



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: October 5, 2022

Subject: 2022 Q3 Complaint Statistical Report [Report No. 2022-43]

Information Report

PURPOSE

To inform the Police Board of the 2022 Q1-Q3 *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 January – September 2022 is provided as well as trending comparison for the years 2017 to 2021.

Public Trust Complaints

Chart 1 outlines the total number of Public Trust complaint files under the *Police Act* that the Transit Police had in 2022 Q1-Q3 in comparison to the annual statistics for 2017 to 2021. 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

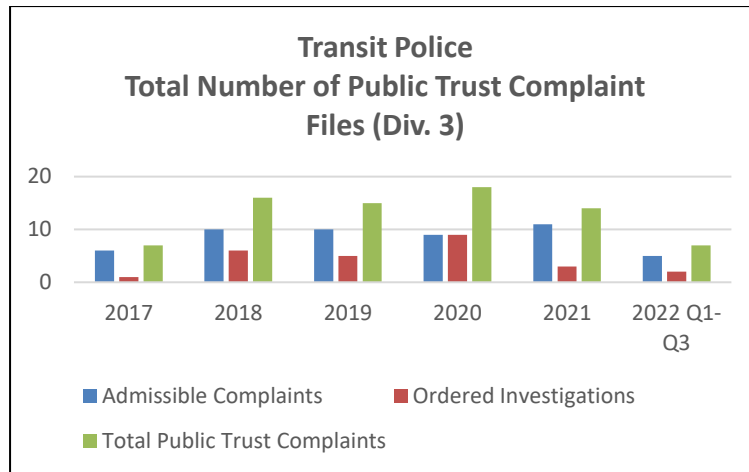


Chart 2 shows the number of substantiated Public Trust complaints following the file investigation and concluding review by the Office of the Police Complaint Commissioner (“OPCC”). As some of the 2021 Public Trust complaint files are still active and/or open before the OPCC, the substantiated file status may change on their conclusion. The Transit Police has recorded 15 substantiated Public Trust Complaints between 2017 and 2022.

Definition:

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

Chart 2

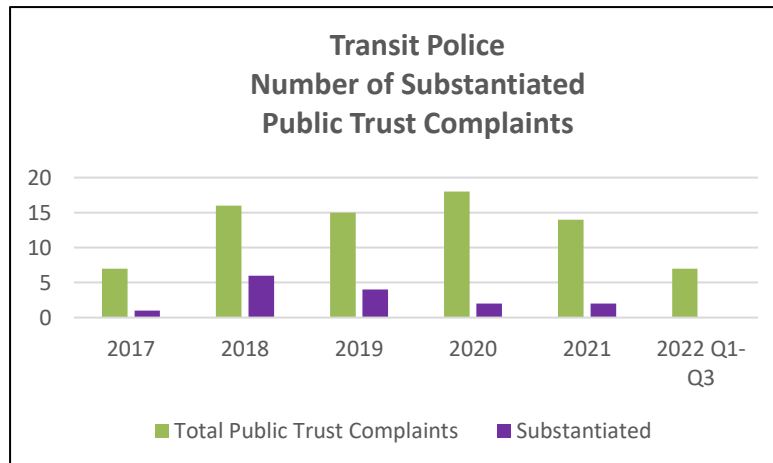
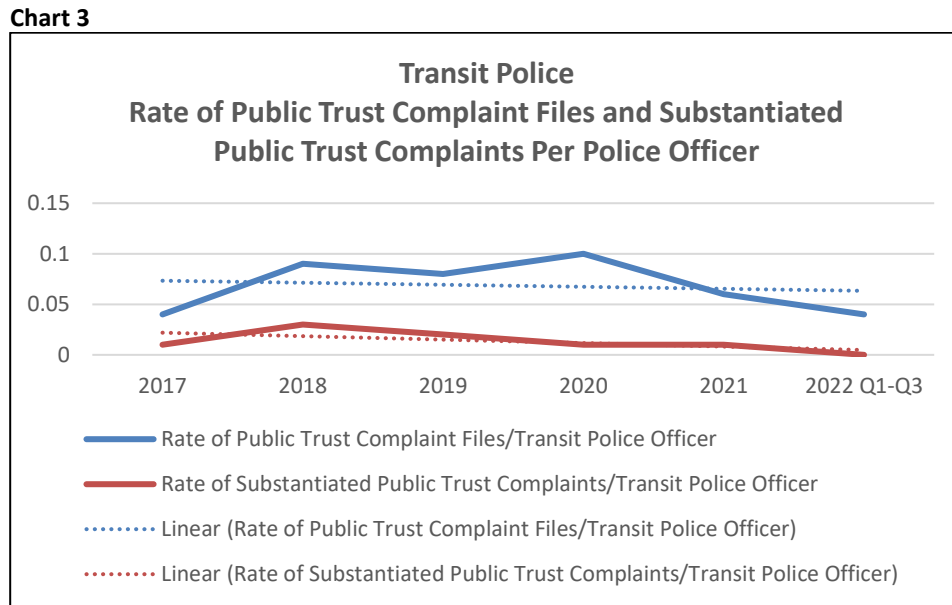


Chart 3 shows the annual rates of Public Trust complaint files per police officer and substantiated Public Trust complaints per police officer from 2017 to 2021, in comparison to the 2022. There may be further changes to the substantiated complaint rate as some 2021 files remain under investigation or are not yet concluded through the OPCC process.



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 4 identifies the categories of misconduct that were found in the substantiated Public Trust complaints over the past six years.



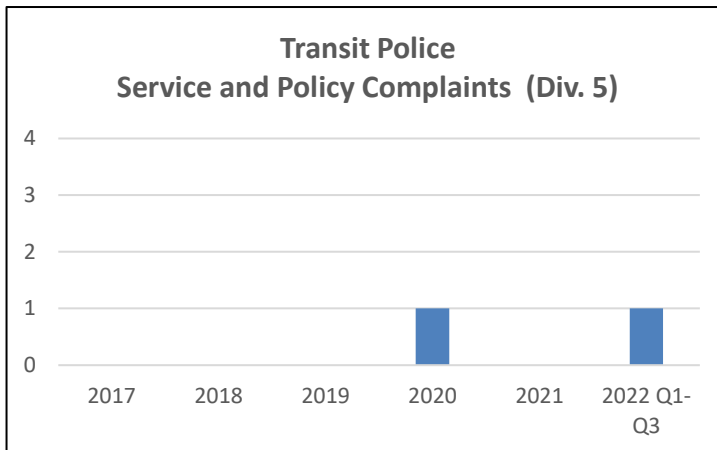
Chart 4

Transit Police Misconduct Categories Involved with Substantiated Public Trust Complaints						
Misconduct Categories Involved with Substantiated Public Trust Complaints	2017	2018	2019	2020	2021	2022 Q1-Q3
Abuse of Authority	0	3	0	0	0	0
Discreditable Conduct	0	1	3	1	1	0
Accessory to Misconduct	0	0	0	0	0	0
Improper Disclosure of Information	0	0	1	0	0	0
Corrupt Practice	0	0	3	0	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	1	0	0	0
Damage to Property of Others	0	0	0	0	0	0
Misuse of Intoxicants	0	0	0	0	0	0
Deceit	0	1	1	0	0	0
Neglect of Duty	1	3	2	0	2	0
Discourtesy	0	1	0	1	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 the 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 from 2017 to 2022. The Police Board received one Service and Policy complaint in 2022 Q1-Q3.

Chart 5



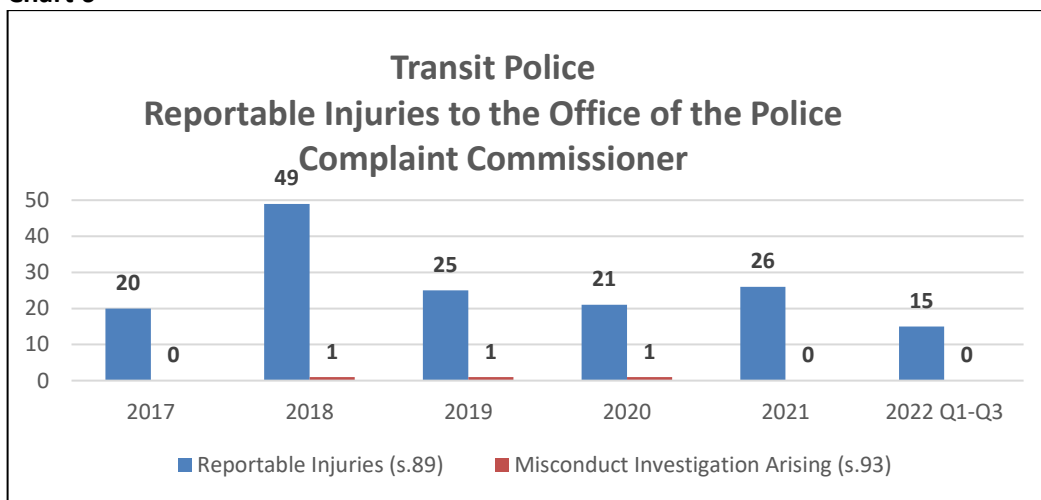
It is noted that, in September 2022, the Police Board approved more detailed Service and Policy Complaint procedures for its governance manual.



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 or not. Where a misconduct investigation is required, the incident is also included within the ‘Ordered Investigation’ statistics. The number of reportable injuries for 2017 to 2022 are shown in Chart 6.

Chart 6



NOTE: 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, the person is 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.

Integrated PSU Unit

In September 2021, Transit Police and four other small police agencies (Delta, New Westminister, West Vancouver, and Port Moody) formed an Integrated Professional Standards Unit. Currently, Inspector Mullin from the Transit Police is designated as the officer in charge. Each agency provides a certain number of police investigators and the investigative workload is shared.



CONCLUSION

Recently, the Integrated PSU was formally recognized by the OPCC. This allows all participating agencies to take a more collective and proactive approach to resourcing complex investigations during the initial stages. Further, it allows the workload of the participating agencies to be shared. Succession planning and the development of new professional standards' members within the agencies becomes more efficient, given the Unit's ability to work more collaboratively with each other. Additionally, greater attention is being paid to trends in terms of the nature of complaints received. Moving forward, it will provide the participating agencies with an opportunity to proactively educate its members as a means of prevention.

Chief Officer Dave Jones

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