

PUBLIC

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

From: Chief Officer Dave Jones
South Coast British Columbia Transportation Authority Police Service
(Transit Police)

Date: April 13, 2021

Subject: 2021 Q1 Complaint Statistical Report [Report No. 2021-11]

Information Report

PURPOSE

To inform the Police Board of the 2021 Q1 *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 – March 2021 period is provided as well as trending comparison for the years 2016 to 2020 (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 Q1 2021, in comparison to the same period in 2016 to 2020. The total is composed of “Admissible Complaints” and “Ordered Investigations”. Chart 2 provides a comparison Q1 2021 to the annual statistics for the Public Trust complaint files.

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

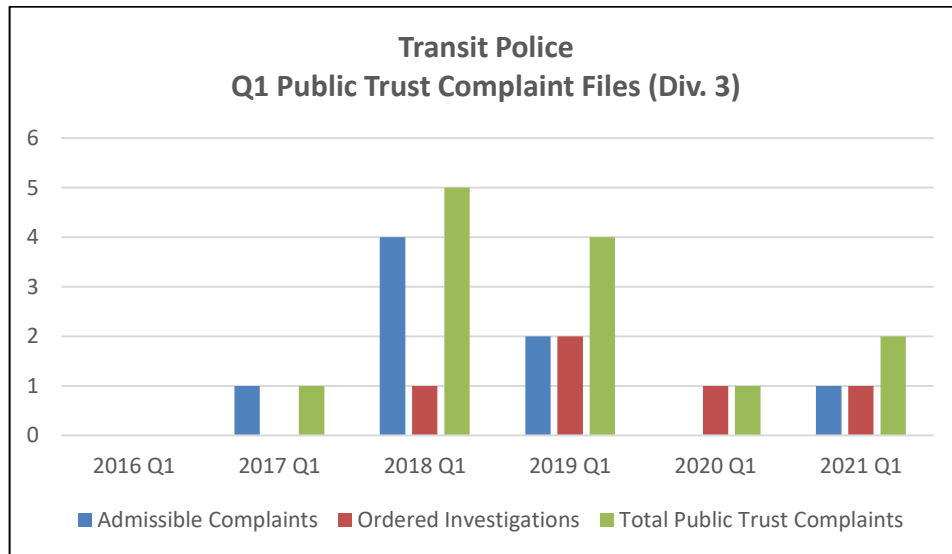


Chart 2

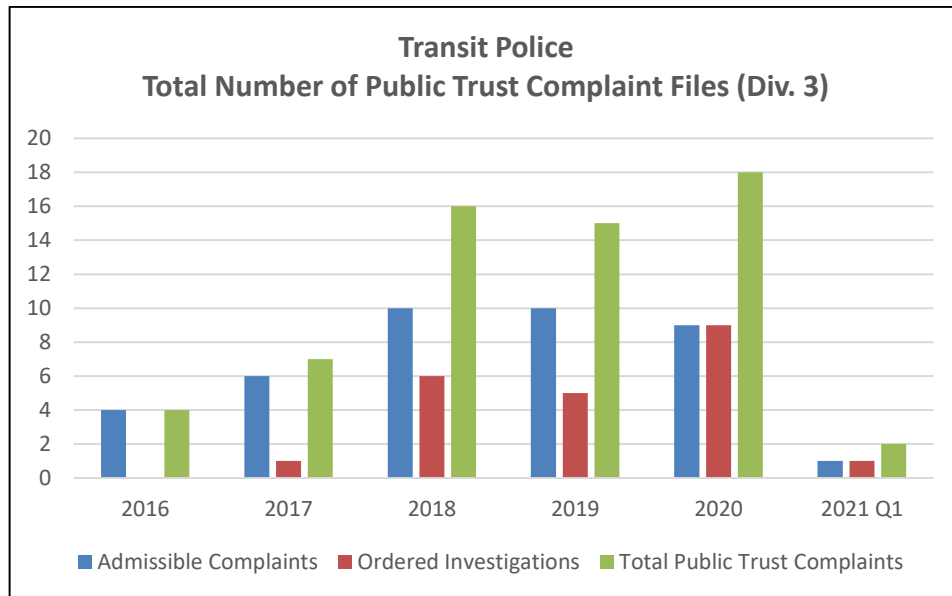


Chart 3 shows the number of substantiated Public Trust complaints following the file investigation and concluding review by the Office of the Police Complaint Commissioner (“OPCC”). As some of the 2020 Public Trust complaint files are still active and/or open before the OPCC, the substantiated file status may change on their conclusion. The Transit Police has recorded 12 substantiated Public Trust Complaints between 2016 and 2021.

Definition:

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

Chart 3

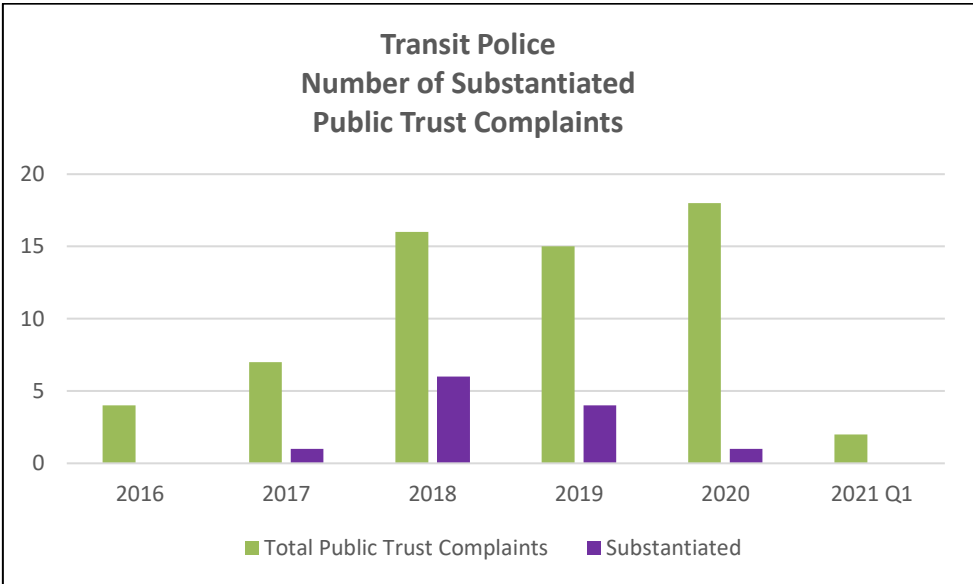
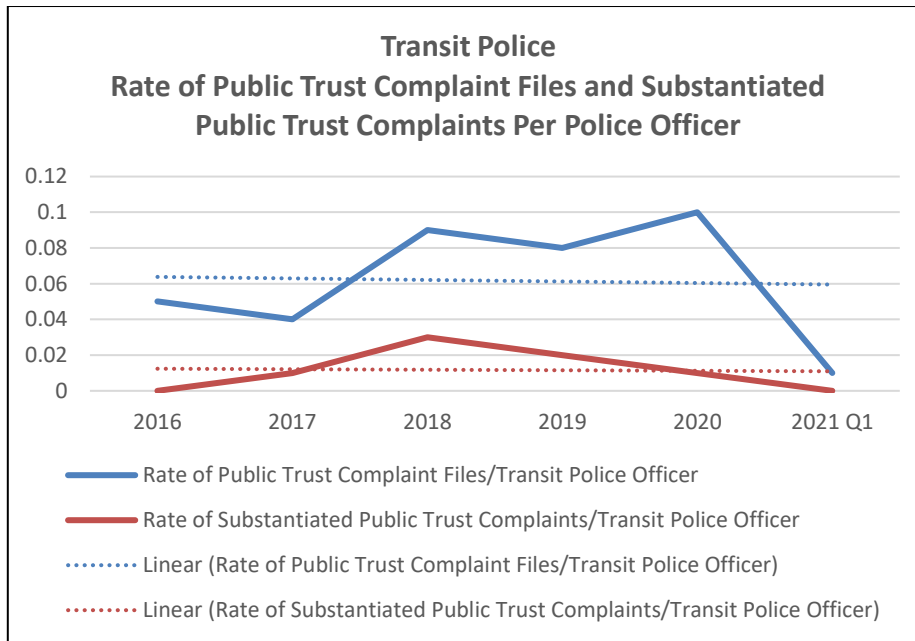


Chart 4 (on the next page) shows the rates of Public Trust Complaint Files and Substantiated Public Trust Complaints per Transit Police Officer from 2016 to Q1 2021. There may be further changes to the substantiated complaint rate as some 2020 files remain under investigation or are not yet concluded by the OPCC.

Chart 4



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 and, for some files, more than one Member. 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 5 below identifies the categories of misconduct that were found in the substantiated Public Trust complaints over the past five years.

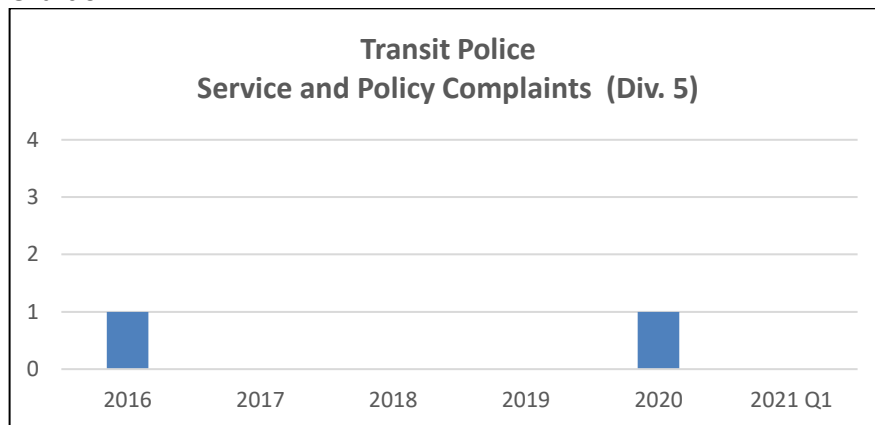
Chart 5

Transit Police Misconduct Categories Involved with Substantiated Public Trust Complaints						
Misconduct Categories Involved with Substantiated Public Trust Complaints	2016	2017	2018	2019	2020	2021 Q1
Abuse of Authority	0	0	3	0	0	0
Discreditable Conduct	0	0	1	3	0	0
Accessory to Misconduct	0	0	0	0	0	0
Improper Disclosure of Information	0	0	0	1	0	0
Corrupt Practice	0	0	0	3	0	0
Improper Off-Duty Conduct	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0
Improper Use/Care of Firearms	0	0	0	1	0	0
Damage to Property of Others	0	0	0	0	0	0
Misuse of Intoxicants	0	0	0	0	0	0
Deceit	0	0	1	1	0	0
Neglect of Duty	0	1	3	2	0	0
Discourtesy	0	0	1	0	1	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 6 shows the number of service and policy complaints received each year. The Police Board received one Service and Policy complaint in 2020.

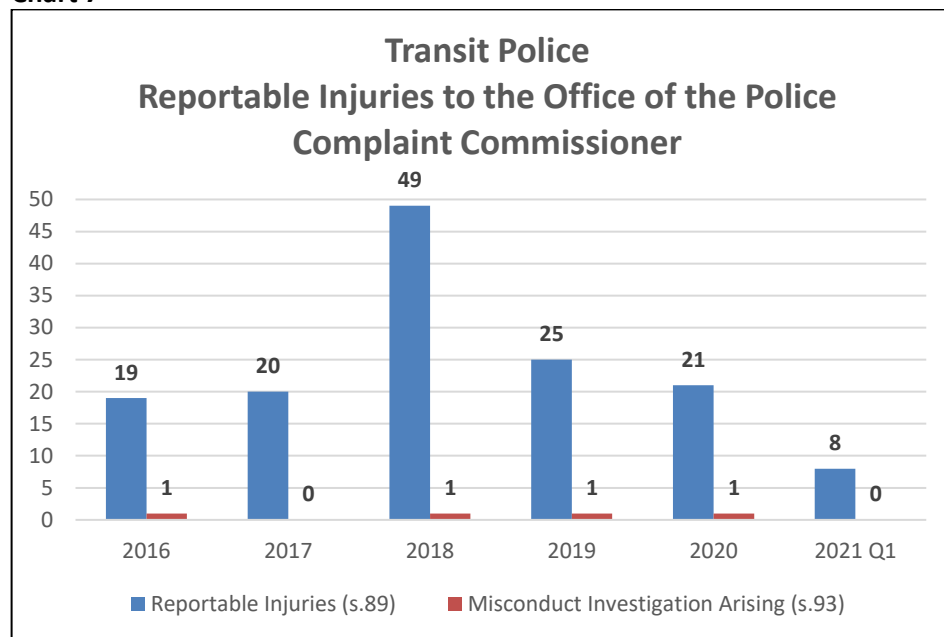
Chart 6



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 included within the Ordered Investigation statistics. The number of reportable injuries is shown in Chart 7 below.

Chart 7



In 2018, Transit Police 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). A complete review of the increase in the number of reportable injuries was undertaken in 2018. At that time, no issues of concern were discovered related to the actions of our Members, nor has issue arisen since then in relation to s. 89 events.

CONCLUSION

Due to the pandemic and associated safety protocols, PSU Investigators continue to conduct most investigation interviews by telephone to reduce contact with other Members and the public. PSU, with the assistance of in-house counsel, also continues to provide regular guidance to Operations' Members on dealing with 'anti-maskers' and COVID deniers that seek out confrontation with police and transit staff on the transit system.

Chief Officer Dave Jones

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