

PUBLIC

To: South Coast British Columbia Transportation Authority Police Board
(Police Board)

From: Chief Officer Barry Kross
South Coast British Columbia Transportation Authority Police Service
(Transit Police)

Date: October 22, 2018

Subject: 2018 Q1/Q3 Complaint Statistical Report [Report No. 2018-37]

Information Report

PURPOSE

To inform the Police Board of the 2018 third quarter *Police Act* complaint update for the Transit Police.

BACKGROUND/DISCUSSION

This report provides a Transit Police statistical update of “Public Trust” complaints (Division 3) and “Service and Policy” complaints (Division 5) under the *Police Act*. Information for the January – September (“Q1/Q3”) 2018 period is provided as well as trending comparison for the years 2014 to 2017 (annual statistics).

Public Trust Complaints

Chart 1 outlines the total number of Public Trust complaint files under the *Police Act* that the Transit Police had for the specified periods. The total is composed of “Admissible Complaints” and “Ordered Investigations”.

Definitions:

Admissible Complaints – Admissible (registered) complaints are formal complaints under the Police Act that are made by members of the public concerning the conduct of police officers.

Ordered Investigation – Public Trust investigations that are ordered by the Police Complaint Commissioner (“PCC”), whether it is upon the request of a police service or as a result of information received directly by the PCC from any source that raises concerns about police officer misconduct. The legislation also requires the PCC to order a mandatory external investigation into serious harm or death incidents, pursuant to s. 89 of the Police Act.

Chart 1

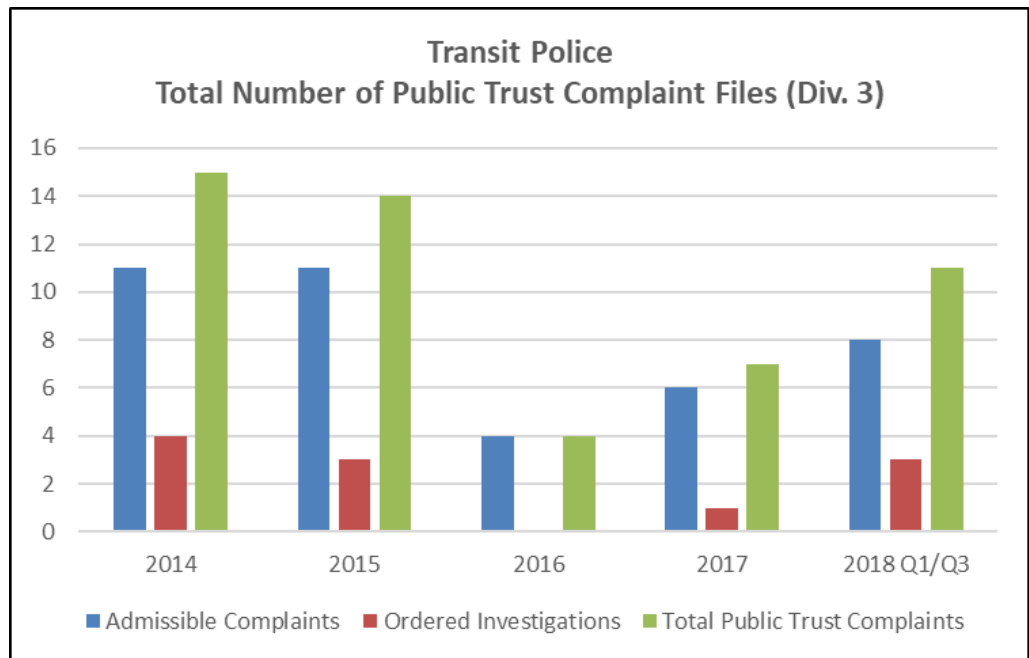
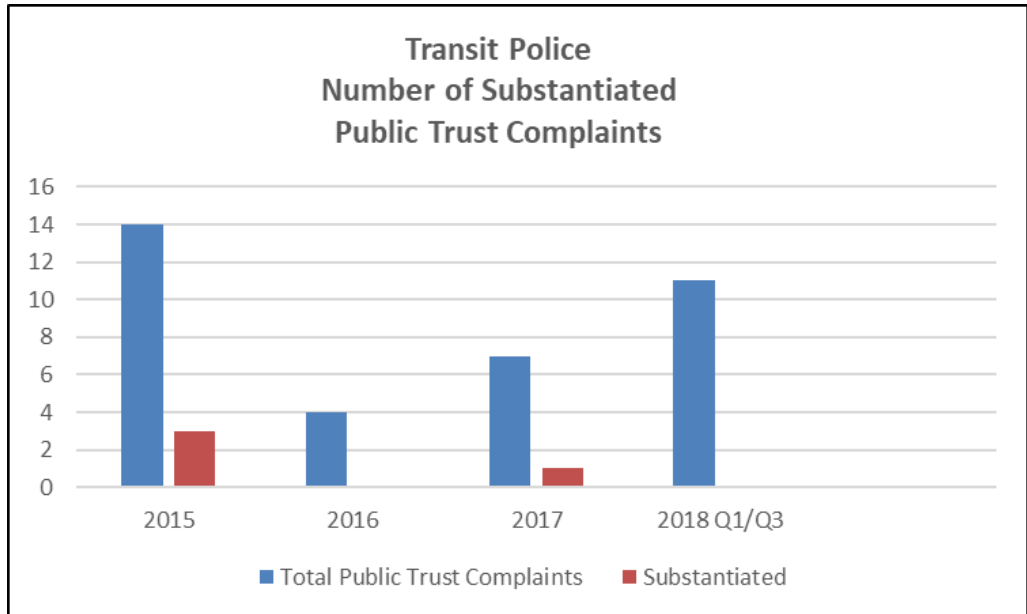


Chart 2 shows the number of substantiated Public Trust complaints following the file investigation and concluding review by the OPCC. As the 2018 Q1/Q3 Public Trust complaint files are still active and/or open before the OPCC, the substantiated file status may change by year-end.

Definition:

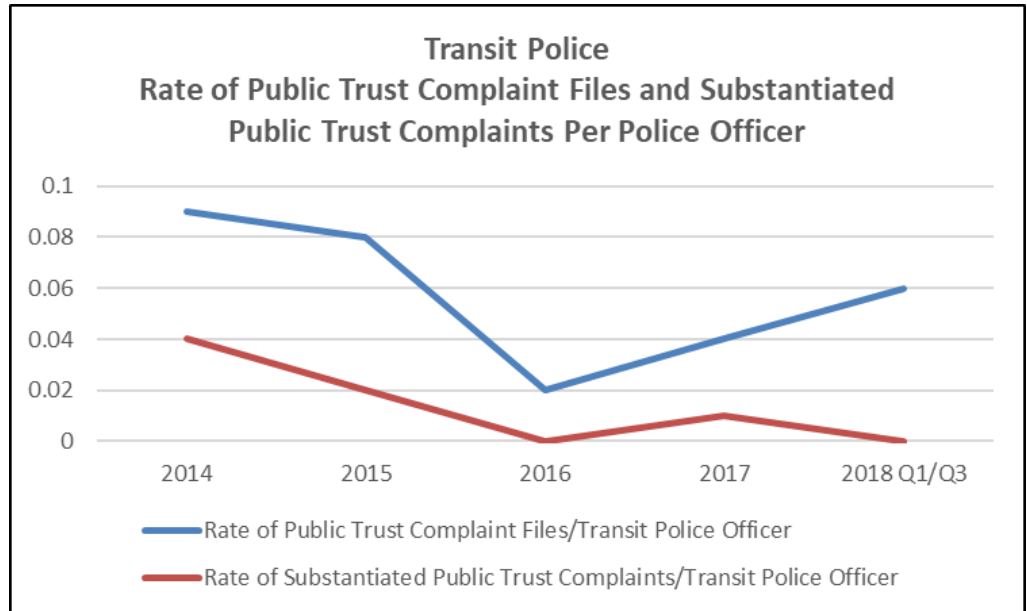
Substantiated – The allegation(s) is proven and the matter proceeds to a discipline process.

Chart 2



As shown in Chart 3, the rate of Public Trust complaint files received per Transit Police Officer has trended downward since 2012. Currently, it is 0.06 complaint per officer. The rate of substantiated complaints per Transit Police Officer has also trended downwards and, currently, there is only one substantiated Public Trust complaint (an Ordered Investigation) for the 2016 - 2018 period. *(Note: This number may change following conclusion/disposition of 2018 complaint files.)*

Chart 3



Categories of Misconduct

There are 13 different categories of misconduct set out in s. 77 of the *Police Act*:

- Abuse of Authority
- Discreditable Conduct
- Accessory to Misconduct
- Improper Disclosure of Information
- Corrupt Practice
- Improper Off-Duty Conduct
- Damage to Police Property
- Improper Use/Care of Firearms
- Damage to Property of Others
- Misuse of Intoxicants
- Deceit
- Neglect of Duty
- Discourtesy

A complaint may involve one or more misconduct allegations. Misconduct allegations may change throughout the course of an investigation or as a result of analysis by the OPCC, the discipline authority or the investigator. Chart 4 below identifies the categories of misconduct that were found in the substantiated Public Trust complaints for each year.

Chart 4

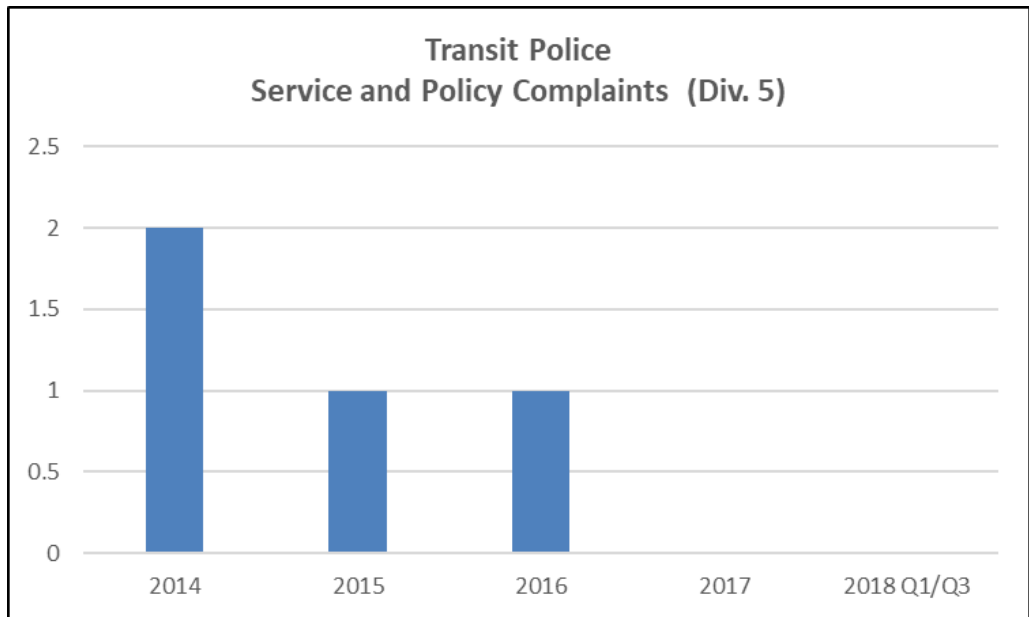
Transit Police Misconduct Categories Involved with Substantiated Public Trust Complaints					
	2014	2015	2016	2017	2018 Q1/Q3
Abuse of Authority	1	0	0	0	0
Discreditable Conduct	2	1	0	0	0
Accessory to Misconduct	0	0	0	0	0
Improper Disclosure of Information	1	0	0	0	0
Corrupt Practice	0	1	0	0	0
Improper Off-Duty Conduct	0	0	0	0	0
Damage to Police Property	0	0	0	0	0
Improper Use/Care of Firearms	1	0	0	0	0

Damage to Property of Others	0	0	0	0	0
Misuse of Intoxicants	0	0	0	0	0
Deceit	1	0	0	0	0
Neglect of Duty	3	1	0	1	0
Discourtesy	1	0	0	0	0

Service and Policy Complaints

Under s. 168 of the *Police Act*, a person may make a “Service” or “Policy” complaint. Such a complaint may arise within a Public Trust complaint or be an independent complaint. A service or policy complaint are those regarding the quality of a police agency’s service to the community or regarding the police agency’s operating policies. Chart 5 shows the number of service and policy complaints received each year.

Chart 5

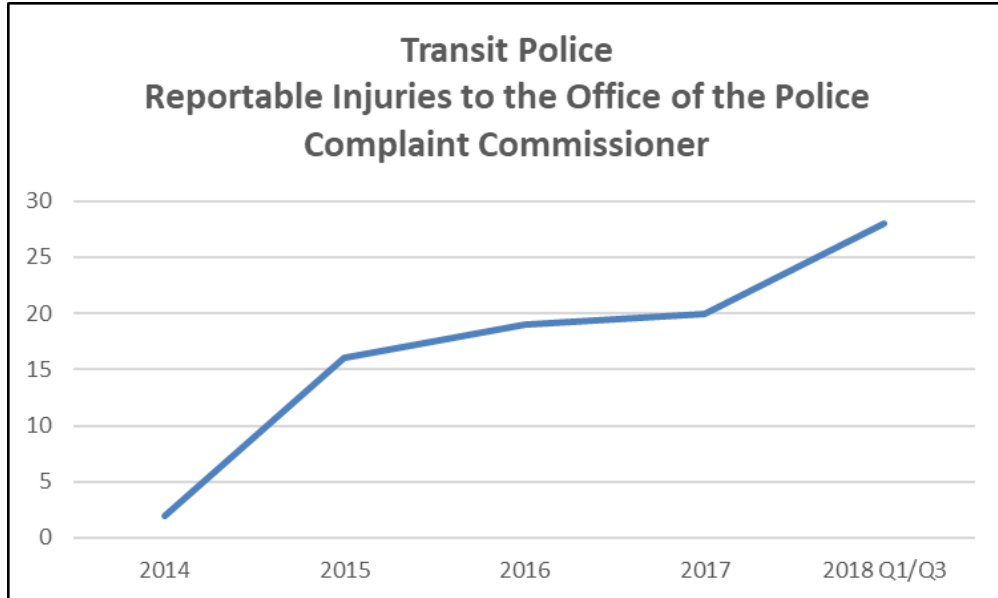


Reportable Injuries

The Transit Police Professional Standards Section is required to report all incidents where an individual in the care or custody of the police suffers a ‘reportable injury’ that requires medical treatment at a hospital. The OPCC opens a ‘monitor file’ until it is determined whether a *Police Act* investigation is warranted. Where an

investigation is required, the incident is included within the Ordered Investigation statistics. The number of reportable injuries is shown in Chart 6, as follows.

Chart 6



The Transit Police has adopted an approach to err on the side of caution where it comes to the threshold for reportable injuries, particularly where a person has taken drugs, or drugs are found on the person and they are subsequently taken to hospital. The increase in reportable injuries, in recent years, is attributed to this approach. Some injuries occur incidental to arrest (e.g., sore wrist or leg, or dislocated finger). As of Q3 2018, one reportable injury has moved to an Ordered Investigation.

CONCLUSION

The Transit Police expects professional conduct by its Members. The police service continues to be proactive and implement measures to help develop its Members and enhance their ability to meet the expectations of the police service and the public. The Transit Police’s “Rapid Response Strategy” to queries/concerns and complaints, thorough investigation of complaints, and diligence of Members all contribute to the Transit Police building and maintaining of public confidence.

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