

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: February 1, 2019

Subject: 2018 Year-end Complaint Statistical Report [Report No. 2019-01]

Information Report

PURPOSE

To inform the Police Board of the 2018 year end *Police Act* complaint statistical 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 – December 2018 period is provided as well as trending comparison for the years 2014 to 2018 (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 each year. 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

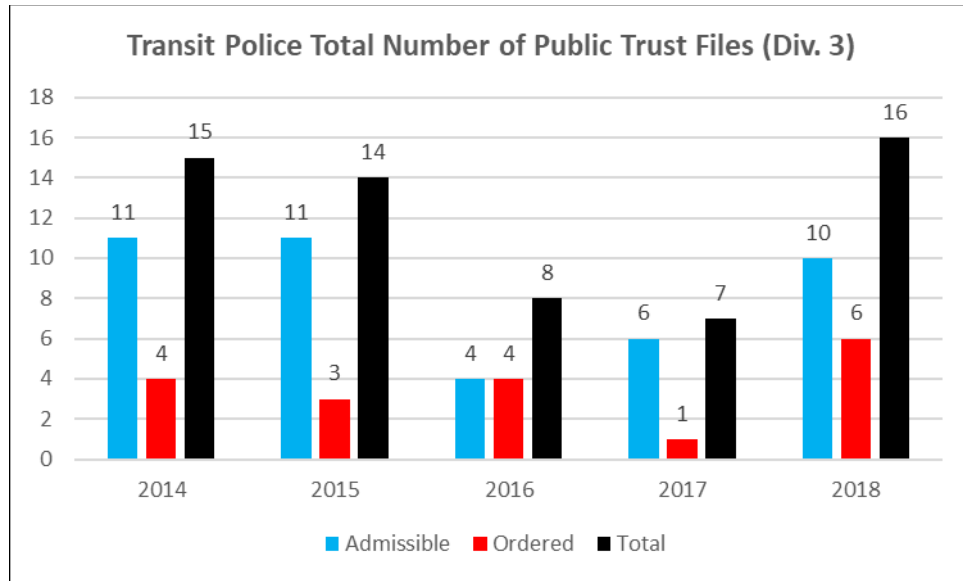
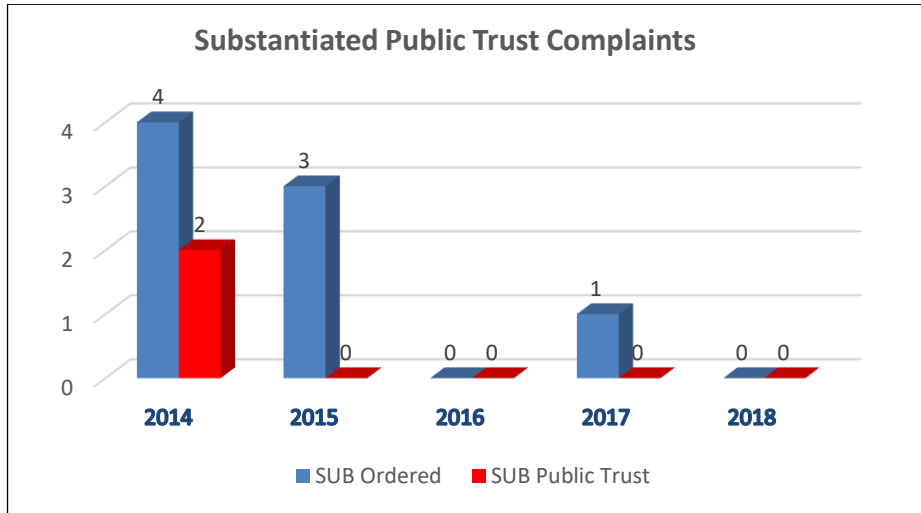


Chart 2 shows the number of substantiated Public Trust complaints following the file investigation and concluding review by the OPCC. As some of the 2018 Public Trust complaint files are still active and/or open before the OPCC, the substantiated file status may change on their conclusion. The Transit Police has recorded 10 substantiated complaints Public Trust Complaints between 2014 and 2018; only two of which were as a result of a registered complaint received from the public.

Definition:

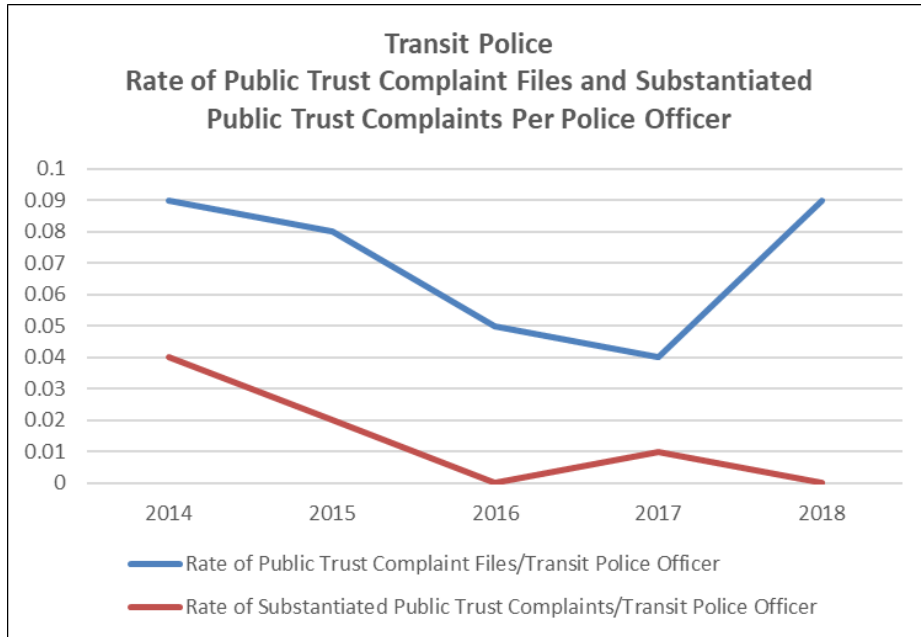
Substantiated – The allegation(s) is supported by the evidence and the matter proceeds to a discipline process.

Chart 2



As shown in Chart 3, the rate of Public Trust complaint files per Transit Police Officer has returned to the 2014 rate, reflecting both the increase in Admissible Complaints and Ordered Investigations (initiated by the Transit Police). However, of positive note is that notwithstanding this increase, the rate of substantiated complaints per Transit Police Officer has trended downwards. (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*:

<ul style="list-style-type: none"> • Abuse of Authority • Accessory to Misconduct • Corrupt Practice • Discreditable Conduct • Improper Disclosure of Information • Improper Off Duty Conduct • Damage to Police Property 	<ul style="list-style-type: none"> • Improper Use/Care of Firearms • Damage to Property of Others • Misuse of Intoxicants • Deceit • Neglect of Duty • Discourtesy
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A complaint may involve one or more misconduct allegations. Misconduct allegations may change throughout the course of an investigation or as the 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 over the past five years.

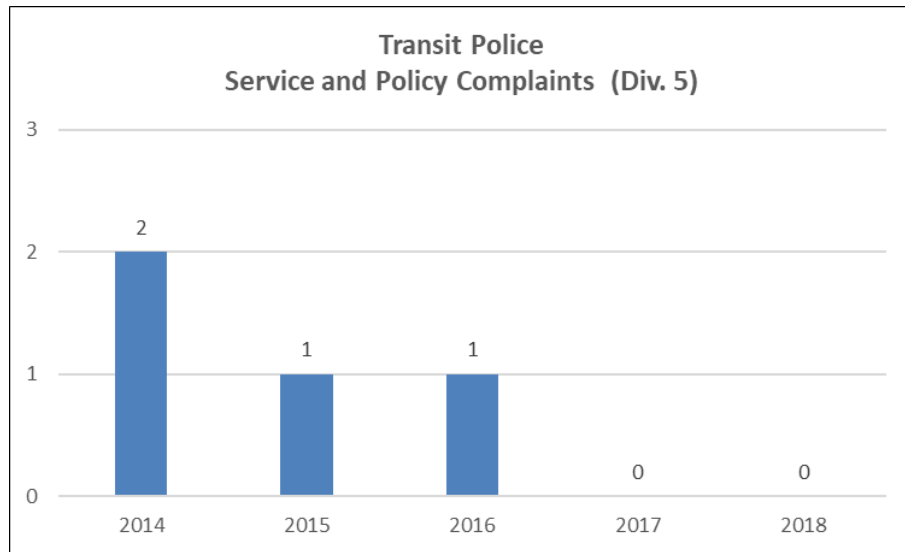
Chart 4

Transit Police Misconduct Categories Involved with Substantiated Public Trust Complaints – 2014 to 2018	
Abuse of Authority	1
Discreditable Conduct	3
Improper Disclosure of Information	1
Corrupt Practice	1
Improper Use/Care of Firearms	1
Deceit	1
Neglect of Duty	5
Discourtesy	1

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 that follows shows the number of service and policy complaints received each year.

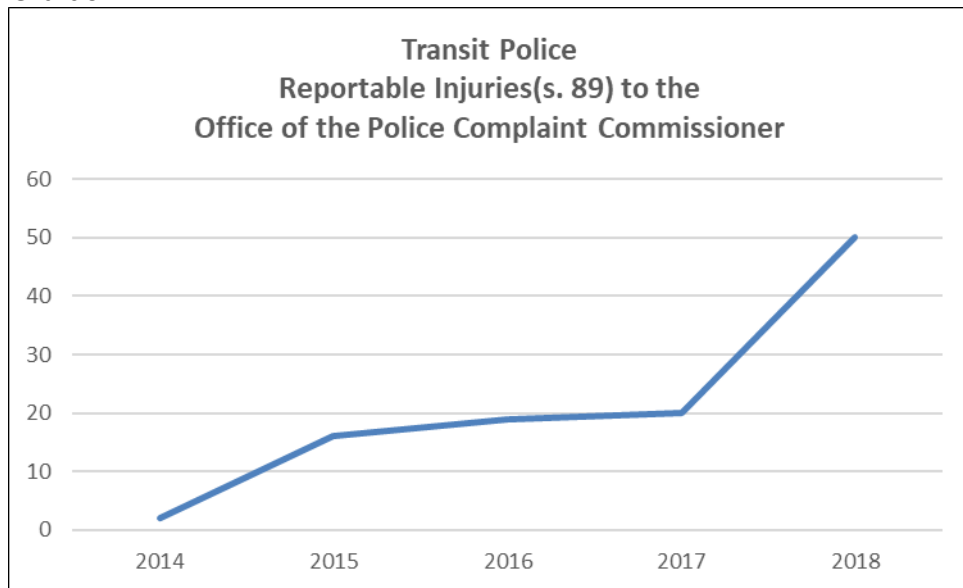
Chart 5



Reportable Injuries

The Transit Police Professional Standards Unit (“PSU”) 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 also included within the Ordered Investigation statistics. The number of reportable injuries is shown in Chart 6 below.

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 admits to or appears to have taken drugs. For their own health and safety, they are transported to hospital to be medically cleared or held for medical observation or treatment. The increase in reportable injuries, particularly in 2018, is attributed to this cautious approach, and further influenced by the Opioid crisis.

Some injuries occur incidental to arrest (e.g., sore wrist or leg, or dislocated finger). As of Q4 2018, one reportable injury moved to an Ordered Investigation, at the request of Transit Police. A complete review of the increase in the number of reportable injuries was undertaken in the fall and again at the end of 2018. No issues of concern were discovered related to the actions of our Members.

CONCLUSION

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

Chief Officer Barry Kross

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