

INTEGRITY
INDEPENDENCE
FAIRNESS

OFFICE OF THE
POLICE COMPLAINT
COMMISSIONER

ANNUAL REPORT
2023/2024



OPCC
OFFICE OF THE
POLICE COMPLAINT
COMMISSIONER



LIGHTHOUSES have long been used to provide comfort and indicate obstacles to sailors navigating British Columbia's rugged coastline. Their beacons shine a light in all directions, signalling a welcome to everyone in the vicinity. Throughout history, it was lighthouse keepers and staff who kept a lookout for those in need of help or in distress.

It is the Office of the Police Complaint Commissioner's goal to offer a safe harbour to those who engage in the complaints process and to be a beacon of effective and accessible civilian oversight, seeking accountability and building trust in policing.

COVER PHOTO: *Fisgard Lighthouse is located at the Fort Rodd Hill National Historic Site near Victoria. Before European arrival, Fort Rodd Hill served as a $l\acute{a}k^w\acute{a}n\acute{a}n$ (Lekwungen or Lekungen) village and camas cultivation site. We understand Parks Canada has joined with the Songhees and Esquimalt First Nations in recent years to protect the camas meadows and their surrounding ecosystem as well as celebrate Coast Salish history.*

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We would like to acknowledge that the work of the Office of the Police Complaint Commissioner takes place across unique and diverse traditional Indigenous territories and respects the many territorial keepers of this place we now call British Columbia. We thank the lək̓ʷəŋən (Lekwungen) people, also known as the Songhees and Esquimalt First Nations communities, past, present and future, for their stewardship, care, and leadership on the land on which our main office is located in downtown Victoria.

On behalf of our Office and our staff, we express extreme gratitude for being able to live and work on this beautiful land. We're all committed to our own personal journey to bring our Office closer to understanding and incorporating Indigenous history and culture into our work as we strive towards true reconciliation.



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

November 15, 2024

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 2023/2024 Annual Report. In doing so, I gratefully acknowledge that our office is located on the unceded traditional lands of the Ləkʷəŋən (Lekwungen) People and ancestors. The work of the Office of the Police Complaint Commissioner extends across the homelands of the Indigenous Peoples within what we now call British Columbia.

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

Yours truly,

Prahbu Rajan
Police Complaint Commissioner

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Police Complaint Commissioner

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Commissioner's Message

Civilian oversight over municipal policing plays a critical role in ensuring accountability for police misconduct in British Columbia. I am now well into the first year of my five-year term as Police Complaint Commissioner. I have had many conversations with interest holders who have expressed a shared commitment to an independent, fair, and impartial oversight system that genuinely listens to the voices of those impacted and seeks to ensure public trust in policing.

I recognize that policing is important and difficult work, often occurring in dynamic and potentially dangerous situations. It is my job, and that of my office, to faithfully conduct a neutral and objective inquiry into questionable police conduct that has come to our attention through a public complaint or from a police department.

An annual report looks back at achievements of the past year but also considers what lies ahead. I am grateful to past commissioners for their work in making the Office of the Police Complaint Commissioner (OPCC) a gold standard in police oversight and well situated to take on future challenges. Given that my predecessor, Clayton Pecknold, led the OPCC for almost all of 2023/2024, I asked him for his reflections. Former Commissioner Pecknold kindly provided me with the following:

Fiscal year 2023/2024 continued the uncertainty brought by the transition of the City of Surrey from an RCMP policing model to a municipal model. Planning within the OPCC had been underway for several years prior and has been the basis for several funding requests. The Surrey Police Board was appointed in 2020 and began recruiting and hiring municipal police officers, which consequently engaged the jurisdiction of the OPCC in efforts to ensure we were prepared.

Organisationally, beyond the day-to-day mandate and the Surrey transition and its impacts, our focus was on continued health and wellness of staff coming out of reverberations of the pandemic and the increasing stress associated with workloads. Initiatives included internal engagement and strategic planning work continued from 2022, the Case Tracking System, and the planning for and execution of the physical relocation of our head office in the early summer 2023.

As we neared Fall 2023, we continued our engagement with government on Police Act amendments, both short term and medium term. For example, staff and I were heavily engaged in advocacy since the 2019 Special Committee report in support of granting both systemic powers and enhanced public hearing powers to the OPCC. In Spring 2024, the government passed these amendments along with a host of other measures that should improve the municipal policing discipline process.

“I have had many conversations with interest holders who have expressed a shared commitment to an independent, fair, and impartial oversight system that genuinely listens to the voices of those impacted and seeks to ensure public trust in policing.”

In addition, I met with the consultants hired for engagement on future long-term reform of the provincial oversight model and provided insight into the complex considerations and interplay between the various mandates (see last year’s Annual Report).

Finally, as this was the last year of my five-year term and the Legislature was engaged in a search process, my focus in the last quarter of the year was on ensuring staff health and morale in the face of continued change. As well, an equal focus was to ensure the organisation was prepared for continuity and delivery of mandate while the new PCC assumed the role. I believe the office was well poised for the transition and ready for the challenges ahead.

The Police Act was amended in April 2024 to provide additional powers to the OPCC. My office is now able to investigate systemic causes of complaints and systemic problems with the discipline process, potentially resulting in recommendations for change that might prevent future police misconduct. I strongly believe that it is in the public interest to identify issues proactively rather than simply reacting to issues after they occur.

The OPCC has been given broader statutory authority to improve the accessibility and experiences with the complaints system. I am currently engaged in extensive community and policing outreach to better understand any challenges in the OPCC’s process and in the awareness and perception of my office. This includes meetings with Indigenous communities and leadership, support agencies, advocacy groups, police departments, and police associations. It is critical that we make the work of the OPCC more transparent while also ensuring that we understand the unique barriers faced by those in society who are vulnerable and marginalized.

While it is an important part of our mandate to process complaints and oversee investigations, we must also improve and prioritize our ability to resolve matters without requiring a lengthy investigative and decision-making process. I am focused on designing a conciliation-based approach that leads to earlier, accountable outcomes while also improving relations and trust between communities and their police departments.

I accept the existence of systemic racism in the justice system, as it impacts Indigenous Peoples and racialized communities in British Columbia. The OPCC is a product of this system. I am supportive of institutional changes that will make the police oversight system more responsive to the distinct experiences of vulnerable groups who wish to access our process in culturally relevant and safe manners.

I further acknowledge the harmful and ongoing impacts of colonialism on Indigenous Peoples. This must be a starting point in truly understanding and working towards ameliorating the relationship between the police and Indigenous Peoples. The OPCC is committed to ongoing learning in its journey towards

I am thankful for the dedication, expertise, and passion of the excellent staff working at the OPCC. I am looking forward to the OPCC’s journey and the evolution of civilian oversight in this province.



Prabhu Rajan
Police Complaint Commissioner



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.

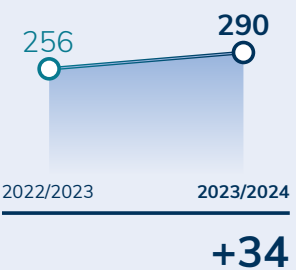
In 2023/2024, the OPCC opened 1,488 files. This is a decrease of 30 from last year. Most of these files are police complaints, which are opened when the OPCC receives a complaint from a member of the public about a police officer's behaviour.



Police Complaints Received

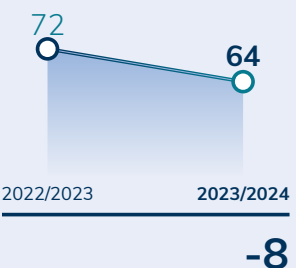
The public can file complaints about a police officer's conduct or actions. The OPCC reviews all complaints to determine whether there will be an investigation. All investigations are conducted by the police under the oversight of the OPCC.

In 2023/2024, the OPCC received 685 complaints from the public about police officer conduct, a decrease of 21 from last year.



Police Complaints – Total Assigned for Investigation or Resolution Attempt

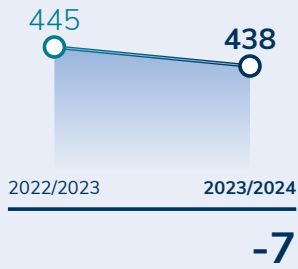
In 2023/2024, the OPCC assigned a total of 290 admissible police complaints to investigation or resolution—an increase of 34 from last year.



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.

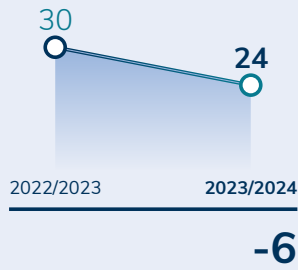
In 2023/2024, the Commissioner initiated 64 investigations into police officer conduct, a decrease of 8 from last year. A total of 45 of these investigations were requested by the involved police department.



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 2023/2024, the OPCC received 438 reportable injury notifications, a decrease of 7 from last year. Of those injuries, a significant number of injuries resulted from less-lethal firearms (ARWEN and bean bag shotguns), empty-hand techniques, and dog bites.



Mandatory 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.

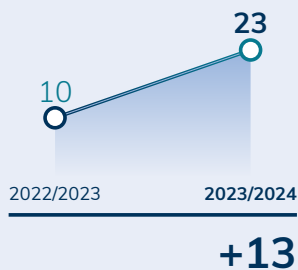
In 2023/2024, the OPCC ordered 24 serious harm investigations, a decrease of 6 from last year.



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 2023/2024, the OPCC disagreed with the decision of a senior officer and appointed a retired judge in 15 matters, a decrease of 1 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 2023/2024, the OPCC received 23 complaints about the policies or services being provided at a police department, an increase of 13 from last year.



Recommendations Made to Police Board or Director of Police Services

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

In 2023/2024, the Commissioner made recommendations on seven matters to police boards. Examples of recommendations included use of force reporting, workplace culture, sudden death investigations, and police interactions with persons in vulnerable circumstances.

ABOUT OUR WORK:

Advancing Public Confidence and Trust in Policing

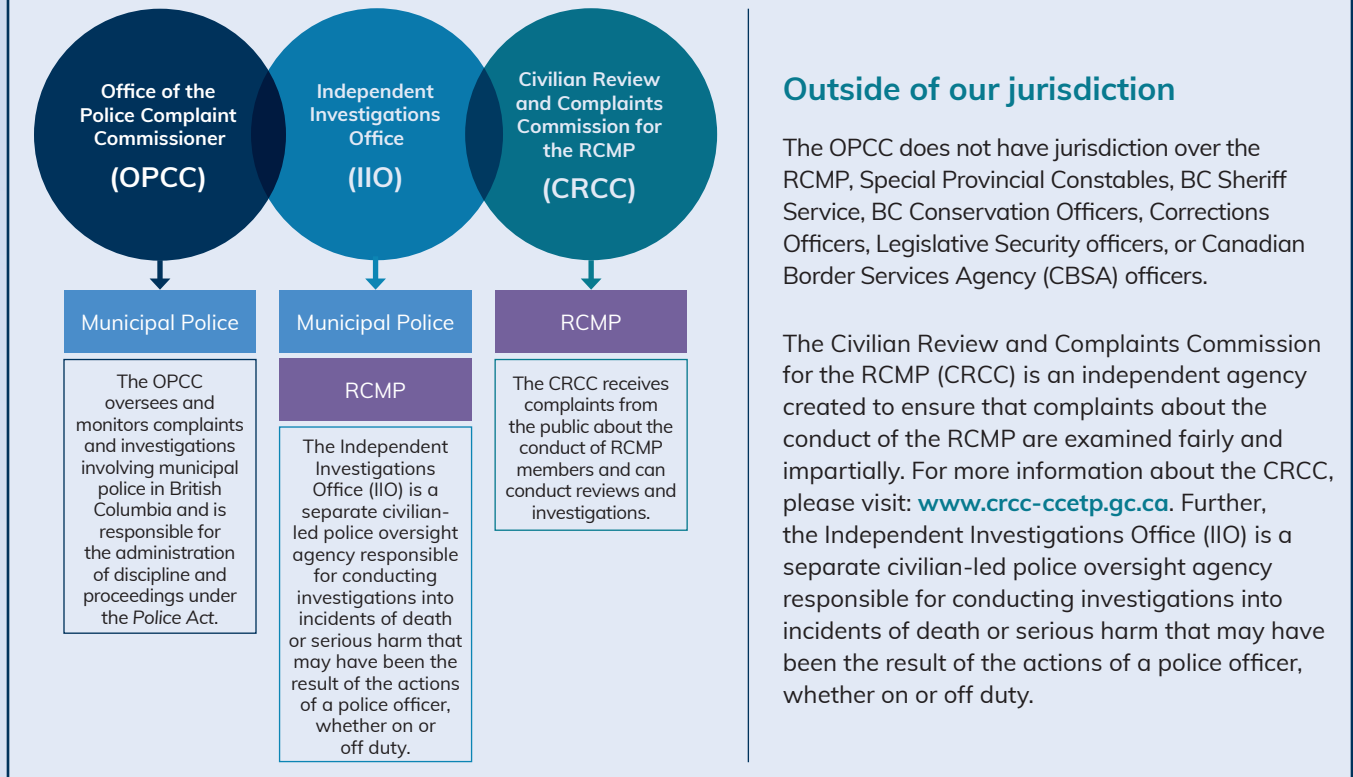
Who We Are

The 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.

Our Purpose

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

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 (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.

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.

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.
- Refer matters for independent adjudicative review.
- Refer matters to Crown Counsel for consideration of prosecution, when appropriate.

Transparency

- Maintain records of all police complaints¹ 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

- Engage public organizations and policing interest holders and provide education on the police complaint process.
- Inform on the benefits of dispute resolution processes.
- Identify and address barriers to the police complaint process through outreach efforts.

¹ Of note, previous OPCC annual reports have included references to "registered complaints"; this term has been replaced by "police complaints".

Prevention and Systemic Responses

- Make recommendations to police boards or to government to address policies, practices, or systemic issues identified in the complaint process.

Independence

- Neutrally assist any participant in the police complaint process, including complainants, police officers, Discipline Authorities, police boards, and adjudicators appointed under the *Police Act*.

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 diverse experience and expertise, including law, regulatory fields, policing, criminology, public administration, social policy, client service, communications, business analysis, and academia, and who believe in the fundamental importance of civilian oversight of the police complaints process.

Our intake service is typically the public's first point of contact with the OPCC. They help people understand the process and connect complainants who are seeking assistance in navigating the process with support agencies.

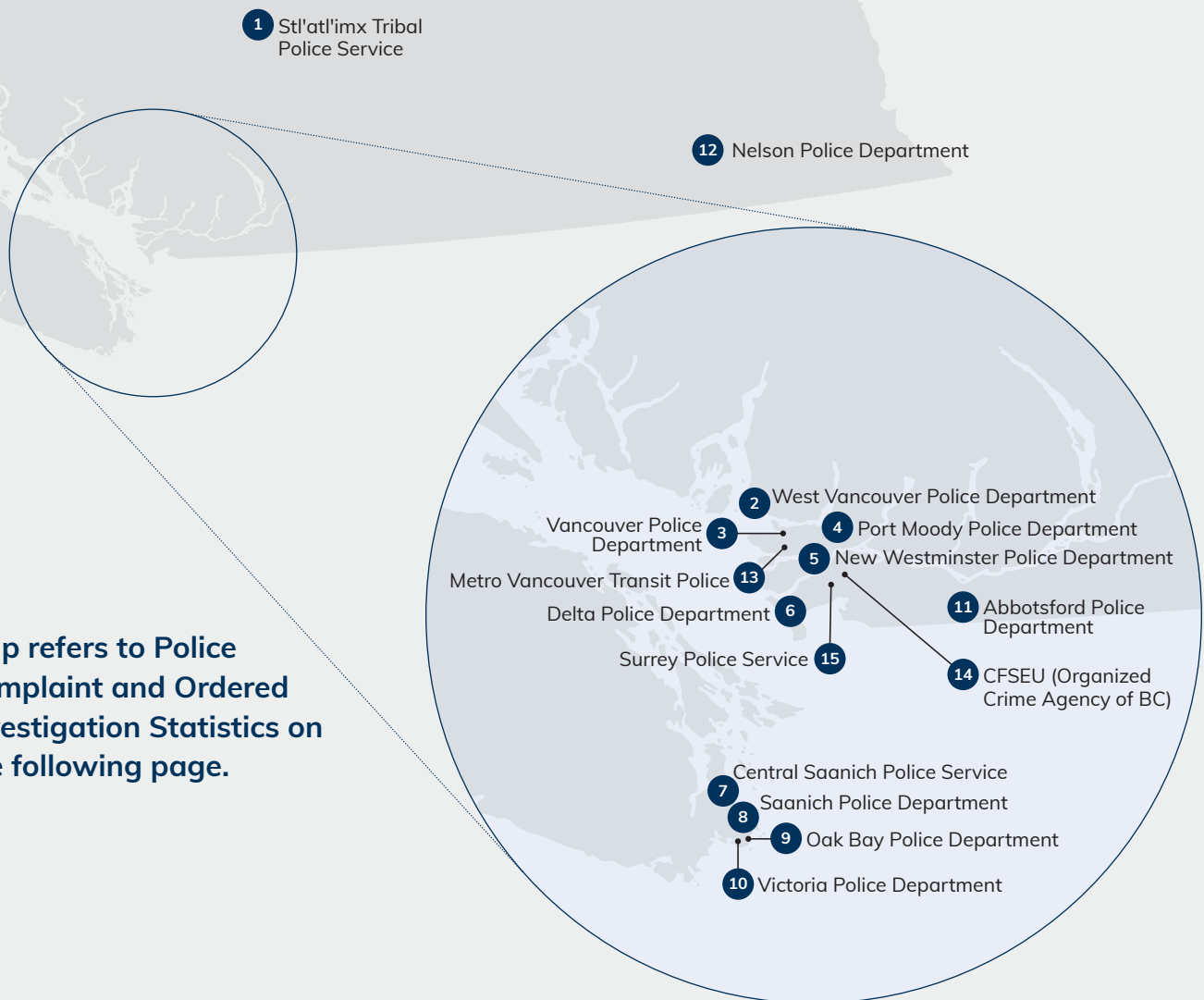
Our "No Wrong Door" approach means that even when the complaint falls outside of our jurisdiction, our intake team helps complainants find the appropriate avenue for redress. This prevents complainants getting discouraged when submitting a complaint that requires additional administrative steps. Last year, 286 enquiries were redirected by our skilled and compassionate front-line staff, of which 152 were related to the RCMP.

Once a complaint has been initiated, our team of analysts works to ensure that the *Police Act* and its associated processes are followed correctly. Our staff have a comprehensive understanding of the *Police Act* and the discipline process, as well as policing practices, policies and procedures. [For more, see Staffing and Budget, page 56]

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 that follows, 12 municipal police departments fall under our jurisdiction, as well as the Metro Vancouver Transit Police, Stl'at'imx Tribal Police Service, and the CFSEU (Organized Crime Agency of British Columbia).



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

Police Complaint and Ordered Investigation Statistics by Department (2023/2024)

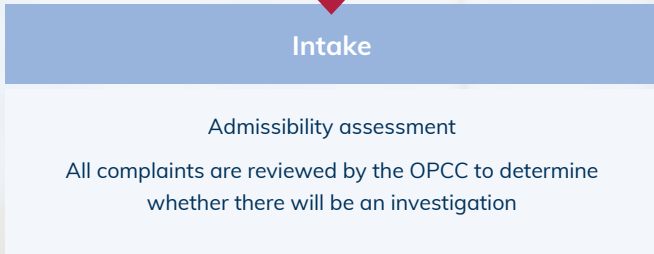
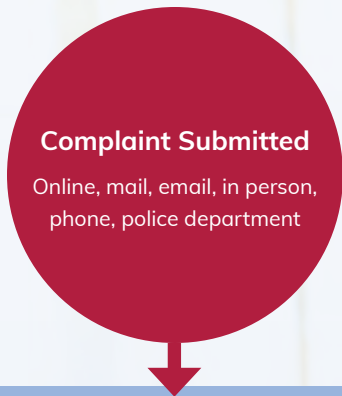
1	Stl'atl'imx Tribal Police Service	
	POLICE COMPLAINTS	4 ↓
	ORDERED INVESTIGATIONS	3 ↑
2	West Vancouver Police Department	
	POLICE COMPLAINTS	11 ↑
	ORDERED INVESTIGATIONS	1 ↓
3	Vancouver Police Department	
	POLICE COMPLAINTS	306 ↓
	ORDERED INVESTIGATIONS	30 ↓
4	Port Moody Police Department	
	POLICE COMPLAINTS	13 ↓
	ORDERED INVESTIGATIONS	0 ↓
5	New Westminster Police Department	
	POLICE COMPLAINTS	19 ↓
	ORDERED INVESTIGATIONS	2 →
6	Delta Police Department	
	POLICE COMPLAINTS	26 ↑
	ORDERED INVESTIGATIONS	1 ↓
7	Central Saanich Police Service	
	POLICE COMPLAINTS	5 ↓
	ORDERED INVESTIGATIONS	1 ↑
8	Saanich Police Department	
	POLICE COMPLAINTS	36 ↑
	ORDERED INVESTIGATIONS	1 ↑
9	Oak Bay Police Department	
	POLICE COMPLAINTS	1 ↓
	ORDERED INVESTIGATIONS	0 →
10	Victoria Police Department	
	POLICE COMPLAINTS	68 ↓
	ORDERED INVESTIGATIONS	5 ↓
11	Abbotsford Police Department	
	POLICE COMPLAINTS	69 ↑
	ORDERED INVESTIGATIONS	5 ↓
12	Nelson Police Department	
	POLICE COMPLAINTS	9 ↑
	ORDERED INVESTIGATIONS	1 ↓
13	Metro Vancouver Transit Police	
	POLICE COMPLAINTS	23 ↓
	ORDERED INVESTIGATIONS	3 ↓
14	CFSEU (Organized Crime Agency of BC)	
	POLICE COMPLAINTS	1 ↓
	ORDERED INVESTIGATIONS	0 ↓
15	Surrey Police Service	
	POLICE COMPLAINTS	83 ↑
	ORDERED INVESTIGATIONS	9 ↑

↑ INCREASE FROM 2022/2023

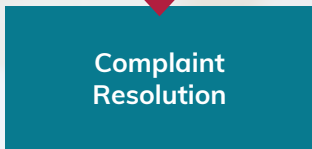
→ NO CHANGE FROM 2022/2023

↓ DECREASE FROM 2022/2023

How We Work



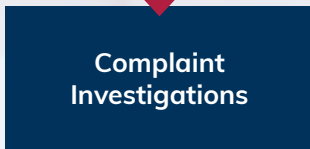
A Discipline Authority is generally a senior ranking police officer who is required to make a determination regarding the investigation and discipline of police officers alleged to have committed misconduct.



Method for parties to resolve a complaint. Involves the participation of a complainant and the police officer in arriving at a meaningful resolution of the complaint.

For a complaint to be admissible, it must contain three criteria:

- An allegation of police misconduct as defined under section 77 of the Police Act.
- It must be filed within one year of when the incident occurred (unless the Police Complaint Commissioner grants an extension).
- It must not be frivolous or vexatious.

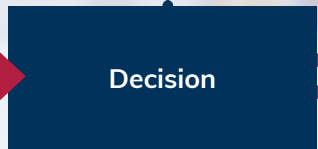


Completed by police with civilian oversight by the OPCC.

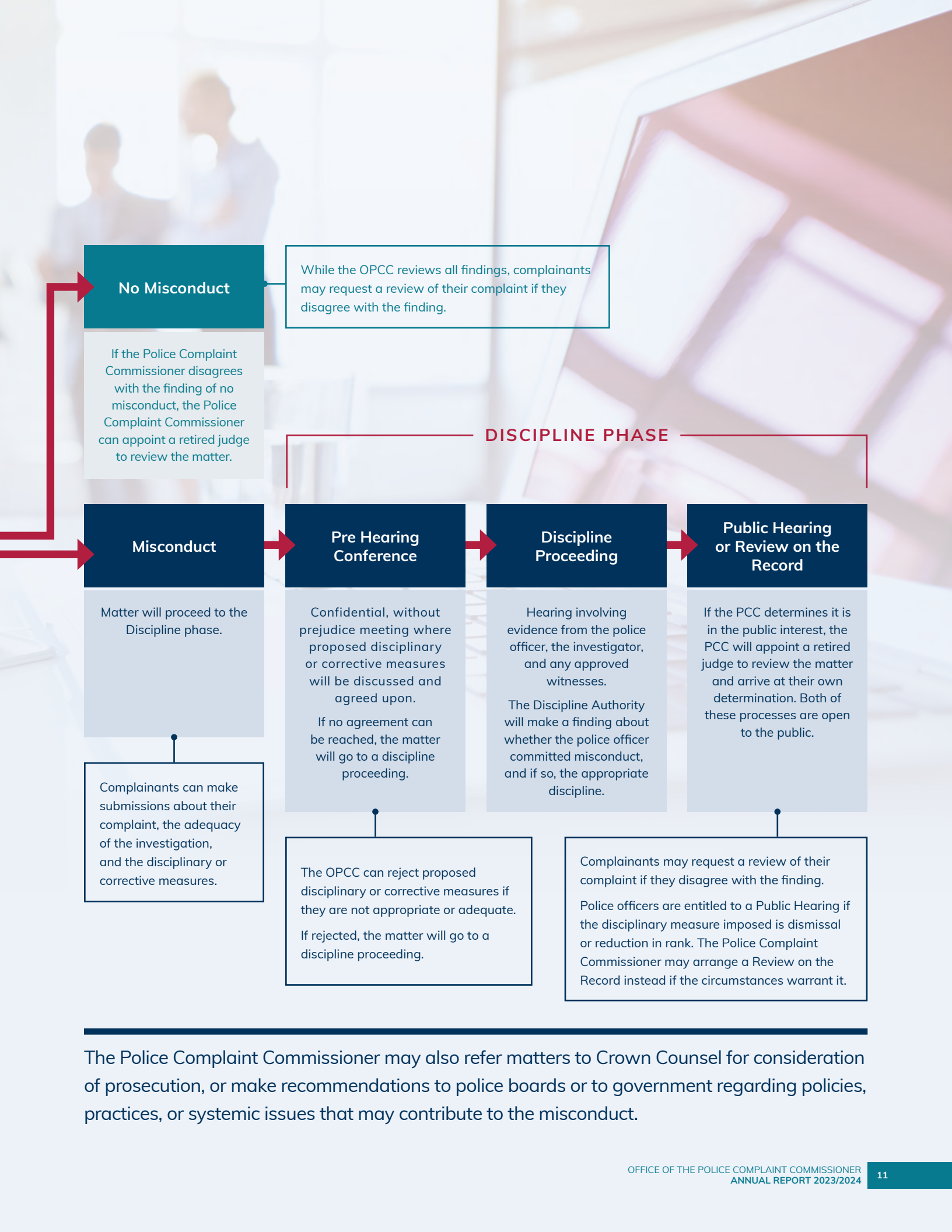
The OPCC actively reviews investigations and can provide advice or direction on required investigative steps to ensure investigations are thorough. The PCC can appoint external police agencies to investigate complaints. The PCC can initiate investigations without a complaint. Investigations must be completed within six months unless the OPCC extends the deadline.



Report containing all investigative materials. Reviewed by OPCC to ensure the investigation is thorough and complete.



Discipline Authority will determine whether there is the appearance a police officer committed misconduct.



No Misconduct

If the Police Complaint Commissioner disagrees with the finding of no misconduct, the Police Complaint Commissioner can appoint a retired judge to review the matter.

While the OPCC reviews all findings, complainants may request a review of their complaint if they disagree with the finding.

DISCIPLINE PHASE

Misconduct

Matter will proceed to the Discipline phase.

Complainants can make submissions about their complaint, the adequacy of the investigation, and the disciplinary or corrective measures.

Pre Hearing Conference

Confidential, without prejudice meeting where proposed disciplinary or corrective measures will be discussed and agreed upon.
If no agreement can be reached, the matter will go to a discipline proceeding.

The OPCC can reject proposed disciplinary or corrective measures if they are not appropriate or adequate.
If rejected, the matter will go to a discipline proceeding.

Discipline Proceeding

Hearing involving evidence from the police officer, the investigator, and any approved witnesses.
The Discipline Authority will make a finding about whether the police officer committed misconduct, and if so, the appropriate discipline.

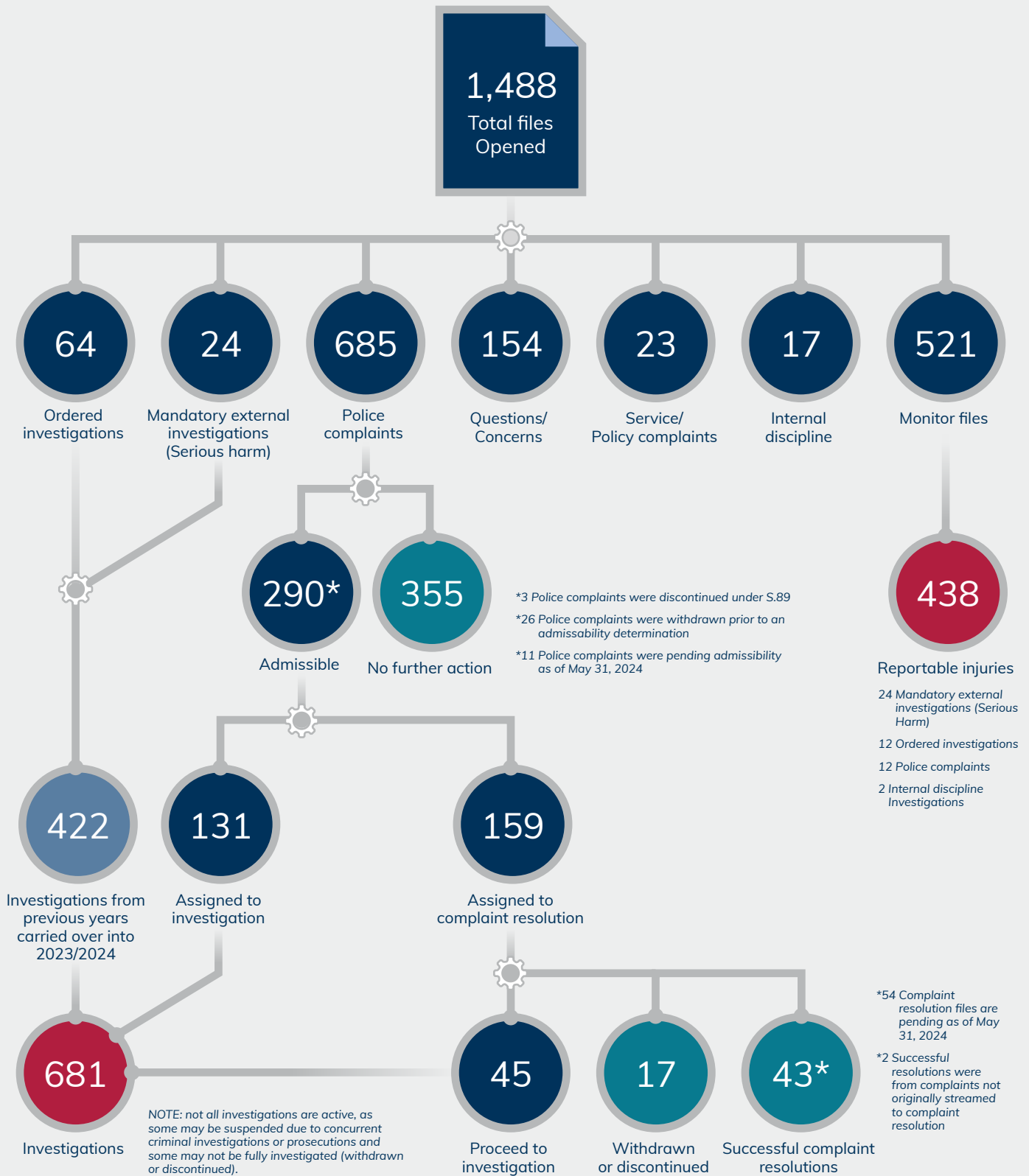
Complainants may request a review of their complaint if they disagree with the finding.
Police officers are entitled to a Public Hearing if the disciplinary measure imposed is dismissal or reduction in rank. The Police Complaint Commissioner may arrange a Review on the Record instead if the circumstances warrant it.

Public Hearing or Review on the Record

If the PCC determines it is in the public interest, the PCC will appoint a retired judge to review the matter and arrive at their own determination. Both of these processes are open to the public.

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 2023/2024: Intake, Assessment, and Investigation



Supporting and Seeking Reconciliation with Indigenous Peoples

The OPCC's work in police accountability and oversight is inherently connected to Canada's legacy of colonialism and the historical traumas between police and Indigenous Peoples, communities and way of life. The OPCC is committed to recognizing and understanding the historical and ongoing wrongs committed against Indigenous Peoples and the legacy of colonialism, and valuing the resilience of Indigenous cultures and communities.

The OPCC's commitment to lasting and meaningful truth and reconciliation is implemented within the framework of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Calls to Action (TRC), the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA). This includes understanding, acknowledging, and addressing our role in historic and ongoing colonial practices, deepening our relationships with Indigenous communities, and undertaking an anti-racism approach to all facets of our work.

We are committed to these efforts but acknowledge that we have much work to do in developing and sustaining trust and positive relationships with Indigenous Peoples, leadership, organizations, and communities. We continue to prioritize a multi-year project aimed at improving

our Office's responsiveness to the needs of Indigenous Peoples. This past year we received findings from an external consultant supporting our Indigenous Accessibility Project, which identified key learnings from participants. These included opportunities to build better, trusting relationships, such as:

- Collaborating with Indigenous communities at a formal level (e.g., advisory groups);
- Investing in relationship-building exercises with Indigenous communities, organizations, and staff;
- Substantively increasing outreach in community to promote services and accessibility;
- Articulating the values of compassion and care to all complainants in the process;
- Developing accessible public education materials; and
- Addressing over-reliance on mandated forms.

Looking ahead, the Commissioner will be leading more outreach and engagement in 2024/25 with a focus on relationship building with Indigenous leadership groups and support agencies to benefit from their knowledge, expertise, and insight. We are committed to building meaningful relationships and hearing the voices of those affected by potential policing misconduct and the unique issues faced by Indigenous community members. This outreach will also include Indigenous leadership in Surrey as the community approaches the final stages of the transition from the RCMP to the Surrey Police Service.



OPCC's Reconciliation Journey



Our Office is committed to performing its mandate with cultural awareness, sensitivity, and agility, and to strengthen an accessible and culturally safe police complaint process for diverse Indigenous community members. Over the last few years, we have had the privilege of working with an Indigenous Cultural Safety Advisor who participates on appropriate investigative files to provide staff with expertise and advice so we can better oversee investigations and communicate with Indigenous complainants to ensure we are not causing further harm. Our Advisor has also led workshops with staff at all levels, with a dedicated session on Foundational Understandings of Indigenous Cultural Safety and Humility held during 2023/2024.

OPCC leadership is also committed to ongoing Indigenous cultural safety training for all OPCC staff, including mandatory San'yas Anti-Racism Indigenous Cultural Safety Training: Justice course through Indigenous Health and the Provincial Health Services Authority, as well as the Using a Trauma-Informed Approach course through the Canadian Police Knowledge Network.

In previous reporting periods, staff received presentations from the Native Courtworker and Counselling Association of BC, the BC Aboriginal Network on Disability Society (BCANDS), and the BC Family Information Liaison Unit. This past year, the OPCC was also involved in the Law Society of BC Indigenous Engagement in Regulatory Matters Task Force consultation.

We also arranged and participated in a Complaint Resolution Workshop with police agencies and an Indigenous facilitator that included a presentation on Indigenous culture, understanding the roots of the unique relations between police and Indigenous peoples, and Restorative Peace Circles in resolving complaints.

During the annual National Day for Truth and Reconciliation, we took the opportunity to acknowledge the truth of residential schools and their damaging legacy that erased many facets of Indigenous culture, resulted in the deaths of thousands of Indigenous children, and caused intergenerational harm to survivors, their families, and communities. For our Victoria staff, this included learning about the local culture and practices of the Lək̓ʷəŋən peoples at the historic Mungo Martin House located in Thunderbird Park. For our staff on the Lower Mainland, this included attending a First Nations Cultural Program on Grouse Mountain to honour the resilience of Indigenous Peoples.

We are also committed to diversifying the OPCC so that we are representative of the communities we serve, including posting career opportunities on Indigenous job boards. We acknowledge that we must do better in accessing, identifying, and hiring qualified Indigenous staff while also ensuring a culturally safe and welcoming workplace for Indigenous staff.

Outreach and Education



Fulfilling our mandate means working to make the municipal complaint process accessible and understandable for all the residents we serve, including the most vulnerable and marginalized groups in our society. To support our accessibility efforts, we engage with agencies who support people from diverse communities and populations, advocacy groups, and public sector organizations to listen and learn about barriers individuals face due to factors including language, gender, sexual orientation, age, race, disability, and/or socioeconomics.

Community Engagement

In the past year, outreach and education efforts have focused on connecting with community-based organizations throughout our geographic oversight areas to assist complainants who face language, identity, newcomer status, age, disability, and other barriers in navigating the police complaint process. OPCC staff connected with more than 50 support agencies, of which nearly half are new to working with the OPCC, to increase awareness of municipal police oversight. We met with these agencies online or in person on 25 occasions, with 20 of the organizations expressing interest in their staff and volunteers receiving further training on municipal police oversight. This is part of our goal to continue growing our support agency network and we remain committed to establishing more relationships in the future.

OPCC staff have also participated in conferences and events such as the “Access to Justice” information sessions at Camosun College in Victoria, and regular informational seminars on the police complaint process for students in the University of Victoria’s Faculty of Law.

We have also been updating and translating key OPCC communication materials to educate and engage with the multilingual communities we serve. Surveys and consultations with multicultural agencies have confirmed that language translations are the most important step to engaging with communities where English is a second language and/or members of the community may be reluctant to exercise their legal rights. We expanded our translated complaint forms to include Hindi, Filipino, Spanish, Urdu, and French. General information and complaint resolution brochures used in outreach and education have also been translated into a total of 13 languages including Hindi, Persian, Filipino, Spanish, French, Korean, Somali, Vietnamese, Arabic, Punjabi, Urdu, Traditional Chinese, and Simplified Chinese. These translated materials are available on our website and have been distributed to municipal police departments and community-based support agencies.

Outreach and Education

Support Agency Assistance

Our Intake team offers complainant support in areas such as documenting complaints, facilitating connections with community-based supports, and providing referrals to specialized resources and information for all complainants.

In the past year, Intake and Outreach staff made 30 direct connections between complainants and community law clinics, organizations serving women experiencing gendered violence, newcomers, seniors, Indigenous service providers in urban areas, youth, people with AIDS, and people with disabilities. These agencies met the evolving needs of their clients by providing support in activities including filing their police complaints, providing language support, attending meetings, providing emotional support, and preparing written submissions at various stages of the process on behalf of complainants.

In 2023/2024, many of the community agencies listed provided either information or direct assistance to those seeking to access the police complaint process. We recognize that staff and volunteers of these organizations respond to requests for their help and expertise, and we are grateful for their contributions:

- Archway Community Services
- Atira Women's Society
- Battered Women's Support Services (BWSS)
- British Columbia Aboriginal Network on Disability Society
- Family Information Liaison Unit (FILU)
- HIM Health Initiative for Men
- Inclusion BC
- Keeping Families Together
- Law Students' Legal Advice Program (Vancouver)
- Men's Therapy Centre
- MOSAIC BC
- Native Courtworker and Counselling Association of BC
- Nelson Cares Society – the Advocacy Centre
- Ribbon Community (formerly AIDS Vancouver)
- RISE Women's Legal Centre
- The Law Centre (Victoria)
- Victoria Brain Injury Society
- Victoria Sexual Assault Centre
- Salal Connect – Sexual Violence Support Centre (Formerly WAVAW)
- Surrey Women's Centre
- Vancouver Women's Health Collective



Click here to go to the OPCC website for a list of support agencies. Please note, not all agencies in the support agency network are found on this list.



Government Engagement

The OPCC engaged in consultations with the Province regarding potential amendments to the *Police Act*, improvements to the complaint process, and addressing system-based barriers. Ultimately, the Act was amended to provide a new authority for the Commissioner to self-initiate systemic investigations, call a Public Hearing earlier in the process, and make binding procedures to improve timeliness, efficiency, and effectiveness of the complaints process, including discipline proceedings. For more information, please refer to the Reform of the *Police Act* information on page 42.

We also heard from the Province on initiatives that may impact the complaints process including at that time, decriminalization of personal possession of some drugs under the federal *Controlled Drugs and Substances Act*, and the use of police body-worn cameras amongst some police agencies in BC.

The OPCC continues to participate on the Advisory Committee on Provincial Policing Standards and the Provincial Committee on Diversity and Policing.

OPCC Professional Development

OPCC staff have received dedicated training in anti-racism, mental health awareness, and other topics. This included learning from a community leader on the importance of diversity, inclusion, and anti-racism in the context of policing and the oversight of police complaints. The Canadian Mental Health Association (CMHA) presented on mental health awareness related to complainants as well as wellness for our staff. We learned from Vancouver Police Department representatives about their partnership with mental health professionals and the Car 87 — Mental Health Car, as well as from Health IM™ representatives on their digital risk assessment system that police may use when responding to urgent mental health calls for service.

Surrey Police Model Transition

On November 30, 2021, the first cohort of 50 Surrey Police Service (SPS) officers began operational deployment with the Surrey RCMP municipal police unit, and as of March 2024, SPS had over 350 sworn police officers. On July 19, 2023, the Minister of Public Safety and Solicitor General made the decision under section 2 of the *Police Act* that the transition from the RCMP to the SPS would continue. In October 2023, Bill 36, the *Police Amendment Act, 2023*, received Royal Assent and added a mechanism to appoint one or more “administrators” to oversee the transition of the policing model in the City of Surrey. The Provincial Government subsequently suspended the Surrey Police Board and appointed an administrator.

Service and policy complaints from members of the public are an important accountability mechanism within the overall accountability framework for municipal police in British Columbia, and the obligations to receive or handle public complaints as well as other requirements under the *Police Act* were extended from the Surrey Police Board to the appointed administrator during the transition.

While the RCMP continued as the police of jurisdiction in Surrey throughout 2023/2024, our office continued to respond to complaints regarding the SPS, as SPS officers were deployed to work alongside RCMP officers. This included a total of 163 files opened, and 83 police complaints directed at members of the SPS between April 1, 2023, and March 31, 2024.

On April 23, 2024, the Minister of Public Safety and Solicitor General announced that the SPS will officially become the police of jurisdiction in the City of Surrey on November 29, 2024. On this date, the SPS will take over from the RCMP and be responsible for policing and law enforcement in that municipality. The RCMP will continue to remain active in Surrey, providing support to the SPS until the transition is completed, with both agencies working together under a temporary operational co-operation and assistance arrangement. The full transition is targeted to be completed in late 2026.

For more information about the implementation and civilian oversight of the Surrey Police Service see <https://www.surreypolice.ca/>.

Our Work in Surrey

The OPCC has met with SPS leadership and continues to plan for oversight of a fully authorized policing strength of 785 officers. The OPCC will await news from the Provincial Government on the status of the administrator and suspended Surrey Police Board. The OPCC will be reaching out to various community leaders and organizations in Surrey to benefit from their knowledge, expertise, and insight. Work is already underway in this area. We are committed to hearing the voices of those affected by potential policing misconduct and the unique issues faced by Surrey community members.





Why Our Work Matters

Public interest demands robust, vigilant, and independent oversight

Police officers have tremendous powers in society and the public understandably expects 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. It is in the public interest to ensure that police are held to a high standard of external, civilian accountability; such oversight has a positive impact on public confidence and trust in policing.

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 dual role remains a vital part of the police oversight framework in British Columbia.

Over the next several pages, we share key themes 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 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; and
- 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

Difficulties of Police Work – Serious Incident Response

Issue

The public's right to transparency and justice necessitates a comprehensive review of any incident involving police that results in death or serious injury. On a case-by-case basis, such scrutiny is essential in ensuring that the actions of law enforcement are necessary, proportional, and lawful. Additionally, reviewing the actions of law enforcement also serves the larger purpose of upholding accountability and public confidence in policing. To address this need, the *Police Act* stipulates that any instance of police-involved “death or serious harm” be investigated. In cases where the investigation reveals misconduct or neglect there is accountability under the *Police Act* including disciplinary and corrective measures. The review may also conclude that police acted within the bounds of the law and followed proper procedures, thereby affirming the appropriateness of their actions.

Background

Police work is an inherently challenging profession that can include involvement in volatile, dangerous and unpredictable situations where split-second decisions may have profound consequences.

The dynamic nature of such incidents requires police to remain consistently alert, adaptable, and ready to respond effectively to rapidly changing circumstances. Police must consider the need to enforce the law and protect public safety with maintaining public trust and confidence.

Various police departments have emergency response teams (ERT) that respond to dangerous and high-risk incidents. These teams are called upon to handle situations involving armed suspects, hostage situations, bomb threats, and other complex emergencies in which conventional police responses may not suffice. Members on these teams may also act as crisis negotiators and employ advanced communication techniques to de-escalate volatile situations with the goal of resolving matters peacefully.

ERT responses and interventions are often carried out in rapidly evolving and dangerous circumstances, where members must weigh the need to resolve situations safely while minimizing risk to civilians, officers and suspects. Given the nature of this work, the potential for unwanted outcomes, such as death or serious injury, is heightened.

Applicable Law

The BC *Police Act* mandates specific procedures to be followed in the event of a police-involved death or serious injury. In these cases, an investigation is typically conducted by the Independent Investigations Office (IIO) to assess whether any member involved may have committed a criminal offence.

In addition to the investigation undertaken by the IIO, a separate administrative investigation is conducted under the oversight of the OPCC. This review does not consider whether a criminal offence has occurred but instead evaluates the actions of the member(s) involved to determine whether their conduct adhered to established policies, procedures and training. It also assesses whether the actions of police amount to professional misconduct and require the taking of disciplinary or corrective measures.

Case Study

Members of Saanich Police Department responded to an armed robbery in progress at a bank located in Saanich, British Columbia. The two suspects involved were reported to have entered the bank wearing balaclavas and body armour and carrying high powered rifles. Patrol members first attended and encountered the two suspects outside of the bank; commands were given for the suspects to surrender. The Greater Victoria Emergency Response Team (GVERT) which included members from both the Saanich and Victoria Police Departments, were nearby and responded promptly.



As the GVERT vehicle approached the scene, the suspects fired multiple rounds at police and their vehicle in quick succession. The police returned fire and issued commands to stop but the suspects continued firing at police. To ensure public safety, officers continued to engage the suspects until they no longer presented any threat. The gunfire lasted approximately 25 seconds. The two suspects succumbed to their injuries at the scene. Additionally, six officers were shot on scene, with some obtaining significant injuries. Fortunately, and in large part due to the decisive and professional response of police, no members of the public received any injuries during this incident.

The IIO assessed the force used by police and concluded that there were not reasonable grounds to believe that a member had committed an offence, and therefore did not refer the matter to Crown Counsel for consideration of charges.

The *Police Act* investigation highlighted the exemplary efforts of the police. It revealed how members from various departments and units, including GVERT, general duty officers, and off-duty members, rapidly and effectively mobilized in response to the incident. From the time members were dispatched, to the time the threat was neutralized was a span of just 14 minutes and 33 seconds. During this period, members formulated and coordinated an operational plan, exercised quick and precise decision-making and demonstrated adaptability and responsiveness.

The force utilized by members was deemed to be in accordance with departmental policy, demonstrating the strategic and procedural integrity of their response. Here, members followed the “priorities of life” hierarchy, which emphasizes the safety of 1) hostages or civilians 2) police and 3) suspects. Members made the quick decision to challenge the suspects, prioritizing public safety before their own. Furthermore, the members undertook a thorough decision-making process before discharging their firearms, ensuring that every action was justified.

We further note that after the threat diminished, ERT members acted quickly and provided crucial and critical medical attention to their colleagues and the suspects, to attempt to limit the severity of injuries. This prompt response not only underscores their medical training but also highlights their ability to act swiftly and effectively under pressure.

Conclusion

The ability to handle such high-pressure situations with precision highlights the inherent challenges of police work, revealing the difficult decisions and actions required to protect both the community and their colleagues. While police may face many difficulties and dynamic circumstances in their role, it is imperative that police interactions involving death or serious harm are reviewed to ensure that officers’ actions align with established policies and procedures. Rigorously examining such matters upholds public trust but also ensures that police practices are fair, which ultimately supports the broader goal of ensuring effective and responsible policing.

Restorative Healing Circles

Issue

An OPCC focus is the mistreatment of Indigenous Peoples who have and continue to experience marginalization by the justice system, including police. The OPCC is also a part of this system and must continue to improve accessibility to its services to those who are disproportionately impacted by systemic biases.

Within the police complaint process, mechanisms are in place to address individual and cultural needs. One such way is through Alternative Dispute Resolution (ADR), which provides an opportunity to resolve disputes in a manner that is both inclusive and sensitive to diverse backgrounds. Through ADR, police departments can work towards fostering trust with communities and promoting equitable policing, while also ensuring that individuals are treated with dignity and fairness regardless of their background.

Background

When filing a complaint against a municipal police officer, the complainant can choose to resolve the issue through ADR. ADR allows complainants to actively participate in resolving their complaint, working directly with the police involved to reach a meaningful agreement. This process can lead to more satisfactory outcomes by enabling engagement and individual perspectives. ADR provides the opportunity for individuals to share their concerns and provide direct input in a neutral setting. This opportunity for open and honest communication also aids in breaking down barriers and strengthens the relationship between police officers and the communities they serve.

We recognize that complainants may have diverse needs, and to better support these needs, the ADR process can incorporate culturally relevant practices or protocols. This adaptability ensures that the resolution process is more inclusive and sensitive to the unique backgrounds and circumstances of each individual, enhancing the overall effectiveness and satisfaction with the process.

To better support Indigenous complainants, the Vancouver Police Department (VPD) has been actively working to create culturally relevant resolutions for appropriate complaints. Aligned with ADR principles, the VPD has introduced Indigenous Healing Circles as a restorative approach to complaint resolution. While this is an initiative developed by the VPD, the OPCC has been fully supportive and have worked collaboratively to ensure that all Police Act requirements are met and satisfied.

Healing Circles are a deeply respected traditional method of complaint resolution within Indigenous communities, known for their ability to address conflicts and harms in a supportive, respectful environment. This process gathers individuals as equals to discuss perceived harms, needs, obligations, and necessary engagements, with the aim of fostering positive relationships and accountability within the community.

Case Study

This case involves an Indigenous family who were not provided culturally safe mechanisms and felt dismissed by police during a criminal investigation.

The OPCC reviewed the complaint and found it was suitable for an ADR attempt through VPD's Restorative Complaint Resolution process.

A Healing Circle ceremony was facilitated by an Indigenous mediator and cultural guide. Prior to the ceremony, the investigator appeared to be open to learning about Indigenous protocols and was receptive to the complainant's advice and feedback on how to conduct the ceremony. Present at the ceremony were the involved parties, an Indigenous elder, the respondent member's union representative, and the investigator assigned to the Police Act file.



The specifics of what was discussed within the circle will not be discussed in order to respect the private and sacred nature of the Healing Circle. We can note that the incident leading to the complaint was discussed in detail, and that each participant had the opportunity to bring forward their concerns. At the end of the Healing Circle, participants advised that they were each satisfied that the matter had been addressed.

Following this process, the OPCC contacted the complainant to obtain feedback about the process. The complainant noted that the ceremony was meaningful, she felt heard, and the respondent member was open to her perspective and demonstrated a willingness to learn from the experience.

The resolution agreement was reviewed and accepted by the OPCC, and the file was subsequently successfully resolved.

Conclusion

This file highlights the use of ADR, in particular restorative Healing Circles, and underscores their significant benefits, particularly when addressing the need to rebuild community trust in police. ADR offers a collaborative and inclusive approach to resolving conflicts, allowing all parties involved—complainants and police members alike—to engage in open dialogue, with the goal of achieving a mutual understanding.

For complainants, ADR can provide a platform for their voices to be heard and their concerns to be addressed in a manner that respects their cultural needs, leading to greater satisfaction with the resolution process. Additionally, restorative Healing Circles offer valuable learning opportunities for police officers. By participating in these circles, members can gain deeper insights into the experiences and perspectives of complainants, fostering communication and enhancing their understanding of the impact of their actions.

Healing Circles strengthen community bonds, heal wounds, and enhance accountability, enabling members to thrive, feel valued, and engage in challenging conversations. This reflective process aids in rebuilding trust between Indigenous communities and the police, fostering more equitable and respectful interactions moving forward. Ultimately, ADR not only facilitates resolution but also encourages personal growth and systemic enhancement within law enforcement. Although Healing Circles have been recently implemented, and are not yet widely used, their benefits for achieving meaningful, accountable, and culturally relevant resolutions are already evident.

In alignment with the recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Truth and Reconciliation Commission's Final Report, and the province's *Declaration on the Rights of Indigenous Peoples Act*, we aim to build relationships with Indigenous partners to learn how best to incorporate restorative and transformative approaches into the complaints process.

Through this approach, the OPCC seeks to honour Indigenous perspectives and make the complaint process more culturally safe and inclusive. While this is one example of a culturally relevant resolution, we also seek to implement other culturally relevant processes and ceremonies. In doing so, we aim to improve access and to demystify *Police Act* processes and procedures.

Harassment in the Workplace

Issue

Every employee has the right to be treated fairly and respectfully in the workplace. Building and maintaining a respectful environment is a shared responsibility for everyone at the workplace and is often codified in workplace policies or guidelines. Supervisors in particular have an important role in shaping the workplace culture by communicating expectations of appropriate workplace behaviours, leading by example, promoting a safe and trusting environment, and by taking action when they become aware of possible workplace harassment.

Workplace harassment can manifest in various forms, and can include, but is not limited to, bullying, gender-based discrimination, verbal abuse and sexual harassment. Such behaviour by a police officer with another police officer or a member of the public would properly constitute the basis for a misconduct complaint. Ensuring that women are safe and not subjected to workplace harassment or reprisal for raising concerns are priorities for the OPCC.

In recent years, workplace harassment in policing has garnered significant attention, highlighting the need for comprehensive actions to address and prevent such issues within departments. Numerous reviews, lawsuits, and media reports have highlighted concerns regarding workplace cultures, revealing gaps in leadership and fears of reprisal among those who wish to report incidents.

Background

In the 2023/2024 reporting period, the OPCC reviewed 11 investigations into violations of a police department's workplace harassment policy. Of these investigations, 55% resulted in at least one substantiated allegation and disciplinary and/or corrective measures were imposed.

If allegations are not resolved informally between the involved parties, allegations of workplace harassment are dealt with either under the public trust division (Division 3) of the *Police Act* with contemporaneous, civilian oversight by the OPCC, or under the internal discipline (Division 6) procedures of the police department. All police departments must develop these procedures and they must be filed with the relevant police board and the OPCC.

To ensure matters are appropriately characterized and properly investigated, the OPCC requires that all police departments under its jurisdiction notify the OPCC at the outset of any incident involving violations of the department's respectful workplace policy requiring investigation. This practice allows the OPCC to review the initial information and circumstances of the incident to determine whether the Police Complaint Commissioner will initiate an investigation into the incident. There may be incidents where there is an overriding public interest in having the conduct investigated as a disciplinary breach of public trust under the impartial civilian oversight of the OPCC.

Applicable Law

Every individual is entitled to equal treatment in employment without discrimination. If someone suffers harm related to any aspect of their identity, such harm is protected under the BC Human Rights Code. Additionally, WorkSafeBC mandates that all employers must both prevent and address bullying and harassment in the workplace². The courts have also ruled in favor of female police officers experiencing workplace harassment, as demonstrated in the *Merlo v. Canada* case (2017).

Under the *Police Act*, police departments will either categorize allegations involving violations of respectful workplace policy under *Discreditable Conduct or Neglect of Duty* and some allegations may involve criminal allegations of sexual assault.

What are the concerns?

Incidents of workplace harassment pose significant and serious occupational and public health concerns by severely impacting individuals' emotional and physical well-being and can undermine the overall effectiveness of departments.

2 Responsibilities under the Code as an employer - BC's Office of the Human Rights Commissioner (bchumanrights.ca)



As noted, and of particular concern, is the effect of workplace harassment on female officers. The journey towards inclusion in policing has been met with challenges, and numerous studies highlight the specific difficulties that female officers face, underscoring the need for ongoing efforts to address and resolve these issues. Ensuring the safety of female employees in the workplace is crucial, especially in environments like policing where power dynamics can create vulnerabilities. Harassment and misconduct can severely impact female officers' attitudes toward their work, as well as their physical and mental health. Despite increasing awareness of workplace harassment, it remains a persistent issue, with many individuals still hesitant to report due to fear of retaliation or a lack of support.

Case Examples: For example, as reported in the 2021-2022 OPCC Annual Report, the creation of a video mocking and minimizing the severity of sexual harassment investigations within the department revealed a concerning attitude amongst some police officers as it relates to sexual harassment. This attitude reflected the condoning of very troubling and misogynistic behaviour as "black humour." Some officers who forwarded the video to other fellow officers viewed the video to be a "skit", a "spoof" or a "parody" and to be indicative of "police humour" despite that the underlying subject matter was in relation to sexual harassment within the workplace and/or policing.

This video was disseminated to other members, including those in a senior rank, before it was brought to the attention of the department's Executive and Professional Standards Section. This matter highlighted the presence of cultural concerns which may have factored in this incident. The respondent members involved received disciplinary and corrective measures, which included a written reprimand, one-day suspension without pay, five-day suspension without pay, requirement to review Respectful Workplace Policy with a supervisor and completion of online training.

In another example, a senior police officer in a supervisory and leadership role demonstrated a pattern of predatory behaviour towards four female officers, three of whom were junior officers. In some of these instances, the member allegedly made unwanted physical contact and commented on their appearances. This behaviour was particularly concerning due to the significant power imbalance between the officer and the female officers, as many were his subordinates. Following a Review on the Record, the adjudicator concluded that the officer's conduct amounted to workplace sexual harassment. As a result, the disciplinary action taken was dismissal.

Given the seriousness of these allegations and the significant impacts of workplace harassment, we closely monitor and address such issues.

Efforts to Address Concerns

Understanding that workplace harassment, bullying, and sexual harassment may reflect deeper cultural or organizational issues within a police department, the OPCC actively provides recommendations to police boards and the Director of Police Services. The OPCC has proposed several recommendations to either police boards or government to address these issues, including reviewing departmental culture, updating respectful workplace policies, enhancing training, and refining related procedures. In certain instances, the OPCC has advised police boards to seek independent external expertise in human resources management to assist in these reviews.

Police Boards, like any employer, must actively take preventative measures where necessary to prevent future misconduct and to ensure a safe work environment. The *Police Act* places a mandatory obligation on police boards to ensure that there are sufficient standards, guidelines, and policies in place to prevent neglect and abuse by police officers. In the above two examples, the police board took comprehensive action as result of these recommendations.


Harassment in the Workplace

...continued

Conclusion

Despite the growing acknowledgement of workplace harassment, it is still ongoing. Police leadership and police governing bodies have a responsibility to instill values and guiding principles that reflect current societal expectations and standards and to ensure that harmful attitudes and behaviours in the workplace are swiftly and appropriately dealt with. This requires systemic change in workplace culture. Mobilizing individuals to confront and educate each other can effectively shift beliefs and attitudes, but this effort must be supported by systemic shifts and reforms. Strengthening whistleblower protections and providing robust support for those who report harassment, bullying or sexual misconduct is crucial for protecting employees. Of equal importance is ensuring that female officers are fully supported in raising workplace harassment concerns without fear of reprisal, confidentiality is protected, and that supervisors understand and discharge their obligation to identify and address such concerns, when possible.





Police Use of Force – Police Service Dogs

Issue

Police service dogs (PSDs) are considered an intermediate weapon in the context of use of force, and are utilized by police for various tasks, such as searching and locating suspects and for arresting individuals. Their use, like other forms of force, is governed by policies and standards to ensure appropriate deployment. Police dog handlers are responsible for adhering to these guidelines to maintain effective and responsible use of the PSDs, which are trained and authorized to apprehend persons through controlled bites. However, there is a possibility that PSDs may accidentally bite individuals. Police dog bites can cause significant and serious injuries. Therefore, it is essential to have robust checks and balances to ensure that PSDs are used appropriately and in accordance with established standards and policies.

Background

In British Columbia, the provincial policing standards for PSDs³ guide their use. PSDs and their human handlers must undergo rigorous training and certification to ensure they meet high standards of competence and control. Police dog handlers take careful measures to prevent the dog from biting when it is reasonable to search for, locate, arrest, or apprehend a person without using force. These measures include, but are not limited to, shortening the leash, maintaining visual contact with the dog, and calling the dog back as needed.

Before a bite occurs, police dog handlers are required to issue a loud verbal warning, unless it is impractical to do so. This warning is meant to alert the individual that their continued behaviour may result in a bite. As per Provincial Policing Standards, the deployment of a police dog must be proportional to the level of risk posed to the officer, the suspect, and the community. In deciding whether to use a PSD, dog handlers must have grounds to deploy the PSD, and must weigh the need to locate or apprehend someone with the potential for the dog bite to result in injury. Following the use of a PSD, dog handlers are held accountable, and must document and articulate the use of PSDs, and provide details on the circumstances, such as the behaviour of a suspect and their level of resistance prior to the deployment, and the outcomes of each deployment.

What are the concerns?

Police departments are required to notify the OPCC when an incident involving police results in an injury requiring hospital treatment, these are called “reportable injuries.” Over the last five years, the OPCC has received 2143 reportable Injuries from police. One of four of these reportable injuries relate to an injury caused by a dog bite.

It should be noted that not every use of a PSD where a bite occurs will trigger an investigation, as police may be authorized to use PSDs in accordance with policy and standards. When reviewing PSD related files, the OPCC considers a range of factors, including the subject’s reported responses and behaviours, the justification provided by the police for their use of a PSD, the availability of video and witness evidence, whether a complaint was filed with the OPCC regarding the bite, and the nature and extent of any injuries.

The following case highlights an instance where it was determined that the deployment of a PSD was not necessary, and deemed as reckless.

3 <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/1-4-principles-standards-police-service-dogs.pdf>

Police Use of Force – Police Service Dogs

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Case Study

The OPCC received a complaint from an individual, who reported that their child (the affected person), who is Indigenous, was walking with a friend when a police dog bit their left leg without warning and pulled him to the ground.

The respondent member, who was the dog handler, reported that he and his PSD had responded to a report of a crime involving two individuals who had fled and promptly conducted surveillance in the vicinity where the individuals were believed to have fled.

The respondent member (who was alone) saw two youth he believed to be the suspects, approached them and informed them that they were under arrest. The member repeatedly instructed them to get on the ground and warned them that failure to comply could result in being bitten by the PSD. Despite repeating his instructions twice, the member alleged that the youth backed away. The member then directed the PSD to engage the youth, which resulted in the PSD making contact with the affected person's lower left leg and pulling them to the ground. Once police gained control of the affected person, the respondent member commanded the PSD to release. The affected person sustained significant bite wounds to the inside of their leg and was transported to hospital.

The affected person denied fleeing police or resisting arrest. The affected person stated that they did not have time to think or comply with police direction to get on the ground before they were suddenly bit.

A senior officer at the Vancouver Police Department (VPD), as Discipline Authority, determined that it did not appear that the member committed misconduct during this interaction. The Police Complaint Commissioner reviewed their determination and disagreed. The Police Complaint Commissioner appointed the Honourable Carol Baird Ellan, retired provincial court judge, to review the matter and arrive at her own decision based on the evidence. Retired Judge Baird Ellan determined that the member utilized unnecessary force when he used the PSD to apprehend the youth by biting them.

In arriving at her decision, Retired Judge Baird Ellan found that it was not objectively necessary for the member to act alone, as there were other officers in near proximity conducting surveillance. In addition, Retired Judge Baird Ellan determined that based upon the evidence, the youth were neither immediately fleeing a crime, or eluding police detection. As such, there was no suggestion of exigency and the member did not need to challenge or immediately apprehend the youth using the PSD. The prerequisite for the deployment of the dog to apprehend by biting was not met, and the use of force was determined to be unnecessary and recklessly applied.

Conclusion

This case underscores the crucial role of accountability mechanisms provided under the *Police Act* and the need for thorough reviews of PSD deployments. It is important to ensure that each PSD deployment meets the necessary threshold and is grounded in warranted circumstances. This review process not only reinforces public trust but also enhances the effectiveness of law enforcement by enforcing the current standards on deployment and ensuring that officers deploy their PSDs within the stipulated policy and law.

The OPCC has observed that dog bite injuries represent a significant and concerning portion of the Reportable Injuries received by this office. To address this, the OPCC is committed to conducting thorough and comprehensive reviews of all related reports and complaints received under the *Police Act*. Through upholding important accountability mechanisms under the *Police Act*, our objective is to verify that PSD deployments are both justified and in accordance with established protocols and policies. By reviewing these cases closely, the OPCC aims to ensure that PSDs are used appropriately and effectively.

Alternative Dispute Resolution: A People-Centred and Accountable Process

Alternative Dispute Resolution (ADR) processes offer another path that puts people first, bringing complainants and 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 method of resolving complaints, and provides complainants with an opportunity to shape how their complaint is addressed. As shown on page 32, a number of complaints were resolved using ADR during this reporting period.



[They] were happy with the outcome and that the officers apologized for how they treated [them] [They] hope this case will help inform future police practices. [They] were appreciative of the role of the OPCC.

ADR in the OPCC complaint process

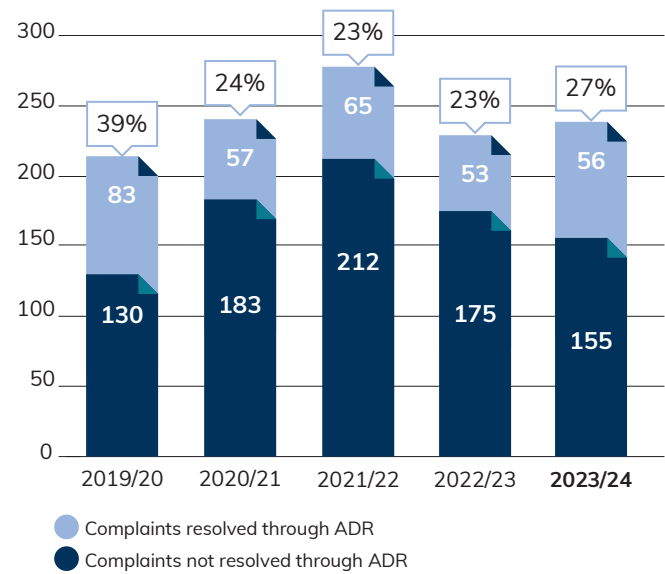
Upon filing a complaint against a municipal police officer, the complainant has the option to seek resolution through an ADR process – either Complaint Resolution or mediation. If the Commissioner agrees, the process begins.

Complaint Resolution 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 empower individuals to play an active role in the process, resulting in resolutions that are effective and meaningful for all parties while also ensuring accountability. Open and honest communication breaks down barriers and help strengthen the bonds between police officers and the communities they serve.

Alternative Dispute Resolution (2019/2020-2023/2024)



*Of files concluded during the fiscal year noted

“I certainly did find some good value in the process—It really was of great help to me.”

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

“The investigator was very professional in all of their interactions with me. They were very timely in responding to me, and they were very flexible, offering to come to my workplace to speak with me.”

“Our discussions went well, [the investigator] was very professional, kind, and easy to speak with.”

Felt Understood

“It was good in the sense that [they] (the investigator) were diligent in [their] communications with me. [They] took [their] time to really understand my perspective and concerns, [they] asked a lot of questions.”

“I would like to add my thank-you to the officers for their participation and willingness to hear from me, hear where I was coming from. I feel that this has now really been resolved for me.”

“[The investigators] were professional, prompt, timely and very empathetic in [their] communications with me.”

“I’m definitely satisfied with the OPCC process. For me, I just wanted the department to hear my concerns, I wanted the opportunity to inform the officer.”

Positive and Accountable Outcomes

“I would say I’m very satisfied. My overall goal was for the officers to have a moment of self reflection. I truly believe the officers have taken the time to reflect on this incident. I view this [the process of Complaint Resolution] as having been a learning opportunity for the officers.”

“I was very satisfied. The agreement was well done. I felt that I had an active part in it, and that I was heard. What I felt was important was included in the agreement.”

“If I was asked, I would say it [Complaint Resolution] is absolutely the right process to have engaged in, in these circumstances. I would encourage other to engage in it also.”

QUESTIONS OR CONCERNS

Police departments 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 2023/2024, police departments recorded 154 Questions or Concerns from the public.

Recommendations

The OPCC has an overarching goal of preventing the recurrence of police misconduct that may have contributed to a complaint or an investigation and may make recommendations, often of a systemic nature, to more broadly prevent future possible misconduct.

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 2023/2024, the Commissioner made seven recommendations to police boards. 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.



USE OF FORCE REPORTING

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 ordered 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 them from the location. The results of the investigation did not support a finding of misconduct by police.

Upon review of the matter, the OPCC noted that the officer was unaware of the cultural significance of the braid and, therefore, did not consider its significance when deciding to grab the braid as a means of removing the individual from the location. Regarding the police response more broadly, 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*.

Response to Recommendation

The Board responded that the VPD has taken steps to address and incorporate enhanced cultural awareness and cultural safety in policies, procedures, and training, as well as to engage Indigenous and cultural populations to inform further development of policy, procedures, and training and strengthen community relations. Examples provided of the steps taken included:

- Reality-based training for officers that incorporates cultural considerations.
- Policies related to person searches address cultural and religious considerations and includes a link to a detailed guide discussing culturally, religiously or spiritually significant items.
- A bi-monthly newsletter for all VPD employees that provides education and guidance with respect to cultural considerations from the VPD Diversity, Inclusion & Indigenous Relations Unit.
- An Equity, Diversity, and Inclusion review of VPD policies, procedures, processes, and training.
- Development of community liaison positions such as the Indigenous Liaison and Protocol Officer; Vancouver Aboriginal Community Policing Liaison Officer; and Indigenous Relations Officer.
- Addition of a Cultural Advisor and Indigenous Liaison Officer within the VPD's Investigation Division and Operations Division respectively.

Next Steps

The OPCC reviewed the response to its recommendations and took no further action with respect to this matter.

WORKPLACE CULTURE ISSUES

Recommendation to the Vancouver Police Board

Review of Investigation into workplace culture issues in the Marine Unit

Recommendation

- That the Board may wish to consider the importance of timely notification to the OPCC of matters that involve the determination of whether a Division 3 Public Trust Investigation will be initiated by the Commissioner to ensure matters are processed appropriately.
- That the Board, in consultation with the Chief Constable, may wish to consider whether the issues identified with the Vancouver Police Department (VPD) Marine Unit have been sufficiently addressed and, if not, take whatever further steps the Board considers appropriate.

Background

The VPD Professional Standards Section (PSS) requested that the OPCC open a file following their Internal Discipline investigation related to a matter involving members of the VPD's Marine Unit. At the time the OPCC received the request, the VPD had already processed the matter as Internal Discipline pursuant to Division 6 of the *Police Act* and imposed disciplinary/corrective measures on the Respondent Members following their Internal Discipline investigation.

In reviewing the matter, the OPCC noted that the reports provided by the VPD included concerns related to the workplace culture of the Marine Unit.

The OPCC further noted that the notification of this matter was received outside of our established processes for timely notification. The purpose of these notification expectations, which are outlined in a written OPCC bulletin, is to ensure matters are appropriately processed at the outset by providing the Commissioner with the opportunity to assess factors to determine whether a Division 3 Public Trust investigation will be initiated, such as whether the matter directly involves or affects the public.

Response to Recommendation

The OPCC received correspondence from the Board advising that an independent investigation into the workplace culture had been completed. The Board reported that the independent investigator determined that there were no breaches of the Respectful Workplace Policy and concluded that the matters which gave rise to the complaints had been addressed. In September 2023, the Board approved a revised Respectful Workplace policy, which contained a number of updates that reflected the recommendations of the BC Coroners Service and best practices.

As well, the Board requested its Human Resources Committee to review workplace culture, policies, programs and procedures, and to report its recommendations. The Board reported that, at the time of the response, the Human Resources Committee was continuing to examine information internally, including decisions and recommendations of the OPCC before considering any next steps.

Next Steps

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

SUDDEN DEATH INVESTIGATIONS

Recommendation to the Vancouver Police Board

Review of sudden death investigation policy and training to ensure proper police response to sudden deaths

Recommendation

- That the Board review and amend, as may be required, any policy and training in relation to sudden death investigations with an emphasis on ensuring that members and supervisors are adequately trained, prepared, and supported to document and investigate these matters to an impartial, objective, and thorough standard, and emphasizing the independent role of police in sudden death investigations vis-à-vis the Coroner in determining the circumstances of the death
- That the Board consider requirements of Provincial Police Standard Section 6.1.1 (Promoting Unbiased Policing) to assist in this review

Background

The OPCC received a complaint alleging a deficient police investigation and mistreatment of a grieving mother by a Vancouver Police Department (VPD) member during a sudden death investigation of the complainant's daughter at an Indigenous affordable housing complex. Both the complainant and the deceased daughter identified as Indigenous. This matter proceeded to a discipline proceeding before a retired Judge where the member was ultimately found not to have committed misconduct. However, the retired Judge's decision noted concerns around the sufficiency of training provided to members on sudden death investigations and the diminished expectations on members in light of the opioid crisis. The retired Judge recommended a renewed emphasis on training for members with respect to regulations and policies regarding sudden death investigations and highlighted the need for increased involvement of supervisors in evaluating sudden death investigations and providing guidance to members in these investigations.

The OPCC also received a separate complaint in relation to another incident alleging that VPD members conducted a deficient police investigation into the death of the complainant's daughter, which occurred in the Downtown Eastside. An investigation concluded that the attending members did not commit misconduct. However, in reviewing the matter, the OPCC noted that the delineation between the Coroner and the role of police in investigating sudden deaths was not adequately reflected within policy.

As a result of the complainants bringing these important and sensitive matters forward, the OPCC made the above-noted recommendations to the Vancouver Police Board as a step towards addressing any gaps in policy or training, and their disproportionate impact on marginalized communities. Without the complainants' participation in raising these matters to the OPCC's attention, there would not have been an opportunity to highlight public expectations of police as it relates to investigations of such matters.

Response to Recommendation

The OPCC received correspondence from the Board advising that VPD policy was updated to reflect the OPCC recommendations, and the recently ratified Memorandum of Understanding with the BC Coroners Service and the Independent Investigations Office, as part of clearly outlining the distinct role of each agency in these investigations. The updated policy also mandates enhanced training for members and supervisors to ensure they are adequately trained, prepared, and supported to investigate and document sudden deaths to an impartial, objective and thorough standard.

The Board also advised that VPD has implemented mandatory supplementary training for all members assigned to patrol sudden death investigations and death notifications. The training will encompass guiding principles from the updated policy, documentation requirements, the Provincial Policing Standards requirements, trauma-informed practice, and cultural humility.

Next Steps

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

SURVEILLANCE TRAINING PRACTICES

Recommendation to the Vancouver Police Board Review of Vancouver Police Department policy for conducting surveillance training on private property

Recommendation

- That the Board ensure any department written policies/ protocols specify the legal authorities available to members to enter private property, without consent, for the purposes of conducting surveillance training.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns related to the Vancouver Police Department's (VPD) policy surrounding the use of civilians' personal property to conduct training exercises without the civilian's permission or knowledge. The Vancouver Police Board reviewed and concluded the matter based on a verbal report from the VPD and noted that the VPD did not have specific policy related to conducting surveillance training on private property. The Board advised that designated surveillance teams within the VPD rely on robust standard operating procedures when assessing the viability and appropriateness of the use of private property for covert operations and related training.

Upon review of the Board's response, the OPCC noted that the existing procedures referenced in the Board's concluding correspondence did not appear to reference the legal authority for police to enter private property without consent during a training exercise. As such, the OPCC recommended that the Board ensure any written policies or protocols specify the legal authorities available to members to enter private property, without consent, for the purposes of conducting surveillance training.

Response to Recommendation

The Board advised that the VPD's Surveillance Training Manual was updated to reference the relevant legislative authorities under which surveillance training exercises are to be conducted. The Board further advised that the updated training manual provides guidance to members to make every effort to notify property owners or residents prior to using private property for training purposes and encourages them to familiarize themselves with the relevant sections of the Criminal Code and the BC Trespass Act. In addition to the updates to the training manual, the Board confirmed that the VPD will discontinue entering private property for training exercises after 9:00 p.m. and before 6:00 a.m. without the prior, express consent of the property owners and/or occupiers.

Next Steps

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

MEDIA EXCLUSION ZONE

Recommendation to the Vancouver Police Board Review of restrictions on media access during a decampment operation

Recommendation

- That, in light of the initiation of the related inquiry undertaken by the Human Rights Commissioner, the Board hold the conclusion of this complaint in abeyance pending the conclusion of the inquiry
- That, at the conclusion of the Human Rights Commissioner's inquiry, the Board consider any findings and recommendations from the inquiry in the context of further action that the Board may wish to take in relation to this complaint

Background

The OPCC received a Service or Policy complaint from an individual outlining concerns related to the Vancouver Police Department's (VPD) actions during a decampment operation in the Downtown Eastside, including allegations that VPD officers prevented journalists from entering the area, which was seen as contrary to freedom of the press. The matter was forwarded to the Board, noting that, based on a review of complainant's concerns and the public statements of the VPD, it appeared that an "exclusion zone" was created by the VPD to prevent the media and the public from accessing a specific section of the city for a defined period of time. Additionally, it was unclear what lawful authority was relied upon in the creation and enforcement of this "exclusion zone."

The Vancouver Police Board concluded the matter following a report from the VPD. The Board noted that information was received that a media staging area was set up and that a media liaison was provided. The Board further noted that access to some areas was temporarily limited to ensure public safety when large trucks were moving in the area to create a safe space for City of Vancouver staff conducting the decampment operation. However, the decampment area remained visible to the media.

Upon review of the Board's concluding letter, the OPCC noted that the British Columbia Human Rights Commissioner announced an Inquiry to review restrictions on media during the Downtown East side decampment.

Response to Recommendation

The Board confirmed this matter would be held in abeyance pending the conclusion of the BC Human Rights Commissioner's inquiry and any further action would be considered following the conclusion of the inquiry.

Next Steps

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



POLICE INTERACTIONS WITH PERSONS IN VULNERABLE CIRCUMSTANCES

Recommendation to the Vancouver Police Board

Establishing written guidance governing police interactions with persons in vulnerable circumstances

Recommendation

- That the Board, in light of the Provincial Policing Standard Section 6 (Promotion of Unbiased Policing) which was referenced by the complainant, consult with the Vancouver Police Department (VPD) to identify specific actions or steps being taken as it relates to the establishment of written governing police interactions with persons in vulnerable circumstances, including persons living in public spaces as enumerated in Provincial Policing Standard Section 6.1.1(8), with specific attention to (f) – persons living in public spaces (e.g., persons relying on, or sleeping in public spaces).
- That the Board provide written correspondence to the complainant outlining the specific actions identified that are being undertaken to establish written procedure or guidance that is in accordance with Provincial Policing Standard Section 6.1.1(8) and their concerns relating to police interactions with unhoused persons in the who, as described by the complainant, are disproportionately individuals from marginalized groups, including Indigenous women, racialized minorities, and persons with disabilities.
- That the Board advise the OPCC of the board's written policy, when available, as it relates to Division 5, Service or Policy complaints where allegations of discriminatory practices or policies are at issue.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns related to the Vancouver Police Department “overreach of power” in displacing vulnerable members of the community during decampment operations in the Downtown East side contrary to Provincial Policing Standards related to the Promotion of Unbiased Policing. The complaint described that the unhoused persons in the Downtown Eastside area impacted by police interactions during the displacement operation are disproportionately individuals from marginalized groups, including indigenous women, racialized minorities and persons with disabilities.

The Vancouver Police Board reviewed the matter and advised that, while Provincial Policing Standards governing the Promotion of Unbiased Policing were not in force at the time of the complaint, the Board was satisfied based on information provided by the VPD that police services were delivered during the decampment operation in an impartial, equitable, culturally safe and trauma-informed manner. The Board further noted that the decampment operation was an initiative by the City of Vancouver arising from a direction by the Vancouver Fire Chief where the VPD’s role was to keep the peace, support the enforcement of the Fire Chief’s order, enforce traffic bylaws and maintain public safety.

In reviewing the Board’s concluding letter, the OPCC considered that Provincial Policing Standards governing the Promotion of Unbiased Policing, which came into effect after the filing of the complaint, mandated the establishment of written departmental policy or guidance governing police interactions with persons in vulnerable circumstances, including persons living in public spaces. The OPCC noted that the Board had not indicated what actions had been taken by the VPD in relation to establishing the provincially required written policy or guidance.

The OPCC additionally noted that the Provincial Policing Standards governing the Promotion of Unbiased Policing place a duty on the Board to ensure equitable policing and require the Board’s policy on responding to Service or Policy complaints to consider whether the complaint alleges discriminatory policies or practices. Accordingly, the OPCC made the above-noted recommendations to the 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.

COMMISSIONING EXTERNAL REPORTS

Recommendation to the Vancouver Police Board Review of the approval processes and criteria for commissioning reports by outside firms

Recommendation

- That the Board identify existing Board policies that govern the Board approval process (if any) for expenditures of this nature (those unrelated to the operational independence of the Chief Constable).
- That the Board assess, if such policy exists, whether the commissioning of Social Impact Audit/Report was in accordance with any such policy.
- That the Board identify in the reporting letter to the Complainant what approval process the Vancouver Police Department (VPD) employs and as against what criteria if no Board approval occurred or was required.

Background

The OPCC received a Service or Policy complaint from an individual outlining their concerns related to the VPD's commissioning of a social impact audit report. The complaint raised concerns pertaining to the expenditure, scope and quality of the report.

The Vancouver Police Board reviewed the matter and concluded the complaint by advising that the audit was within the scope of the VPD's mandate to contribute to addressing social issues in Vancouver and that the VPD has conducted studies of this nature previously to contribute to collaboration in the City aimed at resolving social issues. The Board further noted that the research firm commissioned is a credible organization that has conducted similar research for other jurisdictions.

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, the OPCC noted from the Board's response that the approval process for the commissioning of the social impact audit/report and the involvement of the Board in that process were unclear.

Response to Recommendation

The OPCC received correspondence from the Board advising that, similar to past reports, the Board regards the commissioning of social impact audit/report as within the VPD's purview to commission in order to inform operational decision-making. The Board further advised that the annual operating budget, that the Board approves, includes resources for the VPD to engage consultants for reports such as this. Additionally, the Board sought clarification on what further is required to address this matter.

Next Steps

The OPCC notes that, in response to the Board's enquiries, clarification was provided referring the Board to the third recommendation made in this matter. The OPCC will continue to monitor any future responses from the Board.

Reform of the *Police Act*

On April 4, 2024, Bill 17, the *Police Amendment Act, 2024* was introduced to the Legislative Assembly to improve governance and oversight of policing and respond to several legislative changes requested by the OPCC and reflected in the 2019 Special Committee to Review the Police Complaint Process report, including recommendations to address the OPCC's ability to:

- conduct self-initiated systemic investigations;
- arrange a public hearing earlier in the complaint process;
- make binding guidelines to improve the efficiency, effectiveness and timeliness of the police complaint process;
- establish a list of qualified persons as Discipline Authorities, including a former senior police officer, a retired judge or a person who meets requirements set out in regulation; and,
- designate consultants or experts to observe an investigation.

The amendments represent phase one of *Police Act* reform with many of the amendments receiving Royal Assent on April 25, 2024. The series of amendments also included:

- an expanded definition of misconduct to include discriminatory jokes or gestures, Indigenous identity, and gender identity or expression; and
- a requirement for the OPCC to maintain a list of retired judges to review matters, apply consistent and objective procedures in appointing retired judges, and post both the list and procedures on the OPCC website.



Some amendments will be brought into force by regulation in the future, including the creation of a new class of "safety officers" that will fall under the OPCC's jurisdiction; e.g., detention guards in lock-up facilities throughout the province.

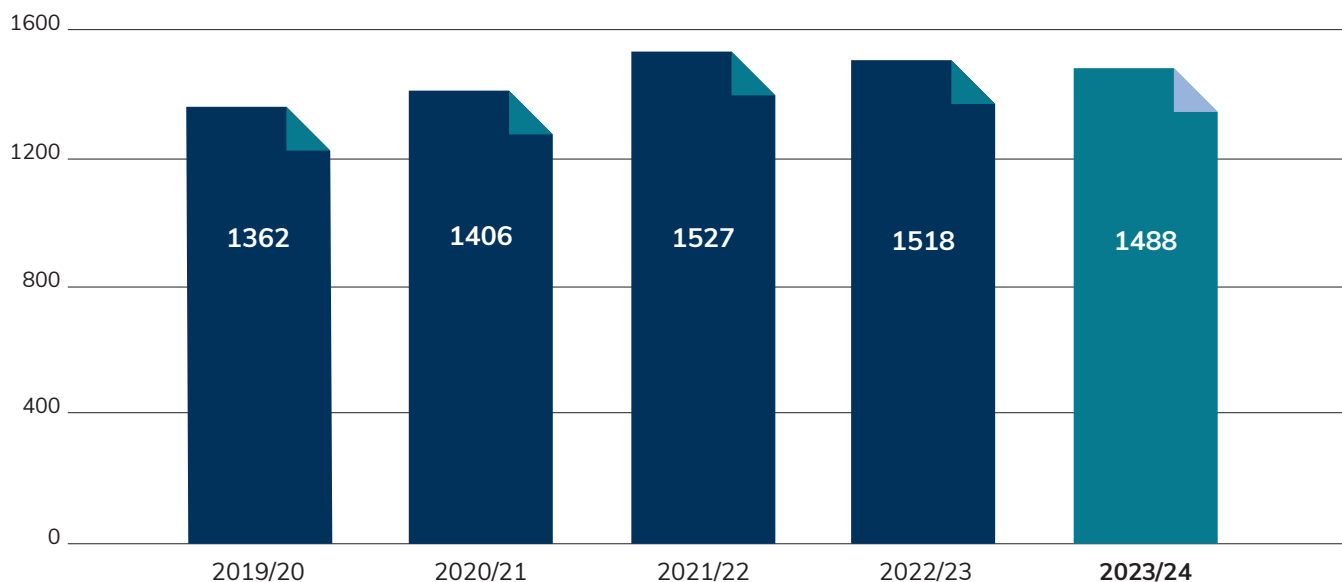
The Government continues to consider other policy and legislative changes as part of phase two reforms called for by the 2022 Special Committee on Reforming the *Police Act*. The OPCC has been engaged on these issues and we look forward to continuing to work with Government to enhance police accountability and public confidence in policing in BC.



More of Our Story in Numbers



Files Opened: Yearly Comparisons (past five years)⁴



Files Opened: Comparisons by Department (past five years)

Department	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Abbotsford Police Department	149	189	202	233	225
Central Saanich Police Service	17	9	17	8	16
Delta Police Department	53	69	64	63	62
Metro Vancouver Transit Police	44	87	64	47	51
Nelson Police Department	15	22	19	17	18
New Westminster Police Department	42	73	64	53	43
Oak Bay Police Department	8	12	11	5	3
Organized Crime Agency of BC (CFSEU)	5	1	4	3	1
Port Moody Police Department	38	36	29	20	21
Saanich Police Department	84	77	90	84	74
Stl'at'imx Tribal Police Service	4	8	6	10	13
Surrey Police Service	2	0	12	61	163
Vancouver Police Department	689	633	736	745	618
Victoria Police Department	186	162	181	157	160
West Vancouver Police Department	26	28	28	12	20
Total	1362	1406	1527	1518	1488

⁴ Data for this report was analyzed between May 29th and June 7th from the OPCC's records management database, Resolve. This report reflects accurate and complete data as of May 29th. Since the OPCC uses a dynamic, live database, the numbers presented in this report are subject to future revision. Further to this, the historical data presented in this report may also vary slightly from figures presented in previous OPCC reports due to changes in processing and reporting.

Files Opened by Type (past five years)

	2019/2020		2020/2021		2021/2022		2022/2023		2023/2024	
Police Complaints	537	39%	585	42%	731	48%	706	47%	685	46%
Investigations Initiated by PCC	32	2%	21	1%	18	1%	12	1%	19	1%
Investigations Requested by Agency	65	5%	42	3%	38	2%	64	4%	45	3%
Serious Harm Investigations	16	1%	33	2%	24	2%	30	2%	24	2%
Monitor Files	488	36%	510	36%	492	32%	552	36%	521	35%
Internal Discipline Files	21	2%	16	1%	19	1%	17	1%	17	1%
Service or Policy Complaints	39	3%	31	2%	42	3%	10	1%	23	2%
Questions or Concerns	164	12%	168	12%	163	11%	127	8%	154	10%
Total	1362	100%	1406	100%	1527	100%	1518	100%	1488	100%

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 2023/2024 by Police Department and Type

	PC: Withdrawn or Discontinued*	PC: Pending Admissibility	PC: Admissible	PC: Inadmissible	Serious Harm Investigation	Ordered Investigation Agency	Ordered Investigation PCC	Internal Discipline	Monitor	Questions or Concerns	Service or Policy Complaints	Total
Abbotsford Police Department	2	0	36	31	4	2	4	0	109	37	0	225
Central Saanich Police Service	0	0	2	3	0	1	0	2	4	4	0	16
Delta Police Department	2	1	6	18	1	1	0	2	24	7	0	62
Metro Vancouver Transit Police	0	0	9	14	0	1	2	1	19	4	1	51
Nelson Police Department	1	0	3	5	0	2	0	0	6	1	0	18
New Westminster Police Department	1	0	4	14	0	1	1	0	16	6	0	43
Oak Bay Police Department	0	0	1	0	0	0	0	0	2	0	0	3
Organized Crime Agency of BC (CFSEU)	0	0	0	1	0	0	0	0	0	0	0	1
Port Moody Police Department	0	0	5	8	1	0	0	0	6	0	1	21
Saanich Police Department	3	0	9	24	0	1	0	0	17	18	2	74
Stl'at'imx Tribal Police Service	0	0	0	4	0	2	1	2	4	0	0	13
Surrey Police Service	7	1	34	42	6	8	1	1	60	3	0	163
Vancouver Police Department	11	8	152	143	9	23	7	7	189	56	13	618
Victoria Police Department	2	1	24	42	2	3	2	1	62	15	6	160
West Vancouver Police Department	0	0	5	6	1	0	1	1	3	3	0	20
Total	29	11	290	355	24	45	19	17	521	154	23	1488

*26 complaints were withdrawn prior to an admissibility determination; 3 complaints were discontinued under S.84 after 1st party complaints were opened

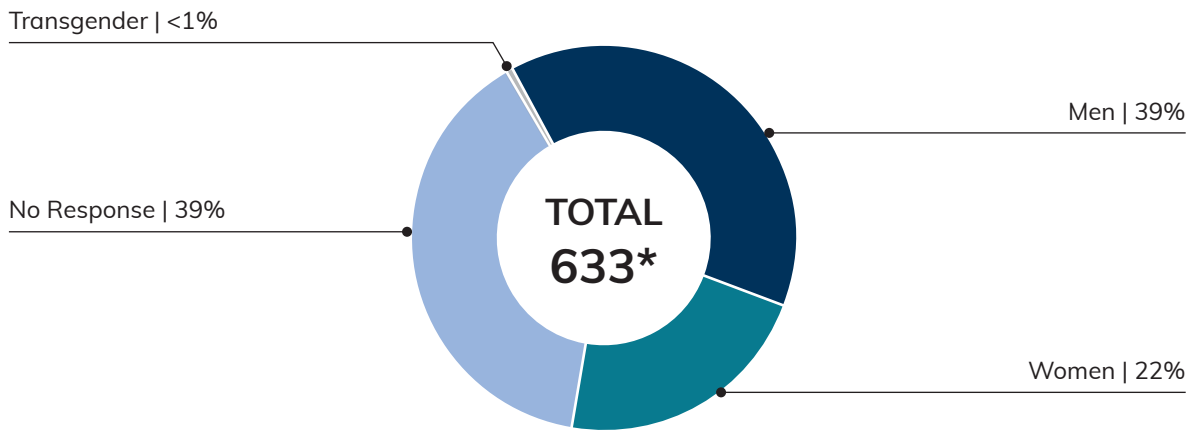
Disaggregated Demographic Data

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 equality⁵ As the Province develops broader anti-racism legislation that builds on the new Anti-Racism Data Act,⁶ and the OPCC gains additional data analytics capacity, we 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.

5 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>

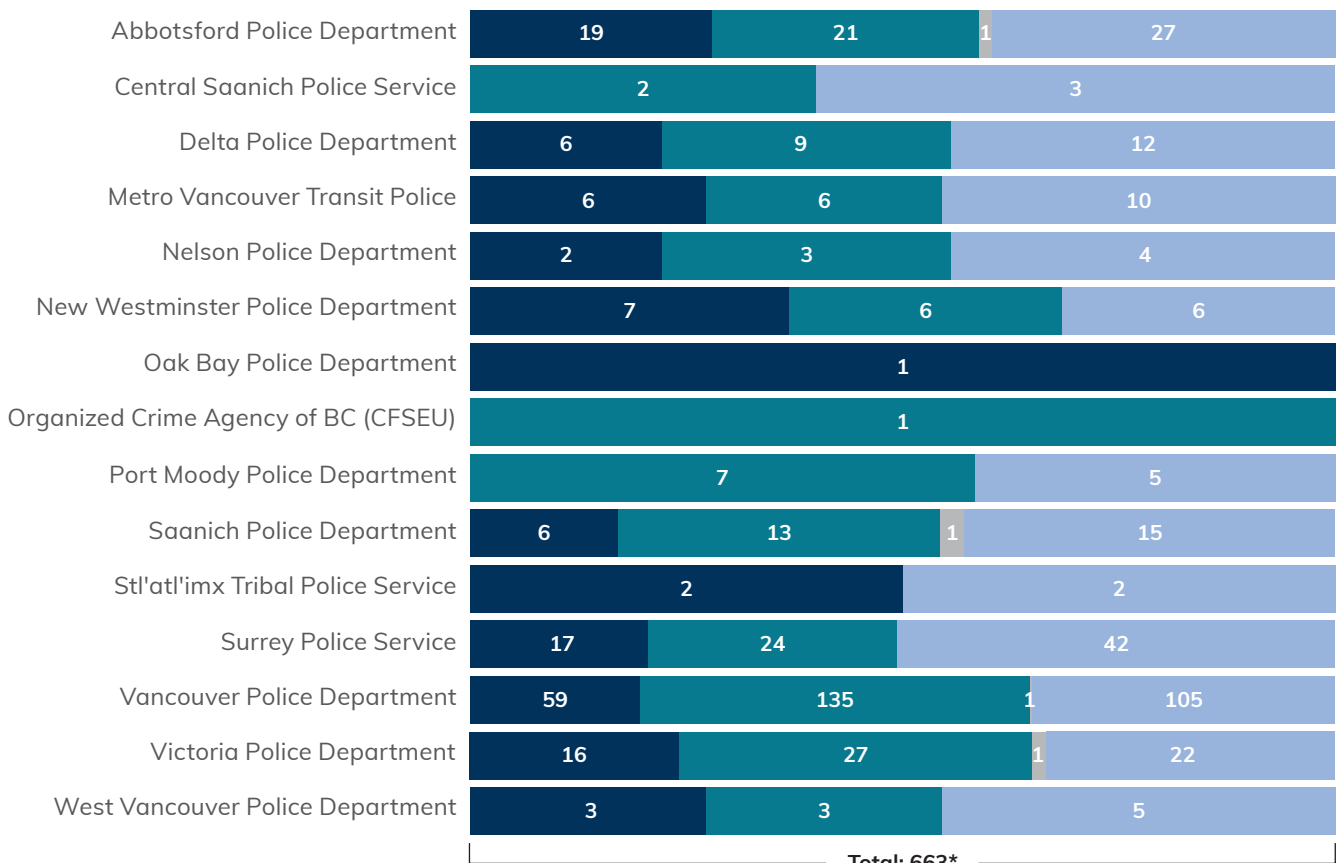
6 Government of British Columbia. Anti-racism legislation. <https://engage.gov.bc.ca/antiracism/>

Gender Identity of Persons Filing Police Complaints



*Total excludes 22 3rd party complaints

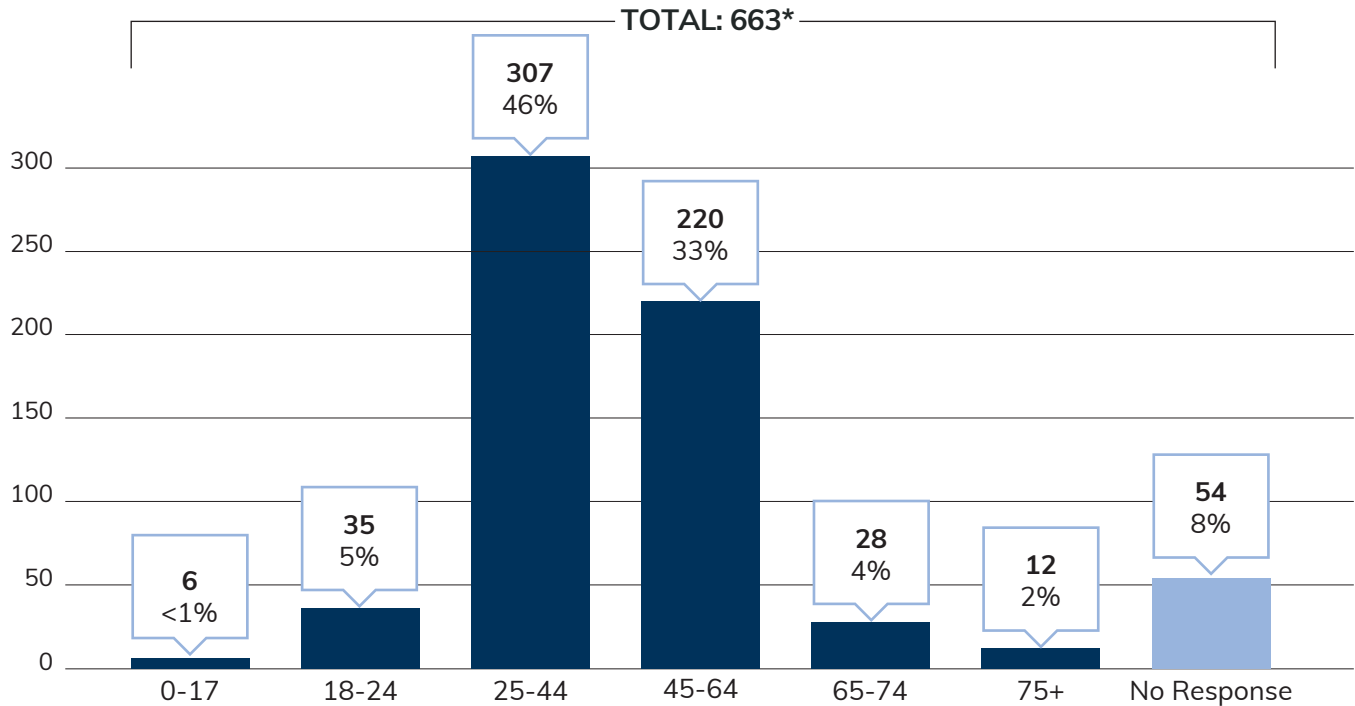
Gender Identity of Persons Filing Police Complaints by Department



*Total excludes 22 3rd party complaints

● Women ● Men ● Transgender ● No Response

Age of Persons Filing Police Complaints



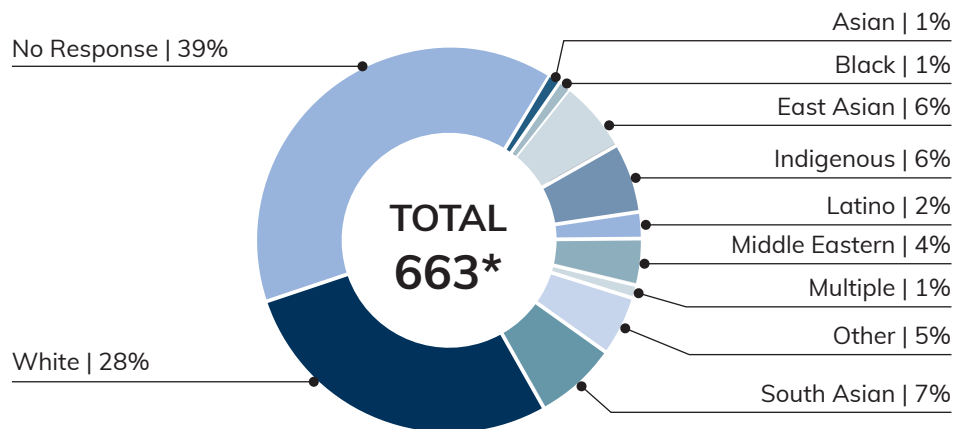
*Total excludes 22 3rd party complaints

Age of Persons Filing Police Complaints by Department

Department	0 - 17	18 - 24	25 - 44	45 - 64	65 - 74	75+	No Response	Total
Abbotsford Police Department	2	4	35	19	4	1	3	68
Central Saanich Police Service	0	0	2	0	1	0	2	5
Delta Police Department	1	0	10	12	3	0	1	27
Metro Vancouver Transit Police	0	2	12	6	0	0	2	22
Nelson Police Department	0	0	3	5	1	0	0	9
New Westminister Police Department	0	0	5	10	2	1	1	19
Oak Bay Police Department	0	1	0	0	0	0	0	1
Organized Crime Agency of BC (CFSEU)	0	0	0	1	0	0	0	1
Port Moody Police Department	1	1	3	7	0	0	0	12
Saanich Police Department	0	2	13	15	2	0	3	35
Stl'atl'imx Tribal Police Service	0	0	1	1	0	0	2	4
Surrey Police Service	1	5	43	23	3	2	6	83
Vancouver Police Department	1	17	147	94	10	5	26	300
Victoria Police Department	0	4	28	24	2	3	5	66
West Vancouver Police Department	0	0	5	3	0	0	3	11
Total	6	36	307	220	28	12	54	663

*Total excludes 22 3rd party complaints

Racialized Identity of Persons Filing Police Complaints



*Total excludes 22 3rd party complaints

Racialized Identity of Persons Filing Police Complaints by Department*

	Asian	Black	East Asian	Indigenous	Latino	Middle Eastern	Multiple	Other	South Asian	White	No Response	Total
Abbotsford Police Department	0	0	4	3	1	2	0	4	3	22	29	68
Central Saanich Police Service	0	0	0	0	0	0	0	0	0	2	3	5
Delta Police Department	0	0	4	1	0	1	0	0	3	6	12	27
Metro Vancouver Transit Police	0	2	4	3	0	0	0	2	0	2	9	22
Nelson Police Department	0	0	0	1	0	0	0	1	0	4	3	9
New Westminster Police Department	1	0	2	2	0	0	0	0	0	9	5	19
Oak Bay Police Department	0	0	0	0	0	0	0	0	0	1	0	1
Organized Crime Agency of BC (CFSEU)	0	0	0	0	0	0	0	0	0	1	0	1
Port Moody Police Department	0	0	3	1	0	1	0	0	0	4	3	12
Saanich Police Department	0	0	1	1	0	4	1	1	1	11	15	35
Stl'atl'imx Tribal Police Service	0	0	0	1	0	0	0	0	0	0	3	4
Surrey Police Service	0	1	3	1	0	3	0	0	9	19	47	83
Vancouver Police Department	2	5	17	22	9	15	5	22	25	80	98	300
Victoria Police Department	1	1	0	7	0	2	0	4	3	24	24	66
West Vancouver Police Department	0	0	0	0	0	0	0	0	1	4	6	11
Total	4	9	38	43	10	28	6	34	45	189	257	663

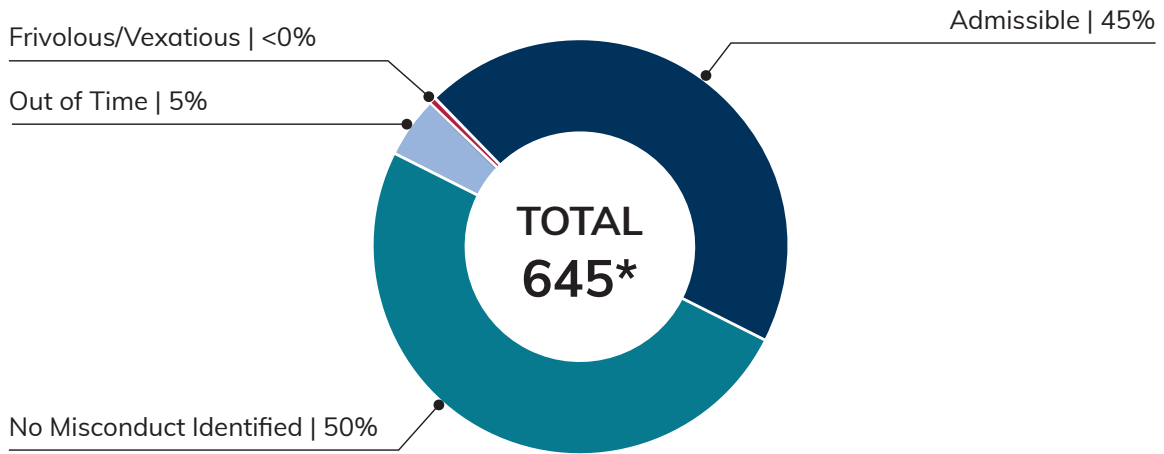
*Total excludes 22 3rd party complaints

Allegations of Misconduct 2023/2024

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

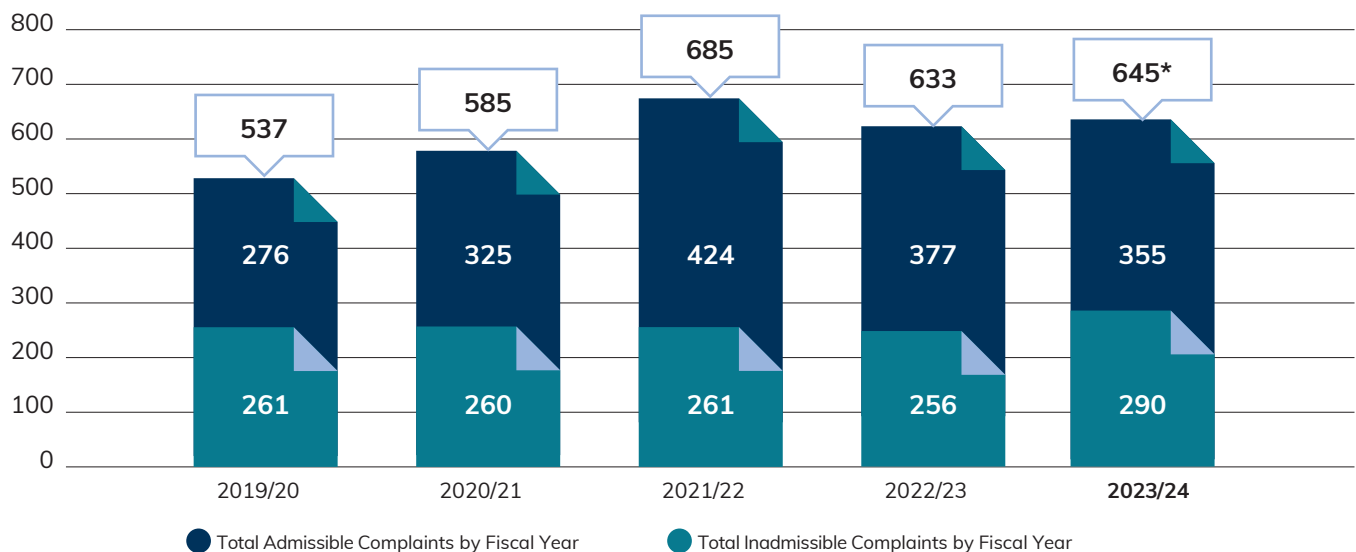
Abuse of Authority	187 (43%)
Neglect of Duty	111 (26%)
Discreditable Conduct	62 (14%)
Discourtesy	52 (12%)
Corrupt Practice	10 (2%)
Damage to Property of Others	6 (1%)
Improper Disclosure of Information	3 (1%)
Improper Use or Care of Firearms	1 (<1%)
Misuse of Intoxicants	1 (<1%)
Accessory to Misconduct	0
Deceit	0
Damage to Police Property	0
Improper Off-Duty Conduct	0
Public Trust Offence	0

Police Complaints: Admissibility Assessments 2023/2024



*Total excludes 11 files pending admissibility, 26 files withdrawn prior to an admissibility determination, 3 files discontinued under S.84

Police Complaints: Admissibility Assessments (past five years)



*For the 2023/24 FY: 11 files are pending admissibility, 26 files were withdrawn prior to an admissibility determination, 3 files were discontinued under S.84

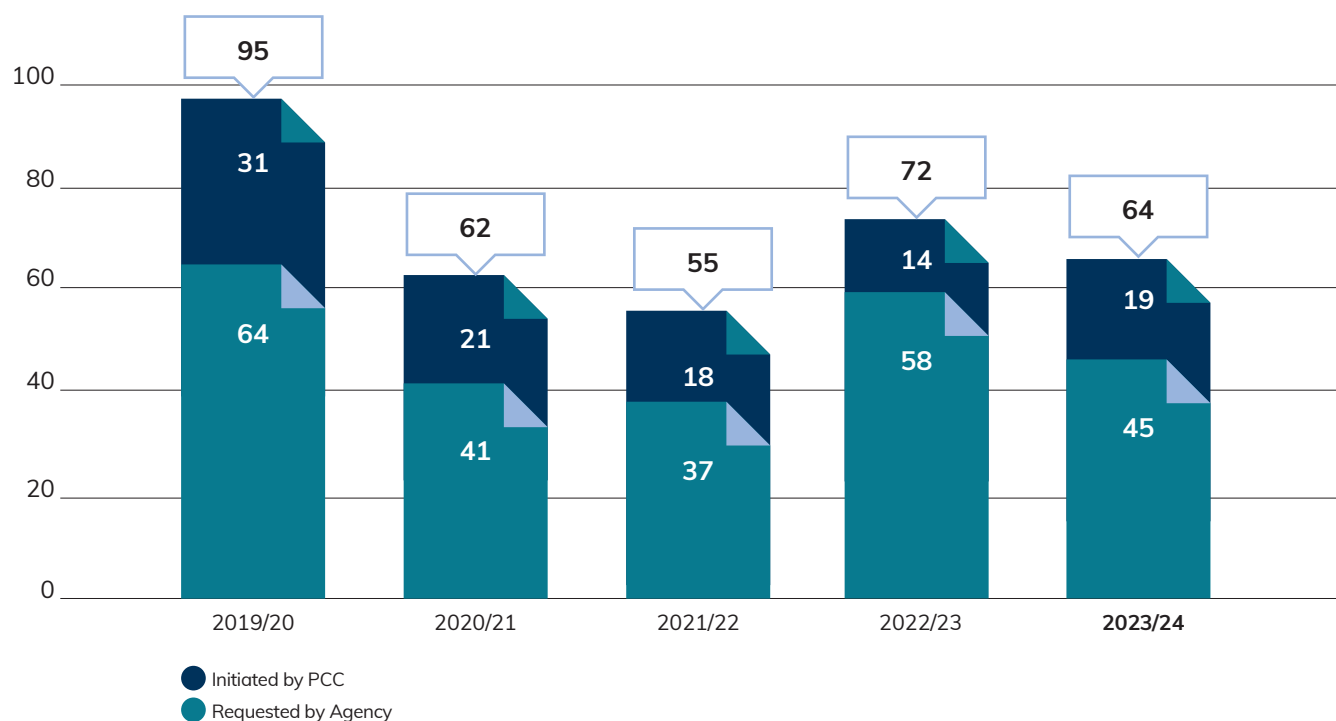
The average admissibility rate for the past five years is 43%. The majority of complaints deemed inadmissible are typically because the complainant has not identified an allegation of misconduct as set out in the Police Act. Once the OPCC has determined that a complaint is admissible, the police department chosen by the Commissioner must investigate the allegations contained in the complaint. The number of complaints admitted and investigated have remained static over the past three years.

Admissible Complaints and Disposition (past five years)

	2019/2020	2020/21	2021/2022	2022/2023	2023/2024
Total Police Complaints Received	537	584	730	706	685
Total 'Admissible' Complaints	261	259	260	256	290
– Forwarded to DA*	134	161	128	106	29
– Complaint Resolution/Mediated	79	51	68	57	43
– Withdrawn	19	19	28	23	10
– Discontinued	25	20	20	24	5
– Multiple Outcomes	1	3	3	1	1
– Consolidated	2	2	4	13	0
Concluded	260	256	251	224	88
Still Open	1	3	9	32	202

*In the first instance and after an investigation is conducted by the police under OPCC oversight, senior police officers (Chief Constables or their delegates) sit as "Discipline Authorities" and make decisions as to whether or not misconduct has occurred.

Ordered Investigations (past five years)



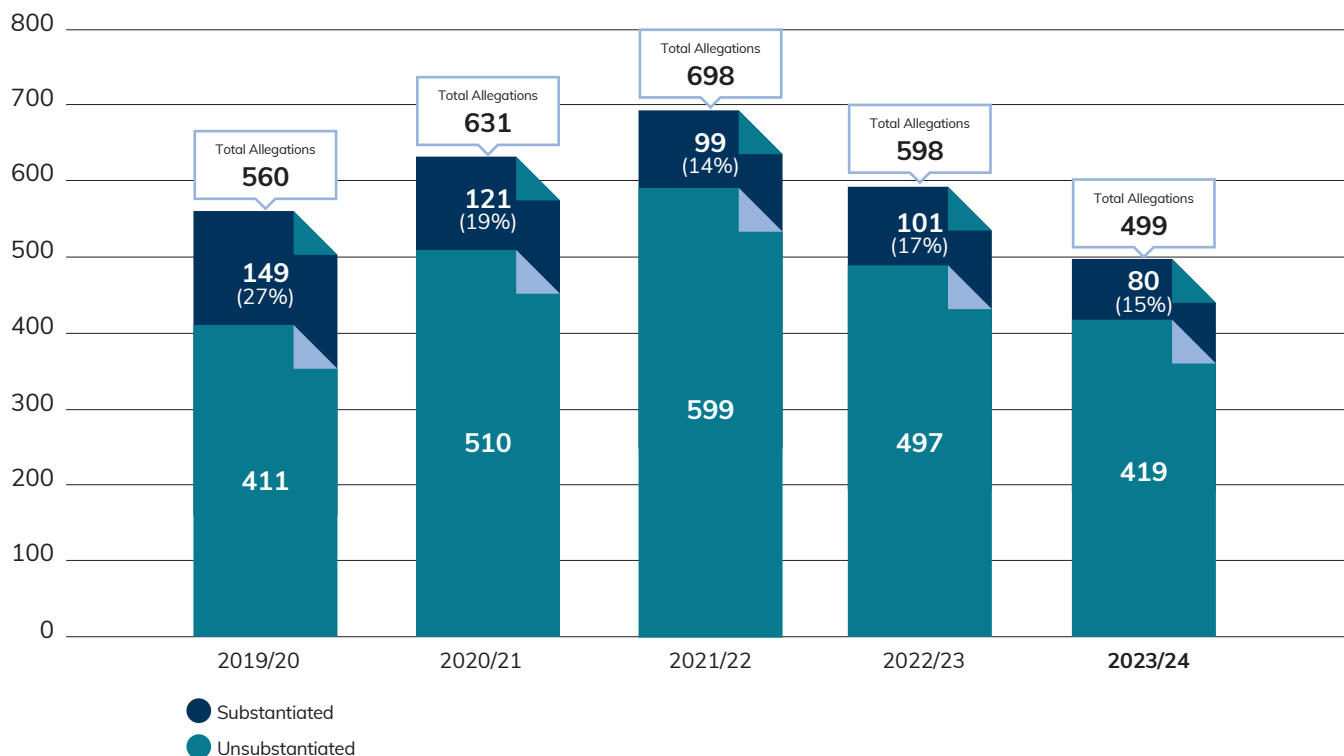
The Police Complaint Commissioner can initiate an investigation in the absence of a complaint from the public. A total of 64 investigations were independently ordered by the OPCC during the 2023/2024 period covered in this report.

Ordered Investigations and Disposition (past five years)

	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Total Number of Ordered Investigations	95	62	55	72	64
– Forwarded to DA*	88	58	46	40	7
– Discontinued	4	3	0	1	0
– Multiple Outcomes	0	0	1	0	0
– Consolidated	1	0	0	0	0
Concluded	93	61	47	41	7
Still Open	2	1	8	31	57

*In the first instance and after an investigation is conducted by the police under OPCC oversight, senior police officers (Chief Constables or their delegates) sit as “Discipline Authorities” and make decisions as to whether or not misconduct has occurred.

Misconduct Rate (past five years)



*This figure includes all substantiated allegations arising from police complaint, serious harm, internal discipline, and ordered investigations.

Each admissible police complaint, ordered investigation, serious harm notification, or internal discipline file will contain at least one allegation of misconduct. Following the completion of the investigation, a Discipline Authority (senior police officer or retired judge) is required to make a determination whether it appears that the police officer committed misconduct. If there is such appearance, the matter may move to a formal Discipline Proceeding where a final determination is made. In other cases, if the member accepts responsibility and an agreement is reached and approved by OPCC on penalty, the matter is concluded.

Reportable Injuries by Type of Force (past five years)

	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Total RI Files	417	448	428	445	443
Total Uses of Force	639	684	574	549	599
– Arwen/ Bean Bag	77	125	99	120	154
– Baton	6	11	5	6	6
– Dog Bite	120	98	97	94	74
– Empty Hand	177	163	90	46	98
– Firearm	0	6	3	8	9
– Motor Vehicle Accident	30	38	31	33	26
– OC Spray (pepper spray)	17	25	22	17	20
– Other	63	68	76	93	57
– Pre-existing	15	17	10	11	17
– Self-inflicted	81	73	66	59	74
– Taser	53	60	75	62	64

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 Files (past 5 years)

	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024
Serious Harm	18	32	22	28	24
Ordered Investigations - By PCC	10	6	8	8	10
Ordered Investigations - By Agency	3	2	3	2	2
Police Complaints	3	17	5	19	12
Internal Discipline	0	0	0	0	2
Questions or Concerns	1	0	0	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 <i>Police Act</i> 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.

	2019/20	2020/21	2021/22	2022/23	2023/24	TOTAL
Appointment of Retired Judge (S.117)	13	9	16	12	12	62
Review on the Record (S.141)	2	4	1	4	2	13
Public Hearing (S.143)	2	0	0	0	1	3
Total	17	13	17	16	15	78



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. The office also identifies wider trends in police misconduct and makes recommendations to address systemic factors 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 office includes staff with diverse professional backgrounds, including experience and training in law and policing. About three-quarters of senior leadership and management have civilian backgrounds, such as in law and policy, regulatory fields, administrative investigations, public administration, 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 42 staff, including 16 Investigative Analysts who are directly involved in the oversight of misconduct investigations. There are an additional 31 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.

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 2023/2024.

	Budget (2023/2024)	Actual (2023/2024)	Difference (\$)	Difference (%)
Operating	\$6,797,000	\$6,758,869	\$38,131	0.6%
Adjudicative	\$700,000	\$669,516	\$30,484	4.4%
Capital	\$145,000	\$102,161	\$42,839	29.5%



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/2023/01/opcc-general-information-brochure.pdf>

Alternative Dispute Resolution

<https://opcc.bc.ca/wp-content/uploads/2023/01/opcc-complaint-resolution-brochure.pdf>

Complaint Form

<https://opcc.bc.ca/wp-content/uploads/2022/08/printable-registered-complaint-form-2022.pdf>

Police Act of British Columbia

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96367_01

Independent Investigations Office of British Columbia

<https://iiobc.ca/>

Other Canadian oversight agencies

<https://opcc.bc.ca/resources/canadian-police-oversight-agencies/>

Appendix

Summaries of all substantiated allegations against municipal police officers concluded between April 1, 2023 and March 31, 2024.

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

PUBLIC INTEREST DISCLOSURE ACT

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



Office of the Police Complaint Commissioner

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Office of the Police Complaint Commissioner (2024)

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