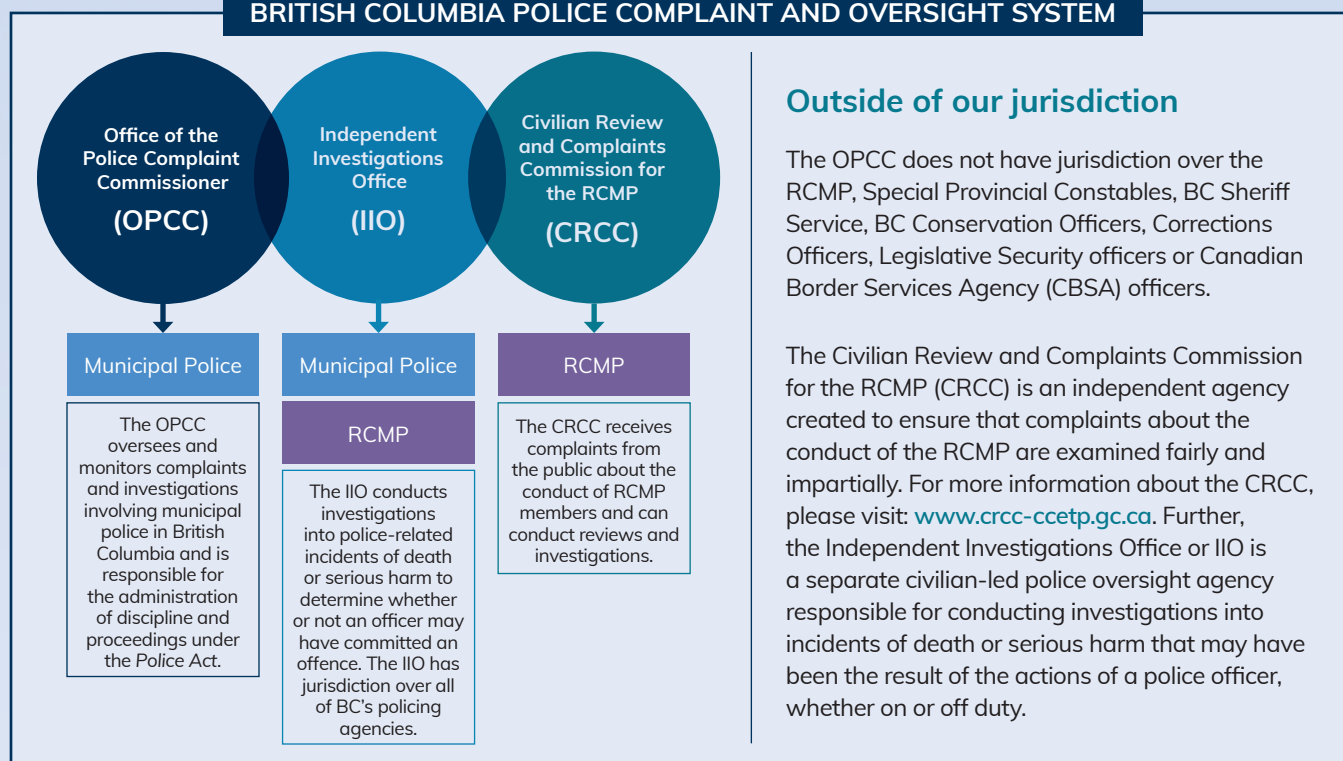
Our purpose

We promote accountable policing and enhance public confidence in police through impartial, transparent civilian oversight.

What we do

- Provide an accessible way for people to voice concerns about the conduct of any municipal police officer or department.
- Oversee and monitor complaints and investigations into police misconduct involving municipal police and special municipal constables in BC.
- Oversee the administration of discipline and proceedings under the Police Act and ensure that the purposes of the legislation are achieved.

BRITISH COLUMBIA POLICE COMPLAINT AND OVERSIGHT SYSTEM





How we do our work

Fairness

- Determine the admissibility of complaints received from the public.
- Initiate investigations.
- Actively monitor and oversee police misconduct investigations, providing advice and direction as necessary.
- When appropriate, refer matters for independent adjudicative review.
- Refer matters to Crown Counsel for consideration of prosecution.

Transparency

- Maintain records of all police complaints and Police Act investigations involving municipal police officers and the investigation outcomes.
- Compile statistical information, including trends and report regularly to the public about these complaints and investigations.

Public Engagement and Education

- Facilitate engagement in dispute resolution processes where appropriate.
- Identify and address barriers to the police complaint process through outreach efforts.

Prevention and Systemic Responses

- Make recommendations to Police Boards or to government regarding policies, practices or systemic issues.

Leadership

- Assist all parties—complainants, police officers, discipline authorities, police boards and adjudicators appointed under the Police Act—involved in the complaint process.

Our goals

- To promote accountability in policing.
- To provide an accessible and understandable police complaint and discipline process.
- To promote public confidence in policing through the prevention of police misconduct.
- To promote a healthy, engaged and productive workforce that is as diverse as the communities we serve.

Our team

Driving our work is a team of committed professionals with backgrounds spanning policing, law, regulatory fields and academia who believe in the fundamental importance of civilian oversight of the police complaints process.

Our intake services and outreach coordinator are often the public's first points of contact with the OPCC. They help people understand the processes available to them and connect complainants who require assistance with support agencies.

Our “no wrong door” approach means that even when the complaint falls outside of our jurisdiction, our intake team helps complainants find the appropriate avenue for redress. Last year 239 enquiries were redirected by our skilled and compassionate front-line staff.

Once a complaint has been initiated, our dedicated team of analysts work to ensure that the Police Act and its associated processes are followed correctly. To carry out this important work, they must have a comprehensive understanding of the Police Act and its associated processes, as well as police investigations, policies and procedures. [For more, see Staffing and Budget, page 49]

Where We Work

OPCC oversight

The Office of the Police Complaint Commissioner oversees complaints related to the work of municipal police officers, special municipal constables and other officers serving on forces throughout British Columbia. As detailed in the map below, 12 municipal police departments fall under our jurisdiction, as well as the Metro Vancouver Transit Police, Stl'atl'imx Tribal Police Service and the CFSEU (Organized Crime Agency of British Columbia). During the reporting period, the Surrey Municipal Police Board was established bringing the Surrey Police Service under the OPCC jurisdiction as well.¹

**Map refers to
Registered Complaint
and Ordered
Investigation Statistics
on the following page.**

1. The establishment of the Surrey Police Service resulted in a small number of hires during the reporting period. For more information about the planned implementation of the Surrey Police Service see <https://www.surreypolice.ca/about>.

1 Stl'atl'imx Tribal Police Service

12 Nelson Police Department

2 West Vancouver Police Department
3 Vancouver Police Department
4 Port Moody Police Department
5 New Westminster Police Department
6 Delta Police Department
7 Central Saanich Police Service
8 Saanich Police Department
9 Oak Bay Police Department
10 Victoria Police Department
11 Abbotsford Police Department
13 Metro Vancouver Transit Police
14 CFSEU (Organized Crime Agency of BC)
15 Surrey Police Service¹

Registered Complaint and Ordered Investigation Statistics by Department (2020/2021)

1	Stl'atl'imx Tribal Police Service	REGISTERED COMPLAINTS	3	↑
		ORDERED INVESTIGATIONS	1	→
2	West Vancouver Police Department	REGISTERED COMPLAINTS	14	↑
		ORDERED INVESTIGATIONS	1	↓
3	Vancouver Police Department	REGISTERED COMPLAINTS	309	↓
		ORDERED INVESTIGATIONS	33	↓
4	Port Moody Police Department	REGISTERED COMPLAINTS	13	↑
		ORDERED INVESTIGATIONS	2	→
5	New Westminster Police Department	REGISTERED COMPLAINTS	24	↑
		ORDERED INVESTIGATIONS	1	↓
6	Delta Police Department	REGISTERED COMPLAINTS	23	↑
		ORDERED INVESTIGATIONS	3	↓
7	Central Saanich Police Service	REGISTERED COMPLAINTS	7	↑
		ORDERED INVESTIGATIONS	0	↓
8	Saanich Police Department	REGISTERED COMPLAINTS	37	↑
		ORDERED INVESTIGATIONS	2	↓

9	Oak Bay Police Department	REGISTERED COMPLAINTS	1	↓
		ORDERED INVESTIGATIONS	3	↑
10	Victoria Police Department	REGISTERED COMPLAINTS	55	↓
		ORDERED INVESTIGATIONS	5	↑
11	Abbotsford Police Department	REGISTERED COMPLAINTS	58	↑
		ORDERED INVESTIGATIONS	1	↓
12	Nelson Police Department	REGISTERED COMPLAINTS	15	↑
		ORDERED INVESTIGATIONS	2	→
13	Metro Vancouver Transit Police	REGISTERED COMPLAINTS	23	↑
		ORDERED INVESTIGATIONS	8	↑
14	CFSEU (Organized Crime Agency of BC)	REGISTERED COMPLAINTS	1	→
		ORDERED INVESTIGATIONS	0	→

↑ INCREASE FROM 2019/2020

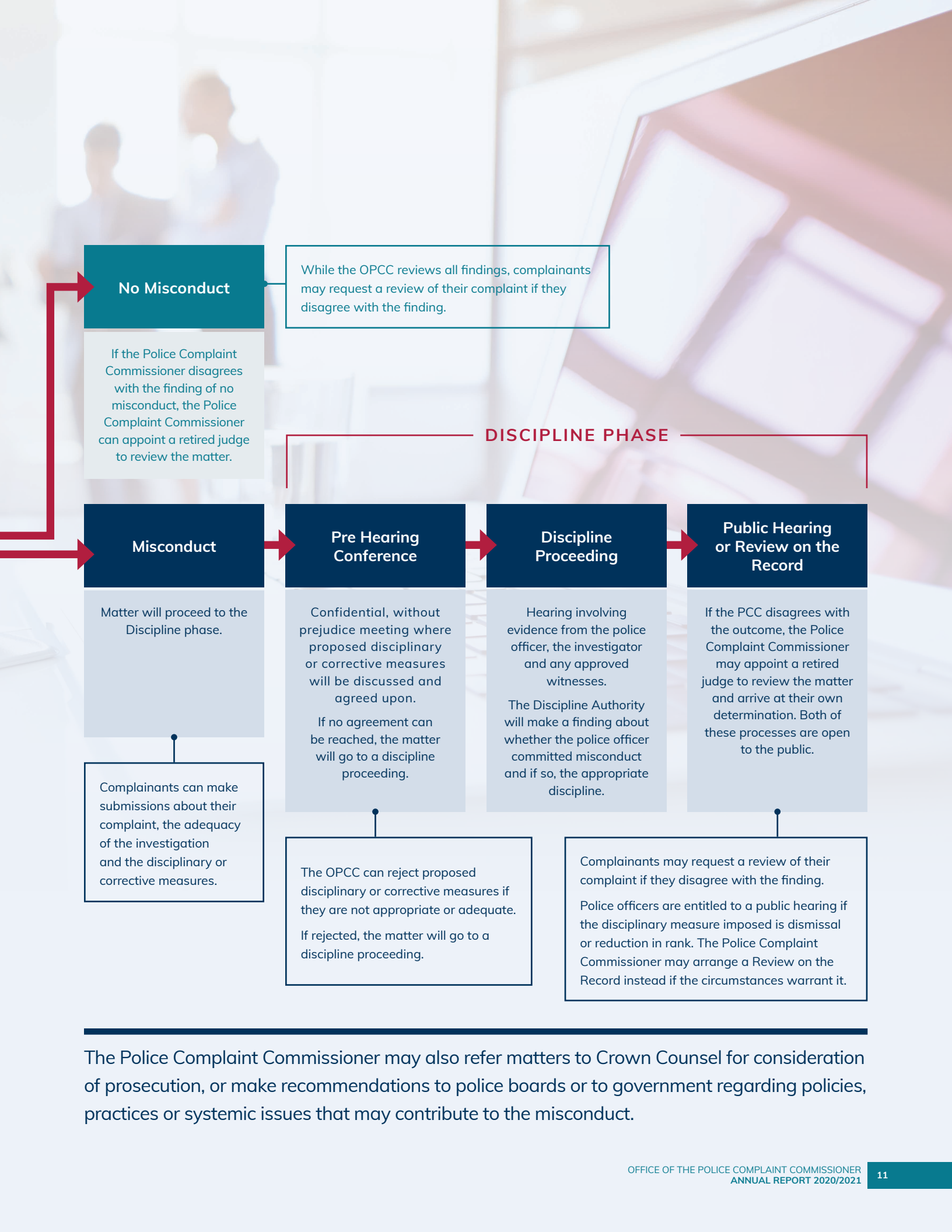
→ NO CHANGE FROM 2019/2020

↓ DECREASE FROM 2019/2020

NOTE: There were no registered complaints or ordered investigations for the Surrey Police Service in this reporting period.

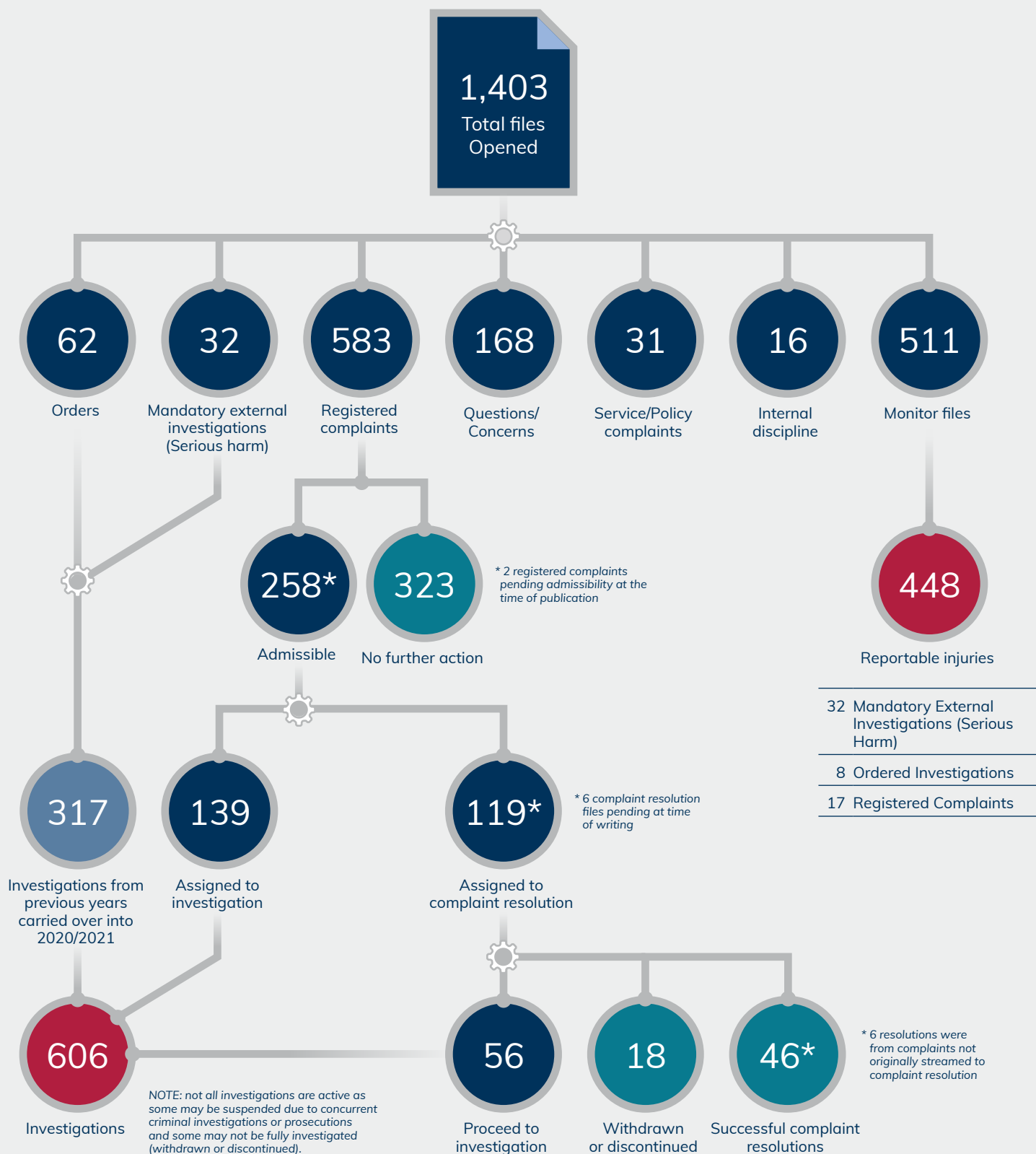
How We Work





The Police Complaint Commissioner may also refer matters to Crown Counsel for consideration of prosecution, or make recommendations to police boards or to government regarding policies, practices or systemic issues that may contribute to the misconduct.

Complaints and Investigations in 2020/2021: Intake, Assessment and Investigation



Outreach and Education



Fulfilling our mandate means working to make the municipal police complaint process accessible and understandable for all those citizens it is meant to serve, including the most vulnerable and marginalized groups in our society. In 2020/2021, the OPCC continued to build relationships with community-based organizations. Our aim is to both empower these organizations to help the people they serve navigate the complaints process, and to listen and learn from them about the barriers individuals face due to factors including language, gender and sexual orientation, age, race, disability, and/or socioeconomics.

While the number of community engagement activities was dampened by the public health emergency related to COVID-19 in the reporting year, the office intends to resume these activities as the public health restrictions are lifted.

The Commissioner meets with the provincial government and as required, Committees of the Legislature to provide insights into and recommendations on improvements to the municipal police complaints process and the Police Act. The OPCC continues its involvement in the Advisory Committee on Provincial Policing Standards and the Provincial Committee on Cultural Diversity and Policing. In the reporting year the Commissioner and Deputy Commissioner also appeared before the Special Committee on Reforming the Police Act, a committee appointed by the Legislative Assembly to conduct a broad examination of the need to modernise that Act.

Improving Access to the BC Municipal Police Complaints Process

Many members of society experience barriers to accessing the municipal police complaint process in British Columbia. Accordingly, one of the OPCC's primary goals is to improve accessibility for all British Columbians.

In its November 2019 Report to the Legislative Assembly, the Special Committee to Reform the Police Complaint Process called on the OPCC to increase outreach activities to inform and educate British Columbians about the police complaint process. The OPCC continues to advance these recommendations.

No Wrong Door Policy

The OPCC has continued to facilitate access to government services through our "No Wrong Door" policy. Essentially, when members of the public wish to make a complaint involving law enforcement officers that are outside the OPCC's jurisdiction, including provincial compliance and enforcement officers, corrections officers, the RCMP, or municipal by-law officers, intake and outreach staff assist by contacting the responsible government or oversight agency or by forwarding the complaint to those agencies on the behalf of the complainant. In the reporting year, 239 such enquiries were redirected by our front-line staff to the appropriate reporting agencies.

Outreach and Education

Advice to Legislative Committees and Government Agencies

The Commissioner and Deputy Commissioner have met with the Provincial Government and Special Committees of the Legislature to share specialized knowledge and provide recommendations for Police Act reform and expanded oversight demands that will be placed on the OPCC due to the establishment of the Surrey Police Service.

The OPCC has also participated in the Advisory Committee on Provincial Policing Standards, and Provincial Committee on Cultural Diversity and Policing.

OPCC Training: Indigenous Cultural Safety, Discrimination and Mental Health Awareness

The OPCC has prioritized for all staff the San'yas Indigenous Cultural Safety training, which is delivered by the Provincial Health Services Authority of BC. The OPCC has undertaken this training as part of its commitment to ongoing education of staff and consistent with the Truth and Reconciliation Commission's call for all public servants to receive education on the history of Indigenous peoples in Canada.

In an effort to improve the social competency of OPCC staff in the areas of discrimination, trauma and mental health, the OPCC has prioritised Gender Based Analysis Plus training, and Trauma Informed Practice training through the Justice Institute of BC. Specialized training in mental health awareness is also being prioritised.

Support Agency Assistance

During the stress and uncertainty of the COVID-19 Pandemic and the ongoing public dialogue regarding policing in British Columbia, support agencies have experienced an increase in demand for assistance for people with concerns about municipal police departments in British Columbia. We recognize and appreciate the contributions of the agencies providing information and assistance to individuals involved in the police complaint process.

The following organizations have assisted our office by providing both information and support to the members of the community they serve regarding the police complaint process:

- Archway Community Services
- Battered Women's Support Services (BWSS)
- BC Aboriginal Network on Disability Society
- Victoria Brain Injury Society
- CHIMO Community Services
- Coast Mental Health
- Covenant House
- Deltassist Family Services
- Ending Violence Against Women Society
- First United Church
- HiM - Health Initiative for Men
- Jewish Family Service Agency
- John Howard Society of Victoria
- Keeping Families Together
- Men's Therapy Centre
- MOSAIC
- Native Courtworker and Counselling Association of British Columbia (NCCABC)
- Our Place
- Pacific Association of First Nations Women (PAFN)
- Progressive Intercultural Community Services Society (PICS)
- The Law Centre
- S.U.C.C.E.S.S
- Victoria Disability Resource Centre
- Victoria Native Friendship Centre (VNFC)
- Victoria Immigrant and Refugee Centre Society
- Victoria Women's Transition House
- Women Against Violence Against Women Rape Crisis Centre (WAVAW)
- Vancouver Women's Health Collective



[Click here](#) to go to the OPCC website for a list of support groups.



Why Our Work Matters

Public interest demands robust, vigilant, and independent oversight

Police officers have tremendous powers in our society and public demands are intensifying—both within our borders and beyond—for accountability and transparency when it comes to their use. In British Columbia, the OPCC plays a central role in ensuring both. Our office was formed out of a fundamental need for civilian oversight of the police complaints process. The public interest is not served when police are accountable only to themselves, nor is the trust that is so essential for officers to do their jobs fostered in those circumstances.

Our work focuses in large part on ensuring that every complaint lodged against a municipal police officer in BC is dealt with in a fair and transparent manner. Overseeing the municipal police complaints process also enables us to look at the “bigger picture”. The OPCC is uniquely placed to identify trends in the files we see and make recommendations to address not only the conduct of individual officers, but systemic barriers impacting greater numbers of British Columbians. At a time when calls for greater accountability and reforms in policing are louder than ever, our dual role remains a vital part of the police oversight framework in British Columbia. Over the next several pages, we share case studies drawn from OPCC files that exemplify some of the efforts our office makes every day to make the municipal police complaints process more transparent in British Columbia. We also share feedback from those who have been through and benefited from the alternative dispute resolution processes we facilitate.

The *Police Act* identifies and describes 13 disciplinary breaches of public trust.

Abuse of Authority, section 77(3)(a)

On-duty conduct where a police officer engages in oppressive conduct towards a member of the public, which includes,

- Unlawful detentions or arrests
- Unlawful searches of a person, vehicle or residence
- Using excessive force
- Using profane, abusive or insulting language

Accessory to Misconduct, section 77(3)(b)

A police officer is an accessory to any of the allegations of misconduct described.

Corrupt Practice, section 77(3)(c)

A police officer abuses the powers they have been entrusted for personal gain, which includes,

- Failing to return or misappropriating any money or property received;
- Agreeing or allowing to be under a pecuniary or other obligation to a person that would be seen to affect the police officer's ability to properly perform the duties as a member;
- Using or attempting to use their position as a police officer for personal gain;
- Using or attempting to use any police equipment or facilities for purposes not related to their duties as a police officer.

Damage to Police Property, section 77(3)(d)

Misusing, losing or damaging any police property or property that is in police custody. Also includes the failure to report any loss, destruction or damage to that property.

Damage to Property of Others, section 77(3)(e)


Damaging property belonging to a member of the public or failing to report such damage, regardless of how it was caused.

Deceit, section 77(3)(f)

Making a false or misleading oral or written statement, or entry in an official document or record. Also includes, destroying, mutilating, concealing all or part of an official record or altering, erasing or adding to an official record with the intent to deceive.

Discourtesy, section 77(3)(g)

On-duty conduct, where a police officer fails to behave with courtesy due in the circumstances towards a member of the public in the performance of duties as a member.



Discreditable Conduct, section 77(3)(h)

On- or off-duty conduct where the member conducts oneself in a manner that the member knows, or ought to know, would be likely to bring discredit on the municipal police department.

Improper Disclosure of Information, section 77(3)(i)

Disclosing or attempting to disclose information that is acquired by the member in the performance of duties as a member.

Improper Off-Duty Conduct, section 77(3)(j)

Off-duty conduct where a police officer asserts or purports to assert themselves as a police officer and conducts oneself in a manner that would constitute a disciplinary breach of trust had the police officer been on-duty.

Improper Use or Care of Firearms, section 77(3)(k)

Failure to use or care for a firearm in accordance with standards or requirements established by law. This includes negligent or unintentional discharges of a firearm or unsafe storage of a firearm.

Misuse of Intoxicants, section 77(3)(l)

Being unfit for duty owing to the effects of intoxicating liquor or any drug, or any combination of them. Also includes, accepting intoxicating liquor in a public place without proper authority.

Neglect of Duty, section 77(3)(m)

Failure to properly account for money or property received, promptly or diligently do anything that is in one's duty as a member to do, or promptly and diligently obey a lawful order of a supervisor, without good and sufficient cause.

This includes,

- Failing to conduct an adequate investigation
- Inadequate notes or documentation
- Failing to provide *Charter Rights*
- Failing to provide police identification upon request
- Driving dangerously without lawful authority
- Failing to comply with department policies or regulations
- Failing to follow a supervisor's lawful order

CASE STUDY: OPCC file no. 2019-16709

Excessive use of force with less lethal shotgun

ALLEGATION

Abuse of Authority

Background/circumstances

The Police Complaint Commissioner ordered an external investigation by the RCMP into the use of a “Less Lethal Shotgun” (“LLS” – also known as a Beanbag Shotgun) after a video depicting the incident surfaced on the media. The video and police reports indicated that an individual had entered an off-duty Vancouver Police member’s convertible vehicle and refused to exit. The off-duty member called 911 and several Vancouver Police members attended. When the individual did not comply with verbal direction to exit the vehicle, one officer deployed six beanbag rounds at the individual’s legs, the last of which occurred when the individual’s empty hands were raised above the windshield. An allegation of Abuse of Authority for intentionally or recklessly using unnecessary force was identified.

Investigation/outcome

The investigation reviewed the circumstances of the incident against the provisions of the *Criminal Code* that permit police to use force against a subject as well as the National Use of Force Framework (NUFF) and Vancouver Police Training regarding the threshold for deploying a LLS as a use of force tool. The NUFF states that an LLS is appropriate when a subject is “actively resisting” police or is “assaultive”. Active resistance is defined as non-assaultive physical action to resist police officers or their lawful directions, but does not include non-active or passive refusal. The *Criminal Code* permits officers who are in the lawful execution of their duties and are acting on reasonable grounds to use as much force as reasonably necessary.

The Discipline Authority determined that the suspect was not actively resisting police and that the member was speculating when he stated the suspect was a threat because he could have had access to a weapon in the vehicle. The Discipline Authority found that the incident did not require as urgent a response as occurred and that time should have been taken to properly acquire and assess all of the necessary information. The Discipline Authority also wrote:

“Even if one were to accept that the use of LLS was appropriate which I’m not, the question of the last deployment is of great concern. [The video] shows that the suspect has both his hands up above the windshield of the open convertible for 30 seconds prior to the final LLS deployment. He is not moving his hands anywhere and is demonstrating the universal sign of surrender. This would have provided ample opportunity to move an arrest team into position and take control of the suspect at that time.”

Disciplinary or Corrective Measures Imposed

The Discipline Authority proposed as disciplinary/corrective measures a one-day suspension without pay and re-training in the theory portion of the introductory course for Less Lethal Shotgun operators and in use of force, with emphasis on situational assessment, re-assessment and de-escalation techniques. The force was deemed not serious as it caused minimal injury and the respondent member’s record of service was considered. However, it was noted that the respondent was the lead officer on scene and that his actions are those that should not be imparted on others or reflective of the leadership required in this kind of situation.

The Commissioner confirmed the Discipline Authority’s decision and determined that a Public Hearing or Review on the Record was not required.

DISCIPLINE

1-day suspension without pay

Training/Re-Training

Victim treatment during a sexual assault investigation

ALLEGATIONS

Neglect of Duty

Discourtesy

Background/Circumstances

This matter involved findings that an officer had committed Neglect of Duty and Discourtesy based on the manner in which he interviewed and treated a woman who had reported a sexual assault.

In her complaint to the OPCC, the woman told police that she had been sexually assaulted three years prior by an off-duty member of a different law enforcement agency and that the officer who interviewed her treated her like a suspect, rather than a victim, repeatedly interrupting her, talking over her and “snapping” at her when she took time to think about an answer. The officer said: “Listen! You have to be straight up and honest with me, you have to answer all of the questions I am asking you.” The complainant alleged that the officer’s tone only changed when she began to cry.

The complainant also stated she felt as though the officer was sympathetic to the suspect after interviewing him because the officer told the complainant that “sexual assault is serious” and that the suspect was afraid of losing his job. The officer also expressed the belief that the suspect would not likely do anything like this again and suggested that the complainant “ought to be more careful the next time she goes on a date.”

Investigation/Outcome

At the conclusion of the Police Act investigation, the Discipline Authority assessed the allegation of Neglect of Duty for failing to communicate appropriately with the victim during a sexual assault investigation and determined that member did not commit misconduct.

The complainant requested that the Police Complaint Commissioner appoint a retired judge to review the matter and come to his or her own determination. In that request, the complainant wrote:

“I know the suspect has been treated with respect and dignity which has been reconfirmed by [the respondent officer] and I, the victim, have been treated poorly (as well as having the complaint lead to impunity).”

In appointing a retired judge, the Police Complaint Commissioner wrote: “Officers investigating sexual assaults have a positive obligation to employ trauma-informed practices in interviews and interactions with survivors of sexual assaults, and it appears from the evidence that [the officer] may not have done so in this matter.”

The Honourable Retired BC Court of Appeal Justice, Wally Oppal Q.C., determined that the evidence appeared to substantiate the allegation of Neglect of Duty for the manner in which the interview was conducted and Discourtesy for the manner in which the complainant was treated, both of which were inconsistent with Vancouver Police Department Policy.

In his decision, the Honorable Retired Justice Wally Oppal, Q.C. wrote:

“The criminal justice system has historically and justifiably been criticized for the manner in which it has treated victims of sexual assault. It has been said that the inappropriate questioning of victims of sexual assault has the inevitable effect of discouraging women from reporting assaults.”

Disciplinary or Corrective Measures Imposed

A Prehearing Conference resulted in the requirement that the officer complete two training courses: Introduction to Trauma and Sexual Assault Investigations and Consent Law and Common Sexual Assault Myths. The Prehearing Conference Authority considered the seriousness of the conduct in both the impact to the complainant and the reputation of the Vancouver Police Department, but also considered that the officer had no history of misconduct, had learned from the matter and had accepted responsibility.

The Commissioner’s review of the Prehearing Conference found the matter had been appropriately handled.

To review the full decision in this matter, visit <https://opcc.bc.ca/decisions/section-117-reviews/>

DISCIPLINE

Training/Re-Training



CASE STUDY: OPCC file no. 2019-16794

Vancouver Downtown Eastside stop and search

ALLEGATION

Abuse of Authority

Background/Circumstances

This matter involved allegations arising from a complaint about four members of the Vancouver Police Department stopping and searching the complainant on Hastings Street in the Downtown East Side of Vancouver. Those members were patrolling the Downtown East Side as part of a “call-out” providing increased presence in response to weapons violence in the area in the preceding two months and, in particular, on the day immediately preceding the incident.

The complainant reported that he had attended a pawnshop to purchase back some items he had previously pawned, including two axes, a machete, some knives and a BB Gun. The complainant received a ride home from a friend. Upon arrival, he exited the vehicle, removed the items from the trunk and began carrying them to his residence. The items were piled in his arms and all were in bags or boxes, except one axe that was in plain view.

The four officers stopped the complainant and immediately began seizing items and opening bags/boxes. The complainant told the officers they did not have permission to take his belongings or go through them. When the officers were finished, they seized a machete, knives, and a BB gun, but did not seize the axes. The complainant protested that none of the items were illegal. The officers stated the complainant would have to produce receipts to get his property back.

A few days later, the complainant attended the property office to collect his belongings, which were returned to him without him providing proof of ownership. The complainant noted that a specific knife was missing and asked where it was, but staff could not locate it.

Investigation/Outcome

As a result of the complaint, two allegations were identified: Abuse of Authority for intentionally or recklessly detaining or searching a person without good and sufficient cause; and Neglect of Duty for failing to properly account for property. At the conclusion of the Police Act investigation, the Discipline Authority determined that the members did not commit misconduct.

The complainant requested the Police Complaint Commissioner appoint a retired judge to review the matter and come to his or her own decision, stating that he could understand the officers' actions if they had received a report that someone matching his description had committed a crime, but they had not.

In appointing a retired judge, the Police Complaint Commissioner expressed the view that the complainant was targeted as part of a general police enforcement sweep in a depressed socio-economic area and that the officers did not establish grounds for their specific actions. Rather, they launched into an immediate search and seizure of property and one item went missing while in the possession of police.



The Honourable Retired Provincial Court Judge Carole Lazar reviewed the matter and determined that the members appeared to lack the authority to detain and search the complainant (Abuse of Authority), but that they did not neglect their duty because the evidence could not establish that the actions of the officers resulted in the loss or destruction of the complainant's property.

Specifically, Retired Judge Lazar found that there was no suggestion that the complainant was connected to a particular crime, nor did the officers articulate any belief that he had used or was likely to use the items in an illegal or dangerous manner. Retired Judge Lazar also wrote:

"This team of officers, like the others that had been dispatched as part of this project, were not investigating any particular incidents of assault, theft or possession of stolen property. None of them mention any reason that they might suspect that the property [the complainant] had in his possession was stolen. The suggestion that he should be able to prove ownership of each of the items cannot be taken seriously. What person records and keeps proof of the provenance of every item he or she owns?"

Disciplinary or Corrective Measures Imposed

A Prehearing Conference resulted in all members receiving advice to future conduct. The misconduct was deemed important, but not of a serious nature given the heightened concerns for safety in the area and the particular circumstances of the incident. None of the officers had a history of misconduct and all had gained a better understanding of police authorities. Two had taken specific initiative to review the law relating to police powers pursuant to investigative detention.

The Police Complaint Commissioner determined that the outcome of the Prehearing Conference was appropriate.

To review the full decision in this matter, visit <https://opcc.bc.ca/decisions/section-117-reviews/>

DISCIPLINE

Advice to Future Conduct

Certification process for Drug Recognition Experts (DRE)

ALLEGATIONS

Neglect of Duty

Discreditable Conduct

Deceit (14 counts)

Background/Circumstances

The Drug Recognition Expert (DRE) Program, which is used throughout Canada and the United States, was introduced in British Columbia in 1995 with the aim of detecting and prosecuting drug impaired drivers. International Association of Chiefs of Police (IACP) Policy governs the training, certification and recertification of DREs.

DREs receive extensive training to be able to assess drug impairment for the purpose of drug impaired driving investigations in British Columbia and must be certified to perform this function. IACP Policy establishes standards that a DRE must comply with every two years to be eligible for recertification. Those who do not meet the standards are decertified. Proper training and certification are necessary for DREs to be able to reliably assess drug impairment and provide expert evidence for the purpose of drug impaired driving prosecutions.

In this case, the Police Complaint Commissioner ordered an investigation based upon a request from the Saanich Police Department. That request indicated that a member who was responsible for recertifying DREs had recertified several DREs without complying with IACP Certification Policy and had knowingly completed misleading certification documents.

Investigation/Outcome

The investigation determined that the respondent member had breached IACP Policy that required the member to verify DREs had met the minimum requirements for recertification and had signed official recertification documents despite knowing that those requirements had not been met. The Discipline Authority determined that the respondent member's actions resulted in faulty recertifications and compromised the DRE Program.

The Discipline Authority substantiated one allegation of Neglect of Duty for non-compliance with IACP Policy; one allegation of Discreditable Conduct for the negative impact on the public, the DRE Program, the Criminal Justice System and the reputation of the Department; and 14 allegations of Deceit for knowingly signing official documents that contained misleading information.

Disciplinary or Corrective Measures Imposed

The matter proceeded to a Discipline Proceeding, where the Discipline Authority determined all allegations were substantiated and imposed the following discipline:

- an 18-month reduction of rank for Neglect of Duty;
- dismissal for Discreditable Conduct; and
- dismissal for each allegation of Deceit.

In explaining the rationale for dismissal, the Discipline Authority wrote that the officer *"was in a position of authority and trust who had influence on other police officers' development and career progression"* and that the *"seriousness of the misconduct and resulting impact on the Saanich Police Department, individual police officers, members of the public, Crown Counsel, and the Judiciary can not be overstated."* The Discipline Authority also determined that Deceit *"undermines and has a significant and adverse impact on public trust and confidence in the police to do their jobs with honour and integrity."*

The Commissioner confirmed the Discipline Authority's decision and determined that a Public Hearing or Review on the Record was not required. The police officer retired prior to the discipline hearing and did not attend, but his employment records reflect that he was dismissed from the Saanich Police Department.

DISCIPLINE

Reduction in Rank

Dismissal



Alternative Dispute Resolution: A People-Centered Process

Alternative Dispute Resolution (ADR) processes offer another path that puts people first, bringing complainants and the officers concerned together to find a meaningful resolution.

The OPCC prioritizes ADR, specifically complaint resolution, because early efforts have shown it to be a more effective and timely means of resolving complaints. This alternative provides complainants with an opportunity to shape how their complaint is addressed. As shown on page 24, a number of complaints were resolved using ADR during this reporting period.

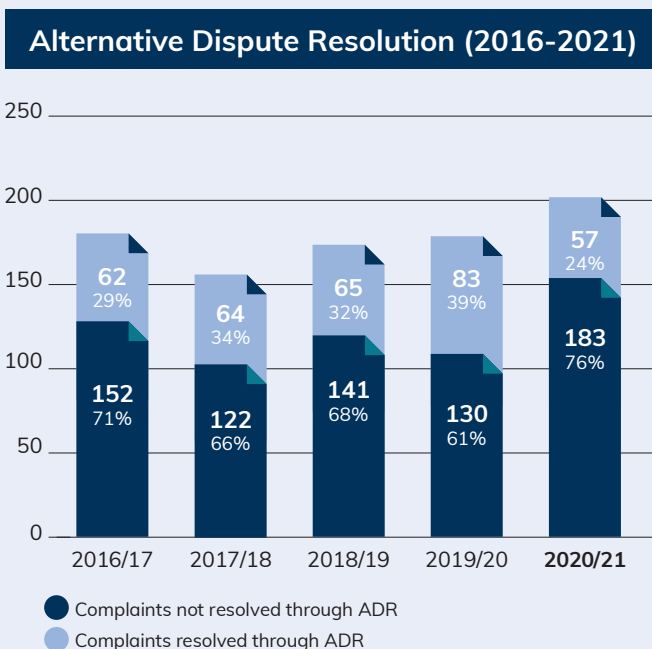
ADR and OPCC complaints

Upon filing a complaint against a municipal police officer, the complainant will have the option to indicate whether they would like to resolve the matter through an ADR process—either complaint resolution or mediation. If the Commissioner agrees, the process begins.

For complaint resolution that means that the complainant will work with a police investigator under the OPCC's oversight to reach a meaningful resolution, which is reviewed by our office. Each complainant must confirm that they are satisfied with the agreement to conclude the process.

Mediations are facilitated by independent professional mediators and are completely confidential, with the agreements reached being final and binding, provided the issues are resolved in accordance with agreed upon guidelines.

The complaint resolution and mediation processes both empower individuals to play an active role in the process, resulting in resolutions that are more effective and meaningful for all parties, and lead to improved understanding on all sides. Open, honest communication breaks down barriers and both of these methods help strengthen the bonds between police officers and the communities they serve.



*Of files concluded during the fiscal year noted

“I feel that I had someone that was prepared to listen, there is not enough that I can say to you to express how grateful I am.”

What complainants say about ADR

The Process Was Easy

“I feel it was a really great process. As a citizen, the ability to actively participate and have input into achieving a resolution was satisfying. I found it to be a very easy process to go through.”

“I was absolutely able to make an informed decision to participate in Complaint Resolution.”

“As a 19-year-old, with limited life experience, I felt that I was able to make an informed decision to participate in CR.”

Felt Understood

“[The investigator] was a very good listener, he took time to really understand my feelings.”


“The investigator took time to explain her roles and responsibilities and “really listened to what I had to say.”

“I found [the investigator] to be very gracious and respectful in all of his communications with me. “

“I really appreciated the investigator. He was very helpful to me, he was so calm. I do not think that we have ever had a police officer speak to us with so much patience, understanding and respect... I got so much help from him, I really appreciated the way that he listened to me, I did not feel that he was being judgmental or making my complaint seem little.”

“He listened to me, asked a lot of questions and I felt that he acknowledged that my complaint was valid; he listened and he got it.”

“This process has assisted in restoring my confidence in both the officer and the department.”



“I felt that I had been heard, we are all human and can make errors, the officer has apologised and that is a very big thing for me.”

QUESTIONS OR CONCERNS

Positive Outcome

“...I do thank the investigator for treating me with respect and being kind and taking my complaint seriously, the way I see it it's over and done now...”

“I feel assured that the officers will respect me in the future and we will have a much more positive relationship. “

“I was able to have my voice heard and I was able to express how it made me feel.”

“I could hear it in his voice, I know that he was genuinely apologetic.”

“It is not that often police officers take immediate accountability, let alone offer a sincere apology. For me that really goes a long way.”

“...this process has helped to rebuild/restore my confidence in the officer who responded to my call for assistance that day.”

“I would say that I'm highly satisfied with the resolution. I was provided an opportunity to voice my opinion, it was heard and the officer heard what I had to say. “I think we all learned from the process.”

Police departments also directly receive questions or concerns about members' conduct beyond formal complaints about police misconduct. Police departments are required to record those questions or concerns and forward them to the OPCC for review. Efforts are made to contact the person who brought forward the question or concern to determine their level of satisfaction with the department's response. In instances where our office is unable to reach the complainant, the OPCC reviews the action taken by the department and assesses whether the department took adequate and reasonable steps to address that person's questions or concerns.

In 2020/2021, police departments recorded 168 questions or concerns from the public.

“...the way that it was handled demonstrated to me that it was taken seriously.”



Recommendations

The OPCC takes a systemic approach to overseeing the conduct of municipal police, with the overarching goal of preventing the recurrence of police misconduct that may have contributed to a complaint or an investigation.

The Commissioner can act on his ability to make recommendations to police boards on matters of policy and procedures, and to the Director of Police Services or the Minister of Public Safety and Solicitor General to examine legislative, training, cultural or systemic issues.

In 2020/2021, the Commissioner made a number of recommendations to police boards and to the Director of Police Services. These recommendations involve supporting improved training for police, and policy and procedure concerns at the local level as well as across the province.

The following pages summarize key recommendations, complaints and outcomes. Importantly, many of the OPCC's investigations and subsequent recommendations were made during the global COVID-19 pandemic. As a result, police board or government response times may have been impacted. The OPCC will continue to monitor and seek responses to its recommendations.



INVESTIGATIVE DETENTION AND STREET CHECKS

Recommendation to the New Westminster Police Board

Retaining expertise independent of police agencies

Recommendation

- That the New Westminster Police Board should take further action by retaining expertise independent of the New Westminster Police Department (NYPD), to review relevant policies, practices and training materials identified in the report prepared by the NYPD relating to investigative detention and use of street checks. The stated goal of the review should be to ensure that those practices and policies are consistent with cultural safety best-practices and address the needs of Indigenous and racialized persons who may come into contact with the NYPD.

Background

The Office of the Police Complaint Commissioner (OPCC) received a Service or Policy complaint from an individual outlining their concerns relating to the NYPD's perceived practice of racially profiling racialized persons while conducting street checks. The complainant reported that they were stopped by two New Westminster police members when they were leaving their residence and asked if they were "Abdul". The complainant answered in the negative but was asked to show the officers their identification. The complainant felt that they were racially profiled and believed the police stopped them because of race.

The Police Board reviewed the matter and determined that, while certainly an unfortunate incident, the interactions between the complainant and the NYPD members did not constitute a "street check" under NYPD policy but rather an investigative detention, based on an honest, but mistaken belief that the complainant was a person arrestable for criminal offences. The Board concluded the matter determining that their policies were in compliance with relevant BC Provincial Policing Guidelines and current case law. They explained that their Street Check policy was revised in December of 2019 to ensure compliance with a Provincial Policing Standard put in place by Police Services and that all frontline NYPD members were provided mandatory training on the new Street Checks policy and standards prior to them coming into effect in January 2020.

The complainant requested the Police Complaint Commissioner review the Board's decision based on the characterization of the encounter. The complainant also alleged that the response by the board was biased as the Board interchangeably referred to itself and the police department as one entity. Upon review of the complainant's concerns and the decision of the Board, the OPCC issued a recommendation advising that the Board may benefit from a review of those policies by a consultant, expert or organization independent of the NYPD and police more generally.

Board Response to Recommendation

The Board advised that they support an examination of human rights considerations in the context of investigative detention. The Board has initiated consultations with the Public Safety and Solicitor General (PSSG), Policing & Security Branch given, what they view as the need for both province-wide consistency and the need to avoid duplication of financial and other resources.

The Board advised that they support the PSSG in taking the lead on street-check issues given the Ministry's deep involvement in the issue [policy development] and the need for province-wide consistency.

Next Steps

The OPCC will continue to monitor complaints regarding street checks, investigative detentions, and allegations of discriminatory policing practices and take further steps as may be required.



YOUTH CRIMINAL JUSTICE ACT

Recommendation to the Vancouver Police Board

Use of sanctions or extrajudicial measures and policies or programs engaged under the *Youth Criminal Justice Act*

Recommendation

- The Board should investigate Vancouver Police Department's (VPD's) cited use of sanctions or extrajudicial measures and determine what VPD policies or programs were engaged under the Youth Criminal Justice Act (YCJA) as the VPD report to the Board did not refer to or cite any specific VPD policies or programs relevant to any warnings, cautions, or referrals made under the YCJA.

Background

A Service and Policy complaint was received from the British Columbia Community Alliance (BCCA). The complaint described concerns regarding the "handling of a racist hate crime, by a Lord Byng Secondary School student, targeting black students and community members in November 2018." It was alleged that authorities failed to respond appropriately to the allegation and to protect the community from future harm and incidents of racism. This complaint was investigated and ultimately concluded by the Vancouver Police Board.

The Vancouver Police Board concluded that a criminal investigation of the 'handling of a racist hate crime' by the VPD had occurred and that the use of Youth Criminal Justice Act (YCJA) extra-judicial measures were appropriate to hold the individual accountable, thus charges were not recommended to Crown Counsel. The Board advised the complainant that no changes to VPD services or policies were required and the matter was concluded.

The complainant requested the Police Complaint Commissioner review the decision of the Board noting that that no extrajudicial measures were taken to ensure the safety of racialized students at the school and that any sanctions were not meaningful.

After reviewing the Vancouver Police Board's concluding report and a subsequent submission from the complainant, the OPCC determined that clarification would be beneficial to the complainants in understanding VPD's response in this matter. In providing this recommendation to the Board, the OPCC noted that the use of police discretion, particularly as it pertained to the criminal conduct of youths is an important function and is, as VPD correctly noted, contemplated by the principles espoused in the YCJA. The OPCC acknowledged that our recommendation was not made in the context of the police use of discretion in this case but that it was unclear whether the matter was dealt with pursuant to a program established under the YCJA or a specific program of the VPD. In that vein, the OPCC recommended that the Board further investigate the VPD's cited use of sanctions or extrajudicial measures and what VPD policies or programs under the YCJA were engaged.

Board Response to Recommendation

The Board requested the VPD investigate the OPCC recommendation and a report was issued to the Board. The VPD clarified that their response to this incident was not based on a specific program established under the YCJA or the VPD but that a course of action that would espouse the principles of the YCJA was undertaken. The VPD did not see a need to create a specific program, given the need to tailor any response to the specific circumstances and needs of the student. The Board was satisfied with this response and concluded the complaint.

Next steps

The OPCC will not be taking further steps in this matter.



SCHOOL LIAISON OFFICERS

Recommendation to the Vancouver Police Board

School Liaison Officers involvement in investigations within schools

Recommendations

- That the Board reconsider whether School Liaison Officer's (SLO), the SLO's supervisor, or school administration should be the party who determines whether the SLO should be responsible for an investigation into a particular matter. It is our view that any process regarding SLO involvement should also consider students, the parents of students, or wider community concerns that could acutely impact the broader community experience with police in schools. It is recommended that any process should take into consideration the particular experiences and concerns cited by racialized students and the racialized community.
- That the Board consider an approved written policy if no such written parameters exist.

Background

The OPCC received a Service and Policy complaint which alleged that School Liaison Officers (SLO) should not be directly involved as an investigating officer for offences within the school, nor should they be making decisions with respect to whether to recommend charges to Crown Counsel. Further, the complainant believed that SLO involvement in investigations would undermine the SLO's trust with students.

Following an investigation into the complaint, the Vancouver Police Board concluded the matter and advised that a process already exists should there be a conflict or concern regarding a SLO investigating a student at their assigned school(s). This process as described by the Vancouver Police Board included that if "...there are any concerns by the School Liaison Officer, their superior, or the school administration with respect to the School Liaison Officer retaining conduct of an investigation, consideration may be given to transfer conduct to another police officer." The Board determined that no changes to the current policy was required.

The complainant requested the Police Complaint Commissioner review the decision of the Board noting that while the Board has indicated a process is in place should

there be a conflict or concern regarding a school liaison officer (SLO) investigating a student at their assigned school, they were unclear if this process existed as a matter of policy. Further, it was the complainant's view that in assessing whether to reassign the investigation from a SLO, that the seriousness of the conduct ought to be considered along with the concerns of the affected community, particularly in light of matters involving the Black community.

The OPCC recommended the Board consider the creation of Board-approved policy and to ensure any policy would take into consideration the experiences and concerns cited by racialized students and racialized communities.

Response to Recommendations

The Board requested the VPD to investigate the recommendations and a report was issued to the Board.

The VPD advised that the recommendations raised were addressed through existing departmental policy (Policy 1.6.51 of the Vancouver Police Department Regulations and Procedure Manual) and police discretion. They advised that:

SLOs are the most suitable police officer to conduct a criminal investigation in Vancouver schools. It is common practice for all VPD SLOs to exercise discretion on a case-by-case basis, and to continually assess whether the enforcement of laws within the school environment would jeopardize the trust they have gained with students. As SLOs have intimate knowledge of school policies, staff, specific school functions, and students, they are often best suited to remain the lead investigators on youth-related crime in a Vancouver school. The SLO does take into consideration the needs of students, parents of students (if applicable) and the broader community in accordance with existing policy

The Board accepted the conclusions from the VPD and determined no further action was required.

Next steps

The OPCC will not be taking further steps in this matter.



DIVERSITY SENSITIVITY

Recommendation to the Vancouver Police Board

Need for additional training for officers investigating harassment allegations involving individuals within the LGBTQ2S+ community

Recommendation

- That the Board undertake further investigation and study the specific role of the Domestic Violence and Criminal Harassment (DVACH) unit as it relates to investigations involving harassment allegations within the context of LGBTQ2S+ relationships and that the investigation includes an examination of the use of DVACH as a supporting resource for investigators

Background

The OPCC received a Service and Policy complaint raising concerns about a pattern of responses and inaction from Vancouver Police in the way they handle investigations of harassment, particularly for individuals within the LGBTQ2S+ community.

The Board initiated an investigation into the complaint and requested the Vancouver Police Department investigate. A report was issued to the Board advising the following:

- DVACH investigators receive training on trauma informed practice, and the VPD provides its members with significant sensitivity training and awareness of issues facing the LGBTQ2S+ community.
- The VPD has a dedicated full-time LGBTQ2S+ liaison officer.
- The VPD does not prioritize or otherwise differentiate between harassment investigations; the standard of evidence, and the investigative steps taken with respect to criminal harassment remain the same, regardless of the relationship between the people involved.

The Board concluded that no changes to their services or policies were required. The complainant requested a review of the Board's decision on the basis that the Board did not consider several aspects of the complaint, including the training of police about harassment and the resources available to police in this regard; the assignment of officers to these cases who have a lack of experience; and the need for supervision and support provided to officers assigned to investigate such investigations of harassment.

Upon review of the Board's concluding letter and request from the complainant, the OPCC issued a recommendation to the Board advising that further examination into the complainant's concerns was warranted and that the Board should examine the use of the Domestic Violence and Criminal Harassment unit at VPD as a supporting resource for investigators in these circumstances.

Response to Recommendation

The Board requested the VPD to further investigate and a report was issued to the Board. In their report the VPD addressed each of the concerns presented by the complainant. The VPD confirmed that their officers receive training in Criminal Harassment cases as part of their Recruit Development Program at the Justice Institute of British Columbia and also during their Field Training Program. The VPD also advised that there are resources immediately available to officers on their police vehicle laptop computer including the VPD *Domestic Violence Policy* and the *Criminal Harassment Warning Letter and Instructions*. In addition, Specialized Domestic Violence and Criminal Harassment Unit (DVACH) supervisors and investigators are also available 24/7 for patrol officers to consult.

When required DVACH also works with the VPD's LGBTQ2S+ Liaison Officer, who now has the ability to review all files that are LGBTQ2S+ related, in order to review and provide support to investigators.

The Board concluded the complaint approving the VPD's response to the complainant's concerns and specifically advised that "when required DVACH also works with the VPD's LGBTQ2S+ Liaison Officer, who now has the ability to review all files that are LGBTQ2S+ related, in order to review and provide support to investigators."

Next steps

The OPCC will not be taking further steps in this matter.



DESIGNATED INSPECTION FACILITIES

Recommendation to Director of Police Services

Interpretation and application of Division 25 and the issuance of Notice and Orders

Recommendation

- Consideration should be given to review the practice of police directing motor vehicle operator's attendance to specific Designated Inspection Facilities.

Background

The OPCC received a number of complaints from the public, both regarding the specific conduct of police officers and of departmental policies and practices concerning the interpretation and application of the *Motor Vehicle Act Regulations* (MVAR), specifically Division 25 and the issuance of Notice and Orders. The complaints received were related to the Vancouver Police Department traffic section.

Based on a review of concerns brought forward by the public, the Police Complaint Commissioner determined that there appeared to be a lack of clarity regarding the interpretation of Division 7.08 of the MVAR and whether police could direct the attendance to a specific Designated Inspection Facility. In addition, police practices relating to the noise testing of vehicles remained unclear and, that there appeared to be a need for greater training and policy relating to that testing.

According to the complaints received by the public, the practice of the VPD has been to advise the driver that they must attend a specific Designated Inspection Facility, of the officer's choice, when issuing the driver a Notice and Order.

Division 7.08 of the MVAR appears to provide the authority for peace officers themselves to inspect and test a vehicle forthwith. The regulation does not appear to provide peace officers the legislated authority to direct a person to take their vehicle to a specific Designated Inspection Facility.

Upon review of Division 25, it also appears that a driver is to be afforded the opportunity to choose which Designated Inspection Facility they attend for the purposes of inspection and testing.

The OPCC was unable to locate any specific policy or formal training relative to roadside emission noise testing at the VPD. It appeared that any testing the VPD conducts is without the benefit of any legislative standards, and may not adhere to industry standards. A Service and Policy complaint reviewed by the Vancouver Police Board yielded no resolution to the matter.

Making Change

Based on the complaints submitted to the OPCC and a review of the *Motor Vehicle Act Regulations*, the OPCC determined that there has been a misapplication by the VPD Traffic Section of the authorities granted under the MVAR causing cost and considerable inconvenience to the public. As complaints to the Vancouver Police Board did not adequately address the matter, the Commissioner wrote to the Director of Police Services requesting that they review this practice by VPD to determine whether additional clarity is required to assist departments with the interpretation and application of this regulation.

WARRANTLESS ENTRIES INTO RESIDENCES

Recommendation to Victoria Police Board

Use of warrantless entries and notification to property owners

Recommendations

- Ensure that Victoria Police Department's policy is internally consistent and accurately reflects the high threshold for warrantless entries that has been established by law;
- Ensure that Victoria Police Department's policy on warrantless entries does not stigmatize individuals with mental health concerns;
- Amend Victoria Police Department's policy to include a requirement for officers or supervisors to promptly notify a property owner or lawful occupier of a premise of a police entry into a premise without warrant unless otherwise authorized by law to withhold notification; and,
- Ensure that any changes to policy should be incorporated into training and development of Victoria Police Department members with respect to the practice of warrantless entries.

Background

The Victoria Police Department attended to a complainant's residence to conduct a wellness check. Later, through a Freedom of Information request, the complainant learned that earlier on the day of the wellness check, police had attended the residence while the complainant was out, and that the police had entered the residence via an open window.

The complainant filed both a complaint regarding the conduct of the officers and a Service and Policy complaint stating that the practices of the Victoria Police Department in relation to wellness checks were not lawful, fair or accountable.

Following an investigation into the conduct of the Victoria police officers, the Discipline Authority found that the officers had a duty to promptly investigate a call for service received from a third-party and in this case, the officer's warrantless entry into the home for a wellness check was reasonable and lawful. In reviewing the Police Act investigation, the Discipline Authority did recommend that the department's "Search" policy be amended to include requirement that notification to the property owner or lawful occupier of a premise of a police entry into the premise without warrant.

The OPCC review of the department's policy on warrantless entries found it to be inconsistent with the high threshold as established by case law. Additionally, the policy was internally inconsistent with respect to its definition of "exigent circumstances." Specifically, the test called for "reasonable grounds to suspect" while elsewhere in the policy the test was "reasonable grounds to believe."

The OPCC found that the Victoria Police Department could benefit from the creation of a clearer and more robust policy in this regard.

Response to Recommendation

The Victoria Police Department reviewed the request from the OPCC and made modifications to their departmental policy to be in line with existing relevant case law. The Board reviewed the department's response and concluded that no further action was required.

Next Steps

The OPCC will not be taking any further steps in this matter.

MEMBER'S DRIVER'S LICENSE AND VEHICLE REGISTRATION

Recommendation to the West Vancouver Police Board

Members listing the police department address on their driver's license and/or vehicle registration

Recommendation

- Examine and reconsider any policies or procedures relating to the current practice of West Vancouver Police Department members listing the department address on their driver's license and/or vehicle registration. Consideration should be given to the development of policies and/or procedures, consistent with the public interest, where it is determined that current policy and/or procedures are either non-existent or are not sufficiently adequate.

Background

Upon request from the West Vancouver Police Department, the OPCC initiated an investigation into the off-duty conduct of one of their members. During the course of the investigation, it was determined that the respondent member's driver's licence and insurance documents contained the address of the West Vancouver Police Department rather than the personal address of the member. The Discipline Authority in the conduct investigation determined that the respondent member's conduct did not amount to misconduct but that the member would be ordered to use his home address on his license and insurance. The Discipline Authority noted that policy would be created to address this issue.

Upon review of this matter, the OPCC supported the Discipline Authority's recommendations to create specific policy to address this concern as it was confirmed that departmental policy governing the practice of utilizing the department address on personal documents such as a driver's licence and registration was absent. The OPCC determined that the practice of listing the department's address on the driver's license was a factor in the investigation into the officer's conduct during this traffic stop and issued a recommendation to the West Vancouver Police Board.

Response to Recommendation

The West Vancouver Police Board confirmed that a new policy had been developed and approved by the Board. This policy now prohibits West Vancouver Police Department employees from using the mailing address of the West Vancouver Police Department as their personal address except under special circumstances as part of an approved safety plan.

Next Steps

The OPCC will not be taking any further steps in this matter.

DEPARTMENT HANDLING OF POLICE COMPLAINTS

Recommendations to the Vancouver Police Board

Police Department's requirement to take complaints from the public about officer conduct

Recommendations

- Review existing policy applicable to both civilian staff and Vancouver Police Department members with respect to receiving and handling complaints from the public.
- Consider clarifying in policy the person assigned to receive and register complaints under Division 3 of the Police Act, including in situations where members from the Professional Standards Section are unavailable to assist the complainant in making a complaint.
- Create a policy that sets out the responsibilities of the person or persons in item two, above, considering the OPCC Guideline pertaining to the receiving and handling of complaints and the Legislative Assembly of British Columbia's November 2019, *Report of the Special Committee to Review the Police Complaint Process*.

Background

A complainant reported that they attended the Vancouver Police Department (VPD) Cambie St. police station and requested to speak with the officer-in-charge regarding the conduct of VPD officers while arresting protestors earlier that same day. The complainant spoke to an officer and the officer directed the complainant towards a stack of OPCC brochures, and advised the complainant to make internet queries of the OPCC.

Upon review of this complaint, the OPCC determined that an investigation into the officer's conduct was required. During the course of this investigation, the OPCC requested a copy of the Vancouver Police Department policy and procedures relating to the receiving and handling of registered complaints by the public.

The OPCC's review of the Vancouver Police Department policy and procedures determined that the Vancouver Police Department policy was unclear with respect to the process by which the Vancouver Police Department receives complaints from the public when members from the Professional Standards Service are unable to assist the complainant. Further, it was determined that there was a lack of clarity on the obligations on a member to assist complainants in making their complaint.

The OPCC determined that the lack of policy and training relating to the receiving and handling of complaints were factors in the conduct that was the subject of the investigation.

The importance of accessibility to the complaints process was recently highlighted in the Legislative Assembly of British Columbia's November 2019, *Report of the Special Committee to Review the Police Complaint Process*, which examined the issue of barriers to accessibility of the police complaint process in British Columbia. The Committee recognized the receiving and handling of complaints as a critical first point of contact between members of the public and the Police Act process, and underscored the importance that this process be as accessible as possible. The Committee 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."

The Commissioner determined the VPD could benefit from the creation of clear and objective policy in the area of the receiving and handling of complaints from the public, particularly pertaining to expectations of persons within their organization who receive registered complaints.

Response to Recommendation

The Vancouver Police Board reviewed a report prepared by the Director of Planning, Research and Audit Section, and approved revisions to the policy addressing *Complaints Against Members of the Department* which reflect the department's current practice, and clarified the obligations set out in the Police Act.

Next Steps

The OPCC will not be taking further steps in this matter.

Reform of the *Police Act*

In 2019, the Special Committee of the Legislature to Review the Police Complaint Process delivered a report with a number of recommendations for legislative change to enhance accountability in policing. Among these were recommendations that the OPCC be provided the ability to conduct self-initiated systemic reviews, arrange a Public Hearing earlier in the complaint process and changes to Part 11 to improve the efficiency and timeliness of the police complaint process.

In 2020, the Special Committee on Reforming the Police Act was established to

“...examine, inquire into, and make recommendations to the Legislative Assembly on: reforms related to the modernization and sustainability of policing under the Police Act (R.S.B.C. 1996, c.367); the role of police with respect to complex social issues including mental health and wellness, addictions and harm reduction; the scope of systemic racism within BC’s police agencies; and whether there are measures necessary to ensure a modernized Police Act is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (2007).”³

During the reporting period the Special Committee conducted broad consultations on these issues. The OPCC participated in the consultation process and looks forward to continuing to work with government on these important issues.

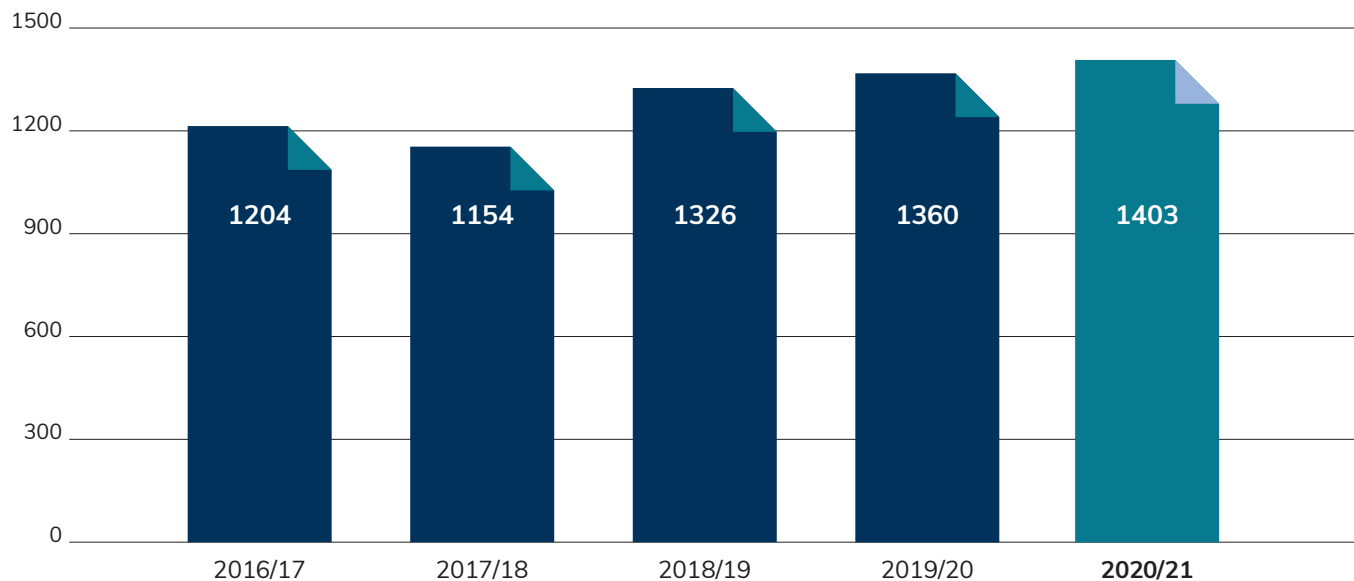
3. <https://www.leg.bc.ca/parliamentary-business/committees/41stParliament-5thSession-rpa>

Photo by Kosuke Noma, Unsplash



More of Our Story in Numbers

Files Opened: Yearly Comparisons (past five years)



Files Opened: Comparisons by Department (past five years)

	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Abbotsford	142	94	127	149	189
Central Saanich	10	13	6	17	9
CFSEU (Organized Crime Agency of British Columbia)	1	1	1	5	1
Delta	60	49	80	53	69
Nelson	16	15	15	14	22
New Westminster	50	19	38	42	73
Oak Bay	10	4	7	9	12
Port Moody	23	23	33	38	36
Saanich	93	100	72	83	77
Metro Vancouver Transit Police	105	96	104	46	87
Stl'atl'imx	-	4	5	4	8
Delta	-	-	-	-	0
Vancouver	522	577	602	687	645
Victoria	142	134	210	187	151
West Vancouver	30	25	25	26	24
TOTAL FILES OPENED	1204	1154	1326	1360	1403

Files Opened by Type (past five years)

	2016/2017		2017/2018		2018/2019		2019/2020		2020/2021	
Registered Complaints	444	37%	522	45%	487	37%	537	39%	583	42%
Investigations Initiated by PCC	20	2%	13	1%	25	2%	32	2%	21	2%
Investigations Requested by Department	26	2%	35	3%	54	4%	65	5%	41	3%
Mandatory External Investigations (s. 89)	8	1%	10	1%	14	1%	18	1%	32	2%
Monitor Files	461	38%	338	29%	497	37%	483	36%	511	36%
Internal Discipline Files	15	1%	15	1%	21	2%	22	2%	16	1%
Service or Policy Complaints	12	1%	15	1%	23	2%	39	3%	31	2%
Questions or Concerns	218	18%	206	18%	205	15%	164	12%	168	12%
TOTAL	1204		1154		1326		1360		1403	

File Types

Registered Complaints	Complaints about a police officer's conduct or actions that affect a member of the public.
Ordered Investigations & Mandatory External Investigations	Investigations may be initiated by the Commissioner, whether requested by a department or as a result of information received from any source that raises concerns about officer misconduct. The Police Act also requires the Commissioner to order a mandatory external investigation into any incident resulting in serious harm or death.
Monitor Files	Opened when information is received by the OPCC from the police, including reportable injuries, or from other sources, such as public information, that may require an investigation pursuant to the Police Act. Typically, these are incidents that are serious in nature or that have generated media attention, but no potential disciplinary defaults have yet been identified. These files are held open until a report is received from the police. The matter is reviewed and a decision is made as to whether an Ordered Investigation is required. If no action is deemed necessary, the file is concluded as "reviewed and closed."
Internal Discipline Files	Involve performance management issues or employer/employee concerns that do not affect members of the public; are not the subject of a complaint or investigation; and no overriding public interest in proceeding with the matter as a public trust matter.
Service or Policy Complaints	Involve the quality of a police department's service to the community or regarding their operating policies.
Questions or Concerns	If a member of the public has a question or concern about a municipal police officer's conduct that does not result in the making of a registered complaint, he or she may contact a municipal police department directly. The member of the municipal police department who receives the question or concern must inform the professional standards section of the involved municipal police department. The professional standards section must record the question or concern and forward a copy of the record, along with how it was resolved, to the Office of the Police Complaint Commissioner for review.

Files Opened in 2020/2021 by Police Department and Type

	Registered Complaint Admissible ¹	Registered Complaint Inadmissible	Mandatory External Investigation	Ordered Investigation Department	Ordered Investigation PCC	Questions or Concern	Service and Policy Complaints	Internal	Monitor	Total
Abbotsford	25	32	8	-	1	20	2	2	98	189
Central Saanich	2	5	-	-	-	-	-	-	2	9
CFSEU (Organized Crime Agency of British Columbia)	-	1	-	-	-	-	-	-	-	1
Delta	10	13	4	2	1	10	1	1	27	69
Nelson	5	10	-	2	-	-	2	1	2	22
New Westminster	8	15	2	1	-	4	1	2	39	73
Oak Bay	-	1	-	1	2	2	-	1	5	12
Port Moody	6	7	-	1	1	13	-	1	7	36
Saanich	9	28	1	1	1	23	1	4	9	77
Metro Vancouver Transit Police	12	11	1	5	3	24	-	1	30	87
Stl'atl'imx	3	-	-	1	-	-	-	-	4	8
Vancouver	156	153	12	25	8	38	21	1	231	645
Victoria	19	36	4	2	3	29	3	2	53	151
West Vancouver	3	11	-	-	1	5	-	-	4	24
Total	258	323	32	41	21	168	31	16	511	1403

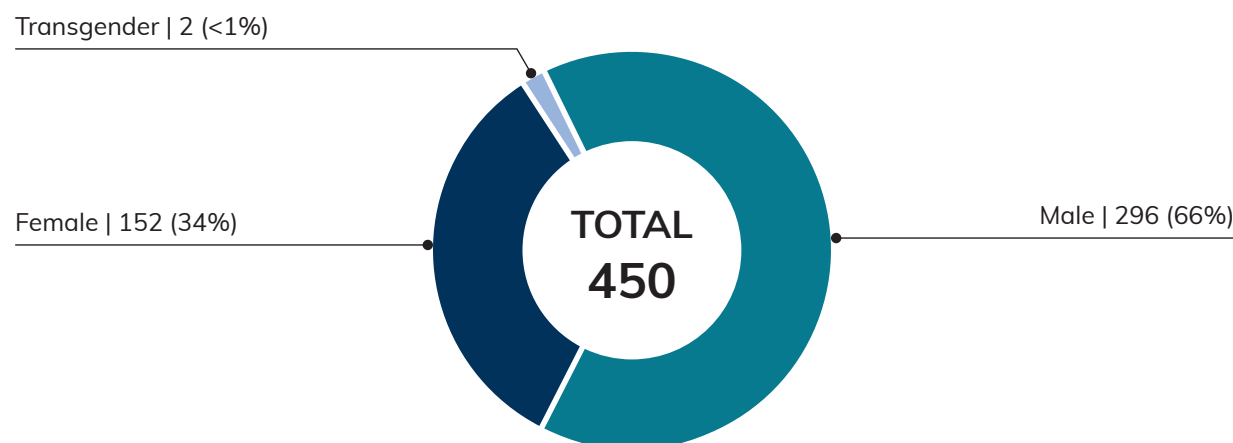
1. 2 registered complaints pending admissibility at the time of publication.

Demographical Information

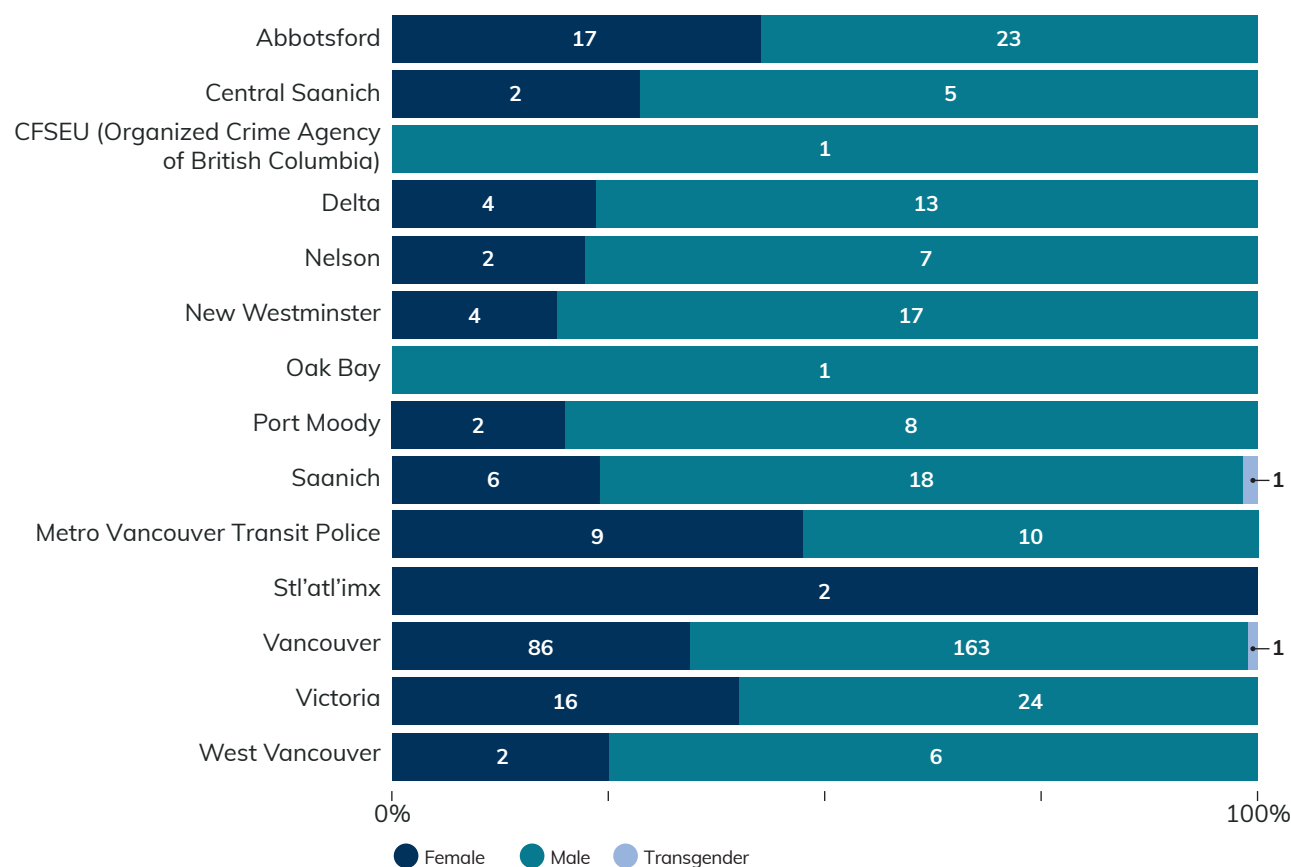
The OPCC collects self-identified demographic information of complainants. This includes age, gender and race/ethnicity. We also acknowledge the importance of the “Grandmother’s perspective” in all data collection, specifically that race-based data collection should be accompanied by processes focused on reducing systemic racism and achieving equality.² As we gain additional data analytics capacity, the OPCC will be reviewing our practices relating to the collection, storage and disclosure of demographic information, especially race-based data to ensure we adopt and maintain best practices in this regard.

2. Disaggregated demographic data collection in British Columbia: The grandmother perspective, 2020, British Columbia's Office of the Human Rights Commissioner. <https://bchumanrights.ca/publications/datacollection/>.

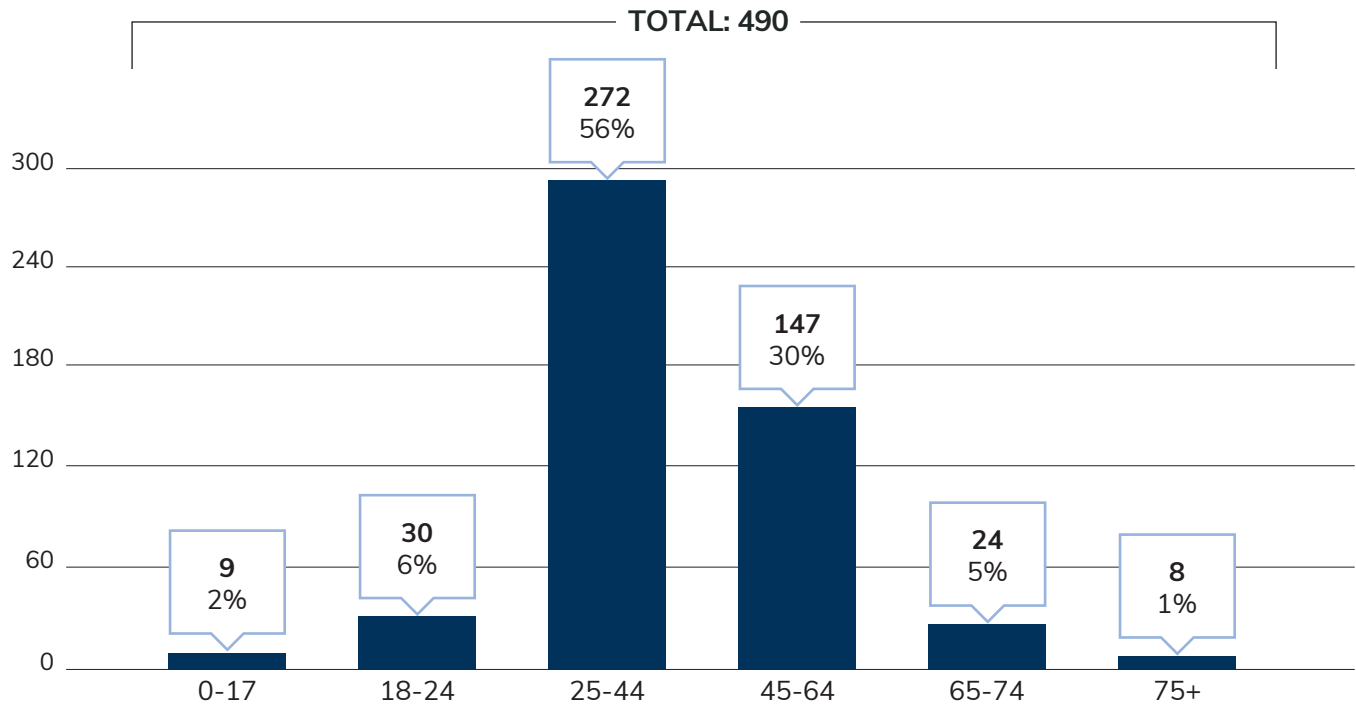
Gender of Persons Filing Police Complaints



Gender of Persons Filing Police Complaints by Department



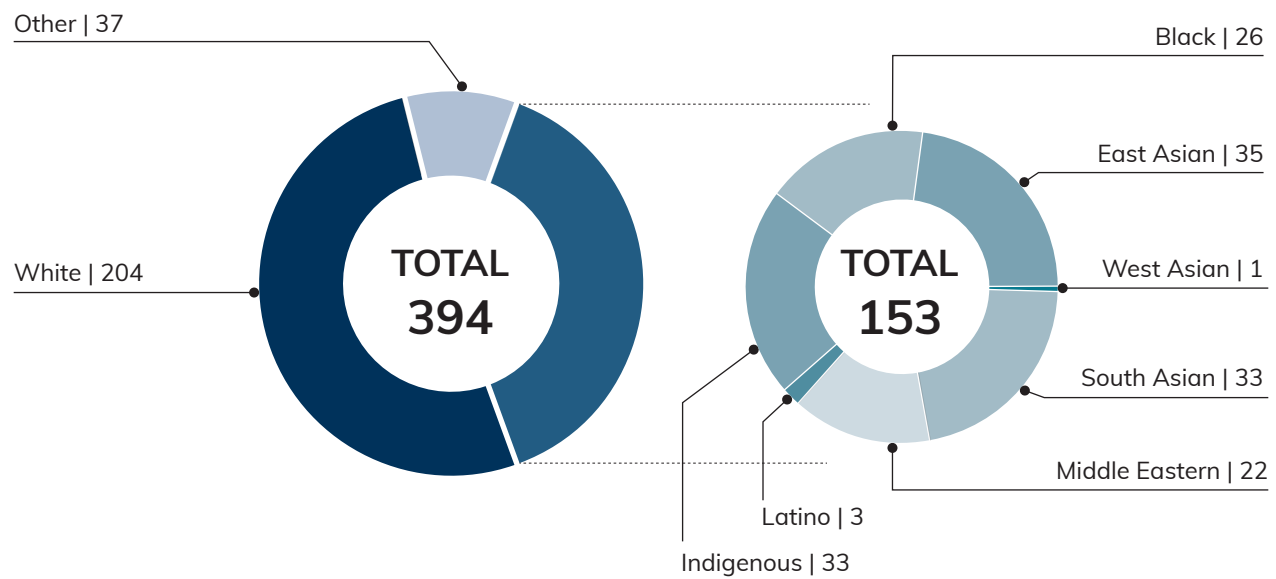
Age of Persons Filing Police Complaints



Age of Persons Filing Police Complaints by Department

	0-17	18-24	25-44	45-64	65-74	75+	Total
Abbotsford	3	4	23	18	1	-	49
Central Saanich	-	-	2	5	-	1	8
CFSEU (Organized Crime Agency of British Columbia)	-	-	1	-	-	-	1
Delta	1	6	10	5	-	-	22
Nelson	-	-	7	3	-	1	11
New Westminster	-	1	13	5	3	-	22
Oak Bay	-	-	-	-	-	1	1
Port Moody	-	1	7	4	1	-	13
Saanich	-	2	15	10	2	-	29
Metro Vancouver Transit Police	-	-	8	8	-	1	17
Stl'atl'imx	-	-	1	-	-	-	1
Vancouver	4	15	154	70	12	3	258
Victoria	1	-	27	15	4	1	48
West Vancouver	-	1	4	4	1	-	10
Total	9	30	272	147	24	8	490

Ethnicity of Persons Filing Police Complaints



Ethnicity of Persons Filing Police Complaints by Department

	Black	East Asian	Indigenous	Latino	Middle Eastern	South Asian	West Asian	White	Other	Total
Abbotsford	2	-	4	-	-	5	-	26	3	36
Central Saanich	-	-	1	-	-	-	-	5	-	6
CFSEU (Organized Crime Agency of British Columbia)	-	-	-	-	-	-	-	-	-	-
Delta	1	-	-	-	1	8	-	7	-	17
Nelson	-	-	-	-	-	-	-	7	2	9
New Westminster	7	1	-	-	1	-	-	10	-	19
Oak Bay	-	-	-	-	-	-	-	-	1	1
Port Moody	1	-	-	-	-	-	-	5	-	6
Saanich	1	-	2	-	-	2	-	11	3	19
Metro Vancouver Transit Police	1	1	1	-	-	3	-	4	1	11
Stl'atl'imx	-	-	1	-	-	-	-	-	-	1
Vancouver	9	31	20	2	17	15	1	106	25	226
Victoria	3	1	3	1	-	-	-	22	2	32
West Vancouver	1	1	1	-	3	-	-	1	-	7
Total	26	35	33	3	22	33	1	204	37	394

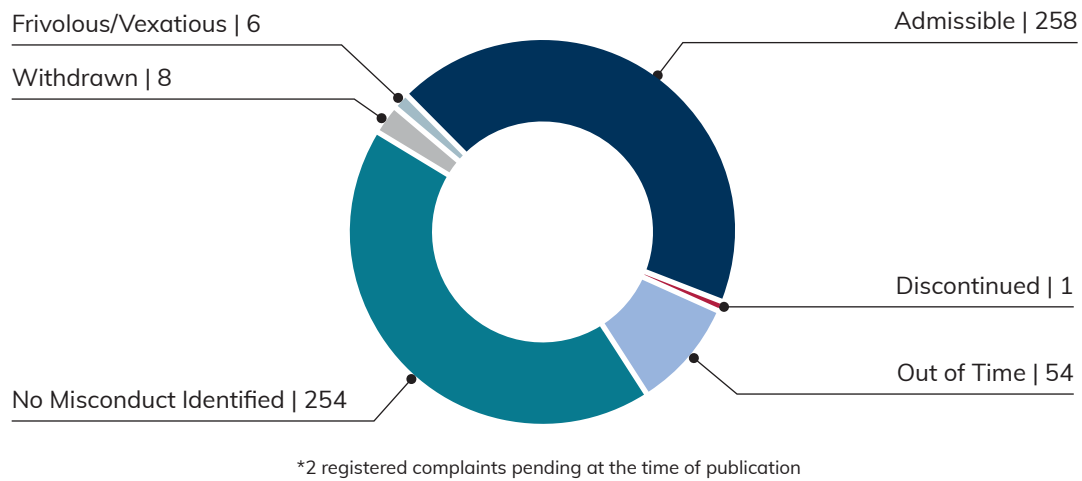
Allegations of Misconduct 2020/2021

A single registered complaint or ordered investigation may contain more than one allegation of misconduct.

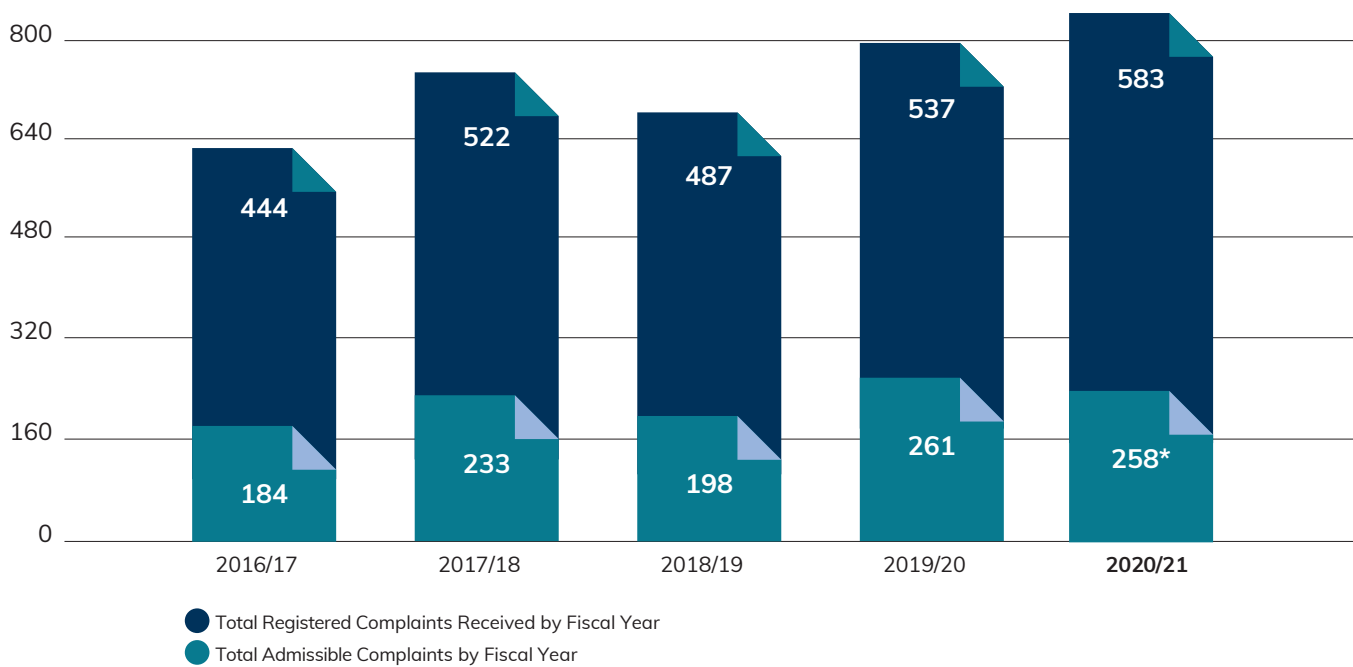
Abuse of Authority	221 (46%)
Neglect of Duty	114 (24%)
Discreditable Conduct	59 (12%)
Discourtesy	49 (10%)
Improper Disclosure of Information	13 (3%)
Damage to Property of Others	9 (2%)
Corrupt Practice	8 (2%)
Unauthorized Use of Police Facilities/Resources	6 (1%)
Improper Use or Care of Firearms	2 (<1%)
Deceit	2 (<1%)
Misuse of Intoxicants	1 (<1%)
Improper Off Duty Conduct	1 (<1%)
Accessory to Misconduct	0

"Unauthorized Use of Police Facilities/Resources" is a subsection of "Corrupt Practice." The OPCC distinguishes this as a separate category of misconduct in order to better capture statistics pertaining to this conduct.

Registered Complaints: Admissibility Assessments 2020/2021



Registered Complaints: Admissibility Assessments (past five years)



The average admissibility rate for the past five fiscal years is 44%. The majority of complaints that are deemed inadmissible are because the complainant has not identified an allegation of misconduct. Once the OPCC has determined that a complaint is admissible, the police department must investigate the allegations contained in the complaint. Last year, the OPCC determined 258 (44%) of admissibility determination complaints filed against police to be admissible for investigation.

*2 registered complaints pending at the time of publication

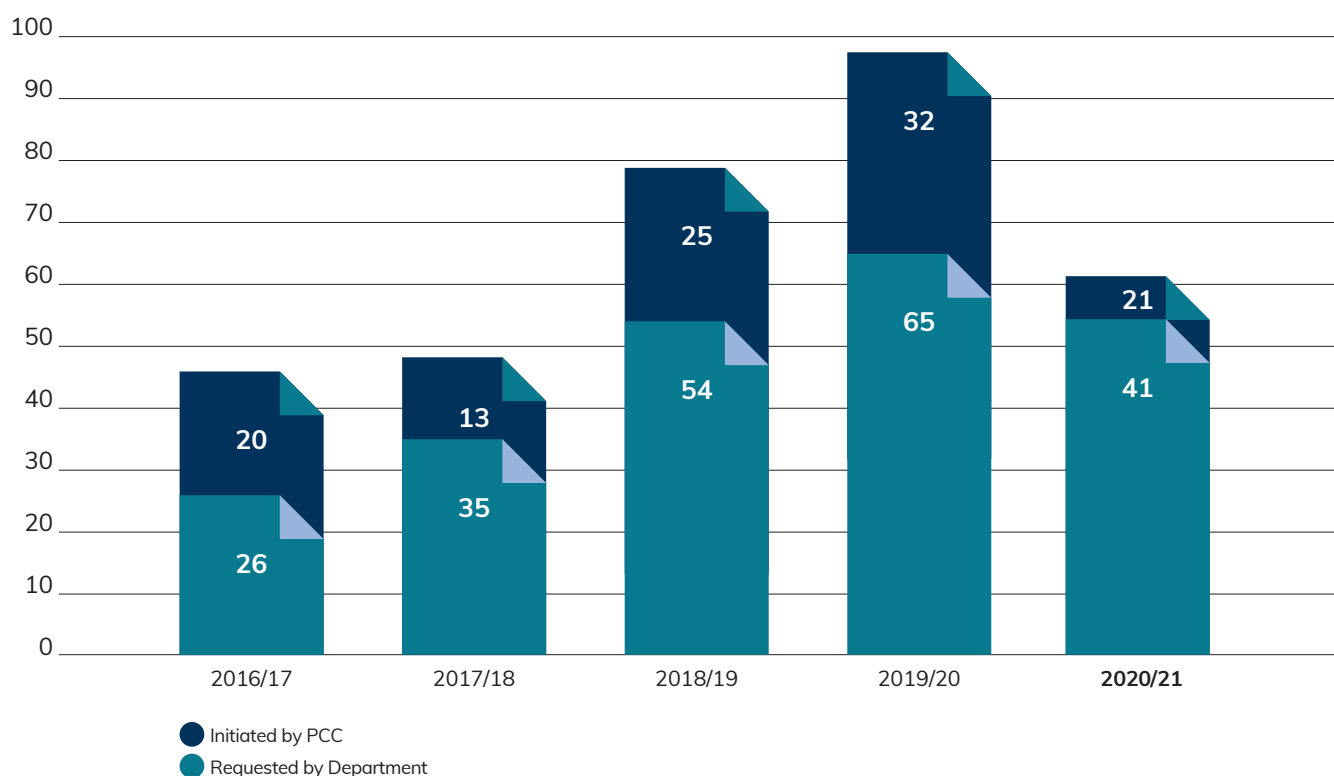
Admissible Complaints and Disposition (past five years)

	Total Registered Complaints Received	Total Admissible Complaints	Complaints Concluded	Discontinued	Complaint Resolution/ Mediated	Withdrawn	Forwarded to Discipline Authority*	No Disposition (still open)
2016/17	444	184	183	18	66	20	79	1
2017/18	522	233	231	38	67	36	90	2
2018/19	487	198	194	22	72	20	80	4
2019/20	537	259	234	24	78	19	113	25
2020/21	583	258	155	18	46	17	73	103

NOTE: 2 registered complaints pending at the time of publication

*A Discipline Authority will review the investigation and must determine whether the officer committed misconduct.

Ordered Investigations (past five years)

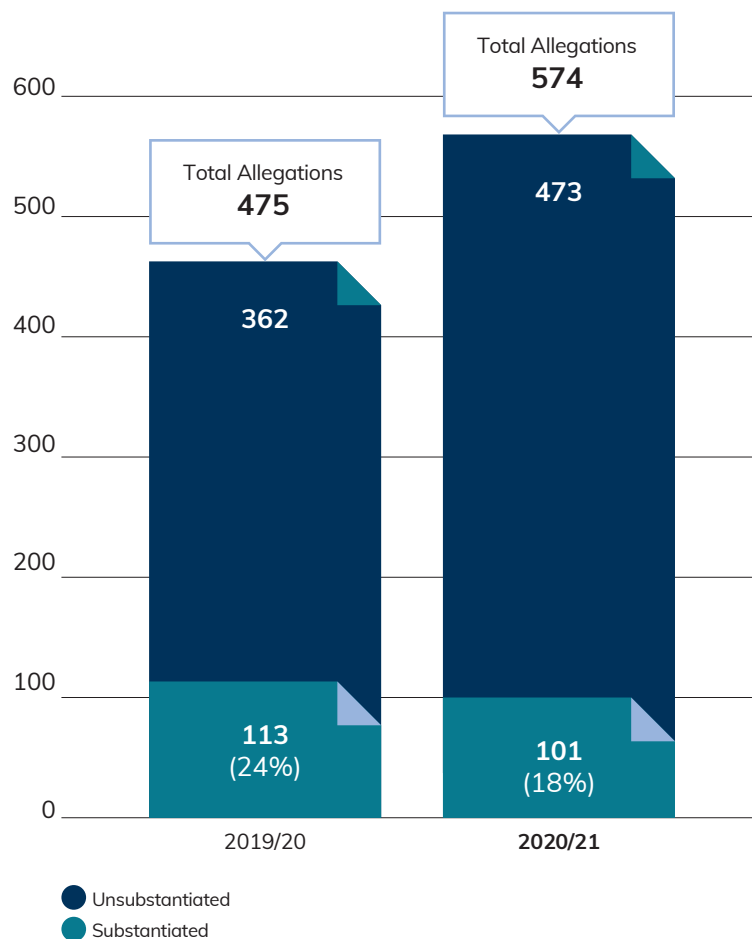


The Police Complaint Commissioner can initiate an investigation in the absence of a complaint from the public. A total of 62 investigations were ordered by the OPCC during the 2020/21 period covered in this report.

Ordered Investigations and Disposition (past five years)

	2016/17	2017/18	2018/19	2019/20	2020/21
Total Number of Ordered Investigations	46	49	79	96	62
Ordered Investigations with Dispositions	45	46	70	81	26
Discontinued	4	6	8	4	3
Forwarded to Discipline Authority	38	40	62	77	33
No Disposition (Still open)	1	3	9	15	26
Complaint Resolution/ Mediated	3	0	0	0	0

Misconduct Rate (past two years)



Each admissible complaint or ordered investigation will contain at least one allegation of misconduct. Following the completion of the investigation, a senior officer (Discipline Authority) at the police department is required to make a determination whether there is sufficient evidence to find that the police officer committed misconduct.

Reportable Injuries by Type of Force (past five years)

	2016/17	2017/18	2018/19	2019/20	2020/21
Total Notifications	427	297	403	419	448
Total Uses of Force	523	389	546	642	681
Arwen/Bean Bag	13	22	29	78	125
Baton	5	8	2	6	11
Dog Bite	174	114	137	120	98
Empty Hand	103	79	137	177	162
Firearm	4	1	2	-	6
Motor Vehicle Accident	28	31	35	30	37
OC Spray (pepper spray)	4	8	13	17	25
Other	43	42	56	63	67
Pre-Existing	48	12	32	15	17
Self-inflicted	84	52	75	82	73
Taser	17	20	27	54	60
Other Weapon	-	-	1	-	-

Police departments are to report all incidents where an individual receives an injury caused by the discharge of a firearm or an injury requiring emergency care and transfer to a hospital. All reportable injuries are reviewed to determine whether an investigation into the use of force incident will be completed.

Investigations Following Review of Reportable Injury (past five years)

	2016/17	2017/18	2018/19	2019/20	2020/21
Mandatory Investigations	8	10	14	18	32
PCC Ordered Investigations	5	2	7	9	6
Department Request Investigations	1	1	2	3	2
Registered Complaints	7	23	17	2	17
Questions or Concerns	-	-	-	1	-

Adjudicative Reviews (past five years)

Appointment of a New Discipline Authority [S.117]	If, following an investigation, the Discipline Authority determines that the conduct of the officer did not constitute misconduct, and the Commissioner believes there is a reasonable basis to believe the decision is incorrect, the Commissioner may appoint a retired judge to review the matter.
Review on the Record [S.141]	Following a discipline proceeding, the Commissioner has the discretion to order a review of the proceeding where there is a reasonable basis to believe that the decision of the Discipline Authority is incorrect, or it is in the public interest to review the matter. Reviews on the Record are conducted by retired judges and is primarily a review of evidence and records of the file, including any submissions.
Public Hearing [S.143]	Public Hearings remain an option for the Commissioner if he believes such a review of a Police Act matter is required in the public interest. Public Hearings are conducted by retired judges, are open to the public and evidence is presented under oath.

	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Appointment of retired judge to review (s. 117)	3	8	3	13	9	36
Review on the Record	4	1	5	2	4	16
Public Hearing	-	3	1	2	-	6
Total	7	12	9	17	13	58



All decisions from these three adjudicative avenues are available to the public through the OPCC website at www.opcc.bc.ca. There is also a schedule of current Public Hearings or Reviews on the Record indicating the date and place of the hearings. All Public Hearings and Reviews on the Record are open to the public to attend.



Staffing and Budget

The OPCC is a civilian-led agency that oversees complaints and investigations into allegations of misconduct involving municipal police officers who have significant power over citizens in the enforcement of federal and provincial laws. The office also identifies wider trends in police misconduct and makes recommendations to address systemic factors that may be involved to prevent the recurrence of misconduct. The office's mandate requires OPCC staff to have both an appreciation for the fundamental importance of civilian oversight of policing and specialized knowledge to ensure that oversight is effective. Our team includes staff with diverse professional backgrounds, including training in the law and policing. About two-thirds of staff in decision-making roles have backgrounds outside of policing, such as in law, regulatory fields, administrative investigations and academia. The Commissioner makes it a priority to maintain this important balance between the civilian nature of the office and the expertise staff need to possess to do their work effectively. Intensive training, both in-house and external, is provided to staff to advance these ends. During the reporting period, the office had 21 staff, including 10 Investigative Analysts who are directly involved in the oversight of misconduct investigations. There are an additional 19 Corporate Shared Services staff that provide finance, administration, facilities, human resources, and information technology support for four independent Offices of the Legislature, including the OPCC.

Impacts of COVID-19

On March 18, 2020, the Provincial Government of British Columbia declared a state of emergency under the *Emergency Program Act* in a province-wide response to the global COVID-19 pandemic. This enactment followed the declaration of a public health emergency by the Chief Provincial Health Officer on March 17, 2020, under the *Public Health Act*. On March 26, 2020, the Minister of Public Safety and Solicitor General issued Ministerial Order no. 86 pursuant to the *Emergency Program Act*, which was subsequently replaced by Ministerial Order no. 98. These Ministerial Orders provided the authority for statutory decision makers to waive, suspend or extend mandatory time periods relating to the exercise of that power. On June 30, 2021 the state of emergency was lifted, marking the start of the 90-day period to rescind this power.

The role of the OPCC is especially important in times of uncertainty, increased vulnerability of citizens, or during the exercise of extraordinary state powers as in the present case of the national and provincial response to the pandemic. However, it is important to balance the accountabilities of the *Police Act* with an assessment of the current pandemic and its effect on government response including police service delivery and resources. For the OPCC, delays associated with the pandemic during the reporting period were primarily related to the availability of hearing space and counsel, and ongoing and intermittent travel restrictions. The OPCC is also alive to the operational impacts to police agencies resulting from COVID-19. Police agencies responsible for conducting investigations have modified their practices to ensure the safety and well-being of their members and the public; investigations remain ongoing.

The OPCC has sought ways to ensure continuity of our work and responsibilities throughout the pandemic. This includes focused outreach to support continued accessibility to the police complaint process and most particularly with respect to marginalized and vulnerable communities, or where socio-economic or language barriers may pose barriers to that access.

Surrey Police Model Transition

On June 29, 2020, the Province of British Columbia appointed a municipal police board to govern the creation and implementation of a new municipal police force for the City of Surrey. Upon creation of the board, Part 11 of the Police Act applied to the board and its appointed municipal police officers. Additionally, the appointment of the board granted the public an automatic opportunity to submit "Service and Policy" complaints to the OPCC concerning matters such as resource allocation, program delivery, policies or services offered to the public. These complaints are overseen by the OPCC to ensure the board is transparent and responsive.

The OPCC is engaging with the City of Surrey, at the Surrey Police Service and senior executives regarding the ongoing transition of the Surrey Municipal Police. It is anticipated the transition will continue to gain momentum the balance of this fiscal year through 2022-2023 and beyond. Internal planning is aligning to this timeframe.

Our Finances

Each Fall, the OPCC is required to present to the Select Standing Committee on Finance and Government Services our budgetary needs. The table below provides a summary of our finances for Fiscal Year 2020/2021.

Fiscal 2020/2021 Budget

Operating Budget	\$3,592,000
Adjudicative & Judicial Budget	\$500,000
Total Budget	\$4,092,000

Fiscal 2020/2021 Expenditures

Operating Expenditures	\$3,477,599
Adjudicative and Judicial Expenditures*	\$997,815
Total Expenditures	\$4,475,414

Fiscal 2020/2021 Capital

Capital Budget	\$28,000
Capital Expenditures	\$26,575

*In 2020/2021 the total costs for adjudicative reviews amounted to \$997,815. This comprised \$500,000 in dedicated funding, and \$400,000 in contingency funding. We used \$384,414 of the \$400,000 in contingency funding, and self-funded the remainder through operational savings of \$114,401 or 3%.



Further Resources

Office of the Police Complaint Commissioner website

www.opcc.bc.ca

OPCC brochures

Let Us Help You Guide

<https://opcc.bc.ca/wp-content/uploads/2017/03/Let-us-help-you.pdf>

General Information

<https://opcc.bc.ca/wp-content/uploads/2017/03/2017-03-29-General-Info-Brochure.pdf>

Alternative Dispute Resolution

https://www.opcc.bc.ca/publications/printable_brochures/adr_brochure.pdf

Complaint Form

<https://www.opcc.bc.ca/form/index.asp>

Police Act of British Columbia

http://www.bclaws.ca/civix/document/id/complete/statreg/96367_01

Independent Investigations Office of British Columbia

www.iiobc.ca

Other Canadian oversight agencies

https://www.opcc.bc.ca/outreach/oversight_agencies.html

Appendix

Summaries of all substantiated allegations against municipal police officers concluded between April 1, 2020 and March 31, 2021. A notation is also made for police departments with no substantiated misconduct during the same fiscal year.

Available at: <https://opcc.bc.ca/reports/annual-report/>

PUBLIC INTEREST DISCLOSURE ACT

British Columbia's *Public Interest Disclosure Act* requires public bodies in British Columbia to report on investigations into wrongdoing started under the Act, the number of disclosures made internally and the number received by the Office of the Ombudsperson. The Office of the Police Complaint Commissioner has not had any investigations or disclosures under PIDA since the legislation was enacted.



Office of the Police Complaint Commissioner

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Office of the Police Complaint Commissioner (2021)

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