



Table of Contents

The Year in Numbers	2
Commissioner's Message	4
About Our Work: Advancing Public Confidence and Trust in Policing	6
Where We Work	8
How We Work	10
Complaints and Investigations in 2021/2022: Intake, Assessment and Investigation	12
Outreach and Education	13
Why Our Work Matters	15
CASE STUDIES	
2016-12210: Wellbeing Check - Unlawful Entry - Excessive Force	18
2017-13521: Off-duty Conduct - Intimate Partner Violence	20
2017-13965: Improper Use of Myths and Stereotypes - An Assessment of Credibility and Intimate Partner Violence.....	21
2020-18079: Recording Interactions with Police	23
Alternative Dispute Resolution: A People-Centred and Accountable Process	24
Recommendations	27
TRAUMA INFORMED PRACTICE	
Recommendation to the Abbotsford Police Board: Review of Abbotsford Police Department policy and training in relation to sexual assault investigations and Trauma Informed Practice	28
RESPECTFUL WORKPLACE CULTURE	
Recommendation to the Vancouver Police Board: Sexual harassment in the workplace and ensuring appropriate policies and cultural reviews in place.....	29
WORKPLACE CULTURE REVIEW	
Recommendation to the Director of Police Services: Study or audit of the Fraser Valley Integrated Road Safety Unit to identify and address any workplace issues.....	30
USE OF FORCE TRAINING	
Recommendation to the Vancouver Police Board: Accounting for items or practices of cultural significance in use of force scenarios.....	31
HANDCUFF AND DETENTION POLICY REVIEW	
Recommendation to the Vancouver Police Board: Importance of external expertise in developing or reviewing handcuffing and detention policy	32
TRESPASS PREVENTION PROGRAM	
Recommendation to the Vancouver Police Board: Establishing a testing period and evaluative framework for the Trespass Prevention Program and importance of public evaluation.....	33
MUNICIPAL POLICE BOARD GOVERNANCE	
Recommendation to the Director of Police Services: Strengthening the independence of police boards to ensure sufficient transparency and responsiveness.....	34
BOARD RESPONSE TO POLICE COMPLAINT	
Recommendation to the Nelson Police Board: Sexual assault investigations and completion of the Trauma Informed Practice course by police.....	35
HIRING OF OUTSIDE FIRMS	
Recommendation to the Delta Police Board: Appropriate use of outside firms and expertise.....	36
EMERGENCY COMMUNICATIONS OPERATIONS	
Recommendation to the Victoria Police Board: Review of E-Comm call-taking, dispatching and communications policies and procedures	37
RESPONSE TO FIREARM CALLS	
Recommendation to the New Westminster Police Board: Review of New Westminster Police Department policy and training for firearms calls, and review of E-Comm dispatching and communications policies and procedures	38
Reform of the Police Act	39
More of our Story in Numbers	40
Staffing and Budget	53
Further Resources	55



Office of the
Police Complaint Commissioner

British Columbia, Canada

November 15, 2022

The Honourable Mr. 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 2021/2022 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,

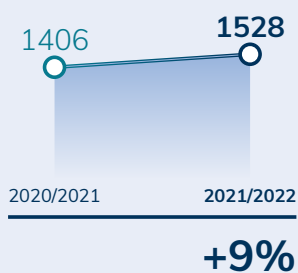
Clayton Pecknold
Police Complaint Commissioner

Clayton Pecknold
Police Complaint Commissioner

5th Floor, 947 Fort Street
PO Box 9895 Stn Prov Govt
Victoria, British Columbia V8W 9T8
Tel: (250) 356-7458 Fax: (250) 356-6503

Toll Free 1 877-999-8707 ☎ Website: www.opcc.bc.ca

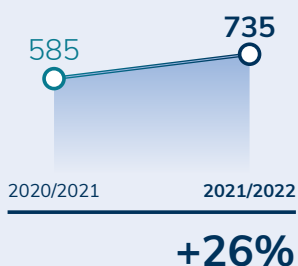
The Year in Numbers



Files Opened

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

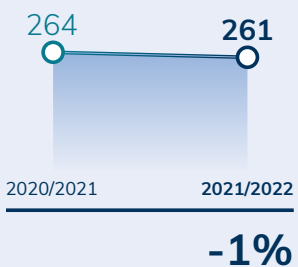
In 2021/2022, the OPCC opened 1,528 files. This is an increase of 9% from last year. Most of these files are police complaints, which are opened when the OPCC receives a complaint from a member of the public about a police officer's behaviour.



Police Complaints Received

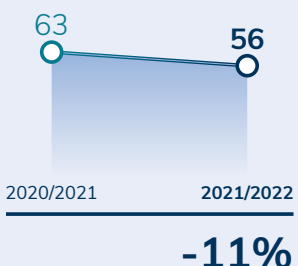
The public can file complaints about a police officer's conduct or actions. The OPCC reviews all complaints to determine whether there will be an investigation. All investigations are conducted by the police under the oversight of the OPCC.

In 2021/2022, the OPCC received 735 complaints from the public about police officer conduct, an increase of 26% from last year.



Police Complaints – Total Assigned for Investigation or Resolution Attempt

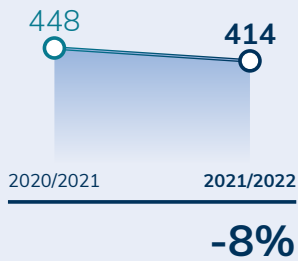
In 2021/2022, the OPCC assigned a total of 261 admissible police complaints to investigation or resolution – a decrease of 1% from last year.



Independently 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.

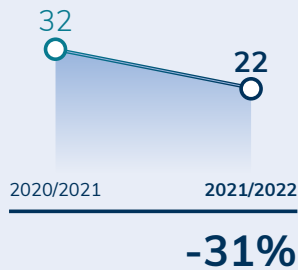
In 2021/2022, the Commissioner initiated 56 investigations into police officer conduct, a decrease of 11% from last year. A total of 37 of these investigations were requested by the involved police department.



Reportable Injuries

Police departments are required to notify the OPCC when an incident involving police results in an injury requiring transport to hospital for emergency care. The OPCC reviews all injuries to determine whether an investigation into the police officer's conduct is required.

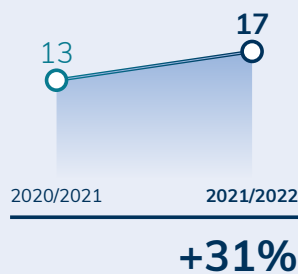
In 2021/2022, the OPCC received 414 reportable injury notifications, a decrease of 8% from last year. Of those injuries, a significant number of injuries resulted from less-lethal firearms (ARWEN and bean bag shotguns) and dog bites.



Serious Harm Investigations

The OPCC must order a mandatory external investigation into any incident resulting in serious harm or death. These investigations are separate and distinct from investigations by the Independent Investigations Office (IIO) and are not restricted to evidence gathered by the IIO. These investigations will assess all of the circumstances including but not limited to, any training, policy considerations, or misconduct allegations.

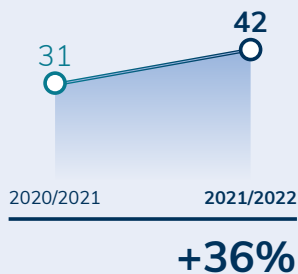
In 2021/2022, the Commissioner ordered 22 serious harm investigations, a 31% decrease from last year.



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.

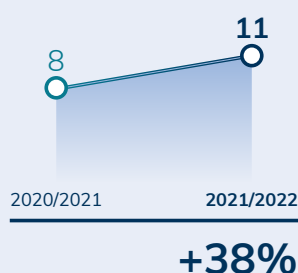
In 2021/2022, the OPCC disagreed with the decision of a senior officer and appointed a retired judge in 17 matters, an increase of 31% from last year.



Service or 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 2021/2022, the OPCC received 42 complaints about the policies or services being provided at a police department, an increase of 36% from last year.



Recommendations Made to Police Board or Director of Police Service

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 misconduct or which may prevent its recurrence.

In 2021/2022, the Commissioner made recommendations on 11 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 E-Comm communications, firearms calls, sexual assault investigations and Trauma Informed Practice, items or practices of cultural significance in use of force scenarios, external expertise in handcuffing and detention policy, appropriate use of outside firms, workplace culture, and strengthening the independence of police boards and ensuring sufficient transparency and responsiveness.



Commissioner's Message

I am pleased to provide the 2021/2022 Annual Report. In doing so, I gratefully acknowledge that our office is located on the unceded traditional lands of the Lək'wəŋən People and ancestors. The work of the Office of the Police Complaint Commissioner (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 adapting to the continued path of the COVID-19 pandemic and the related challenges, both personal and professional. The late-year rise of the Omicron variant affected return-to-office plans and added unwelcome stress to staff as they went about their very challenging work. Thankfully, as the fiscal year ended, restrictions eased allowing us to implement our new flexible workplace strategy. The easing also allowed us to advance many initiatives that were delayed, including strategic and workforce planning to meet the impact of the new Surrey Police Service, as well as initiatives to make the complaints process more accessible to British Columbians.

The year also saw the continuing broad dialogue about policing reform, including ways to improve accountability. The legislation under which we operate was the result of an extensive empirical study by the late (retired) Honourable Justice Josiah Wood, Q.C. (as he then was). That study revealed a sophisticated understanding of the complex environment in which policing and accountability occurs, and the balances which must be scrupulously maintained. Mr. Wood described it this way:

"...I regard freedom from police misconduct as one of the fundamental values that define a free and democratic society, just as surely as I regard freedom from the fear of political interference as a fundamental value that defines the independence of the police who serve and protect our free and democratic society. In that balance, I see no threat to the independence of the police from a vigorous and effective exercise of civilian oversight. What must be kept in mind, in the debate between the many different perspectives on this issue, is that without public confidence in the integrity of the police, their authority is undermined and their independence threatened. It is to the maintenance of public confidence in the integrity of the police, that strong effective oversight of the current complaint process is so essential.¹"

¹ Page 10: Report on the Review of the Police Complaint Process in British Columbia (2007); Wood, Josiah.

“.....policing in Canada derives its legitimacy from the consent of the public to be policed. Canadians must therefore have confidence that police powers are exercised impartially and within the law, regardless of partisanship or privilege.”

Protecting police independence from political interference is, as Mr. Wood further observed, supported through an “authority as equally independent from the fear of political interference as are the police themselves.”² In this vein it is well understood that the state grants police significant legal authority, including the use of deadly force and the interference with individual liberty. The past few years of the pandemic have illustrated this clearly: governments relied upon the police to exercise extraordinary or emergency powers to help enforce restrictions on our liberties necessary to protect the health of Canadians. This interdependence between police and governments — within the tension of constitutionally protected police independence — clearly justifies the need to ensure scrutiny and transparency of the relationship. When governments or law-makers grant policing powers — especially extraordinary powers — it follows that it cannot be governments themselves who determine the legitimacy of their use. That of course falls to an independent judiciary.

Policing institutions are strong, and consistent advocates for their interests, having considerable access to the halls of power within the levels of government. This access is often hidden from the view of the public and far outstrips the access available to the average British Columbian; most significantly to those who are vulnerable or marginalised.

As one part of the overall matrix of police-accountability mechanisms, the role of the OPCC is to oversee the investigation of police misconduct and the administration of discipline. In doing so, our work also contributes to balancing government and policing power through the impartial scrutiny of conduct which may reveal abuses of power and by supporting access to the disempowered through the complaints process. This work — independent of governments and police and with the check and balance of review by retired members of the judiciary

— must steadfastly remain immune to the chilling effect of political or unseen influence that might, however indirectly, diminish that scrutiny.

Clearly, independent policing and robust, independent oversight must and can coexist. Within this balance it is understood that policing in Canada derives its legitimacy from the consent of the public to be policed. Canadians must therefore have confidence that police powers are exercised impartially and within the law, regardless of partisanship or privilege. This confidence is buttressed by transparency.

As government engages in conversations related to bold reforms to policing, it also follows that the public interest may be best served if all British Columbians - especially those without the access to power enjoyed by others — witness these conversations as they occur. This is in the interests of transparency, alignment with our collective values and supports the balance between independence and accountability so clearly articulated by Mr. Wood, and so necessary to protecting overall public confidence in the police.



Clayton Pecknold
Police Complaint Commissioner

² Ibid.

ABOUT OUR WORK:

Advancing 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 serves.

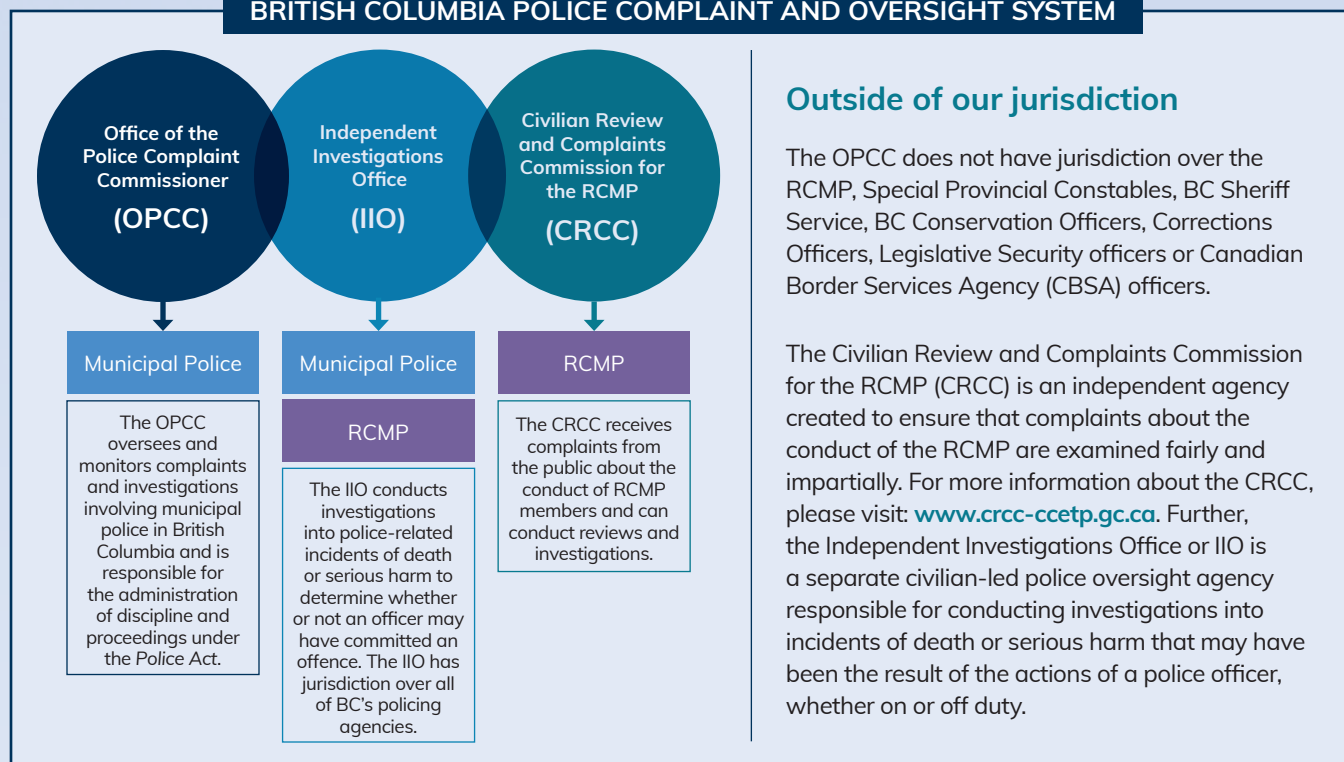
Our purpose

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



Outside of our jurisdiction

The OPCC does not have jurisdiction over the RCMP, Special Provincial Constables, BC Sheriff Service, BC Conservation Officers, Corrections Officers, Legislative Security officers or Canadian Border Services Agency (CBSA) officers.

The Civilian Review and Complaints Commission for the RCMP (CRCC) is an independent agency created to ensure that complaints about the conduct of the RCMP are examined fairly and impartially. For more information about the CRCC, please visit: www.crcc-ccetp.gc.ca. Further, the Independent Investigations Office or IIO is a separate civilian-led police oversight agency responsible for conducting investigations into incidents of death or serious harm that may have been the result of the actions of a police officer, whether on or off duty.

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 complaints³ and Police Act investigations involving municipal police officers and the investigation outcomes.
- Compile statistical information, including trends, and report regularly to the public about complaints and investigations. Additional information about the work of the OPCC can be accessed at <https://opcc.bc.ca/>

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.

Independence

- 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 strengthen police accountability.
- To provide an accessible, effective, and understandable police complaint process.
- To improve organizational performance.
- To promote people wellness and development.

Our team

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

Our intake services and outreach and accessibility 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 would like 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 384 enquiries were redirected by our skilled and compassionate front-line staff.

Once a complaint has been initiated, our team of analysts works 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 53]

³ Of note, previous OPCC reports have included references to registered complaints; this term has been replaced by police complaints.

Where We Work

OPCC oversight

The OPCC oversees complaints related to the work of municipal police officers, special municipal constables and officers serving on other police agencies 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). On November 30, 2021, the first cohort of 50 Surrey Police Service officers began operational deployment within the Surrey RCMP municipal police unit, under the command of the RCMP, and under OPCC jurisdiction.⁴

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

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 Service⁴

⁴ The establishment of the Surrey Police Service resulted in a number of hires during the reporting period. For more information about the planned implementation and civilian oversight of the Surrey Police Service see <https://www.surreypolice.ca/>

Police Complaint and Ordered Investigation Statistics by Department (2021/2022)

1	Stl'atl'imx Tribal Police Service	POLICE COMPLAINTS	4	↑
		ORDERED INVESTIGATIONS	0	↓
2	West Vancouver Police Department	POLICE COMPLAINTS	11	↓
		ORDERED INVESTIGATIONS	4	↑
3	Vancouver Police Department	POLICE COMPLAINTS	393	↑
		ORDERED INVESTIGATIONS	29	↓
4	Port Moody Police Department	POLICE COMPLAINTS	9	↓
		ORDERED INVESTIGATIONS	2	→
5	New Westminster Police Department	POLICE COMPLAINTS	26	↑
		ORDERED INVESTIGATIONS	2	↑
6	Delta Police Department	POLICE COMPLAINTS	32	↑
		ORDERED INVESTIGATIONS	4	↑
7	Central Saanich Police Service	POLICE COMPLAINTS	7	→
		ORDERED INVESTIGATIONS	0	→
8	Saanich Police Department	POLICE COMPLAINTS	48	↑
		ORDERED INVESTIGATIONS	1	↓
9	Oak Bay Police Department	POLICE COMPLAINTS	9	↑
		ORDERED INVESTIGATIONS	0	↓
10	Victoria Police Department	POLICE COMPLAINTS	101	↑
		ORDERED INVESTIGATIONS	5	↓
11	Abbotsford Police Department	POLICE COMPLAINTS	49	↓
		ORDERED INVESTIGATIONS	3	↑
12	Nelson Police Department	POLICE COMPLAINTS	12	↓
		ORDERED INVESTIGATIONS	3	↑
13	Metro Vancouver Transit Police	POLICE COMPLAINTS	28	↑
		ORDERED INVESTIGATIONS	2	↓
14	CFSEU (Organized Crime Agency of BC)	POLICE COMPLAINTS	2	↑
		ORDERED INVESTIGATIONS	1	↑
15	Surrey Police Service	POLICE COMPLAINTS	4	↑
		ORDERED INVESTIGATIONS	0	→

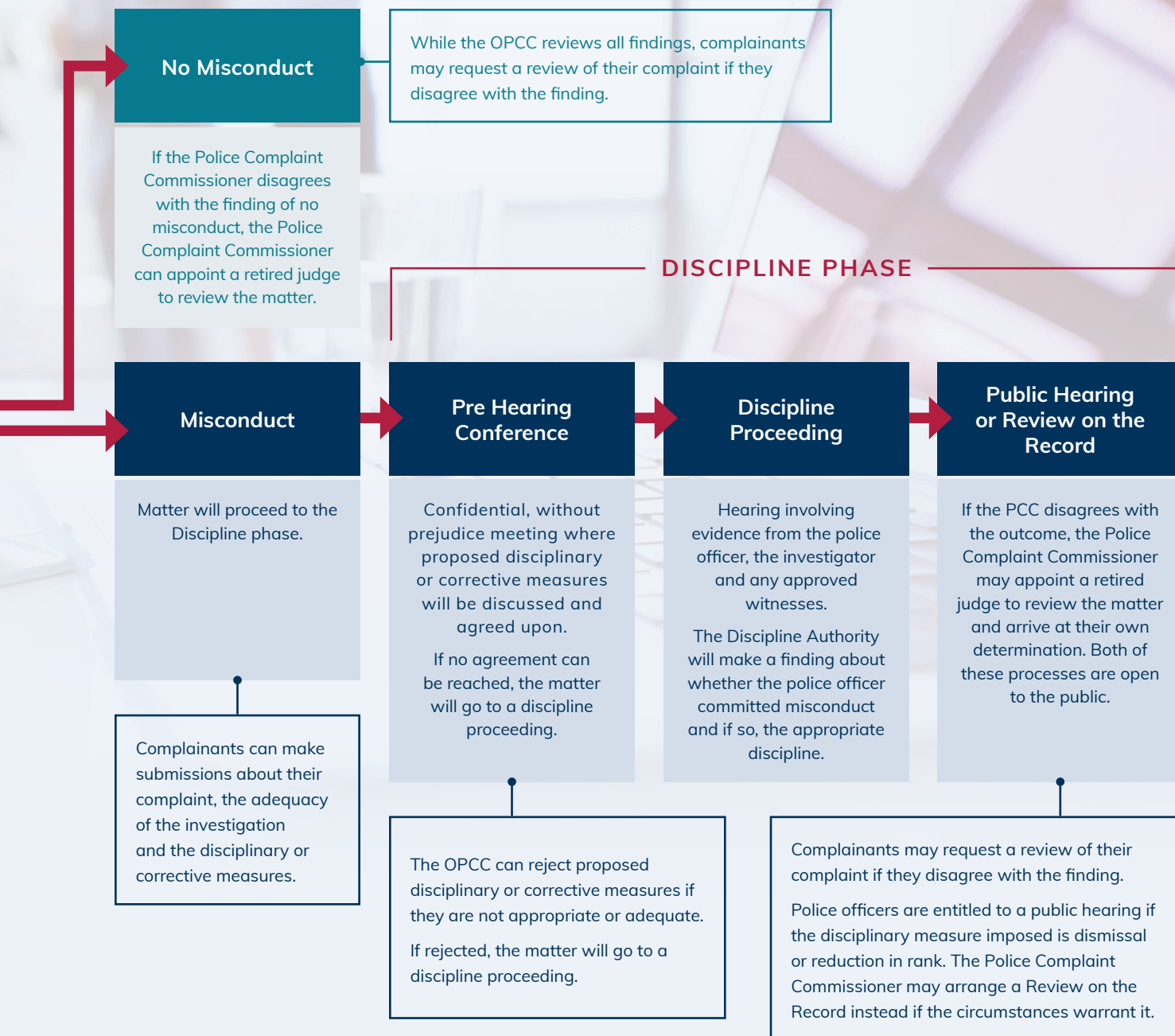
↑ INCREASE FROM 2020/2021

→ NO CHANGE FROM 2020/2021

↓ DECREASE FROM 2020/2021

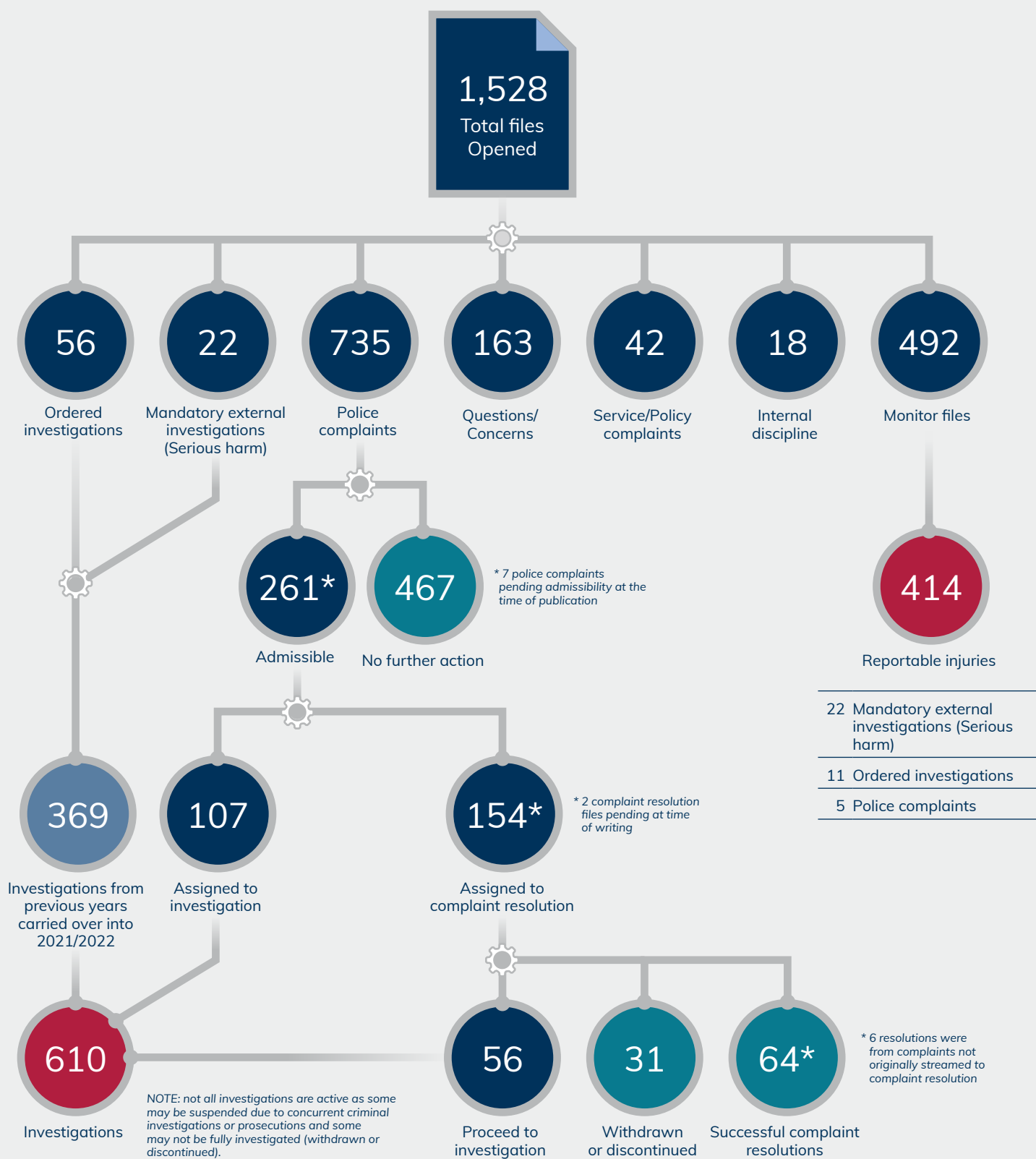
How We Work





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 2021/2022: 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 2021/22, the OPCC continued to build relationships with community-based organizations, focusing on engaging with agencies that support newcomers, those with disabilities, and Indigenous community service 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 barrier's individuals face due to factors including language, gender and sexual orientation, age, race, disability, and/or socioeconomics.

Community Engagement and OPCC Training

While opportunities for direct community engagement activities were again reduced due to the COVID-19 pandemic, with the lifting of public health restrictions, OPCC staff gratefully resumed knowledge sharing and providing presentations on Police Act processes and the role of civilian oversight. At the same time, to increase responsiveness, our staff also sought training workshops on Indigenous cultural safety, disability resources, mental health first aid, and autism awareness to improve the competency of OPCC staff in these areas.

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 provide insights into and recommendations on improvements to the municipal police complaints process and Police Act reform. The OPCC continues its involvement in the Advisory Committee on Provincial Policing Standards and the Provincial Committee on Diversity and Policing, including direct engagement and consultation with committee representatives.

Improving Access to the BC Municipal Police Complaints Process

For the past year the OPCC has prioritized ensuring the complaint process is accessible to members of society who experience barriers. This includes ongoing work related to the Special Committee to Review the Police Complaint Process recommendations from November 2019. During the reporting period, we initiated work to update the OPCC complaint form, website, and informational brochures to ensure they align with plain language principles. The next phase of this initiative will not only include implementation of the updated communications materials, but also translation of the materials into multiple languages to meet the needs of the newcomer communities in BC. The OPCC website is also undergoing updates to make web content more accessible and inclusive for individuals with disabilities. Since our website and complaint form are often the first steps in a complainant's path, it is important that they be easily understandable and address the diverse needs of individuals across the province.

Outreach and Education

Other initiatives during the reporting period to improve accessibility include the following:

- We initiated a multi-year project and engagement to develop and implement an Indigenous Accessibility Strategy under the current legislative framework to create culturally relevant and safe pathways for Indigenous Peoples accessing the complaint process.
- We have engaged with agencies including the Victoria Immigrant and Refugee Centre Society, the Native Courtworker and Counselling Association of BC, Victoria Women's Transition House, and the Men's Therapy Centre to improve referral protocols which connect those with police complaints to appropriate assistance.
- We made over 40 direct connections to community law clinics, organizations serving women at risk of gendered violence, newcomers, diverse Indigenous community members, people facing extreme poverty, and those across a spectrum of disabilities.
- On a daily basis, Intake and Outreach staff provide referrals to resources and information for complainants. Through our "No Wrong Door" policy, Intake staff provide direct referral assistance to the public in order to appropriately channel complaints to government bodies. Intake staff has provided the highest number of direct referrals to date in the past reporting year (2021-2022).

Support Agency Assistance

Members of the public have been facing increasingly complex and often urgent needs related to their health, security and well-being. We recognize that staff and volunteers of community organizations respond to increased requests for their help and expertise, and we appreciate the contributions of the agencies providing information and assistance to individuals involved in the police complaint process. In 2021/22, several organizations provided either information or direct assistance to the members of the community they serve in order to support broader access to the police complaint process, including:

- Archway Community Services
- Archway Society for Domestic Peace (Vernon)
- Atira Women's Resource Society
- Autism BC
- Battered Women's Support Services (BWSS)
- British Columbia Aboriginal Network on Disability Society
- Victoria Brain Injury Society
- CHIMO Community Services
- Disability Alliance of BC – Disability Law Clinic
- Indigenous Community Legal Clinic – Peter A. Allert School of Law
- Keeping Families Together
- Law Students' Legal Advice Program (Vancouver)
- Men's Therapy Centre
- MOSAIC BC
- Native Courtworker and Counselling Association of BC
- Nicola Valley Advocacy Centre
- Pacific Association of First Nations Women
- RISE Women's Legal Centre
- The Law Centre (Victoria)
- Victoria Immigrant and Refugee Centre Society
- Victoria Women's Transition House
- Women Against Violence Against Women Rape Crisis Centre (WAVAW)
- Vancouver Aboriginal Friendship Centre Society
- Vancouver Women's Health Collective
- Union Gospel Mission



[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 expectations 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 made against a municipal police officer in BC is dealt with in a fair and transparent way. Overseeing the municipal police complaints process also allows us to look at the “bigger picture”. The OPCC is uniquely placed to identify trends in the complaints 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 being made, our 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 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.



The *Police Act* identifies and describes 14 disciplinary breaches of public trust.

Public Trust Offence, section 77(2)

On- or off-duty conduct where the member has been convicted of an offence, which has or would likely render them unfit to do their duties, or discredit the reputation of the municipal police department.

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 members 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. 2016-12210 / PH 19-01

Wellbeing Check — Unlawful Entry — Excessive Force

ALLEGATION

Abuse of Authority (3 counts)

Background/Circumstances

This matter involved allegations arising from a complaint about two Vancouver Police officers who forced entry into a residence and used force on the Complainant and his family in the course of entering the home. The Complainant suffered extensive injuries requiring hospitalization and ongoing subsequent treatment.

Police attended the Complainant's home in response to a call by a neighbour who reported that the wife of the Complainant had been slapped by her husband earlier that day. This attendance by police was characterized as a wellness check. Police arrived approximately two hours later and spoke with the Complainant at the doorway to the home. While speaking with the Complainant, the officers made a warrantless entry into the home and became engaged in a struggle with the Complainant and his family.

The Complainant alleged that officers punched, kicked, and struck him numerous times using a baton, elbows, legs, and a head-butt. He also reported that when his wife and son came downstairs, officers pushed his daughter to the ground and "assaulted" his son with at least three punches to the face. The Complainant reported that he had not raised his voice, used impolite language, made any threatening gestures, and had not attempted to close the door, or touch any officers.

As a result of the incident, the Complainant, his wife and son were arrested, held overnight, and charged with assaulting a police officer. A criminal trial proceeded against them but there was a Stay of Proceedings due to unreasonable delay on the part of Crown.

Investigation and Outcome

Appointment of retired judge – Public Hearing

The Police Complaint Commissioner directed the Victoria Police Department to conduct the Police Act investigation. The Discipline Authority appointed at the Victoria Police Department reviewed the investigation and determined that police did not commit misconduct.

The Commissioner ultimately determined that a Public Hearing was required into this matter and appointed retired Provincial Court Judge, Ms. Carol Baird Ellan to preside at this Hearing. In making this decision, the Commissioner considered that the force used by police was excessive and resulted in significant injuries to the Complainant, involved a warrantless entry into a private residence and was a fundamental breach of a homeowner's rights. A Public Hearing was required to assist in determining the truth and to preserve public confidence in the Vancouver Police Department.

The main issues examined at the Public Hearing centered on whether the entry into the home was lawful in the circumstances and whether police had authority to use force on the Complainant and his family. Police submitted that they had a duty to check the wellbeing of the wife and that they were justified in grabbing the Complainant's arm to prevent him from closing the door. Police stated that the entry into the home was not a decision made by them but rather an inadvertent result of the Complainant's attempt to close the door which obstructed their wellbeing check.

A central issue at the hearing had to do with police common law duty to protect life. The specific authority to enter a premise to check on the safety of occupants is found in the 1998 Supreme Court of Canada decision, *R. v. Godoy*.⁵ The conclusion in *Godoy* makes it clear that the authority to enter is dependent upon a current perception of risk that requires an immediate response and that the need for assistance, or risk of harm, must clearly be immediate and pressing.

⁵ *R. v. Godoy*, [1999] 1 S.C.R. 311



Following a 10-day hearing, Adjudicator Baird Ellan determined that officers committed misconduct during this interaction. She found that police were dispatched to conduct a wellbeing check and that the call they were responding to was not an assault in progress. Police were found to have engaged in an initial conversation with the Complainant but that police failed to make further inquiries to determine if in fact the Complainant was refusing to comply with getting his wife to come to the door.

The Adjudicator determined that the Complainant was not obstructing a wellbeing check and failed to see how officer safety concerns arose from this initial interaction. The decision to place hands on the Complainant and to push him into the residence were done without any lawful authority and escalated to a significant use of force incident.

The case of Godoy requires as assessment of risk and police in this case failed to make that assessment. The Adjudicator found that there was time for the officer to do this risk assessment, that police escalated an assault investigation by creating a conflict and that police were unreasonable and reckless in their actions when justifying a physical intervention. The Complainant's actions were consistent with "terror and were an attempt to resist the considerable force being applied to him." As police did not have the authority to take the Complainant into custody, the Adjudicator found that the force used by police to place him in custody was not lawful, regardless of the Complainant's resistance.

Disciplinary or Corrective Measures Imposed

Reduction in rank, suspension, training/re-training

The Adjudicator imposed several disciplinary and corrective measures on the officers. One officer received reduction of one rank and another received a suspension of eight days. Both officers were to receive training or retraining in the following areas:

- Exigent entry with an emphasis on intimate partner violence;
- Use of force, with an emphasis on reassessment and verbal de-escalation;
- Arrest and detention, with an emphasis on providing grounds and gaining compliance verbally; and
- Crisis Intervention and De-Escalation, including the use of communication as an authoritative tool.

Further, both officers were required to:

- Work under close supervision for a minimum of one year or until the specified training was complete; and
- Not advance in rank or participate in Acting Sergeant duties for a minimum of one year.

In arriving at the decision on penalty, the Adjudicator remarked that she was "mindful of the length of the... family's recovery period and the need to safeguard the public's trust in the quality of policing."

For further information on this decision, go to <https://opcc.bc.ca/decisions/public-hearings/> and look for File PH 19-01

DISCIPLINE

Reduction in rank

Suspension

Training/re-training

CASE STUDY: OPCC file no. 2017-13521 / RR 20-05

Off-duty Conduct — Intimate Partner Violence

ALLEGATION

Discreditable Conduct (4 counts)

Neglect of Duty

Background and Circumstances

A police officer's off-duty conduct is subject to the Police Act and is a recognition of the higher standard police are held to and the need to maintain trust and integrity within the policing profession. Police occupy a highly trusted and privileged position in the justice system. The public trust that police will act impartially, fairly, and not misuse their powers. The Courts and police have become very concerned about intimate partner violence and there are a number of programs in place to address this serious issue.

In this case, a police officer was found to have committed misconduct, constituting *Discreditable Conduct* and *Neglect of Duty*, in relation to a number of incidents involving the officer's estranged spouse. These included assaulting his estranged spouse, placing a GPS tracker on the spouse's vehicle, following his estranged spouse and subjecting her to unwanted communication, identifying himself as a police officer in order to facilitate access to security video, and accessing a police database for non-duty related reasons and making inquiries in respect of his spouse.

Investigation and Outcome

Review on the Record

Following a request from the Abbotsford Police Department, the Commissioner initiated an investigation under the Police Act. The Discipline Authority reviewed the officer's conduct and determined that five allegations of misconduct appeared to be substantiated.

Following a discipline proceeding, the Discipline Authority proposed several disciplinary and corrective measures totaling 16 days of suspension without pay. The officer did not request a review of the disciplinary decision.

The Police Complaint Commissioner determined that a Review on the Record was necessary as the disciplinary or corrective measures proposed by the Abbotsford police did not reflect the serious, sustained and deliberate nature of this behaviour which spanned a number of months. The

Commissioner noted that while the Discipline Authority correctly underscored the seriousness of domestic violence and the public's expectation that those "sworn to protect the vulnerable from intimate partner violence must not engage in it themselves," those principles were not sufficiently reflected in the proposed penalties.

The Police Complaint Commissioner appointed the Honourable David Pendleton, retired Provincial Court Judge, to preside as an Adjudicator in these proceedings.

After hearing submissions from the Commissioner and the officer's counsel, the Adjudicator determined that the Abbotsford Discipline Authority correctly considered that the officer accepted responsibility for the misconduct and was willing to take steps to prevent its recurrence. The Adjudicator agreed with the Discipline Authority that suspensions without pay are the appropriate penalty but that those suspensions should be for a longer period of time given the seriousness of the misconduct, the need to denounce and send a message, and to maintain public confidence.

Disciplinary or Corrective Measures Imposed

75 days suspension

The Adjudicator imposed 15-day suspensions without pay for each of the five allegations, to run consecutively for a total of 75 days of suspension.

In reaching this decision, the Adjudicator concluded that the "member's misconduct involved intimate partner violence which occurred during the break up of his marriage. The assault of his wife was serious. The planned and sustained use of the GPS tracker and the unwanted communications, occurring after the member was placed on leave and warned by a superior officer and a lawyer, as well as his accessing the CCTV footage and police database are serious acts of misconduct."

For further information on this decision, go to <https://opcc.bc.ca/decisions/reviews-on-the-record/> and look for File RR 20-05.

DISCIPLINE

75 days suspension

Improper Use of Myths and Stereotypes — An Assessment of Credibility and Intimate Partner Violence

ALLEGATION

Discreditable Conduct

Background and Circumstances

The improper use of myths and stereotypes has been thoroughly canvassed in the Courts, particularly as it relates to victims of sexual assault. The Courts have generally found that there are inherent dangers in discrediting someone's credibility through myths and stereotypes. There is no "rule" about how victims behave and a person's evidence should not be measured against the assumptions that might underlie such a "rule." There is also no requirement that a complainant's allegation of assault have independent corroboration in order for it to be proven or substantiated.

In this case, a police officer was found to have committed *Discreditable Conduct* by intentionally shattering a vehicle windshield while being driven by the Complainant and for assaulting the Complainant on five occasions over several hours while off-duty.

The Complainant filed a complaint with the Office of the Police Complaint Commissioner. She reported that she was in a relationship with the officer and went on a weekend vacation together. While on vacation, the two went to a pub where the officer became intoxicated. While the Complainant was driving them back to their hotel, the officer became angry and struck the windshield of the car, causing it to break. The Complainant alleged that the officer then assaulted her by striking her, both in the car, outside the car, and again in their hotel room, as well as held the Complainant against her wishes. The Complainant also reported the incidents to the local police who conducted a criminal investigation. This investigation did not result in any charges filed against the police officer.

Investigation and Outcome

Review on the Record

The Vancouver Police Department conducted an investigation into the allegation of *Discreditable Conduct*. The Discipline Authority, who was a Superintendent at the Vancouver Police Department, determined that the evidence appeared to support a finding of misconduct. The matter proceeded to a Discipline Proceeding where it was found that the officer had damaged the vehicle windshield and therefore committed *Discreditable Conduct*. The Discipline Authority concluded that the officer did not assault the Complainant as alleged and preferred the evidence of the police officer.

The Discipline Authority proposed a six-day suspension without pay, and attendance at emotional regulation sessions with a psychologist.

The Police Complaint Commissioner determined that a Review on the Record was necessary as appropriate weight was not afforded to the evidence provided by the Complainant and that the Discipline Authority appeared to be lacking in understanding and consideration of the impact of trauma and the dynamics of intimate partner violence in his assessment of the Complainant's evidence.

The Police Complaint Commissioner appointed retired BC Provincial Court Judge, The Honourable Brian Neal, K.C., to preside as an Adjudicator in these proceedings.

A core issue that had to be addressed at this review was the credibility and reliability of the evidence provided by the Complainant compared to that of the police officer as their respective versions of events were at odds. Credibility is a legal term referring to the trustworthiness or believability of a witness. Reliability is a term referring to the accuracy of a person's testimony or observations. The Adjudicator found that "the member's ability to honestly, objectively, consistently and forthrightly observe, recollect and report on the interactions with the Complainant raise[d] serious concerns as to the reliability and credibility of his evidence."

Improper Use of Myths and Stereotypes — An Assessment of Credibility and Intimate Partner Violence ...continued

On the issue of reliance on myths and stereotypes, the Adjudicator found that while the actions of a person claiming to be a victim of assault may be considered inconsistent with normal expectations, these expectations are likely based on a myth or stereotype of how a woman would be expected to react in a given situation. These are inappropriate generalizations that can improperly undermine the credibility of a witness.

In his assessment here, the Adjudicator determined that a reliance on “expected” reactions “inappropriately engages the risk of stereotypes arising in evaluating credibility solely on the basis of how a person did, or did not, react to a crisis and is incorrect.”

Adjudicator Neal ultimately determined that the officer committed *Discreditable Conduct* by shattering the front windshield of the vehicle and by repeatedly assaulting the Complainant. The Adjudicator found that the officer acted intentionally and deliberately to vent his rage against the Complainant.

Disciplinary or Corrective Measures Imposed

Dismissal

Adjudicator Neal determined that “the only disciplinary sanction appropriate in the circumstances of this case is the dismissal of the Member from service as a police officer.” Adjudicator Neal came to this conclusion, acknowledging that:

- The dismissal of the officer from service as a police officer will unquestionably have serious and enduring consequences for the officer and their family;
- The substantiated misconduct of the officer, and in particular the assaults on the Complainant, were very serious and completely inconsistent with reasonable public expectations of a police officer, on or off duty;
- The officer consistently denied responsibility for the assaults on the Complainant and demonstrated no remorse in relation to them;
- The officer has shown no insight into or understanding of the issues arising from Intimate partner violence;
- There is a very real likelihood of further misconduct on the part of the officer;
- Any reasonable person considering the circumstances relevant to this Review would conclude that the officer’s substantiated misconduct and attitudes to intimate partner violence have resulted in a fundamental loss of trust and confidence in the officer’s ability to serve as a police officer in accordance with the law.

For further information on this decision, go to <https://opcc.bc.ca/decisions/reviews-on-the-record/> and look for File RR 20-04.

DISCIPLINE

Dismissal

CASE STUDY: OPCC file no. 2020-18079

Recording Interactions with Police

ALLEGATIONS

Discreditable Conduct

Background and Circumstances

The Complainant reported concerns following an incident with police where police pointed a firearm at him and threatened to shoot him. The Complainant began to record the incident with his cell phone and was handcuffed by police. The Complainant stated that he was legitimately in the area as he was working nearby. After he was released by police, the Complainant noticed that the videos he had recorded of the incident were not on his cell phone and had been deleted. The Complainant further reported concerns of retaliation by police for filing his complaint with the OPCC.

Investigation and Outcome

The Abbotsford Police Department conducted an investigation into the allegations brought forward. It was determined that police were responding to a break and enter in progress at a business in Abbotsford. The officer involved in the complaint identified a person who was possibly involved in the break and enter. The officer first encountered the Complainant, who was described as being immediately confrontational, was not responding to commands and was reaching for an object. It was reported that the Complainant shined his flashlight and light on his phone as he recorded the interaction with police. Two police officers, including the respondent officer, drew their firearm and another officer had a bean bag shotgun, a less lethal firearm. The Complainant was placed in handcuffs.

The officer admitted to taking the Complainant's cell phone and deleting the relevant video recordings from the interaction with police. The officer immediately notified the supervisor advising they made a big mistake.

The Abbotsford Police Discipline Authority determined that accessing a person's cell phone can be a violation of their privacy and deleting any videos or information amounted to "unacceptable behaviour."

In arriving at this decision, the Discipline Authority referenced the exceptional powers police have when dealing with the public and with that power comes great responsibility and trust. In this case, the Discipline Authority found that the officer had broken that sacred trust, even though it was recognized immediately by the officer.

"Integrity is doing the right thing even when you know no one is watching"

– Abbotsford Police Department Discipline Authority

In relation to the handcuffing and arrest of the Complainant, the Discipline Authority determined that the officer handled themselves appropriately in this high stress situation and relied on their training. In this case, the officer believed there was a confirmed break and enter and that their actions were understandable and within reason given the time of night, the remote industrial location, the confrontational demeanour of the Complainant and the observation that the Complainant was reaching for an unknown object.

Allegations regarding any retaliation by police were also not substantiated.

Disciplinary or Corrective Measures Imposed

Five-day suspension

The Discipline Authority determined that the misconduct was serious and was a breach of trust and that the actions by this officer brought scrutiny and disrepute on the department.

In arriving at a decision on discipline, the Discipline Authority noted that the officer immediately notified a supervisor of the mistake made, did not attempt to minimize their conduct or avoid consequences, and had undertaken a number of self-initiated steps to prevent the recurrence of the conduct, including researching current jurisprudence around cell phone searches, presenting a presentation to their shift on the legal issues, completed relevant courses at the JIBC, and pursued a mentorship with a senior officer.

The Discipline Authority noted the penalty would have been substantially higher had these additional steps not been taken. In conclusion, the Discipline Authority noted that "integrity is doing the right thing even when you know no one is watching."

The OPCC reviewed the findings of the investigation and the discipline imposed and determined no further review or action was required.

DISCIPLINE

Five-day suspension

Alternative Dispute Resolution: A People-Centered and Accountable 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 it has been shown 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 below, a number of complaints were resolved using ADR during this reporting period.

ADR and OPCC complaints

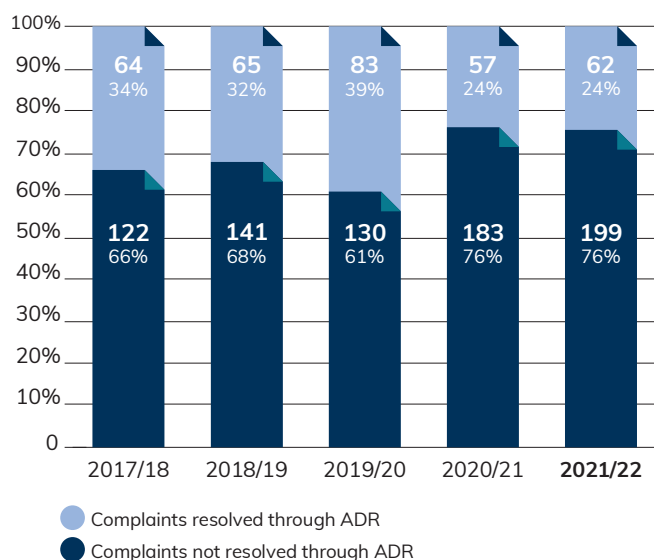
Upon filing a complaint against a municipal police officer, the complainant will have the option to indicate whether they would like to resolve the matter through an ADR process – either complaint resolution or mediation. If the Commissioner agrees, the process begins.

For complaint resolution that means that the complainant will work with a police investigator under the OPCC's oversight to reach a meaningful and accountable 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 accountable, and more effective and meaningful for all parties. Open and honest communication breaks down barriers and both of these methods help strengthen the bonds between police officers and the communities they serve.

Alternative Dispute Resolution (2017-2022)



*Of files concluded during the fiscal year noted



“...I felt that [the officer] was trying to put [themselves] in my position.”

What complainants say about ADR

The feedback below is from OPCC ADR files created during the period covered in this report. All identifying information has been removed.

The Process was Easy

“[I] found [the investigator] to have been “kind and very easy to talk with.”

“It was a whole lot less stressful than I thought it was going to be, I’m very pleased with how things went.”

“I felt that I was given the chance to talk and that the listening was there...I felt that I was properly informed when I made the decision to engage in the process of Complaint Resolution.”

“I would engage in the process of [complaint resolution] again, and encourage others to do so. I think it provided both parties an opportunity to reflect on the interaction, and I feel that that is an important step. Policing is a difficult job, it tends to be a very one-sided job, people fail to see the other side and this process allows for that to happen.”

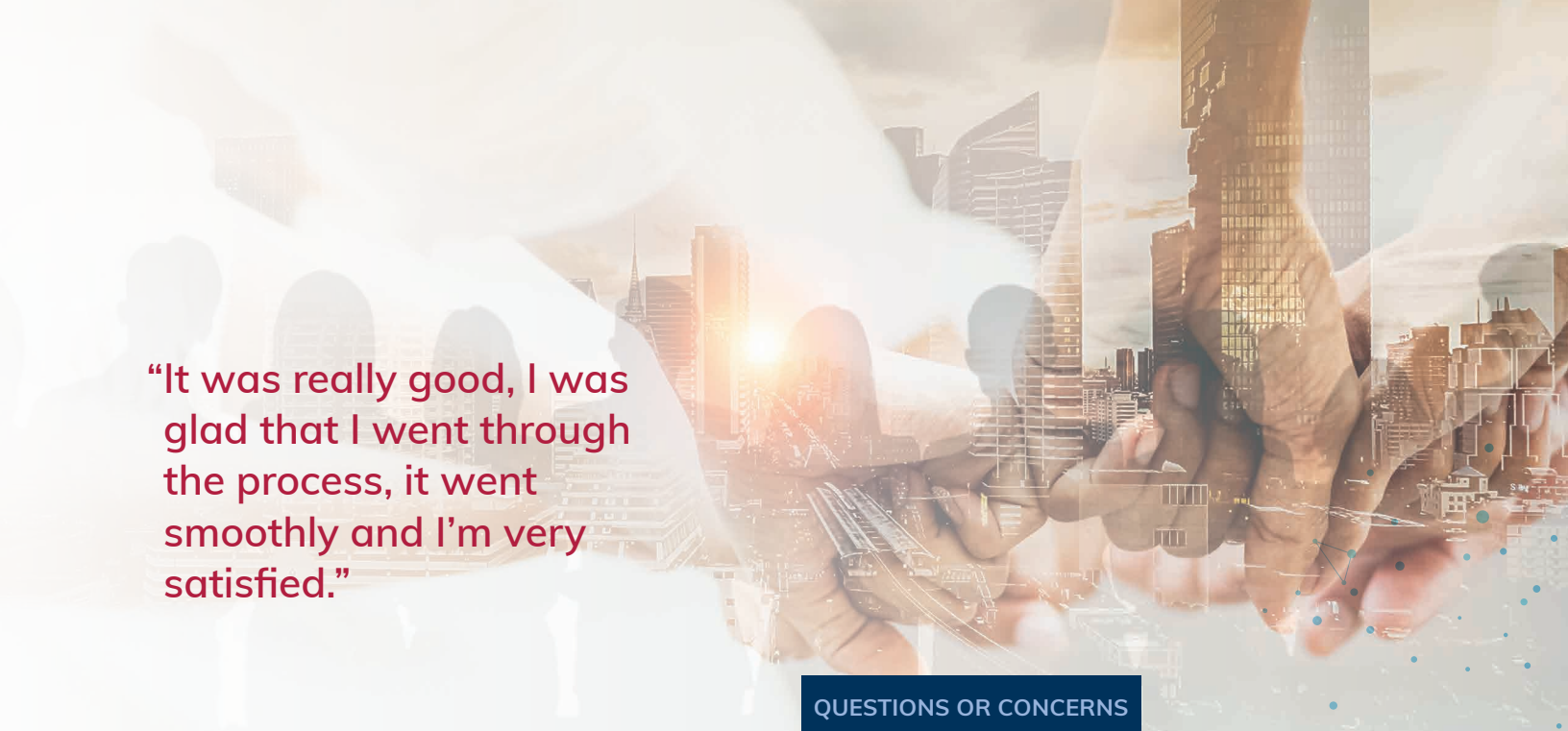
Felt Understood

“It was good – it allowed me to achieve what I wanted. I felt that I was heard/listened to and I was able to communicate with the officer and explain my thoughts and views. It will allow me to move on.”

“Communications with [the investigator] was great actually, very professional. He listened, heard what I had to say and was very open to learning about the spiritual component of my complaint. He asked many questions about the act of brushing down with an eagle feather, the use of grounding stones and the importance of the self-soothing kit to Indigenous people.”

“[the investigator] was a good listener, he was very good to deal with. As you know, I was very worried how stressful the process might be. I’m glad I got to go through the process with him. This is the first time I have been through a process like this. As soon as I got to speak with him on the phone I had a huge sense of relief.”

“[the investigator] was great, really professional, and I appreciate that he kept me in the loop at all times.”



“It was really good, I was glad that I went through the process, it went smoothly and I’m very satisfied.”

QUESTIONS OR CONCERNS

Positive and Accountable Outcomes

“I would say that I’m very satisfied, it was actually more than I had expected. I just wanted to bring the officer’s conduct to his attention. The officer’s apology is more than I had expected to receive.”

“I’m really glad that I went through the process. Some people might be able to just turn and walk away, this allowed me to feel that I was listened to and I believe the officer has heard what I have said and this will help her do better in the future.”

“I thought it was great...I feel that officer got it. The fact that I feel that I had the opportunity to be heard...[I’m] accepting of the officer’s apology...I felt that it was good. It is more than anything I could have asked for.”

“I’m very satisfied...just the overall way that my complaint was dealt with. I’m most happy that the officer has received some additional training as I believe it will help both the officer and the next person he engages with and I feel really good about the apology, I felt that he meant it.”

“I would say that I was very satisfied. I was looking for an understanding what the officers were thinking at the time, where they were coming from and I got that response from them. The most satisfying thing was receiving an apology from the officer and getting the acknowledgement that he could have responded better. I do feel very satisfied, I do not have any hang ups.”

“...far above what I had expected to achieve through the process. I was pleasantly surprised with the process that is in place. It has restored my confidence in the overall [complaints] system and oversight of police.”

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 2021/2022, police departments recorded 163 questions or concerns from the public.

“I feel that the process of Complaint Resolution has helped to rebuild my relationship with the officer.”



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 2021/22, 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. The OPCC continues to monitor and seek responses to its recommendations.

TRAUMA INFORMED PRACTICE

Recommendation to the Abbotsford Police Board

Review of Abbotsford Police Department policy and training in relation to sexual assault investigations and Trauma Informed Practice

Recommendation

- That the Board, in consultation with the Chief Constable, review the Abbotsford Police Department (APD) policies, procedures and training which may be related to sexual assault investigations including the initial response to sexual assault complaints by first responders, communications and victim support personnel, whether employed or contracted by the Board or Municipality. Where necessary, develop specific policies or amend existing policies to ensure best practices related to the investigation of sexual assault are incorporated into APD policies and procedures.
- That the Board, in consultation with the Chief Constable, consider incorporating mandatory Trauma Informed Practice curriculum for all personnel involved in providing services to the public, including supervisors, contracted service providers such as E-Comm and others, into the annual training and development planning of the APD.

Background

The OPCC received a complaint regarding an APD officer's conduct during a sexual assault investigation, where the female complainant alleged inappropriate questioning based on stereotypes about sexual assault and a lack of a trauma-informed approach. An investigation concluded that the officer did not commit misconduct; however, it was determined that the APD did not have sufficient policy governing sexual assault investigations or other policies relating to trauma informed interviewing or practices. The investigation also revealed that the officer had not received training in, or was familiar with, trauma informed practices.

Upon review of this matter, the OPCC determined that the lack of policy and training in this area may have been a factor in the conduct that was the subject of the complaint and investigation. The OPCC notes the significant body of accepted research concerning the impact of trauma on sexual assault survivors and the best practices to be employed when investigations are conducted. This research clearly demonstrates that police officers must take the impact of trauma into consideration as they conduct interviews, examine and analyze the evidence, and interact with sexual assault survivors. As a result, the OPCC issued recommendations to the Abbotsford Police Board to address this lack of policy and training for its officers.

Board Response to Recommendation

The Board advised that APD policies, procedures, and training related to sexual assault investigations were discussed at a Board meeting, in consultation with the APD Chief Constable. The APD is in the process of drafting guidelines for sexual assault investigations, including written policies and procedures. Further, APD officers have been directed to complete mandatory intimate partner violence investigation training and the APD is preparing for trauma informed practice training scheduled to begin in 2023.

Next Steps

The OPCC will continue to monitor for further developments from the Board as it relates to this matter.

RESPECTFUL WORKPLACE CULTURE

Recommendation to the Vancouver Police Board

Sexual harassment in the workplace and ensuring appropriate policies and cultural reviews in place

Recommendation

- That the Board, either directly or with the assistance of expertise external to the Vancouver Police Department (VPD), examine the facts and circumstances of a completed investigation into misconduct in its entirety, with specific consideration toward the presence of apparent cultural factors as demonstrated by the number of employees who viewed the video prior to it being brought to the attention of the Executive or VPD's Professional Standards Section and the characterization of this matter as "black humor".
- That the Board review VPD's training, procedures and policies with respect to respectful workplace behavior in light of the facts of this matter and, where necessary, develop or amend training and policies to ensure matters such as this are appropriately captured and addressed.

Background

The OPCC ordered an investigation after receiving information about police allegedly using police equipment and / or facilities to create a video appearing to ridicule and minimize the severity of sexual harassment investigations ongoing within the VPD. During the course of the investigation it was determined that the video was disseminated to numerous VPD officers, including a supervisor who did not take sufficient action in response.

The OPCC noted that the investigation highlighted a concerning attitude of dismissing very troubling and misogynistic behavior as "black humor." The OPCC also noted the considerable dissemination of the video prior to it being brought to the attention of the VPD Executive or the Professional Standards Section, despite the general consensus that the video's overarching theme was sexual harassment allegations within the VPD.

The use of VPD facilities to create the video and the sharing of the video appeared to reveal a gap in workplace policies and cultural considerations that the OPCC assessed as needing further scrutiny by the Board. A recommendation was made to the Board to examine the matter in its entirety, with specific consideration toward

the presence of apparent cultural factors as mentioned above, and to review the VPD's policies, procedures, and training in regard to respectful workplace behaviour.

Board Response to Recommendation

The Board advised that this matter first came before the HR Committee, who prepared a report outlining various recommendations along with other relevant information and context, including: the impending Whistleblower Policy; the recommendation made by the Special Committee on Reforming the Police Act for an additional definition of misconduct to include demeaning and discriminatory conduct, language, jokes, statements, gestures and related behaviour; and establishing protections for reporting misconduct, which if implemented would assist in reinforcing a respectful workplace culture.

The Board passed a motion to refer the OPCC's recommendations to the HR Committee for further discussion, in particular as it relates to a comprehensive review of the VPD's current Respectful Workplace Policy.

In addition to information requested by the HR Committee, the Board further requested information from the VPD on the investigative processes and thresholds surrounding bullying and harassment, and consideration of a revised zero tolerance Respectful Workplace Policy which outlines remediation measures along with other training and policy measures to appropriately capture and address workplace bullying and harassment. The Board also passed a motion for the VPD to begin providing internal statistics relating to harassment complaints.

Next Steps

The OPCC notes that the Vancouver Police Board took immediate and comprehensive actions as a result of the recommendations. The OPCC will continue to monitor any future responses from the Board.



WORKPLACE CULTURE REVIEW

Recommendation to the Director of Police Services

Study or audit of the Fraser Valley Integrated Road Safety Unit to identify and address any workplace issues

Recommendation

- That the Director of Police Services consider exercising his authority to study or audit the Fraser Valley Integrated Road Safety Unit to identify any workplace issues within this policing unit.

Background

The OPCC initiated an investigation after receiving information about a Royal Canadian Mounted Police (RCMP) officer who was alleged to have been the subject of workplace harassment by municipal officers seconded to the Fraser Valley Integrated Road Safety Unit (FV-IRSU). It was further reported that supervisors were not addressing these issues. An investigation into the municipal officers' conduct was undertaken by an external police department, and the Discipline Authority found that the allegations of workplace harassment were not substantiated.

Upon review of the investigation, it was noted that both municipal and RCMP officers expressed concerns about their treatment by FV-IRSU supervisors and senior officers regarding workplace performance issues and general workplace culture concerns. These supervisors and senior officers were not subject to investigation as they were not municipal police officers, and therefore were not within the jurisdiction of this conduct investigation under the *Police Act*.

Response to Recommendation

The Director of Police Services advised that he had requested that the Commanding Officer of the RCMP "E" Division investigate the supervisory and workplace culture concerns identified by the OPCC, and to address any identified conduct, respectful workplace or leadership deficiencies. The Director of Police Services confirmed that he would await a response from the RCMP before determining any further action by his office.

Next Steps

The OPCC will continue to monitor for any further action taken by the Director of Police Services in relation to this recommendation.



USE OF FORCE TRAINING

Recommendation to the Vancouver Police Board

Accounting for items or practices of cultural significance in use of force scenarios

Recommendation

- That the Board review and amend, as may be required, any policy, procedures and training in relation to use of force and determine whether items or practices of cultural significance are fully considered.
- That the Board consider the requirements of Provincial Policing Standard 3.2.6 (*Training to Enhance Service Delivery to Vulnerable Communities*) to assist in this review and development of relevant policies, procedures or training.

Background

The OPCC initiated an investigation after receiving information about members of the Vancouver Police Department (VPD) using force against persons at an Indigenous-led protest in downtown Vancouver. An external police department investigated the officer's conduct in pulling the braid of an Indigenous person when removing him from the location. The results of the investigation did not support a finding of misconduct by police in the action.

Upon review of the matter, the OPCC noted that the officer was not aware of the cultural significance of the braid and, therefore, did not consider its significance when electing to grab the braid as a means of removing the individual from the building. In more broadly assessing the police response, the OPCC highlighted BC Provincial Policing Standard 3.2.6 (*Training to Enhance Service Delivery to Vulnerable Communities*), which mandates police training on matters of Indigenous cultural safety and allows for the development and delivery of this training in collaboration with Indigenous organizations or representatives in alignment with the objectives of the *Declaration on the Rights of Indigenous Peoples Act*.

Board Response to Recommendation

The Board responded that they had requested further information from the VPD in order to best respond to the Commissioner's recommendations.

Next Steps

The OPCC will continue to monitor for further developments from the Board as it relates to this matter.

HANDCUFF AND DETENTION POLICY REVIEW

Recommendation to the Vancouver Police Board

Importance of external expertise in developing or reviewing handcuffing and detention policy

Recommendation

- That the Board hold the final determination on the review of the VPD's handcuffing and detention policy until the external consultant and timeline for review have been established.
- That the Board provide a copy of their draft interim policy prior to the conclusion of this matter.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns about an incident reported in the media regarding a person who was erroneously arrested and immediately handcuffed by police after being stopped by officers who were looking for a suspect. Concerns were raised that the arrest and handcuffing was discriminatory and based on race.

The Vancouver Police Board reviewed the matter, advising that their handcuffing and detention policy was recently amended and that the Board would have this policy reviewed independently by an external party. The Board further advised that in drafting the revised policy they relied on research into best practices across Canadian policing and current law around the use of handcuffs. According to the Board, an important feature of the new policy is the discretion that it affords police in determining when handcuffs or restraints are applied. The Board then concluded the complaint, advising that the approval of the final policy would take place publicly.

After reviewing the Board's response, there did not appear to be an expected time frame for when the review was to be completed, who would complete the external review of the interim policy, and when the interim policy may take effect. As a result, the OPCC viewed the conclusion of the complaint as premature and recommended that the Board take a further course of action by providing the aforementioned information.

Board Response to Recommendation

Following the OPCC recommendation, the Board reported that the review by an external legal consultant with no affiliation with the VPD had been completed. The Board further advised that the interim policy had now been approved and that the finalization of any handcuffing policy would require further consultation following the outcome of a BC Human Rights Complaint arising from another matter. The OPCC and complainant were provided a copy of the interim policy.

Next Steps

The OPCC noted that the Vancouver Police Board took comprehensive steps to modernise the VPD handcuffing policy and was responsive to the recommendations. The OPCC will continue to monitor complaints regarding handcuffing as against the updated policy and take further steps as may be required.

TRESPASS PREVENTION PROGRAM

Recommendation to the Vancouver Police Board

Establishing a testing period and evaluative framework for the Trespass Prevention Program and importance of public evaluation



Recommendation

- That the Board set a defined period for the pilot testing phase of the Trespass Prevention Program (TPP).
- That the Board require an evaluation to be completed upon the conclusion of the pilot testing phase and prior to expansion of the TPP.
- That the Board ensure such evaluation is made public, including a full and transparent consideration of the matters raised by the complainants.

Background

A Service or Policy complaint was submitted to the Vancouver Police Board from a number of community and legal organizations regarding concerns about the Vancouver Police Department's (VPD) Trespass Prevention Program (TPP). This complaint raised issues regarding disproportionate impacts to over-policed groups, criminalization of poverty, lack of public consultation, conflict of interest concerns, lack of governing policy and potential for privacy violations.

The Board reviewed the matter and confirmed that the TPP was a pilot program, provided statistical information from the VPD, and confirmed that the TPP had reduced negative impacts on businesses and for trespassers as well by connecting them with housing and health care services. The Board affirmed that, if the TPP were to become a stand-alone, city-wide program, policy would be created and approved by the Board through consultation and dialogue with the affected communities.

Upon review of the Board's response, the OPCC noted that the Board had not provided information on the timeline, criteria or format for the evaluation of the TPP. As such, the OPCC recommended that the Board define a test period for the trial of the TPP and require a public evaluation upon expansion of the program, including a full and transparent consideration of the issues raised by the complainants.

Board Response to Recommendation

The OPCC received correspondence from the Board confirming that the pilot project was ongoing and that a consultation / evaluation report, along with relevant guidelines, was set to come before the Board publicly for consideration and review. The Board further confirmed that the VPD would consult with various stakeholders and that the VPD was conducting an evaluation and analysis of data in relation to enforcement measures, along with the feedback received through consultations.

Subsequent correspondence from the Board indicated that they had received a report-back from the VPD that spoke to the development of the program in detail, including a summary of the consultations and the draft business rules and guidelines. The Board publicly reviewed this report and approved the guidelines and business rules for the city-wide implementation of the program.

Next Steps

The OPCC notes that the Vancouver Police Board fully responded to the recommendations. The OPCC will be taking no further action with respect to this matter.

Strengthening the independence of police boards to ensure sufficient transparency and responsiveness

Recommendation

- That the Director of Police Services consider exercising one or more of their authorities in developing training or other programs designed to prevent recurrence of any problems revealed by the complaint process.

Background

In carrying out the OPCC's oversight role in monitoring Service and Policy complaints raised by the public before municipal police boards, trends were noted with respect to certain aspects of police board governance. In particular, the OPCC observed police board reliance on police department resources and expertise as a standard approach when responding to Service or Policy matters. This practice in some cases, creates an inherent perception of bias and detracts from public confidence that police boards are performing their role at arm's length and independent of the police department over which they have oversight.

Furthermore, the OPCC noted that some police board's approach to their oversight of the municipal police agencies in response to complaints from the public could benefit from more consistent transparency and responsiveness. The OPCC highlighted instances where the Commissioner exercised his statutory authority to compel a statement from the chair of a police board to verify that statutorily required decisions were made in accordance with requirements of the *Police Act*.

Response to Recommendation

The Director of Police Services advised that the provincial government is committed to strengthening municipal police board governance and oversight through such initiatives as training for board members and fostering board diversity to reflect the communities they serve. The Director has initiated the development of an enhanced board training program and has engaged the OPCC in consultation.

Next Steps

The OPCC will continue to work with the Ministry of Solicitor General and Public Safety to support enhanced board training.

BOARD RESPONSE TO POLICE COMPLAINT

Recommendation to the Nelson Police Board

Sexual assault investigations and completion of the Trauma Informed Practice course by police

Recommendation

- That the Board respond to the complainant's concerns brought forward to the Board, including providing an anticipated date for the completion of the Trauma Informed Practice course for Nelson Police Department (NPD) officers.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns about the Nelson Police Department's handling of sexual assault reports. In particular, the individual requested that the NPD undertake a third-party review of unfounded sexual assault investigations and review the investigative procedures related to sexual assault investigations, citing that they were biased against marginalized women.

The Nelson Police Board reviewed the matter and concluded the complaint, advising that as a result of a previous unrelated Service or Policy complaint the NPD was currently reviewing the procedures, training and policies of other police departments relating to sexual assault investigations that emphasize trauma-informed practices. The Board also advised that completion of the Trauma Informed Practice (TIP) course by officers had been delayed as a result of the COVID-19 pandemic.

Upon review of the Board's response, the OPCC noted that the Board did not sufficiently address the specific concerns and requests brought forward by the complainant. In addition, it was unclear how the COVID-19 pandemic impacted the completion of the TIP course given that the delivery of its curriculum was provided remotely through an online learning platform. Further clarification was sought.

Board Response to Recommendation

The OPCC received correspondence from the Board responding to the discrete concerns and requests of the complainant. The Board advised that the NPD had adopted the Canadian Framework for Collaborative Police Response on Sexual Violence. It is also actively involved in provincial working groups focused on improving and standardizing sexual assault investigations. Furthermore, the Board confirmed that all NPD officers had completed the online TIP course and clarified that it was only in-person training courses that had been impacted by the COVID-19 pandemic.

Next Steps

The OPCC will be taking no further action with respect to this matter.



HIRING OF OUTSIDE FIRMS

Recommendation to the Delta Police Board

Appropriate use of outside firms and expertise

Recommendation

- That the Board identify any existing policies that guide the Delta Police Department's (DPD) decision-making in relation to the hiring of an outside firm.
- If such a policy does exist:
 - Ensure that the policy is consistent with existing legal authorities and meets current legislative requirements, specifically with respect to section 27(6) of the *Police Act*⁶.
 - Assess whether the hiring of a PR firm in connection to a specific investigation was consistent with that policy.
- If no such policy does exist, consider creating a policy that guides the DPD's decision-making in relation to the hiring of an outside firm and ensure that policy is consistent with existing legal authorities and meets current legislative requirements.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns about the DPD contracting a public relations firm following an investigation that garnered significant public attention. The Board concluded the matter by providing a written response to the individual, advising them that a public relations firm was contracted to augment the DPD's in-house communication resources and that the services were procured solely for the DPD.

After reviewing the Board's response, the OPCC determined that the Board did not appear to sufficiently assess any current DPD policies regarding the hiring of outside firms, nor did it assess the need for such policies if none existed. The OPCC recommended that the Board identify any relevant policies to ensure consistency with existing legal authorities and current legislative requirements, or if no policy existed, to consider creating a policy to guide the DPD in decision making related to the hiring of an outside firm that is consistent with legal authorities and current legislative requirements.

Board Response to Recommendation

The OPCC received correspondence from the Board advising that the DPD has a policy in relation to the procurement of goods and services, including contracting for external services, and that the policy is consistent with legislative requirements under the *Police Act*. The Board concluded that no changes were needed to the current policy.

Next Steps

The OPCC reviewed the Board's response and will be taking no further action with respect to this matter.

⁶ Section 27(6) of the *Police Act* states, "Unless the council otherwise approves, a municipal police board must not make an expenditure, or enter an agreement to make an expenditure, that is not specified in the board's budget and approved by the council."

EMERGENCY COMMUNICATIONS OPERATIONS

Recommendation to the Victoria Police Board

Review of E-Comm call-taking, dispatching and communications policies and procedures

Recommendation

- That the Board consider requiring its service provider E-Comm to examine and reconsider any policies and procedures relating to call-taking, dispatching and communications that may have contributed to this matter for the purposes of preventing the recurrence of these concerns.

Background

The OPCC directed an investigation into the conduct of a Victoria Police Department (VicPD) officer following a complaint that police did not take a report of a crime seriously. The Complainant reported that, upon calling 9-1-1, she was informed through dispatch that police would be coming right away. During the course of the investigation into the officer's conduct, it was learned that the call was not dispatched by the call-taker in a timely manner. The call sat in the queue for several hours until an officer reviewed the call and requested it be dispatched to them.

Following the investigation into the conduct of the VicPD officer, the Discipline Authority determined that the officer was not responsible for the manner in which the call was initially classified by the 9-1-1 call-taker or for any comments made by E-Comm staff. The Discipline Authority highlighted the fact that promises were made by the call-taker and that those promises were not fulfilled, which ultimately resulted in a "direct, immediate and negative impact" on the complainant's impression of the police.

Upon review of the matter, the OPCC agreed with the Discipline Authority's determinations and concluded that E-Comm, as VicPD's emergency communications service provider, could benefit from a review of their policies and procedures related to call-taking, dispatching and communications with the public.

Board Response to Recommendation

The Board responded that VicPD senior management had contacted E-Comm, who advised that they had conducted a review and determined that the call-taker had provided inaccurate information to the complainant that was not consistent with E-Comm's existing policies and procedures. The Board was satisfied that it was an error made by the call-taker that was managed appropriately by E-Comm through remedial training, and that no further action was required.

Next Steps

The Victoria Police Board provided a comprehensive response to the recommendations. The OPCC will be taking no further steps in this matter.



RESPONSE TO FIREARM CALLS

Recommendation to the New Westminster Police Board

Review of New Westminster Police Department policy and training for firearms calls, and review of E-Comm dispatching and communications policies and procedures

Recommendation

- That the Board review the circumstances of this matter in consideration of existing policy and training with respect to responses to calls for service involving firearms and consider any appropriate changes to policy and / or training where appropriate.
- That the Board consider requiring its service provider E-Comm to examine and reconsider any policies and procedures relating to dispatching and communications that may have contributed to this matter for the purposes of preventing recurrence.

Background

The OPCC directed an investigation into the actions of several New Westminster Police Department (NWPD) officers after an elderly complainant reported that police pointed automatic weapons at him and placed him in handcuffs. The complainant was told by police that they were responding to a report of a person matching his description who was walking on the sidewalk with a firearm. After an investigation by the NWPD Professional Standards Section, it was found that the officers' use of force was lawful and in accordance with authorities, training, and policy.

Upon review of the matter, the OPCC noted that the decision by police to stop the complainant in the manner they did was based primarily on the information from E-Comm. It appeared that the information provided by E-Comm to police lacked an important descriptor of the suspect, namely the age of the possible suspect. The lack of this information appears to have contributed to the officers' conduct in detaining the complainant. As a result, the OPCC issued a recommendation to the New Westminster Police Board relating to the service provided by E-Comm and any training or policy deficiencies when responding to calls for service involving firearms.

Board Response to Recommendation

The Board directed that the NWPD conduct a review stemming from the OPCC's recommendations. As a result, NWPD completed a review and found that the training and policies of the NWPD is in line with British Columbia Provincial Policing Standards and no changes were required. NWPD also reached out to E-Comm and requested they review the call-taking and dispatching for this specific matter and to examine any relevant policies or procedures that may have contributed. E-Comm found that the information from the 9-1-1 caller was obtained and conveyed accurately but that the descriptions could have been summarized better in the initial call creation.

While no changes to training or policy were required, NWPD determined that there could have been more information included in the member's Subject Behaviour — Officer Response (SBOR) report to better articulate the reasonableness of the force used. As a result, remedial training was provided to the member and their supervisors.

Next Steps

The OPCC reviewed the Board's response and will be taking no further action with respect to 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 several recommendations for legislative change to enhance accountability in policing that remain outstanding, including recommendations that:

- the OPCC be provided the ability to conduct self-initiated systemic reviews;
- the OPCC be provided the ability to arrange a Public Hearing earlier in the complaint process; and
- changes to Part 11 of the *Police Act* to improve the efficiency and timeliness of the police complaint process.

“[T]he 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.”

— Clayton Pecknold, Police Complaint Commissioner
(OPCC Annual Report 2020/21 p. 5)

In 2021, 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*;
- 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).

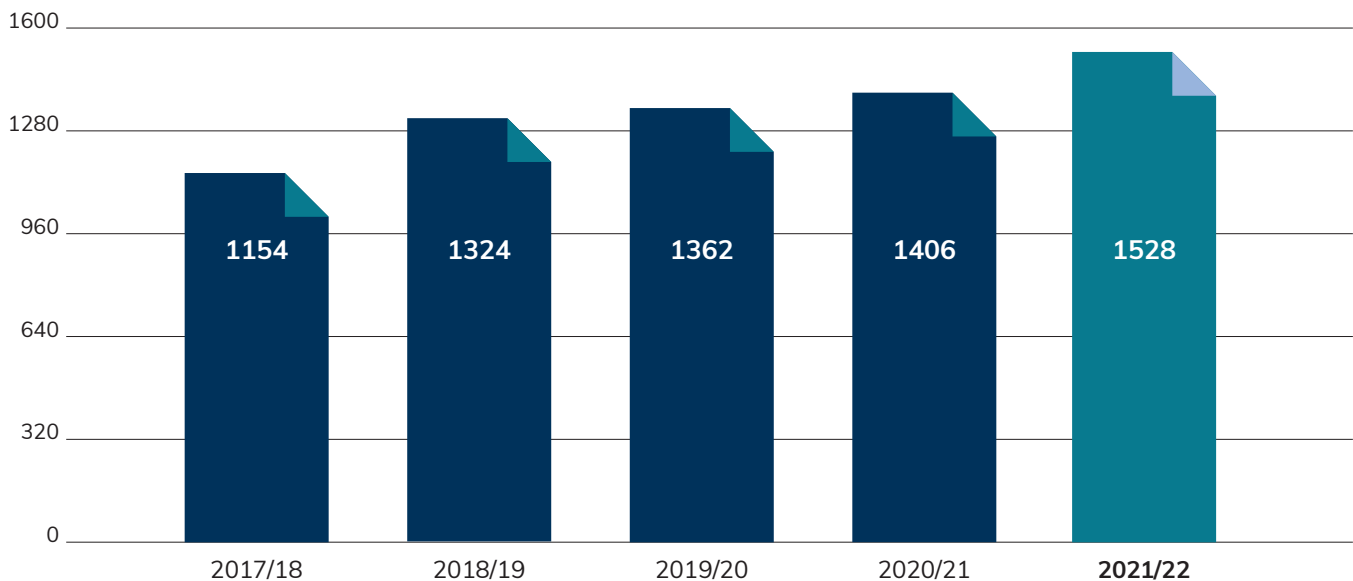
In April 2022, the Special Committee on Reforming the *Police Act* delivered a report with 11 recommendations for broad changes related to the *Police Act*. Government has engaged the OPCC on these as well as the 2019 recommendations, and we look forward to continuing to work with government on these important issues.



A close-up photograph of a person's hand holding a dark brown pen with gold accents, pointing at a document on a wooden table. The document features various charts, including a bar chart, a line graph, and a donut chart. Another hand is visible, gesturing towards the document. In the background, a laptop and a smartphone are partially visible. The scene is brightly lit, suggesting an office or meeting environment.

More of Our Story in Numbers

Files Opened: Yearly Comparisons (past five years)⁷



Files Opened: Comparisons by Department (past five years)

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Abbotsford	94	126	149	189	202
Central Saanich	13	6	17	9	17
CFSEU	1	1	5	1	4
Delta	49	80	53	69	63
Nelson	15	15	15	22	19
New Westminster	19	38	42	73	64
Oak Bay	4	7	8	12	11
Port Moody	23	33	38	36	29
Saanich	100	72	84	77	92
Surrey	0	0	0	0	12
MVTP	96	104	46	87	64
Stl'atl'imx	4	5	4	8	6
Vancouver	577	602	689	646	736
Victoria	134	210	186	153	181
West Vancouver	25	25	26	24	28
Total	1154	1324	1362	1406	1528

⁷ Due to the ongoing processing of files, some numbers in this year's report may differ from numbers in last year's report. This year's report is considered to be most up-to-date.

Files Opened by Type (past five years)

	2017/2018		2018/2019		2019/2020		2020/2021		2021/2022	
Police Complaints	522	45%	487	37%	537	39%	585	42%	735	48%
Investigations Initiated by PCC	14	1%	25	2%	32	2%	21	1%	19	1%
Investigations Requested by Dept	35	3%	54	4%	65	5%	42	3%	37	2%
Serious Harm Investigations	10	1%	14	1%	18	1%	32	2%	22	1%
Monitor Files	337	29%	495	37%	485	36%	511	36%	492	32%
Internal Discipline Files	15	1%	22	2%	22	2%	16	1%	18	1%
Service or Policy Complaints	15	1%	23	2%	39	3%	31	2%	42	3%
Questions or Concerns	206	18%	204	15%	164	12%	168	12%	163	11%
Total	1154		1324		1362		1406		1528	

File Types

Police Complaints	Complaints about a police officer's conduct or actions that affect a member of the public.
Ordered Investigations & Serious Harm 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 police 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 2021 /2022 by Police Department and Type

	Police Complaint Admissible ⁸	Police Complaint Inadmissible	Serious Harm Investigation	Ordered Investigation Department	Ordered Investigation PCC	Question or Concern	Service and Policy Complaints	Internal	Monitor	Total
Abbotsford	23	26	1	3	0	46	1	0	102	202
Central Saanich	0	7	1	0	0	6	0	0	3	17
CFSEU	0	2	0	1	0	0	1	0	0	4
Delta	12	20	0	2	2	6	1	1	19	63
Nelson	4	8	0	3	0	0	0	1	3	19
New Westminster	7	19	1	2	0	10	1	1	23	64
Oak Bay	2	7	0	0	0	0	0	1	1	11
Port Moody	2	6	1	2	0	7	0	2	8	29
Saanich	13	34	2	1	0	19	1	3	18	92
Surrey	2	2	0	0	0	0	3	0	5	12
MVTP	10	18	0	2	0	8	1	1	24	64
Stl'atl'imx	1	2	0	0	0	0	0	1	1	6
Vancouver	149	241	15	16	13	43	29	5	222	736
Victoria	34	66	1	4	1	11	3	1	59	181
West Vancouver	2	9	0	1	3	7	1	1	4	28
Total	261	467	22	37	19	163	42	18	492	1528

Disaggregated Demographic Data⁹

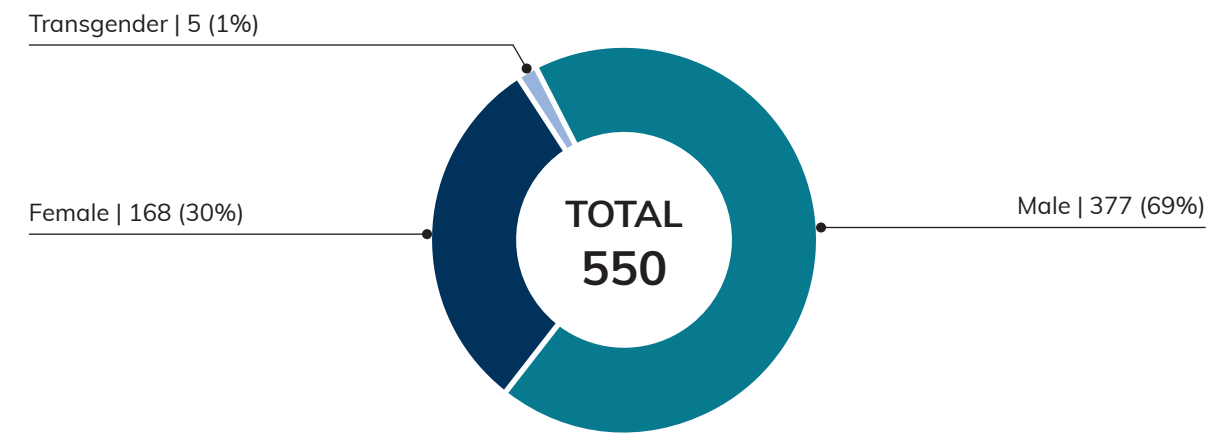
Throughout the OPCC complaint process, complainants are provided the option to disclose their age, sex, gender, and racialized identities. We acknowledge the importance of the “Grandmother’s perspective” in all data collection, specifically that the collection of race-based data should be accompanied by processes focused on reducing systemic racism and achieving equality.¹⁰ 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.

⁸ At the time of publication, a total of 7 police complaints were pending admissibility in 5 police departments, including Port Moody, Saanich, Stl'atl'imx, Vancouver, and Victoria.

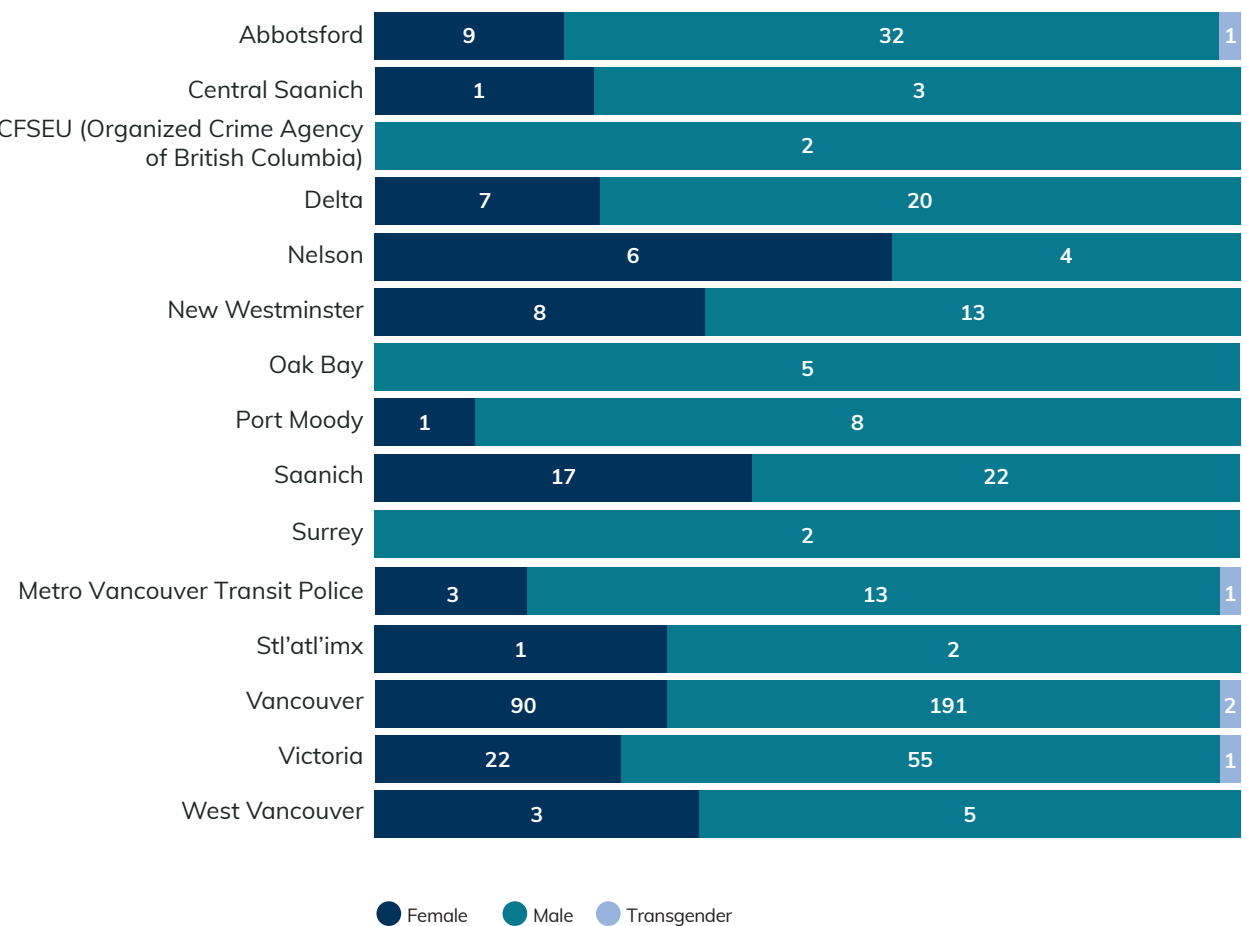
⁹ Missing data (i.e. questions on the complaint form that were not answered/left blank) is not included in these figures. Of the 728 people who submitted a police complaint during the 2021/22 period covered in this report, 76% disclosed their gender identity, 87% disclosed their age, and 70% disclosed their racialized identity.

¹⁰ 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/>

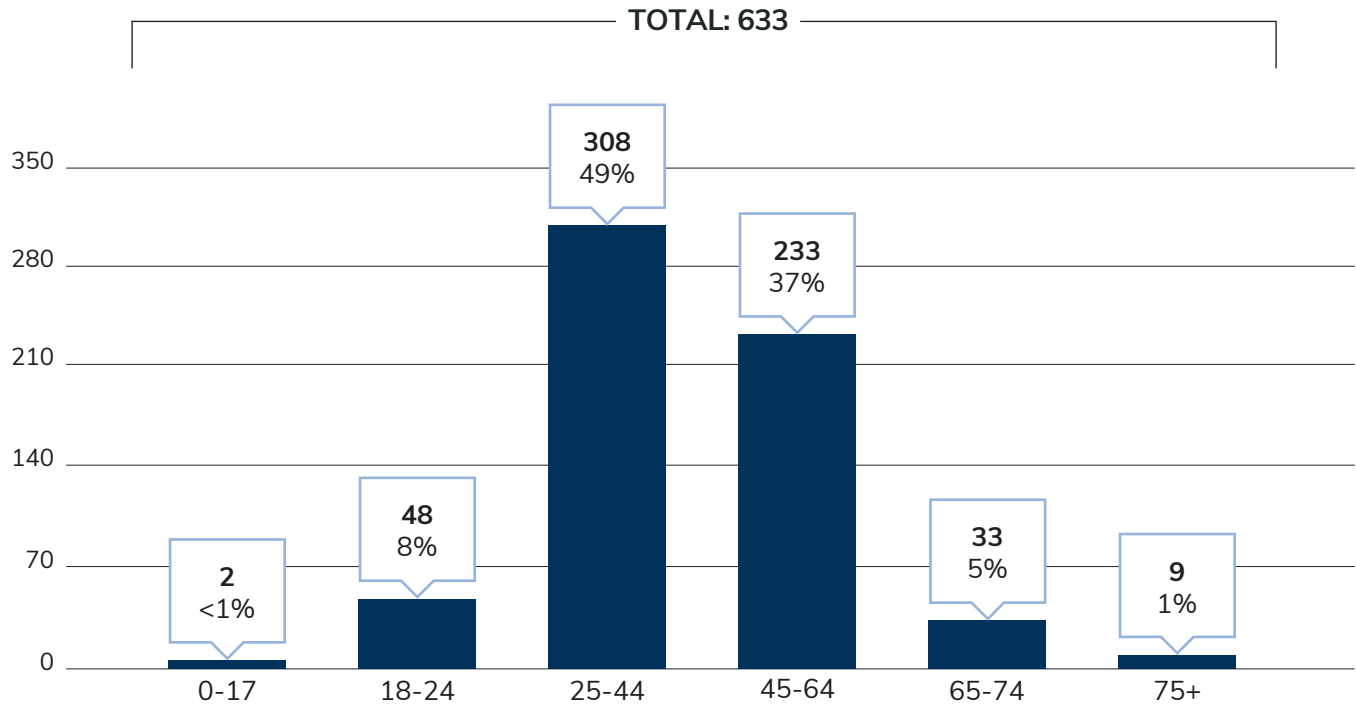
Gender Identity of Persons Filing Police Complaints



Gender Identity of Persons Filing Police Complaints by Department



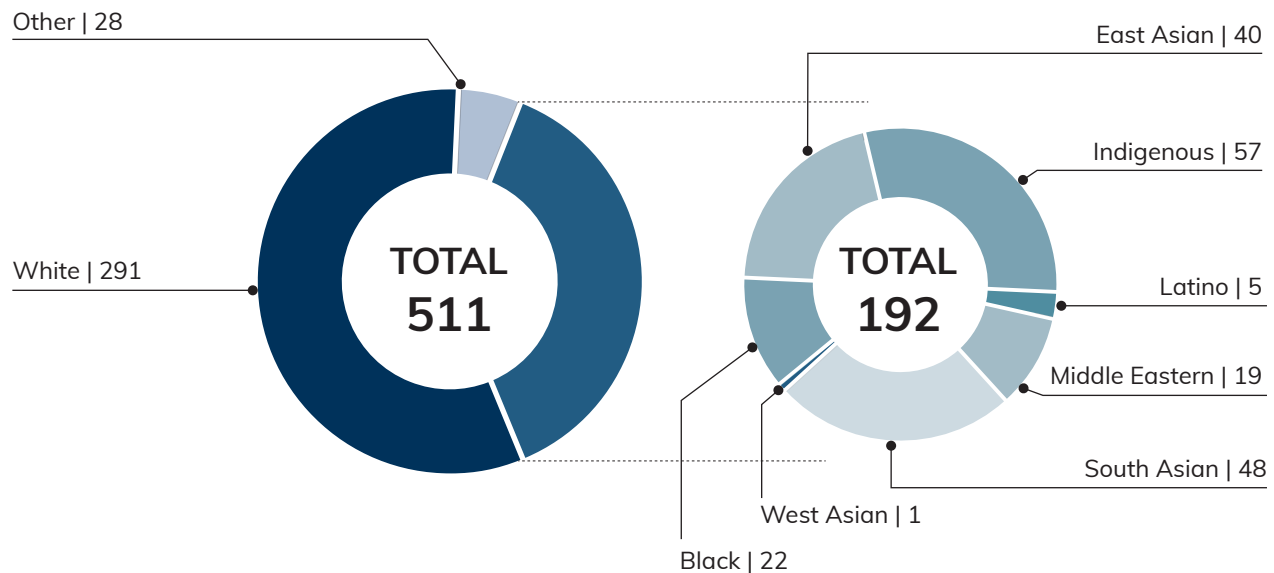
Age of Persons Filing Police Complaints



Age of Persons Filing Police Complaints by Department

	0-17	18-24	25-44	45-64	64-74	75+	Total
Abbotsford	0	5	26	11	1	0	43
Central Saanich	0	0	2	1	1	0	4
CFSEU	0	0	1	1	0	0	2
Delta	0	1	14	10	2	2	29
Nelson	0	0	8	4	0	0	12
New Westminster	0	5	9	7	2	0	23
Oak Bay	1	1	2	3	0	0	7
Port Moody	0	0	3	5	1	0	9
Saanich	0	1	21	16	3	0	41
Surrey	0	0	2	1	1	0	4
MVTP	0	7	8	7	0	0	22
Stl'atl'imx	0	1	0	2	0	1	4
Vancouver	1	23	160	125	16	4	329
Victoria	0	2	49	36	6	2	95
West Vancouver	0	2	3	4	0	0	9
Total	2	48	308	233	33	9	633

Racialized Identity of Persons Filing Police Complaints



Racialized Identity of Persons Filing Police Complaints by Department

	Black	East Asian	Indigenous	Latino	Middle Eastern	South Asian	West Asian	White	Other	Total
Abbotsford	2	1	5	0	0	6	0	22	2	38
Central Saanich	1	0	0	0	0	0	0	2	0	3
CFSEU	0	0	0	0	0	0	0	1	0	1
Delta	2	1	2	0	0	4	0	17	0	26
Nelson	0	0	1	0	0	0	0	9	0	10
New Westminster	0	3	2	1	0	1	0	9	0	16
Oak Bay	1	0	1	0	0	0	0	3	0	5
Port Moody	0	0	0	0	1	0	0	6	0	7
Saanich	3	0	2	0	2	0	0	29	1	37
Surrey	0	1	0	0	0	0	0	1	0	2
MVTP	2	1	2	0	1	2	0	7	0	15
Stl'atl'imx	0	0	1	0	0	0	0	1	0	2
Vancouver	9	28	34	3	11	28	1	129	23	266
Victoria	2	3	7	1	1	6	0	54	2	76
West Vancouver	0	2	0	0	3	1	0	1	0	7
Total	22	40	57	5	19	48	1	291	28	511

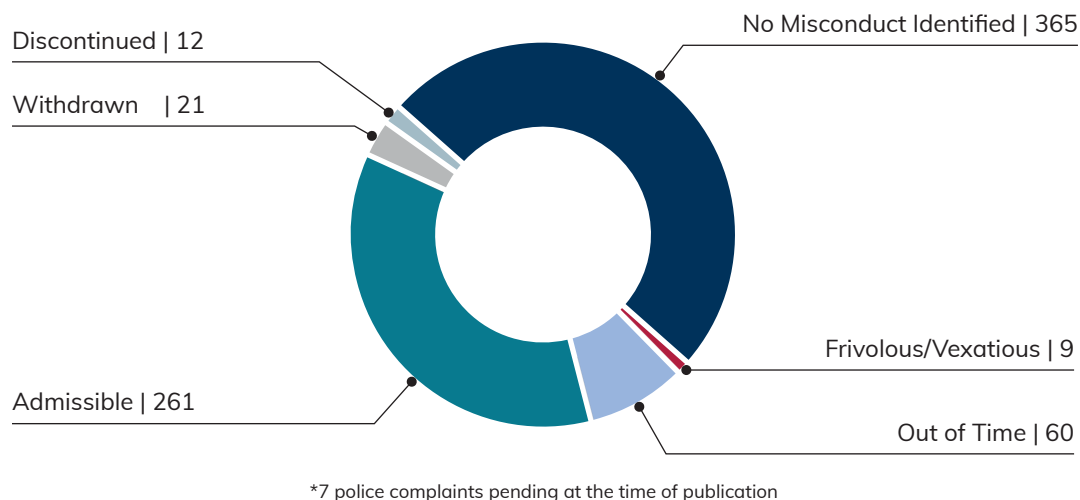
Allegations of Misconduct 2021/2022

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

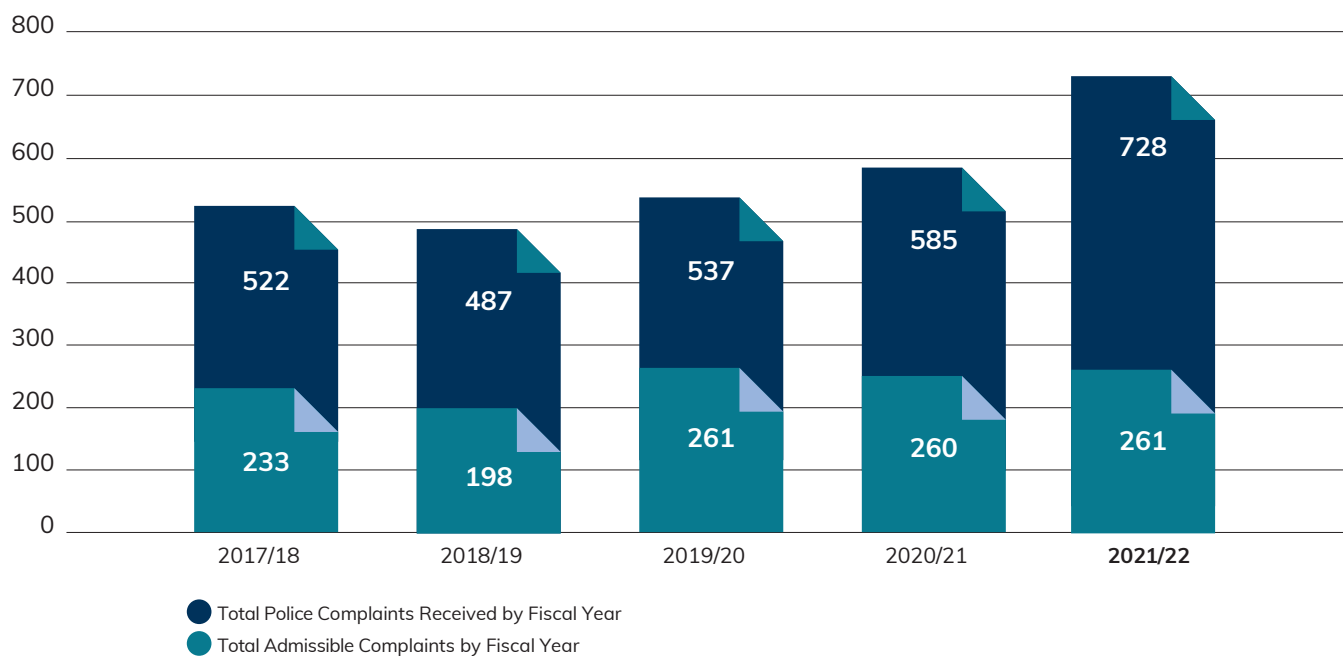
Abuse of Authority	177 (42%)
Neglect of Duty	119 (28%)
Discourtesy	52 (12%)
Discreditable Conduct	45 (11%)
Deceit	8 (2%)
Improper Disclosure of Information	6 (1%)
Damage to Property of Others	5 (1%)
Improper Use or Care of Firearms	4 (1%)
Corrupt Practice	2 (<1%)
Unauthorized Use of Police Facilities/Resources	1 (<1%)
Damage to Police Property	<1
Improper Off-Duty Conduct	0
Accessory to Misconduct	0
Misuse of Intoxicants	0
Public Trust Offence	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.

Police Complaints: Admissibility Assessments 2021 /2022



Police Complaints: Admissibility Assessments (past five years)



The average admissibility rate for the past five years is 43%. 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. The number of complaints forwarded for investigation have remained static over the past three years.

* 7 police complaints pending at the time of publication

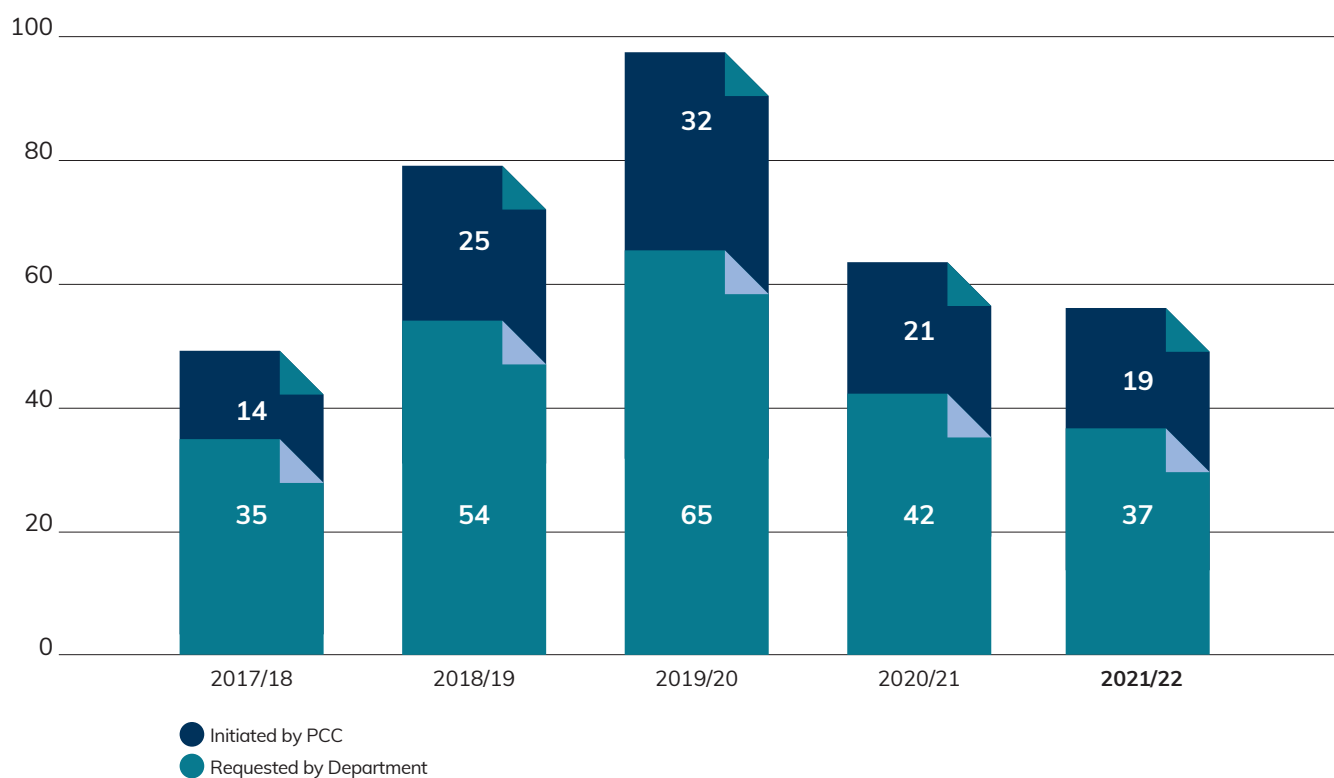
Admissible Complaints and Disposition (past five years)

	Total Police Complaints Received	Total Admissible Complaints	Complaints Concluded	Discontinued	Complaint Resolution/ Mediated	Withdrawn	Forwarded to DA	No Disposition (still open)
2018	522	233	232	38	67	36	91	1
2019	487	198	196	22	72	20	82	2
2020	537	261	255	26	78	20	129	6
2021	585	260	242	23	51	19	147	18
2022	735	261	161	14	62	26	53	100

* 7 police 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)

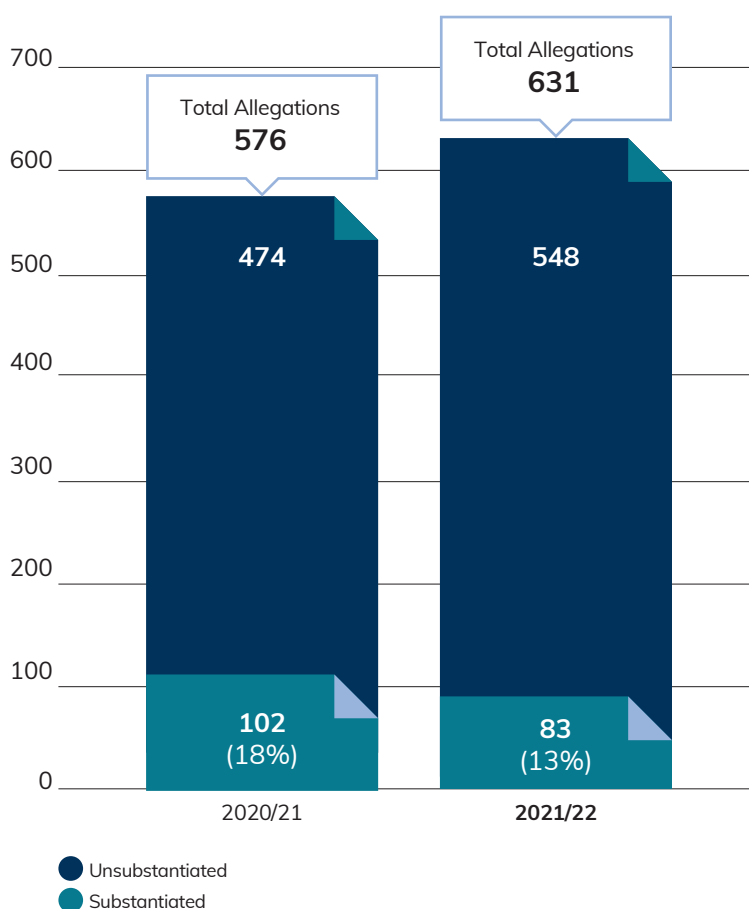


The Police Complaint Commissioner can initiate an investigation in the absence of a complaint from the public. A total of 56 investigations were independently ordered by the OPCC during the 2021/22 period covered in this report.

Ordered Investigations and Disposition (past five years)

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Total Number of Ordered Investigations	49	79	97	63	56
Ordered Investigations with Dispositions	48	77	89	53	14
Discontinued	6	8	4	3	0
Forwarded to Discipline Authority	42	69	84	50	12
No Disposition (Still open)	1	2	8	10	42
Complaint Resolution/Mediated	0	0	0	0	1

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)

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Total Notifications	297	404	417	448	414
Total Uses of Force	390	548	639	684	556
ARWEN/Bean Bag	22	29	77	125	97
Baton	8	2	6	11	5
Dog Bite	114	137	120	98	96
Empty Hand	79	138	177	163	86
Firearm	2	2	0	6	3
Motor Vehicle Accident	31	36	30	38	29
OC Spray (pepper spray)	8	13	17	25	22
Other	42	56	63	68	69
Pre-existing	12	32	15	17	10
Self-inflicted	52	75	81	73	63
Taser	20	27	53	60	72
Other Weapon	0	1	0	0	4

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)

	2017/18	2018/19	2019/20	2020/21	2021/22
Serious Harm Investigations	10	14	18	32	22
Ordered Investigations Initiated by PCC	2	7	10	6	8
Ordered Investigations Requested by Department	1	2	3	2	3
Police Complaints	23	16	3	17	5
Question/Concerns	0	1	1	0	0

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.

	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	Total
Appointment of Retired Judge (s. 117)	8	3	13	9	16	49
Review on the Record	1	5	2	4	1	13
Public Hearing	3	1	2	0	0	6
Total	12	9	17	13	17	68



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. More than two-thirds of staff in decision-making roles have civilian backgrounds, such as law and policy, 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 32 staff, including 13 Investigative Analysts who are directly involved in the oversight of misconduct investigations. There are an additional 23 Corporate Shared Services staff that provide finance, payroll, administration, facilities, human resources, and information technology support for four independent Offices of the Legislature, including the OPCC.

Surrey Police Model Transition

In June 2020, the Province appointed a municipal police board to govern the new municipal police service for the City of Surrey. Upon creation of the Surrey Police 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 or Policy" complaints to the OPCC concerning matters such as resource allocation, program delivery and policies or services offered to the public. These complaints are overseen by the OPCC to ensure the board is transparent and responsive.

In September, 2020, the Surrey Policing Transition Trilateral Committee was established between Public Safety Canada, the Province of British Columbia and the City of Surrey to develop and implement the phased integrated transition of the RCMP to the Surrey Police Service (SPS). On November 30, 2021 the first cohort of 50 SPS officers began operational deployment with the Surrey RCMP municipal police unit. The RCMP remains the police of jurisdiction. The plan is for 295 SPS officers working alongside RCMP members by May 2023.

The OPCC is engaging with the City of Surrey, the Surrey Police Board and senior executives regarding the ongoing transition of the Surrey Municipal Police and internal planning is underway accordingly.

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 2021/2022.

Fiscal 2021 /2022 Budget

Operating Budget	\$4,960,000
Adjudicative & Judicial Budget	\$500,000
Total Budget	\$5,460,000

Fiscal 2021/2022 Expenditures

Operating Expenditures	\$4,569,893
Adjudicative and Judicial Expenditures	\$912,714
Total Expenditures	\$5,482,607

Fiscal 2021/2022 Capital

Capital Budget	\$394,000
Capital Expenditures	\$289,100



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, 2021 and March 31, 2022 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

5th Floor, 947 Fort Street, Victoria BC V8W 9T8 Canada

TEL 250.356.7458 | FAX 1.877.999.8707 | EMAIL info@opcc.bc.ca

www.opcc.bc.ca

Office of the Police Complaint Commissioner (2022)

The text of this document may be reproduced free of charge in any format or medium, provided that it is reproduced accurately and not in a misleading context.

The material must be acknowledged as Office of the Police Complaint Commissioner copyright and the document title specified. Where third-party material has been identified, permission from the respective copyright holder must be sought.

Send enquiries related to this publication to:

Office of the Police Complaint Commissioner
5th Floor, 947 Fort Street
Victoria, BC V8W 9T8

TEL 1.250.356.7458 | EMAIL info@opcc.bc.ca

This publication is available at <https://www.opcc.bc.ca/reports/annual-report/>

Printed in Victoria, BC