

**A Macro Perspective on Police Oversight in British  
Columbia: An Exploratory Study of the Dynamics and  
Financial Cost of Accountability**

by

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## Ethics Statement



The author, whose name appears on the title page of this work, has obtained, for the research described in this work, either:

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## **Abstract**

Independent civilian oversight of police has had rapid growth over the past decade in response to a number of high profile cases of police misconduct and public dissatisfaction with internal police investigations. The dynamics of the oversight process, however, have not been studied. This study examines the oversight of Royal Canadian Mounted Police and municipal police in the Province of British Columbia. This includes the financial cost of oversight, trends in public complaints against the police and the benefits and challenges of the current oversight system. The role of oversight in increasing police accountability, improving public confidence and shifting police behavior is also examined. Thirteen semi-structured interviews were conducted with persons from oversight agencies, police unions, special interest groups and professional standards units. The findings reveal the cost of police oversight has increased by 93.6% over five years. Municipal police spend more on oversight per year despite having three times less police strength than the RCMP. Major challenges facing the system include timely processing of complaints, the administrative burden of minor complaints, the difficulty in determining return on investment, and the two-tier complaint model within the province.

**Keywords:** Canadian police; police oversight; police oversight models; complaints against police; costs of oversight; Royal Canadian Mounted Police

## **Dedication**

*In dedication to my sources of inspiration and whom I always strive to make proud, my amazing mother, Kim Stelkia, and my loving husband, Nino Khodabandeh. You both are the reason for everything that I am and to everywhere I am going, thank you.*

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I am a strong believer that, if lucky, certain people come into your life at precise moments of time to help facilitate catalyst change. I would like to personally recognize and thank Dr. Jeff Reading for seeing the potential in me at a pivotal moment in my life and believing in my ability to contribute to the field. Your ongoing support and vote of confidence has given me strength to know I am making the right decisions in life.

Lastly, I would like to thank all my participants for taking time out of their busy schedule to share their thoughts, views and experiences of the current oversight system in British Columbia. It is evident there are necessary changes that need to be made to enhance this system. By sharing your candid perspectives, it has helped shape the findings of the study and will hopefully contribute towards long term policy/legislative changes to the model in the future.

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## **List of Acronyms**

ASIRT	Alberta Serious Incident Response Team
CPC	Commission for Public Complaints Against the RCMP
CRCC	Civilian Review and Complaints Commission for the RCMP
IAU	Internal Affairs Unit
IIO	Independent Investigations Office of British Columbia
OPCC	Office of the Police Complaint Commissioner
PSU	Professional Standards Unit
RCMP	Royal Canadian Mounted Police
SIU	Special Investigations Unit

*Ultimately I think we are in a better place and there is a legitimate and necessary place for independent civilian oversight of policing, not just in British Columbia but across the country. I would argue in any society that wants to be a free society, democratic society, all of those things, I don't think you can have that without independent oversight.*

Police Union Representative

## **Chapter 1. Introduction**

Police in Canada have been granted the authority to enforce the law and protect members of the public from harm (McKenna, 2003, p. 135). To ensure police are protected under the law to fulfill their required duties, the law enforcement justification provisions outlined in section 25.1 - 25.4 of Criminal Code of Canada gives legal authorization for police to commit acts that are against the law. Parent (2004) states the Criminal Code law enforcement justification sections "exempt otherwise criminal actions from criminal liability" (p. 22). Although officers are legally authorized to engage in prohibited acts to enforce compliance, an abuse of these powers is subject to measures of accountability and discipline.

Increased public awareness and media attention on police investigating police has brought into question the level of fairness and impartiality of the police complaint process. There is a commonly held belief by members of the public and academic scholars that police investigating allegations of misconduct against other police is biased, unfair, and ineffective (Murphy & McKenna, 2008, para. 1; Pollock, 2010, p. 297; Sewell, 2010, p. 86). As a result, civilian oversight is emerging as a popular remedy to enhance the accountability of processing misconduct complaints and to increase public confidence in their police force (Phillips & Trone, 2002, p. 2; Thomassen, 2002, p. 209; Walker, 2001, p. 5).

The definition of civilian oversight varies among academic scholars and policy makers, however, all describe an element of citizen involvement in the review of police complaints. Walker (2006) defines civilian oversight of police as "an agency or procedure that involves participation by persons who are not sworn officers (citizens) in the review of citizen complaints against the police and/or other allegations of misconduct by police officers" (p. 2). There are variety of different civilian oversight models that exist across jurisdictions and each vary in the level of disciplinary influence and investigative involvement (Finn, 2001, p. 1).

There has been rapid growth of independent civilian oversight, both nationally and internationally, within the past ten years. The trend towards civilian oversight has largely been in

response to severe cases of police misconduct, growing public dissatisfaction with internal police investigations, and demand for more accountability and transparency in the police complaint process (Ferdik et al., 2013, p. 104; Murphy & McKenna, 2008, para. 23; Phillips & Trone, 2002, p. 2; Stewart, 2006, p. 147; Thomassen, 2002, p. 201). The incorporation of civilian involvement is a mechanism to bring more accountability to law enforcement and restore public confidence in the police (Stewart, 2006, p. 147; UNODC, 2011, p. 8).

The province of British Columbia has received unfavourable international attention recently with several high profile incidents involving the use of questionable force by the police (Marin, 2008, p. 4). This increased attention has brought forward more awareness on the topic of police accountability and oversight of complaints. While the majority of British Columbians are confident the police are fully acting within their legal authority, some still believe that the police do occasionally utilize excessive force (Oppal, 1994, p. 17).

This study will focus on police oversight within British Columbia. At present, there are eleven independent municipal police departments, one First Nations police force, a combined forces special enforcement unit, a contracted Royal Canadian Mounted Police (RCMP) provincial force, 63 RCMP municipal police forces, and the RCMP federal force (Ministry of Justice, 2015, para. 2). The primary reason for the current police profile is because each municipality with a population over five thousand people is required under section 15 of the Police Act to “bear the expenses necessary to generally maintain law and order”. As a result, cities or towns in British Columbia either provide their own municipal police service or contract the services of the RCMP (Police Services Division, 2013, p. 2).

There are over four and a half million people in British Columbia (Ministry of Justice, 2014a, p. 15). The RCMP has a significant policing presence in the province as their jurisdiction covers a large portion of the provincial population. In 2013, the RCMP represented 73 percent of the overall police strength in the province and provided police services to over three million British Columbians (Ministry of Justice, 2014a, pp. 15 & 17). In contrast, municipal police forces represented 27 percent of the provinces police strength and provided police services to over one million people (Ministry of Justice, 2014a, pp. 15 & 17). This research will examine the two separate police complaint systems that oversee municipal police forces and the RCMP within British Columbia.

This study examines the British Columbia police complaint system from a macro level perspective. The research will focus on exploring various dynamic components of the oversight system including the financial cost of accountability, trends in public complaints against the police and the benefits and challenges of the system. By examining the entire BC model of police oversight, including the two-tier process for RCMP and municipal police, the findings of this study may identify efficiencies and improvements that can enhance the current system. In addition, the research results may also assist in increasing public confidence in law enforcement, uphold police accountability, and contribute to the enhancement of the police complaint model.

## **Chapter 2. Literature Review**

### **2.1. Understanding Police Misconduct & Accountability**

#### **2.1.1. Criminal Code of Canada**

Police in Canada have the legal right under the *Criminal Code* to engage in any acts necessary to uphold the law and protect themselves and members of the public. The law enforcement justification provisions under sections 25.1 – 25.4 of the *Criminal Code* of Canada “provide a limited justification at law for acts and omissions that would otherwise be offences when committed by designated law enforcement officers (and those acting under their direction) while investigating an offence under federal law, enforcing a federal law, or investigating criminal activity” (Public Safety Canada, 2013, para. 1).

These justification sections were legislated by Parliament in response to a 1999 Supreme Court of Canada judgement in *R. v. Campbell* which stated “the police were not immune from liability for unlawful conduct committed in good faith in the course of an investigation” (Parliament of Canada, 2007, para. 2). Therefore, to ensure police officers are legislatively protected when enforcing compliance in the law, section 25.1 – 25.4 was enacted in February 1, 2002 to “exempt otherwise criminal actions from criminal liability” (Parent, 2004, p. 22).

The most important *Criminal Code* section that authorizes the use of force by the police is section 25 which states:

25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office,



is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

However, the power to use force as granted by section 25 of the *Criminal Code* also comes with a limitation stated in subsection 11:

(11) Nothing in this section justifies

- (a) the intentional or criminally negligent causing of death or bodily harm to another person;
- (b) the wilful attempt in any manner to obstruct, pervert or defeat the course of justice; or
- (c) conduct that would violate the sexual integrity of an individual.

Therefore, granting designated officers the ability to engage in acts that would otherwise be criminal is held accountable.

While the *Criminal Code* legally authorizes the police to use as much force as is necessary, it must be reasonable to receive legal protection. Section 26 and 27 of the *Criminal Code* outline the responsibility of the granted powers and the risks associated with excessive force by stating:

26. Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

27. Every one is justified in using as much force as is reasonably necessary

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

The law grants police the power and authority to justifiably arrest, detain, and use force. However, this power is subject to restraints and checks of accountability.

The *Criminal Code* sections pertaining to law enforcement justification provisions play an influential role in police accountability and misconduct within Canada. The Commission for Public Complaints Against the RCMP (2009) highlight the importance of law in the everyday life of law enforcement personnel by stating “law drives policy, which drives training, which directly influences member behaviour” (CPC, 2009, p. V). With legislative backing, police officers are given sufficient powers to enforce the law within the community.

### **2.1.2. Accountability and Ethics**

Police officers are held to an elevated standard of accountability and ethics when it comes to their behaviour and conduct. This standard is due to the nature of police work which involves enforcing the law, maintaining order, and providing services to the community (Lambo, 2010, p. 613; Perez & Moore, 2013, p. 43; Prenzler & Ronken, 2001, p. 153). Oppal (1994) highlights the importance by stating “in any democratic society based on rule of law and responsible government, it is fundamental that police independence be balanced with accountability” (p. 17). Accountability is an essential component of effective policing.

The United Nations (2011) handbook on police accountability, oversight and integrity defines accountability as “a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so. (p. 9). The aim is to prevent police from abusing their power, enhancing legitimacy of law enforcement, and to uphold public confidence in the police (UNODC, 2011, p. 9). Police accountability has two integral components: performance of the agency and the conduct of individual officers (Prenzler, 2009, p. 10; Walker, 2005, p. 7). The first involves holding police agencies accountable for performance in their duties relating to crime control and law enforcement (Prenzler, 2009, p. 10). The second component, of equal importance, is the conduct of each officer in contributing towards the agency’s overall performance. This includes ensuring members are executing their roles with a high degree of integrity and within the parameters of the law (Walker, 2005, p. 7).

While agency performance and member conduct are separate measures, each play a collective role in police accountability. Prenzler (2009) explains how both components are needed to have a fully accountable police force:

One can think of a police force that is highly efficient and effective in terms of crime prevention and bringing offenders to justice, but that achieves this by terrorising citizens and violating suspect's rights. On the other hand, one could think of a highly ethical police department free of corruption but losing the fight against crime because it uses outmoded techniques. (p. 10)

Both agency performance and officer conduct need to be equally present to uphold police accountability.

The police play a diverse role within society which makes them accountable to a variety of stakeholders (Perez & Moore, 2013, p. 43). Police officers are accountable not only to their fellow officers and senior executives but also to government officials, legislators and citizens. Being accountable to several stakeholders is complex as it requires police to strike a delicate balance between serving the public, enforcing the law and respecting the rights of citizens (Perez, 1994, p. 16; UNODC, 2011, p. 6; Walker, 2001, p. 7). Cheung (2005) highlights the challenges when being accountable to different stakeholders by stating “these objects of accountability may have different values and goals concerning how and what a frontline police officer should do in carrying out his or her daily duties (p. 11). Despite conflicting agendas, each stakeholder represents a different layer of modern-day society and helps to keep the police accountable for their actions (UNODC, 2011, p. 9).

In many Western democratic societies, an intricate and overlapping system of checks and balances is used to keep the police accountable for their actions (UNODC, 2011, p. iv). At a micro-level, accountability is ensured by individual officers on the frontline (Cheung, 2005, p. 9). The United Nations (2011) emphasizes the importance each officer has in upholding accountability by stating “the key players in enhancing police accountability are police officers themselves, as the prime bearers of responsibility for the integrity of the police force.” (p. 2). As a majority of police work involves making split second decisions in real-time, each officer has the ability to exercise their judgement and knowledge to ensure each interaction made with the public is held to the highest ethical standard.

#### ***2.1.2.1. Level of Accountability: Government & Policy***

A strong foundation to accountable policing involves input from the state through the direction of legislation, policy and operational guidelines. All layers of government, including federal, provincial, and municipal, contribute towards upholding the integrity and accountability

of police by providing direction and leadership through legislation (Holmes, 2012, p. 194; Walsh & Conway, 2011, p. 63). Sen (2010) argues that government legislation promotes “the professional efficiency of the police and ensure that its performance is at all times in accordance with law” (p. 5). Legislation is integral as the actions taken by police officers must be in accordance with the law.

Legislation directs the behaviour of all law enforcement officers within a jurisdiction and provides guidance to frontline officers. The Commission for Public Complaints Against the RCMP (2009) highlights the importance of policy by stating “the very nature of front-line policing requires that direction be provided in a format that is clear, concise and easy to access” (pp. iv-v). To uphold accountability and provide officers with the necessary support to make ethical choices on the job, an organization needs to create policy that is clear, concise and effective (Pollock, 2010, p. 169).

While policy has the ability to contribute towards police accountability, it also can enforce procedures that are not aligned with the public’s perception of appropriate conduct. The actions of an officer adhering a particular policy may be perceived by the public as unethical and wrong. In this scenario, Cheung (2005) states that “no police officers are liable for the ‘wrongdoings’ if there is no breach of laws, internal orders or conduct.” (p. 9). A complaint filed against an officer for conduct that was in line with legislation or policy is categorized as a procedure complaint (Noble and Alpert, 2009, p. 29). A procedural complaint shifts liability from the officer’s actions to the procedures established by a particular policy.

The enactment of laws and formulation of policy provide a fundamental framework for police officers to be used during training and as an ongoing source of reference. Perez and Moore (2013) state “police work is all about making critical decisions about other people’s lives” (p. 68). Therefore due to the nature of policing, it is the responsibility of the government to provide officers with a strong legislative backing to successfully carry out their duties (Perez, 1994, p. 11).

#### ***2.1.2.2. Level of Accountability: Police Department***

Police accountability is not only the responsibility of individual officers but also a major area of concern for senior police executives and the entire department (UNODC, 2011, p. 11).

Pollock (2010) describes the importance of departmental influence over police accountability by stating “just as individual values influence one’s ethics, an organizational value system influences the ethics of the organization’s members” (p. 189). The culture of each agency and the departmental attitude towards accountability contributes greatly to reducing police misconduct.

The leadership and direction provided by the Chief of Police and senior executives can have a profound effect on the level of ethics, integrity, and overall accountability of its officers. The correlation between leadership, departmental culture and officer conduct is shown in figure 2-1.



**Figure 2-1: The Influence of Leadership on Member Conduct**

Source: From Handbook on police accountability, oversight and integrity, by Office on Drugs and Crime, © (2011) United Nations. Reprinted with the permission of the United Nations

The leadership provided by senior members directly shapes the culture of each agency which then directly influences officer conduct. The United Nations (2011) further describes this relationship by stating “police supervisors at any level need to be aware that their behaviour has a strong impact on the organizational culture, which in turn contributes to police behaviour” (p. 75). The message and tone that is conveyed from the top-down can dramatically influence the conduct of all members.

Poor integrity management within police departments can foster a culture of denial where there is an organizational failure to adequately deal with incidents of misconduct, unacceptable behaviour and dismissing citizen complaints (Prenzler, 2009, p. 57). The Christopher Commission (1999) wrote in their final report that the primary reason why excessive force was flourishing within the Los Angeles Police Department (LAPD) was a direct result of supervision and management (p. 32). The Former Assistant Chief of LAPD, Jesse Brewer, stated in his testimony that management was the “essence of the excessive force problem” (Report of the Independent Commission on the Los Angeles Police Department, 1991, p. 32). While the LAPD

may be an extreme example, it demonstrates the influence that management can have on the behaviour and conduct of officers within a police agency.

Along with senior management, a police officer's direct supervisor can also have an effect on their employee's behaviour and conduct (Engel, 2010, p. 127; Johnson, 2011, p. 293). Engel (2010) examined different styles of supervision for patrol officers and the effect they can have on officer performance (p. 127). Patrol officers with a supervisor that practiced an active style management, a lead by example method, were twice as likely to use force against suspects compared to other officers who were guided under different supervisory styles (Engel, 2010, p. 131). Depending on the agency and supervisor, misconduct may be tolerated or encouraged to some extent (Pollock, 2010b, p. 325). The relationship and influence of management is an important aspect in understanding why misconduct occurs.

Police departments are also responsible for taking proactive efforts to prevent office misconduct reviewing by member's conduct and identifying areas of improvement (Holmes, 2012, p. 195; Perez & Ronken, 2001, p. 174; Walker, 2005, p. 174). The implementation of early warning systems is becoming an effective tool in preventing and managing officer misconduct within police agencies (Bertoia, 2008, p. 1; Girodo, 1998, p. 481; Walker, 2005, p. 16). An early warning system is designed to identify officers whose performance is less than desirable and to recommend training or counselling to address their limitations.

To identify officers, the early warning system typically monitors citizen complaints, use of force reports, arrest incidents, and firearms discharge (Rojek, Decker, & Wagner, 2010, p. 309). Walker (2010) discusses the importance of early warning systems as a preventative measure as they have the "capacity to spot patterns of performance and to intervene before problems lead to a serious incident such as a lawsuit, a citizen complaint over excessive force" (p. 181). By identifying specific officer's shortcomings, police agencies are given the opportunity to provide training which can prevent future excessive force incidents and improve the overall performance of the officer. The reliable evaluation of complaints and managing police performance is becoming increasingly important with the public's demand for more accountable policing (Sen, 2010, p. 10).

### **2.1.3. Police Discretion and the Role of Media in Accountability**

Discretion is a central part of policing. Criminologist Richard Ericson (1982) defines discretion as “the power to decide which rules apply to a given situation and whether or not to apply them” (pp. 11-12). The police exercise discretion during each interaction they have with members of the public including when deciding whether to use force, keep the peace, or to make an arrest (Delattre, 1989, p. 45; Johnson, 2011, p. 293; Pollock, 2010, p. 198; Thomassen, 2002, p. 201; UNODC, 2011, p. 75).

Along with having a significant degree of discretionary power, the nature of police work has also historically involved an element of seclusion (Lambo, 2010, p. 613; Thomassen, 2002, p. 201). Murphy & McKenna (2008) state “police work, until recently, has been a largely secretive occupation, out of the public eye and beyond critical media examination” (para. 11). This veil of privacy has been cited by academics as the “invisibility of policing” where the actions of the police are not visible and often unseen by members of the public (MacAlister, 2012a, p. 2).

The invisibility of policing most notably exists in patrol work. A majority of patrol work is in the field where officers are responding to calls for service, making arrests, conducting vehicle stops and canvassing a geographical area for signs of criminal activity. The lack of direct supervision combined with a high degree of discretion can facilitate the opportunity for police misconduct to go unnoticed which creates challenges for ensuring that officers are held accountable for their actions (National Research Council, 2004, p. 3).

Despite the limited visibility of police work, the media has played a role in holding police accountable by publishing incidents of police misconduct. With police officers having their actions subject to greater degrees of exposure due to social media and traditional media, this has shifted the level of scrutiny and visibility of a profession that once held a high level of invisible discretion. Walker (2005) argues that “the news media have played a sporadic but nonetheless powerful influence on public understanding of police problems” (p. 8). Highly publicized complaints covered in the news have the potential to erode public confidence on a much larger scale and impact a wide audience (Terrill & McCluskey, 2002, p. 143; Weitzer, 2002, p. 397).

Previous research has examined the effect media can have on confidence levels of the public towards the police (Sen, 2010, p. 26). Dowler and Zawilski (2007) analyzed the relationship between media consumption and public attitudes concerning police abuse of power and found that “heavy consumers of network news were more likely to believe that police misconduct was a frequent event” (Dowler & Zawilski, 2007, p. 193). Therefore, greater levels of exposure to stories of police misconduct can influence a person’s perception on the frequency of such events. Researchers have argued that with greater news coverage on high profile cases of police misconduct, the rise in media attention does not directly correlate with a factual increase of police wrongdoing (Murphy & McKenna, 2008, para. 6).

Another study had similar findings regarding the impact of media on citizen perception of the police. Weitzer (2002) analyzed longitudinal opinion data on the attitudes of individuals before and after high profile police misconduct incidents in New York City and Los Angeles (p. 398). The results of the study found that well-publicized incidents of brutality negatively influenced attitudes of the public (Weitzer, 2002, 406). Weitzer (2002) explained “the often dramatic increase in unfavorable attitudes toward the police in the wake of highly publicized events suggests that such incidents have a pronounced effect on public opinion” (p. 397). The study demonstrated that there is a negative correlation between media exposure and citizen perceptions of the police.

While traditional media has consistently had an impact on the public’s perception of the police, there is an emerging trend that is transforming the policing landscape: social media. The increased use and popularity of social media, cameras and civilian journalism is changing the way police misconduct is reported and investigated (Lowe, 2013, para. 1). Murphy and McKenna (2008) argue this trend is “increasing surveillance of police activities through public technologies...Police actions that were once private are now on public display for anyone with a television or an internet connection” (para. 1). The ability for citizens to share videos and information on a viral platform is altering the way the public formulates their opinion of the police.

MacAlister (2012a) further describes the effect social media has had on policing and incidents of police misconduct:



The heightened visibility of police wrongdoing that has been captured through the widespread use of video cameras and cell phone cameras by members of the public has transformed that public's attitude towards the police. Police have lost control of their image management. The result has been a decline in perceived police legitimacy and an increased demand for accountability. (p. 3)

The use of cameras and civilian journalism has increased the level of accountability of the police. Digital footage of questionable police conduct is valuable as it serves a permanent record of the incident and can be used as evidence during a police misconduct investigation (Sewell, 2010, p. 115).

Image management and the perception of police in relation to accountability is a key concern among police forces locally and internationally. The increased role of social media in police accountability and oversight has been a topic of discussion within the policing community. At the 2013 annual conference for the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) the Commissioner for the Office of the Police Complaint Commissioner (OPCC), Stan Lowe (2013), described the impact of electronic media by stating:

Electronic surveillance continues to serve as both a shield and sword in terms of examining the conduct of law enforcement and the public. Electronic surveillance is also creating new issues which impact on the work of oversight agencies, including the impact of civilian journalism on the oversight processes (para. 1).

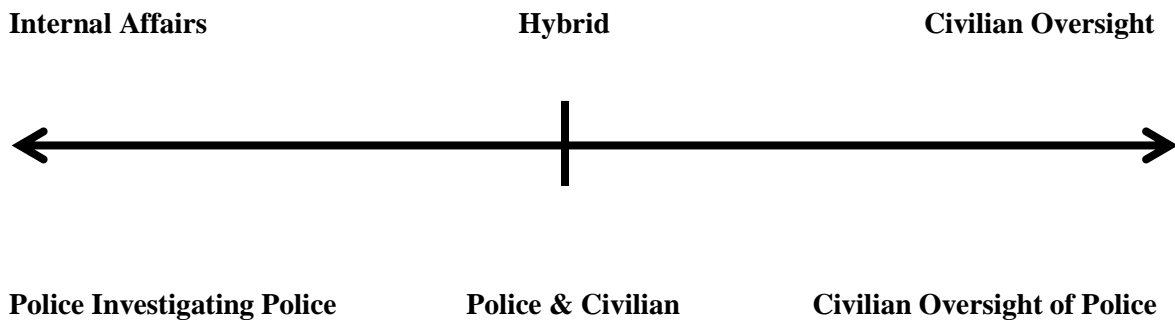
The review and analysis of social media feed, videos and publications during a police complaint investigation is becoming a normal procedure within the policing community. With social media gaining further acceptance within popular culture, the impact of such media sources will continue to be a challenge for policing and levels of accountability.

## **2.2. Models of Oversight**

### **2.2.1. The Oversight Spectrum**

The evolution of police oversight has resulted in a variety of models used to process public complaints against the police. The most common oversight models typically fit within one

of three distinct categories ranging from internal police investigations to a fully civilian oversight body that handles/reviews complaints against the police.



**Figure 2-2: Police Oversight Spectrum**

As shown in figure 2-2, police complaint models can be situated anywhere on the police oversight spectrum. At one end, all investigations into police misconduct are organized and controlled by the police themselves while at the other end civilians have full control of conducting investigations of public complaints (Lambo, 2010, p. 614). There has also been an emergence of a hybrid model of police oversight that involves the combination of police and civilian components. In the middle of the oversight spectrum, under the hybrid model, is the combination of internal police investigations with civilian oversight and review of the investigations (Roach, 2012, para. 11).

Murphy and McKenna (2008) analyzed existing police oversight models internationally and identified five distinct typologies:

- Typology 1: Police Investigating Police (Inside)
- Typology 2: Police Investigating Police (Outside)
- Typology 3: Police Investigating Police + Civilian Review/Monitoring
- Typology 4: Police/Civilian Investigation Hybrid + Civilian Review
- Typology 5: Civilians Investigating Police + Civilian Review

The five typologies identified represent a further breakdown of the models found on the police oversight spectrum in figure 2-2. The oversight model of police investigating police

(inside) is a completely in-house system where all complaints are investigated and handled by officers within their own department whereas police investigating police (outside) is when officers from a different department are invited to conduct the investigation of complaints (Murphy & McKenna, 2008, p. 38). Both of these models delegate sole responsibility of investigating complaints to the police.

A shift towards the incorporation of civilian oversight into the police complaint system is seen in typology three and four. In typology three, police are still responsible for investigating complaints, however, civilians review the outcome of these internal investigations (Murphy & McKenna, 2008, para. 45). A more hybrid model of oversight, seen in typology 4, involves civilian investigators working collaboratively with seconded or retired police officers to investigate public complaints against the police (Murphy & McKenna, 2008, para. 48). The last typology symbolizes a completely independent model where civilians are solely responsible for investigating public complaints and police are fully excluded from the process (Murphy & McKenna, 2008, p. 38)

While each oversight model processes complaints against the police in a different way, there are several underlying commonalities between each typology. These agencies exist to service a watchdog body to ensure police are operating with integrity and accountability (Filstad & Gottschalk, 2011, p. 96). As law enforcement officers are entrusted by members of the public to enforce the law fairly, the accessibility, transparency, and independence of police oversight agencies are an integral part of upholding police accountability (Greene, 2007, p. 748; UNODC, 2011, p. 1).

### **2.2.2. Internal Affairs/Professional Standards**

The police investigating police model for handling complaints has been the most commonly used method for handling public complaints against the police. Under this model, complaints against the police are investigated by officers working in the department's internal affairs/professional standards section (Girodo, 1998, p. 480; MacAlister, 2012a, p. 9). When a formal complaint is made against an officer, the police department involved in the allegation will receive a copy of the complaint. From there, the file is typically assigned to the Internal Affairs Unit (IAU) or Professional Standards Unit (PSU) and will be further analyzed to determine if an

investigation is warranted (Walker, 2007, p. 18). As Professional Standards is responsible for investigating allegations of misconduct against their peers, Carlson (2005) argues that such departments exist to “act as a conscience for the agency; like an individual conscience, they remind us that there are boundaries we should not cross and penalties for crossing them” (p. 112).

A frequently cited claim for internal affairs models are that police will possess the investigative skills required to conduct complex investigations (Perez & Moore, 2013, p. 235). MacAlister (2012c) describes a common rationale for the use of police officers in carrying out the investigation of complaints by stating an “argument against the use of non-police civilian investigators of alleged police wrongdoing is that non-police officers are not competent to carry out the investigation. It is frequently asserted that only police officers with many years of investigative experience have the necessary knowledge, skills and abilities to conduct a competent major crime investigation” (p. 219).

Another benefit of the internal affairs model are that police officers have an in-depth understanding of the context of policing (Alpert, Dunham & Stronshine, 2006, p. 130). Perez and Moore (2013) argue that there are strong rationalizations for police investigating police and argue “it is assumed that no one from outside the police organization will be familiar enough with the multiple standards of conduct to which the police must be held. Only police officers will know the combination of the law, general practices, and specific regulations well enough to hold other police officers accountable” (p. 235). Supporters of this model argue that civilians with no background in law enforcement will not understand the fundamental challenges and situations police officers face while on the job. This lack of policing context will impact the ability to fully evaluate the behaviour of police officers (Alpert, Dunham & Stronshine, 2006, p. 130).

Historically, internal investigations by police have been viewed by members of the public and academic scholars to be biased, unfair and ineffective (Pollock, 2010, p. 297; Sewell, 2010, p. 86). There have been ongoing public concerns regarding the nature and quality of investigations into citizen complaints (Walker, 2007, p. 18) Prenzler and Ronken (2001) argues that the central critique of internal affairs investigations is the assumed “pathological inability of police to objectively investigate their peers” (p. 157). Having officers actively involved in investigations against members of their own profession can be perceived as fostering potential police bias.

As internal police investigations are often criticised for bias and lack of integrity, police agencies are making improvements to enhance accountability and improve transparency. An important area which is receiving more attention by police chiefs and senior executives is the selection and staffing of officers for the IAU. The recruitment selections are becoming very important to the overall credibility of the agency and its investigations. Noble and Alpert (2009) argue that the recruitment of suitable candidates for Professional Standards is vital to the success of this specialized section:

Perhaps the most critical personnel selection task for a chief of police is the assignment of investigators and supervisor to the internal affairs unit...The abilities of investigators to be fair, thorough, and accurate in their investigations will be paramount to the ability of the chief to accomplish organizational goals and to maintain internal and external confidence in the organization (p. 6).

The integrity and objectivity of the officers working in Professional Standards has an influence on the perception of validity of the police force and how they handle citizen complaints.

Along with the integrity of officers working within Professional Standards, another important measure of accountability of IAU are the overall quality of investigations being conducted. Miller (2010) examined internal police investigation models and identified twenty-two specific criteria for determining the quality of internal police investigations.

**Table 2-1: Criteria for Determining Quality of Internal Police Investigations**

<b>Investigator</b> <ul style="list-style-type: none"><li>• Competence</li><li>• Resilience</li><li>• Independence</li></ul>
<b>Investigation</b> <ul style="list-style-type: none"><li>• Lawful and Ethical</li><li>• Compatible with Public Interest</li><li>• Corporate Priorities Considered</li><li>• Open Mindedness</li><li>• Well-planned Investigation</li></ul>
<b>Evidence</b> <ul style="list-style-type: none"><li>• Thorough Treatment of All Information/Evidence</li><li>• Comprehensive Recording and Preservation of all Information/Evidence</li><li>• Informative/Evidence Security</li></ul>
<b>Respect</b> <ul style="list-style-type: none"><li>• Rights of Victims</li><li>• Rights of Witnesses</li><li>• Rights of Suspects</li></ul>
<b>Other</b> <ul style="list-style-type: none"><li>• Informant Management</li><li>• Judicious Use of Covert Tactics</li><li>• Efficient and Effective use of Public Resources</li><li>• Communication with Stakeholders</li><li>• Timeliness</li><li>• Professional Approach to Presentation</li><li>• Accountability</li><li>• Continuous Improvement</li></ul>

This set of criteria can be applied to investigations to help identify areas for improvement. With little policing literature on performance measures for internal police investigations of public complaints, Miller’s criteria provides an overview of the components needed to have a fair and quality investigation.

### **2.2.3. Civilian Oversight**

Civilian oversight has emerged as one of the newest and most progressive models of handling public complaints against the police. Walker (2006) defines civilian oversight as “an agency or procedure that involves participation by persons who are not sworn officers in the review of citizen complaints against the police and/or other allegations of misconduct by police officers” (p. 2). The trend towards civilian oversight has largely been in response to severe cases of police misconduct, growing public dissatisfaction with internal police investigations, and demand for more accountability and transparency in the police complaint process (Ferdik et al., 2013, p. 104; Murphy & McKenna, 2008, para. 23; Phillips & Trone, 2002, p. 2; Stewart, 2006, p. 147; Thomassen, 2002, p. 201). The incorporation of civilian involvement is a mechanism to bring more accountability to law enforcement and restore public confidence in the police (Stewart, 2006, p. 147; UNODC, 2011, p. 8).

Civilian oversight has been incorporated into the police complaint systems as a remedy for systemic failures involving police misconduct (Walker, 2001, p. 5). Lewis (2000) further describes the climate and demand for change:

It was the abusive and illegal behaviour of many police, and the failure of governments to deal with the problem by introducing transparent and potentially more effective police accountability processes, which eventually lead to the establishment of external, independent, civilian bodies to oversight complaints against police (p. 20).

This political environment has caused an international paradigm shift from police investigating police to more civilian involvement in the investigation, processing, and reviewing of citizen complaints against law enforcement members (Walker, 2001, p. 6). Countries around the world have or are in the process of implementing civilian oversight including United Kingdom, Australia, New Zealand, Belgium, Jamaica and more (Miller, 2002, p. 1; National Association for Civilian Oversight of Law Enforcement, 2013, para. 1). The trend towards more oversight can be witnessed in the United States where there are over 100 established oversight agencies overseeing the police in every major city (Walker, 2006, p. 1).

There is no uniform model of citizen oversight; the degree of civilian involvement and the powers granted to oversee the police can differ dramatically across jurisdictions (MacAlister, 2012b, p. 159). Some agencies have power to subpoena witnesses and are primarily responsible

for conducting investigations while other agencies have no investigative powers or have no disciplinary authority on how misconduct is punished (Phillips & Trone, 2002, p. 6). Despite the variances in investigative power and authority, all models of civilian oversight operate on distinct principals of independence, openness, integrity and accountability (Walker, 2001, p. 188).

## **2.3. Research and Findings on Police Oversight**

### **2.3.1. Public Trust & Perception**

Public trust in the police is an integral part of effective policing (UNODC, 2011, p. 1). The importance of public support of police has been referenced for over two decades as critical the success of effective policing. In 1989, the Ontario Task Force on Race Relations and Policing declared in a report “the worst enemy of effective policing is the absence of public confidence” (as cited in Marin, 2008, p. 8). Maintaining the support of citizens is an ongoing challenge that still exists within the realm of policing and requires a continuous effort to ensure the highest standards of policing.

High profile cases of police misconduct harm the level of accountability and legitimacy held by the public towards law enforcement (Ferdik et al., 2013, p. 104; Miller, 2002, p. 14; Rojek, Decker, & Wagner, 2010, p. 292). The policing profession by nature places officers at a high risk of engaging in acts that are otherwise criminal which makes them susceptible to allegations of excessive force or abuse of authority (Marin, 2008, p. 8; Parent, 2004, p. 22). However, it is ironic and troubling when police act outside of the very laws they are enforcing (Rojek, Decker, & Wagner, 2010, p. 292).

Previous experience with the police has been found to strongly influence a person’s overall opinion and satisfaction with the police. Citizens who have negative experiences with the police are more inclined to have lower satisfaction levels with the police (Weitzer & Tuch, 2004, p. 307). Weitzer and Tuch (2004) argue that “negative contacts tend to lower opinions of the police and have a strong effect on attitudes than do positive experiences” (p. 307). Negative police interactions can have a dramatic and lasting impact on the opinion of members of the public.



Citizens also frequently report negative experiences when filing a complaint against the police. A Canadian study conducted by Landau (1996) analyzed a hundred and four interviews with individuals who made a complaint against the Metropolitan Toronto Police Force and discovered that only 14 percent felt their complaint was handled fairly and over 70 percent were not confident in the police complaint process (Landau, 1996, p. 305). The results of the study demonstrate that a majority of complainants viewed the complaint process to be “inherently unfair and prejudicial...[and] were highly dissatisfied with their experience” (Landau, 1996, p. 291-292). However, Kerstetter (1996) argues that under any police complaint system, whether it is a civilian review board or police internal affairs, a substantial portion of complainants will always be disappointed with the outcome of the investigation (p. 240).

The incorporation of civilian oversight into the police complaint system can influence the level of trust held by the public towards law enforcement. Buren (2007) studied the impact of citizen oversight of the Tempe Police Department in Arizona, United States. The results of a 2001 survey of Tempe residents found that 89.4% of participants supported the citizen involvement in the review of complaints against the police (p. 153). Interestingly, when participants were asked if the level of public confidence in their police department increased or decreased as result of the newly implemented civilian oversight body, 7.7% said their confidence in the police “greatly” increased, 32.6% “somewhat” increased, 59.1% responded their confidence level did not change, and .06% “somewhat” decreased, and 0% “greatly” decreased (Buren, 2007, p. 155). The study demonstrates how the involvement of civilians in police oversight can influence the confidence levels of individuals towards their police.

### ***2.3.1.1. Public Opinion in British Columbia***

Police forces in British Columbia have received unfavourable international attention recently with several high profile incidents involving the use of questionable force by the police (Marin, 2008, p. 4). Increased media attention on police misconduct can have a detrimental impact on the perception that citizens have of their police. In 2010, the RCMP conducted a national survey to determine the views and opinions of Canadian citizens regarding the quality of service received by the national police force (RCMP, 2010, para. 1). The results of the survey revealed residences of British Columbia had the least amount of faith in how public complaints investigations are handled by the RCMP compared to the rest of the country (Sherlock, 2011, para. 1). The contrast between the views of B.C respondents compared to all other provinces was

evident when only 56 percent of B.C. respondents believed that the RCMP is an accountable force compared to 78 percent of the national sample (Sherlock, 2011, para. 2).

The decrease in public confidence towards the RCMP was also found in a public opinion poll conducted by Ipsos Reid (2013) which found that “Canadians are losing confidence in the RCMP and believe they’re doing a worse job when compared to a similar poll conducted 5 years ago” (para. 1). Overall, research has indicated that public trust held towards the RCMP is decreasing and has slowly declined in recent years.

Public opinion on accountability and the fairness of the complaint system involving municipal police in British Columbia was more positive compared to the RCMP. In 2005, the Police Services Division, a branch of the Ministry of Justice, conducted a public awareness survey across eleven municipal cities that have their own independent police force to determine citizen’s perception and satisfaction of the police complaint process (Police Services Division, 2006, p. E-4). Of the 1,024 residents who participated in the survey, 55 percent reported they were confident in the way complaints against the police were processed, 27 percent were neutral and 18 percent were not confident (Police Services Division, 2006, p. E-4). In the study findings, Police Services Division (2005) reported “even though police investigating police was cited as the most common reason for lack of confidence with the complaint process, more than three-quarters (78%) of all respondents thought investigations into complaints were conducted fairly by their own police departments” (p. E-11). While there are some areas where citizens are lacking confidence, this study found that a majority are satisfied with the way complaints are handled against municipal police.

### **2.3.2. The Police View**

Important opinions in understanding the incorporation of civilian oversight into the police complaint system are one of the primary stakeholders: the police. Over the past ten years, the concept of civilian oversight remains controversial within policing culture and its effectiveness is often questioned (Jerome, 2006, p. 22). Police support for independent civilian oversight is imperative to ensure the success of such models. Miller (2002) argues “hostility by police departments and police officers to civilian oversight is probably one of the most significant factors that helps explain the failures and underperformance that have afflicted civilian oversight

agencies” (p. 11). The success of civilian oversight models requires the support of policing agencies to ensure the highest degree of cooperation in processing complaints.

Police support for this type of system requires a cultural shift and goes beyond mere legislation. Woods (2007) argues “acceptance of civilian oversight by the police is not something that can be legislated” (p. 89). The importance of civilian oversight for the overall integrity of citizen complaints against the police is gaining more acceptance in the policing community. The President of the British Columbia Police Association, which represents over 2,500 police officers, declared that its members agree civilian involvement plays an important role in upholding the faith and trust held in the police (Report of Special Committee to Inquire into the Use of CEW and to Audit Selected Police Complaints, 2013, p. 43).

Identifying police misconduct, reporting unethical behaviour and upholding accountability is not only a concern for members of the public, civil liberty groups and government officials. Research has found that police officers themselves are responsible for filing complaints against their peers. Wolfe and Piquero (2011) analyzed survey responses of 483 police officers from the Philadelphia Police Department and found that the “officers who view their agency as fair and just in managerial practices are less likely to adhere to the code of silence or believe that police corruption in pursuit of noble cause is justified” (p. 332). Previous research has also found that novice officers, supervisors and highly skilled veterans are more likely than moderate or new officers to report incidents of misconduct against other police (Micucci & Gomme, 2005, p. 487).

While a majority of complaints are filed by members of the public, internal investigations also receive complaints from other police officers against their peers (Finn, 2001, p. 3). Griswold (1994) analyzed two years of complaints filed against a large police department in Florida, United States. The study found that 39.7 percent of complaints were filed by citizens, 38.4 percent by the Internal Affairs unit, and 21.9 percent by other police officers (Griswold, 1994, p. 217). In this particular study, the majority of complaints that were analyzed were filed by the police themselves (p. 217). The findings reveal that police officers are also committed to ensuring that members of their department are acting ethically and in accordance with their legal right.

### **2.3.3. Effectiveness of Oversight & Performance Indicators**

Civilian oversight of police is often used as a remedy by governments to counter police misconduct and to increase accountability in the police (Murphy & McKenna, 2008, para. 23; Phillips & Trone, 2002, p. 2; Stewart, 2006, p. 147; Thomassen, 2002, p. 201; Walker, 2001, p. 5). There is widely held belief by members of the public and government officials that civilian oversight of police will increase the level of accountability in law enforcement, lead to more thorough and higher quality investigations and increase substantiation rates (Noble & Alpert, 2009, p. 289).

Despite the growing trend for more civilian oversight of police, there is a lack of research regarding the overall effectiveness of these models. Scholars argue that the common assumptions for independent civilian oversight remain “largely untested and unproven” (Walker, 2001, p. 57). Miller (2002) warns that “there is little research that has properly evaluated the success of oversight agencies” (p. 16). Determining the effectiveness of civilian oversight is difficult, complex and requires an evaluation of several key variables and performance indicators (Walker, 2001, p. 119).

Perception is a vital element for the success of civilian oversight. Jerome (2006) argues that none of the goals of an oversight organization can be achieved if “the entity is viewed as: biased (either towards police or against police), untrained or ill-informed, lacking status within the government, or ineffectual and powerless” (p. 24). The perception that a civilian oversight body is accountable, objective, and thorough may increase the integrity of the police complaint process, regardless if they are “factually inaccurate” (Perez, 1994, p. 73). Walker (2001) argues that perceived independence of an oversight agency “are influenced by a variety of factors that have little to do with the actual performance of the agency. One controversial incident can damage the reputation of an oversight agency just as it can with police departments” (p. 65). While the structure of the agency and the processes by which complaints are handled may be free and independent from police input, the perception of independence can undermine or enhance their effectiveness.

When discussing the effectiveness of civilian oversight agencies, a debatable topic is the organization’s policy to allow or exclude active, seconded or retired police officers. The employment of retired or seconded police officers is controversial as it defeats the underlying

motive behind civilian oversight. Murphy & McKenna (2008) further discuss the impact of such employment by stating “from the public’s perspective, having investigators with direct policing experience defeats the idea of independent civilian oversight. Former police officers may influence the direction and outcome of investigations to be more favourable to the police” (para. 36). However, the exclusion of previous law enforcement members also comes with a compromise.

Having an independent oversight body without individuals who have previous policing experience eliminates the potential to utilize valuable investigative knowledge and skills. Thomassen (2002) argues “removing all members with former or current police experience is likely to hurt rather than improve investigations, because these members provide both necessary competence and an insider-perspective crucial to the investigation (p. 208). Retired police officers can hold a high level of expertise in conducting a variety of complex investigations (Mouallem, 2013, para. 29). The risks to the overall integrity and impartiality of the oversight body need to be outweighed by the benefits of having previous police experience within the organization

Evaluating the effectiveness and impact of police oversight agencies is challenging (Prenzler & Lewis, 2005, p. 77). Part of this challenge is determining the appropriate performance indicators to assess the success of civilian oversight bodies. Filstad and Gottschalk (2011) identified five performance indicators to evaluate the effectiveness of oversight agencies and listed them as “quality and quantity of complaints received, complaints completion process and time, conviction rate from complaints charges, learning and advice for police agencies and confidence in the police oversight agency” (p. 96). There are a variety of different indicators that can be used to measure and evaluate effectiveness (Miller, 2002, p. ii). However, turning this data into valuable evaluation results is becoming a topic of issue in the policing community (Prenzler & Lewis, 2005, pp. 81-82).

Substantiation rates have previously been used to determine the effectiveness of independent civilian oversight compared to police internal affairs systems. However, using these types of rates is not entirely accurate. Walker (2001) argues that substantiation rates should not be used as performance indicators as “no one has developed a standard for an acceptable rate” (p. 120). A common misconception of independent civilian oversight is that such a system will sustain more police complaints than the internal investigations completed by the police

(Thomassen, 2002, p. 202; Walker, 2001, p. 139). Despite the view by some that internal handling of police complaints is biased and unfair to the public, the incorporation of civilian oversight into the police complaint system has been found not to influence or alter the substantiation rates of police misconduct (Kerstetter, 1996, 240).

When examining complaint substantiation rates of internal affairs and external civilian review boards, the results are comparable. Prenzler and Ronken (2001) found that both external review models and internal affairs model generally substantiate 10 percent of all complaints filed (p. 162). However, in the United States, police officers are more likely to substantiate and find another officer guilty of misconduct in comparison to an independent civilian oversight agency (Kerstetter, 1996, p. 240; Perez & Moore, 2013, p. 236). Therefore, civilian oversight does little to influence the number of police complaints that are substantiated.

Previous research suggests that the primary reason why substantiation rates remain remotely unchanged with the incorporation of civilian oversight into a police complaint process is simply due to the fact that citizen complaints are inherently difficult to prove and sustain (Noble & Alpert, 2009, p. 290; Walker, 2001, p. 139). Therefore, using substantiation rates for accurate measures of the effectiveness of civilian oversight when compared to internal police investigations is problematic and not completely accurate.

While external police oversight may not impact substantiation rates, their presence in a democratic society symbols fairness, integrity, and accountable within the police complaint system. Scholars have called for further research into the area of effectiveness of civilian oversight including measurable performance indicators (Thomassen, 2002, p. 209). Walker (2001) argues that there is “relatively little empirical evidence regarding the impact of oversight agencies on the quality of the day-to-day police work, and much research remains to be done on that subject” (Walker, 2001, p. 179). More research is needed to determine the impact and effectiveness of civilian oversight on police accountability and ethics.

## **2.4. History of Oversight in Canada**

### **2.4.1. Pioneers of Oversight: Special Investigations Unit**

In Canada, civilian oversight of police is not a new phenomenon. In 1990 the province of Ontario introduced Canada's first civilian oversight body, Special Investigations Unit (SIU), whose primary mandate is to conduct criminal investigations into incidents of death, serious injury, or sexual assault involving on-duty police officers (IIO, 2013, p. 11; SIU, 2010, para. 1). The organization was implemented following a series high profile police shootings in the Toronto area which lead to the erosion of public confidence in the police complaint process (Jones, 2012, p. 123). The creation of the SIU marked a significant moment in policing history as civilian involvement in the police complaint system was relatively new and very progressive.

With over 20 years of service, the SIU is still internationally viewed as one of the founding pioneers of civilian oversight (SIU, 2010, para. 5). However, despite being one of the first civilian organizations to criminally investigate and lay charges against the police, the agency has faced a variety of challenges since its inception which impacted its effectiveness in holding police accountable for their actions (Jones, 2012, p. 123; SIU, 2010, para. 2). The SIU has faced challenges with cooperation with police agencies, structural integrity, power to deter, and an unclear mandate (Jones, 2012, p. 125). Jones (2012), a former SIU investigator, describes the troubles faced by the SIU by stating:

There were fundamental flaws that plagued SIU from the beginning – and very nearly destroyed it. Some were the responsibility of the politicians who created it, others were self-inflicted...other surmised that the rush to apply a band-aid to a politically charged issue had meant that no one had actually thought through the consequences” (Jones, 2012, pp. 124-125)

These challenges have undermined the organizations ability to function both independently and impartially (Marin, 2012, p. 104). In addition, the unique SIU experience demonstrates the types of issues newly formed civilian organizations face during the development and implementation stages.

One of the major criticisms of the SIU is the recruitment of former police officers as investigators. MacAlister (2012b) argues that the result of this practice is “a public perception of a pro-police bias” (p. 163). Although the organization employs investigators with previous

policing experience, a large portion of their full-time investigators are civilians with no prior background in law enforcement. For example of the fourteen investigators working in the SIU head office, eight have no prior law enforcement experience (SIU, 2013, para. 3).

In 2008, the Ombudsman of Ontario conducted an investigation into the SIU's operational effectiveness and credibility and found that while the organization had made advancements towards service delivery since its inception, there were still room for further improvement. Marin (2008) states in the report:

SIU's early history was marked by successive governments failing to provide it with adequate resources, and by police officials aggressively resisting its oversight. While its resources have increased over time, and regulatory requirements now more clearly define police obligations, my investigation found that the Special Investigations Unit continues to struggle to assert its authority, maintain its balance against powerful police interests, and carry out its mandate effectively" (p. 4).

The findings were released in a report titled *Oversight Unseen* and made 46 recommendations to improve the police complaint system including changes to SIU investigative procedures, enhancing transparency, and calls for the Ontario government to provide the oversight body with more legislative support (Marin, 2008, p. 6).

The experience and challenges faced by the SIU provide a prime example of how organizations may have noble intentions, however, face a variety of obstacles in pursuing their goal of upholding police accountability through independent civilian oversight. Even till present day, newly formed civilian oversight bodies look at the SIU model to learn from their experience and examine what challenges the organization encountered, what components were effective, and recommendations for improvement.

#### **2.4.2. Alberta Serious Incident Response Team**

Another province to implement independent oversight into the police complaint system was Alberta with the introduction of the Alberta Serious Incident Response Team (ASIRT). ASIRT was established in 2008 by the Alberta Solicitor General in response to the growing need for more independent investigations of complaints involving police related injury, death or sensitive incidents (Mouallem, 2013, para. 12; Purvis, 2009, p. 2). ASIRT has jurisdiction over all



police officers, both municipal and RCMP, operating within the 13 police agencies in Alberta. (Purvis, 2009, p. 7).

The organization's mandate is to "effectively, independently and objectively investigate incidents involving Alberta's police that have resulted in serious injury or death to any person as well as sensitive allegations of police misconduct" (Alberta Justice and Solicitor General, 2014, para. 7). ASIRT's mandate allows the organization to investigate a broader range of complaints compared to other oversight agencies, including sensitive nature complaints and sexual assault allegations against police officers (Mouallem, 2013, para. 22). A broader mandate allows for greater oversight into cases that impact public confidence. For example, in 2012 34% of files investigated by ASIRT were classified as sensitive case files and 16% sexual assault cases (Alberta Justice and Solicitor General, 2012, p. 7). The ability for ASIRT to investigate sensitive cases and sexual assaults is a strong feature of this particular oversight model.

ASIRT is headed by a civilian director and its primary investigators are a mix of civilians and seconded police officers loaned from municipal police agencies and the RCMP (MacAlister, 2012b, p. 164; UNODC, 2011, p. 65). At present, there are fourteen full time investigators of which five are civilian and nine are sworn police officers (Alberta Justice and Solicitor General, 2014, para. 4). The Civilian Director of ASIRT, Clifton Purvis argues that one of the challenges facing the organization is the staffing ratio of civilian investigators and sworn officers (Purvis, 2009, p. 14). The use of seconded officers who are still active police members can be seen as one of the greatest criticisms of ASIRT as the organization can be perceived by the public as not being completely independent from the police (MacAlister, 2012b, p. 159).

## **2.5. Oversight in British Columbia**

In British Columbia policing services are provided by a variety of agencies across the province and depends solely on the jurisdiction and location. Currently there are eleven independent municipal police departments, one First Nations police force, a combined forces special enforcement unit, a contracted Royal Canadian Mounted Police (RCMP) provincial force, 63 RCMP municipal police forces, and the RCMP federal force (Ministry of Justice, 2015, para. 2). The primary reason for the current police profile is because each municipality with a population over five thousand people is required under section 15 of the *Police Act* to "bear the

expenses necessary to generally maintain law and order”. As a result, cities or towns in British Columbia either provide their own municipal police service or contract the services of the RCMP (Police Services Division, 2013, p. 2).

There are over four and a half million people in British Columbia (Ministry of Justice, 2014a, p. 15). The RCMP has a significant policing presence in the province as their jurisdiction covers a large portion of the provincial population. In 2013, the RCMP represented 73 percent of the overall police strength in the province and provided police services to over three million British Columbians (Ministry of Justice, 2014a, pp. 15 & 17). In contrast, municipal police forces represented 27 percent of the provinces police strength and provided police services to over one million people (Ministry of Justice, 2014a, pp. 15 & 17)

While the *Criminal Code* of Canada provides law enforcement personnel with the legislative power to arrest, detain, and use force to ensure compliance in the law, there are no specific requirements given on how complaints against police officers should be processed (CPC, 2009, p. iii). The direction on how complaints are to be investigated and overseen is mandated by legislative policy. The policy and procedures governing how complaints are handled vary and depend on the police force of the officer involved in the complaint.

There are two ways a complaint is processed in British Columbia and depends on if the officer was a member of an independent municipal police force or the RCMP (Ministry of Justice, 2014b, para. 1). Oppal (1994) summarizes the two systems by stating “the *Police Act* sets out the procedure for receiving, investigating and adjudicating complaints against officers from municipal forces, while the *RCMP Act* sets out the procedure for complaints against members of that force.” (p. 17). The police complaint system in British Columbia involves the partnership between key stakeholders, police forces and independent oversight bodies. This section will examine the legislation and policy for processing public complaints against the police within the province.

## **2.5.1. Policy & Procedures for Complaints against the Police**

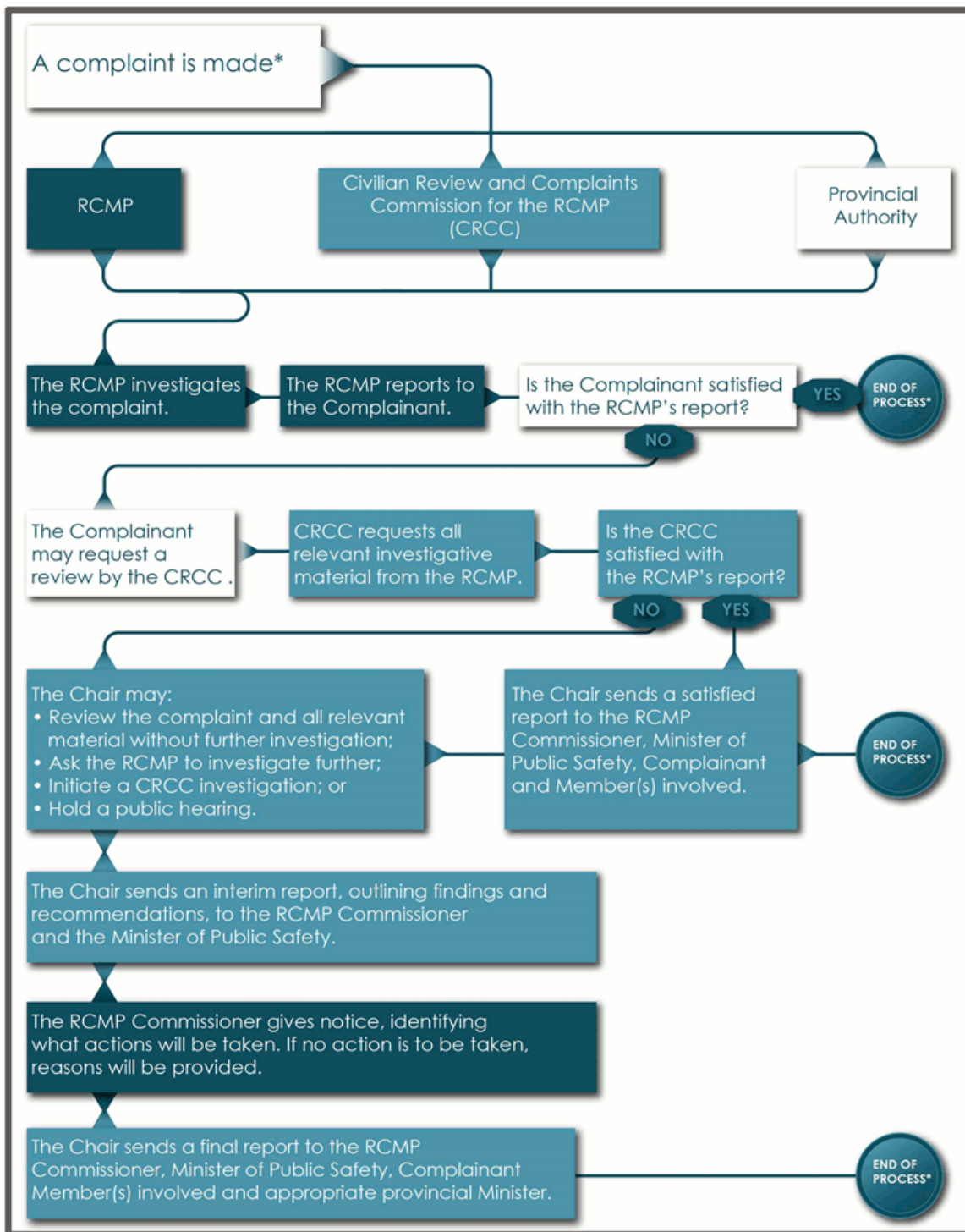
### **2.5.1.1. RCMP**

The RCMP has a strong policing presence in British Columbia as it serves a majority of municipalities across the province (Canadian Bar Association, 2015a, para. 1). The RCMP E Division is the largest division within the Federal organization; representing one-third of the entire police force and spanning across British Columbia (RCMP, 2013, para. 2). The conduct of RCMP members is regulated by *the Royal Canadian Mounted Police Act*. Section 37 of the *RCMP Act* outlines the standards of conduct expected of all members on and off duty. The Code of Conduct states:

37. It is incumbent on every member

- (a) to respect the rights of all persons;
- (b) to maintain the integrity of the law, law enforcement and the administration of justice;
- (c) to perform the member's duties promptly, impartially and diligently, in accordance with the law and without abusing the member's authority;
- (d) to avoid any actual, apparent or potential conflict of interests;
- (e) to ensure that any improper or unlawful conduct of any member is not concealed or permitted to continue;
- (f) to be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties;
- (g) to act at all times in a courteous, respectful and honourable manner; and
- (h) to maintain the honour of the Force and its principles and purposes

A member's behaviour or actions that contravened the Code of Conduct may be subject to internal discipline. Depending on the severity of the violation, informal disciplinary action is a corrective measure and will be used for less serious infringements (RCMP, 2012, p. 6). Formal discipline is used for more serious misconduct and can involve suspensions with or without pay (RCMP, 2012, p. 8). The *RCMP Act* also outlines the procedure for handling complaints made by the public. Complaints involving RCMP officers can be filed with the RCMP, CRCC, or local provincial authority (Commission for Public Complaints Against the RCMP, 2014, p. 7) Figure 2-3, shown below, outlines the complaint process involving RCMP members.



**Figure 2-3: Complaint & Review Process for RCMP Officers**

Source: Civilian Review and Complaints Commission for the RCMP. (2015a). Complaint and Review Process Flowchart. Retrieved from <https://www.crcc-ccetp.gc.ca/en/complaint-and-review-process-flowchart>

Before a complaint can be investigated, it must be reviewed to determine if it is admissible. The *RCMP Act* outlines the admissibility requirements to screen complaint files. Section 45.53 states:

- (2) The Commission may refuse to deal with the complaint if, in the Commission's opinion, the complaint
  - (a) has been adequately dealt with, or could more appropriately be dealt with, according to a procedure provided for under this Act or any other Act of Parliament;
  - (b) is trivial, frivolous, vexatious or made in bad faith; or
  - (c)(v) is from an individual who has not suffered loss, damage, distress, danger or inconvenience as a result of the conduct.

The time limit for filing the complaint is one year after the day on which the conduct is to alleged to have occurred, however, can be extended based on the discretion of the Commissioner of the RCMP for good reasons and is not contrary to public interest.

Complaints made against a member of the RCMP are initially investigated internally by the Professional Standards Unit (RCMP, 2012, p. 18). Depending on the nature of the allegation, the RCMP may first try to resolve the complaint informally with consent of both the complainant and the officer involved (CRCC, 2015b, para. 10). If informal resolution is not possible, an investigation will be conducted into the complaint and the results will be outlined in a final report including any potential action to address the complaint (CRCC, 2015b, para. 11).

Complainants not satisfied with the outcome of the internal police investigation can request an external review by the RCMP oversight body. The newly implemented Civilian Review and Complaints Commission for the RCMP (CRCC), formally known as the Commission for Public Complaints Against the RCMP (CPC), is the independent oversight body responsible for overseeing and reviewing complaints about the conduct of RCMP members (Canadian Bar Association, 2015a, para. 3). The CRCC's mission is to "provide civilian oversight of RCMP members' conduct in performing their policing duties so as to hold the RCMP accountable to the public" (CRCC, 2015c, para. 6). The CRCC has the authority to initiate their own investigation into the allegation, request the RCMP to further investigate the complaint or may hold a public hearing (CRCC, 2015c, para. 7). From there, the CRCC will determine if it is satisfied with the initial outcome suggested by the RCMP or to provide further actions that need to be taken to resolve the complaint.

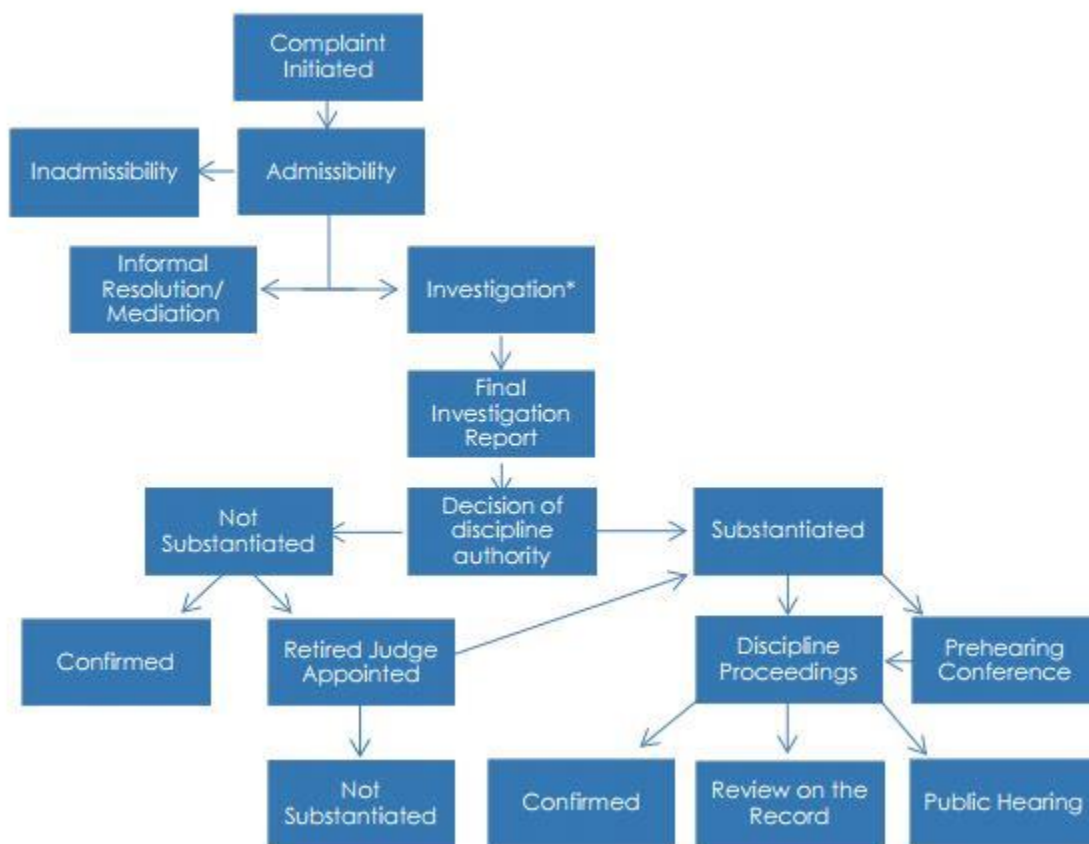
### **2.5.1.2. Municipal Police**

The conduct and behaviour of municipal police officers in British Columbia is regulated through the British Columbia *Police Act* (Police Services, 2013, pg. 2). The policing agencies that fall under the jurisdiction of the *Police Act* include:

- |                    |  |
|--------------------|--|
| 1. Abbotsford      | 8. Saanich                                   |
| 2. Central Saanich | 9. Vancouver                                 |
| 3. Delta           | 10. Victoria                                 |
| 4. Nelson          | 11. West Vancouver                           |
| 5. New Westminster | 12. Stl’atl’imx Tribal Police                |
| 6. Oak Bay         | 13. SCBC Transit Police                      |
| 7. Port Moody      | 14. Combined Forces Special Enforcement Unit |

Along with regulating conduct, the *Police Act* also outlines to procedure for making a complaint against municipal police officers. The investigations of public complaints against municipal police are investigated by other officers working in the Professional Standards but are overseen by the Office of the Police Complaint Commissioner (OPCC). The OPCC is an impartial and independent oversight body that monitors and oversees the investigation of complaints made by the public against municipal police in British Columbia (OPCC, 2015a, para. 1). The OPCC’s primary responsibilities include “overseeing and monitoring complaints, investigations and the administration of discipline and proceedings under Part 11 of the *Police Act*, and ensuring that the spirit and intent of the *Police Act* is achieved” (OPCC, 2010, p. 3). The OPCC has jurisdiction over all municipal police departments in British Columbia.

Figure 2-4 below outlines the complaint process for municipal police officers. When an individual makes a formal complaint against a member of a municipal police department in British Columbia, both the OPCC and the police department involved in the allegation will receive a copy of the complaint. A review of the complaint is made to ensure it meets the admissible requirements for an investigation.



**Figure 2-4: Complaint Process for Municipal Police Officers**

Source: Office of the Police Complaint Commissioner. (2015b). *2014/15 annual report*. Retrieved from [https://www.opcc.bc.ca/publications/annual\\_reports/2014\\_2015\\_Annual\\_Report.pdf](https://www.opcc.bc.ca/publications/annual_reports/2014_2015_Annual_Report.pdf)

The OPCC (2016) outlines the complaint admissibility requirements, as legislated in section 82 of the *Police Act*, for allegations lodged against municipal police force members (para.1). To be admissible, a complaint must meet the following requirements:

1. Complaint must contain allegations of police misconduct as defined under the Police Act;
2. Not be frivolous or vexatious; and
3. The complaint must be made within the 12 month period beginning on the date of the conduct giving rise to the complaint.

The Police Complaint Commissioner may also extend the time limit for making a complaint if it is not contrary to public interest and had has a valid reason for the extension.

From there, the file is typically assigned to the Professional Standards Unit of the police department involved in the allegation and is investigated. During the investigation, the Professional Standards Officer assigned to the file must send progress reports to the OPCC to ensure that the entire process is fully monitored (OPCC, 2015b, p. 21). The OPCC oversees the entire investigation to ensure that it is completed in a fair and impartial manner. The OPCC has the authority to recommend criminal charges against a police officer involved in the complaint to Crown Counsel, determine if a public hearing is required, and request a review of the decision made by Professional Standards (OPCC, 2006, pp. 12, 16 & 18).

### **2.5.2. Demand for Reform & Change**

Police accountability and independent oversight of police has been an ongoing topic of interest within British Columbia. During the Commission of Inquiry into Policing in British Columbia, Oppal (1994) reported that “few areas of policing have provoked as much discussion as the subject of civilian oversight of police conduct” (p. 17). Recommendations for reform to the police complaint system have been well documented by policy makers and independent investigators. A Special Committee to Review the Police Complaint Process in British Columbia (2002) conducted a series of public consultations and found that one of the central themes was “the need to improve public confidence in the complaint process” (p. 5).

The need for modifications was identified by Josiah Wood in his review of the province’s system for handling complaints. Wood was appointed in 2005 by the British Columbia’s Ministry of Justice, Police Services Division to conduct a review of the police complaint process and suggest recommendations to improve the *Police Act*. In his final report, Wood (2007) stated:

The results of this review demonstrate that there is still some distance to go before one-quarter of the population in British Columbia can be fully confident that all complaints against their municipal police officers will be thoroughly investigated and processed to a proper conclusion...What is needed to achieve it, is the complete acceptance of the concept of civilian oversight by municipal police officers of all ranks, and greater more effective powers of oversight vested in the office of the police complaint commissioner (p. 89)

The report recommended additional powers for the independent oversight agency which were later enacted into the *Police Act*.



Significant amendments to the *Police Act* in 2010 were the result of the recommendations put forward by Josiah Wood in his extensive review of the police complaint process (OPCC, 2010, p. 7). The Office of the Police Complaint Commissioner (2010a) reported in their 2010 annual report that “the new legislation, while still undergoing the expected growing pains, is well on its way to strengthening the public’s and the police’s confidence in the system by providing greater oversight capabilities to enhance transparency and fairness” (p. 7).

Within the past decade, a series of high profile incidents of police involved death and serious injury have harmed the reputation and level of credibility of the police within British Columbia (IIO, 2013, p. 9; MacAlister, 2012b, p. 159). Two specific incidents of police related deaths played a key role in the progression of civilian oversight within the province. The 1998 death of Frank Paul at the hands of Vancouver Police Department officers and the 2007 YVR Taser death of Robert Dziekanski by the BC RCMP (Ministry of Justice, 2016, para. 4). Both cases were major milestones as the key recommendations out of their high profile public inquiries, Davies Commission and the Braidwood Inquiry, called for the creation of an independent civilian oversight body that would investigate police incidents involving death or serious harm (Ministry of Justice, 2014c, para. 1). This environment caused political debate questioning how complaints against the held accountable.

The demand for more police accountability can be witnessed by the recent implementation of the Independent Investigations Office (IIO), an independent civilian-led body, in 2012 which is mandated to conduct criminal investigations into “police-related incidents of death or serious harm in order to determine whether or not an officer may have committed an offense” (Independent Investigations Office of British Columbia, 2013, para. 1) The creation of an independent oversight body to be overseen by a civilian director was supported by various key stakeholders within the policing community including BC Civil Liberties, Pivot Legal Society, BC Association of Chiefs of Police, and the Commission for Public Complaints Against the RCMP (IIO, 2013, p. 9). This new organization had the jurisdiction over both municipal and RCMP officers in British Columbia, which was a historical landmark in Canadian police oversight.

The momentum to increase accountability in policing was present during the 2012 twenty year contract renewal of RCMP policing services for BC municipalities. The Province of BC

played an integral role in increasing civilian oversight's reach over RCMP officers through negotiation with the Federal Government over the renewal of RCMP policing services. Under the new agreement, BC RCMP officers fall under the jurisdiction of the IIO and are held under the same accountability as municipal police for officer involved incidents of death or serious harm (Ministry of Justice, 2012, para. 6). The public demand for more civilian oversight of police within the province along with the persistence and influence of the BC Provincial Government in negotiations resulted in the increase of accountability and transparency in the contract renewal.

Most recently, the RCMP made legislative amendments in response to the demand for changes in their oversight accountability. Enhancements to the accountability of Canada's largest police force were witnessed on November 28, 2014 with the enactment of Bill C-42: *Enhancing Royal Canadian Mounted Police Accountability Act*. The act was established to enhance accountability and transparency of the RCMP.

A significant change outlined in the act is the replacement of the Commission for Public Complaints Against the RCMP (CPC), the RCMP's oversight agency, with a new complaints commission called Civilian Review and Complaints Commission for the Royal Canadian Mounted Police (CRCC). As outlined in the act to amend the *RCMP Act*, the most notable changes set out:

the authority for the CRCC to have broad access to information in the control or possession of the Royal Canadian Mounted Police, it sets out the CRCC's investigative powers, it permits the CRCC to conduct joint complaint investigations with other police complaints bodies and it authorizes the CRCC to undertake policy reviews of the Royal Canadian Mounted Police.” (Enhancing Royal Canadian Mounted Police Accountability Act, 2013, c. 18)

As a result, a notable change was the RCMP's shift from a former “discipline regime” to a more “robust conduct management system... [that] will focus on being remedial, corrective and educative” (RCMP, 2014, p. ii). The *Enhancing Royal Canadian Mounted Police Accountability Act* result a continued commitment of civilian oversight to promote excellence in policing, for the RCMP, through accountability (CRCC, 2015d, p. 2).

With the addition of more independent police oversight, it is important to examine the effectiveness of these models and the financial cost of having multiple police oversight agencies (Miller, 2002, p. 16). A review of literature has demonstrated that there is lack of research on the

issue that has not been addressed by other researchers. Miller (2002) identifies the gap by stating “there is little research that has properly evaluated the success of oversight agencies” (p. 16). Therefore with the increased demand for more independent oversight of the police within British Columbia, there is a need to research and analyze the effectiveness of the current oversight system, of which financial cost is one component, in order to make meaningful recommendations and conclusions.

## Chapter 3. Methods

This study examines the British Columbia police complaint system from a macro level perspective. The research will focus on exploring various dynamic components of the oversight system including the financial cost of accountability, trends in public complaints against the police and the benefits and challenges of the system. By examining the entire BC model of police oversight, including the two-tier process for RCMP and municipal police, the findings of this study may identify efficiencies and improvements that can enhance the current system.

This study will employ a mixed methods approach to address the research question. Johnson, Onwuegbuzie, and Turner (2007) define mixed methodology as research that “attempts to consider multiple viewpoints, perspectives, positions, and standpoints (always including the standpoints of qualitative and quantitative research)” (p. 113). The complementary use of a diverse range of methods can help provide a fuller perspective and deeper understanding of the phenomenon being investigated.

Along with providing a breadth of viewpoints, Udo Kelle (as cited in Johnson et al., 2007) stated that the combination of qualitative and quantitative research methods into a study can serve two additional purposes:

It can help to discover and to handle threats for validity arising from the use of qualitative or quantitative research by applying methods from the alternative methodological tradition and can thus ensure good scientific practice by enhancing the validity of methods and research findings. (p. 120)

The use of mixed methodology was to help triangulate and validate potential findings of this study. Quantitative data is primarily being used to reveal the financial cost of oversight within the province and to identify trends in public complaints against the police, and uncover substantiation rates. On the other hand, qualitative data is used to understand the perspective of key stakeholders in the current oversight system to determine current challenges, benefits, and thoughts otherwise unattainable from purely quantitative data. Therefore, by using the benefits of both

methodological procedures, it is hoped the study will be robust, reflective, and telling of the research questions.

### **3.1. Quantitative Methodology: Financial Data & Police Complaints**

To understand the financial cost of police oversight, it was essential to examine annual financial budgets and expenditures for key areas within the police complaint system. The quantitative approach to this study involves analyzing financial data on the amount spent by police agencies to fund their Professional Standards Units whose primary role is to investigate complaints against police officers. Along with analyzing police agency spending, the examination of budgets for police oversight agencies was also reviewed. The financial data used in this study was collected through the submission of Freedom of Information (FOI) and Access to Information and Privacy (ATIP) requests along with acquiring figures from publically available sources.

The second set of quantitative data utilized in this study was police complaint figures made against municipal police and RCMP E Division within British Columbia. Secondary aggregate data was collected from annual and statistical reports published by Office of the Police Complaint Commissioner (OPCC), Independent Investigations Office of BC (IIO) and Commission for Public Complaints Against the RCMP (CRCC). Further details on each quantitative methodological approach will be further described in the next subsection.

The quantitative data collected was used to address the following research questions:

- What is the financial cost of police oversight within British Columbia?
- On average, what is the overall cost per complaint in British Columbia?
- Are there notable differences between municipal police compared to RCMP E Division in relation to their yearly financial budgets and complaints?

### 3.1.1. Yearly Financial Budgets & Expenditures

To uncover the financial cost of police oversight within the province, it was necessary to collect the annual budgets spent on investigating complaints against the police. The primary set of quantitative data collected for this study was yearly financial figures for the operation of police oversight agencies and Professional Standards Units in BC. The time period under review was fiscal years 2010/11 to 2014/15. The data was collected from four key sources:

1. Publically available annual and statistical reports published by the OPCC, IIO and CPC/CRCC
2. Submitting fourteen FOI requests to municipal police departments for specific financial figures on their annual Professional Standards Unit budgets/actuals
3. Submitting two ATIP requests to the RCMP for specific financial figures on the RCMP E Division
4. Written requests, with ATIP official responses, to select RCMP detachments for specific financial figures on their annual Professional Standards Unit budgets/actuals

#### 3.1.1.1. Police Oversight Yearly Budgets

In British Columbia, the three oversight agencies active in overseeing, monitoring, and, in some cases, investigating complaints against the police are the OPCC, IIO, and CPC. Each organization has a distinct mandate and police jurisdiction which outlines their oversight purpose, ranging from monitoring complaints to conducting criminal investigations. Table 3-1, shown below, provides a breakdown of each oversight agency and the police group(s) they are responsible for overseeing. As all three agencies play a key role in oversight within BC, their annual budgets for the last five years were sought to be included in the study sample. The OPCC, IIO, and CRCC (formally CPC) publish fiscal year budget figures in their annual reports, which are publically accessible on each agencies website.

**Table 3-1: Police Oversight Agencies: Mandate & Jurisdiction**

Oversight Agency	Mandate	Police Jurisdiction
OPCC	<ul style="list-style-type: none"> <li>• Oversees and monitors police complaints and investigations</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal Police</li> </ul>
IIO	<ul style="list-style-type: none"> <li>• Conducts investigations into officer-related incidents of death or serious harm</li> </ul>	<ul style="list-style-type: none"> <li>• Royal Canadian Mounted Police</li> <li>• Municipal Police</li> </ul>

<b>CRCC</b>	<ul style="list-style-type: none"> <li>• Conducts reviews when complainants are not satisfied with the RCMP's handling of their complaints</li> <li>• Ensures complaints are examined fairly and impartially</li> </ul>	<ul style="list-style-type: none"> <li>• Royal Canadian Mounted Police</li> </ul>
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OPCC budgetary figures for years 2010/11 to 2012/13 was obtained from their annual reports found online in the reports section of the OPCC website. Data for years 2013/14 and 2014/15 were not publically available, along with five years of final year end actuals. Therefore a data request was sent to the organization via email for the two most recent annual budgets. Within a few days, the outstanding figures were provided in a written response through email. In total, OPCC budgets for the last five years, 2010/11 to 2014/15, were included in the study sample.

**Table 3-2: Oversight Budget Sample: Years & Data Limitations**

<b>Oversight Agency</b>	<b>Annual Budget/Actuals Years</b>	<b>How Data Was Obtained</b>	<b>Data Limitations</b>
<b>OPCC</b>	<ul style="list-style-type: none"> <li>• 5 years</li> <li>• 2010/11 to 2014/15</li> </ul>	<ul style="list-style-type: none"> <li>• OPCC Annual Reports</li> <li>• Data Requests</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>IIO</b>	<ul style="list-style-type: none"> <li>• 3 years</li> <li>• 2012/13 to 2014/15</li> </ul>	<ul style="list-style-type: none"> <li>• IIO Annual Reports</li> </ul>	<ul style="list-style-type: none"> <li>• As IIO was established in 2012, only three years of data available</li> </ul>
<b>CPC</b>	<ul style="list-style-type: none"> <li>• 5 years</li> <li>• 2010/11 to 2014/15</li> </ul>	<ul style="list-style-type: none"> <li>• CPC Annual Reports</li> </ul>	<ul style="list-style-type: none"> <li>• No final year end expenditures</li> <li>• Federal budget figures</li> <li>• No data on budgets specifically for BC E Division</li> </ul>

As the IIO was formally established in 2012, only three years of fiscal year budgets and actuals, 2012/13 to 2014/15, were obtained for this study. All budgetary information, along with a breakdown by category, was publically available in the IIO annual report published on the organizations website. The last police oversight agency to be included in the study is the CPC,

which recently transformed into the new CRCC on November 28, 2014. As the years of focus for this study are from 2010 to 2014, the data collected for the RCMP oversight organization was sourced from the CPC annual reports found online at the CRCC website. There were significant limitations to the budgets obtained from the CPC as figures were not specific to complaints made against RCMP E Division officers. As the CPC is a national organization that oversees and reviews complaints about the conduct of all RCMP members across Canada, they do not have any financial figures that specifically outline the budget or expenditures for British Columbia.

The RCMP E Division is the largest division within the RCMP; representing one-third of the entire police force (RCMP, 2013, para. 2). To provide an estimate on the amount budgeted by CPC for the oversight and investigation of complaints against BC RCMP officers, the total budget was multiplied by the percentage of complaints lodged against RCMP E Division members between January 1, 2009 to December 31, 2013. This percentage was obtained directly from the CRCC.

#### ***3.1.1.2. Professional Standards Financial Data***

Financial figures for the operation of Professional Standards Units, both municipal and RCMP, was also collected as part of this study. These departments are a major stakeholder in the police oversight system and represent a sizeable portion of the overall cost of police oversight within British Columbia. As police organizations do not regularly publish financial budgets/actuals for Professional Standards Units specifically, it was necessary to submit Freedom of Information (FOI) requests to police agencies to obtain the data.

In British Columbia, the right to request access to provincial public body records is outlined in the *Freedom of Information and Protection of Privacy Act* (FIPPA). The legislation “sets out the access and privacy rights of individuals as they relate to the public sector. FIPPA establishes an individual's right to access records in the custody or control of a public body” (Office of the Information & Privacy Commissioner for British Columbia, 2015, p. 3). Information pertaining to municipal police departments falls under the legislative jurisdiction of FIPPA.



The FOI request forms for each municipal police agency was collected online through each organizations website. Once obtained, a formal written FOI request submission was made to each of the following municipal police department in British Columbia:

1. Abbotsford
2. Central Saanich
3. Delta
4. Nelson
5. New Westminster
6. Oak Bay
7. Port Moody
8. Saanich
9. Vancouver
10. Victoria
11. West Vancouver
12. Stl'atl'imx Tribal Police
13. SCBC Transit Police
14. Combined Forces Special Enforcement Unit

FOI requests were either faxed or emailed to each municipal police department's team responsible for receiving and processing access to information forms. The requests sought the following data on each agency's Professional Standards Unit for the time period of 2010/11 to 2014/15:

- o Total annual budget & actuals for the department's Professional Standards Department
- o Number and rank of Professional Standards Officers working in the Professional Standards Unit

Professional Standards budgets and expenditures for each fiscal year included items such as officer salary, overtime, travel expenditures, training expenditures, supplies, services and equipment for the operation of the unit.

Legislation permitting access to information for Federal government agencies, including the RCMP, is outlined in the *Access to Information Act*. To obtain RCMP E Division Professional Standards budgetary figures for the study sample, an Access to Information and Privacy (ATIP) request was submitted online, for a small fee, to the RCMP requesting the following items broken down by fiscal year from 2010/11 to 2014/15:

- o Total annual budget & actuals for RCMP's Professional Standards Department (BC Region Only)
- o Number and rank of Professional Standards Officers working in the Professional Standards Unit in RCMP E Division

Results from the data requests were either mailed or emailed to the principal investigator. The final sample of data obtained from this process was organized into three main categories that will be used as indicators in this study on how much is being spent to investigating complaints against police.

#### **3.1.1.2.1. Professional Standards Unit Budgets & Actuals**

Of the fourteen FOI requests submitted to municipal police agencies, only two agencies provided their Professional Standard Units annual budget and actuals for years 2010/11 to 2014/15. Four police agencies were small enough that they did not have a distinct Professional Standards department and investigated any potential complaints off the side of their desk. As a result, no figures from these agencies were included in the study as they did not have an established budget for Professional Standards and there was no record keeping for time spent on investigating the small number of complaints received per year. Lastly, two municipal police forces did not respond to the FOI request and no data was received.

For RCMP budgets and expenditures, two ATIP requests were submitted online requesting professional standards financial data. The RCMP was not able to provide the Professional Standards budget for the entire E division as they did not have the data available and stated a separate ATIP request would need to be made for each of the 152 detachments in BC. As a result, only figures for the RCMP E Division Headquarters were provided.

#### **3.1.1.2.2. Professional Standards Officer Salary**

Six municipal agencies were not able to provide yearly budget/actuals for the Professional Standards Unit due to their organization's financial reporting structure. In all six cases, the Professional Standards Unit's budget was included within a larger departmental budget and it could not be determined what percentage was designated solely for investigating complaints against the police. As a result, these agencies provided yearly salary costs for the Professional Standards Officers employed in their PSU to represent, at minimum, what is being spent on investigating complaints made against their members.

### **3.1.1.2.3. Number & Rank of Professional Standards Officers**

Eight municipal police agencies and the RCMP E Division Headquarters were able to provide a breakdown of the number and rank of officers working in their Professional Standards Unit for years 2010 to 2015. This data will be used to analyze any potential trends or outliers in police agency staffing of their Professional Standards Units over time along with identifying any significant differences between the RCMP and municipal police agencies.

### **3.1.2. Police Complaint Data**

To provide context to the financial figures collected in this study and to determine the average cost per complaint, it was necessary to identify the volume of complaints received and processed through the system per year. Secondary aggregate data on police complaints and serious harm and/or death investigations made against municipal police and the RCMP E Division within British Columbia from 2010/11 to 2014/15 was collected from four key sources:

5. Publically available annual and statistical reports published by the OPCC, IIO and RCMP
6. Submitting ATIP requests to the RCMP for complaints specific to RCMP E Division
7. Written request to the CRCC and RCMP for complaints specific to RCMP E Division
8. Written request to the IIO for operational performance disposition outcomes by municipal department and RCMP

The data collected was used to uncover the quantity and frequency of public complaints against the police in British Columbia.

To draw correlations among complaints made against municipal police and the RCMP, it was necessary to identify linkable indicators across agencies. As each oversight agency and police organization has their own specific performance measures, the study identified two to three common indicators to make correlations. The indicators used in this study examined the following complaint data for both municipal police and the RCMP:

- Number of complaint files opened per year
- Number of complaints concluded per year
- Complaint allegation outcomes (substantiated, unsubstantiated, informal resolution, etc.)

### ***3.1.2.1. Municipal Police Complaints***

Secondary data on the number of complaints made against municipal police was collected from annual and statistical reports published the OPCC. The OPCC has jurisdiction over all municipal police departments in British Columbia, including eleven independent municipal police agencies, one transit police agency, one First Nations police service, and one combined forces special enforcement unit. As the OPCC provides annual statistics on all of the above noted police departments, this will be the primary data source for complaint figures on municipal police. Complaint data was collected for years 2010/11 to 2014/15 from the OPCC's annual and statistical reports on all the departments under their oversight jurisdiction.

A complaint made against a municipal police officer will fall into one of three distinct complaint categories: service or policy, internal discipline, or public trust (Canadian Bar Association, 2015b, para. 14; OPCC, 2010, p. 8). Public trust complaints are the most common and generally involve a member of the public who files a complaint against an officer for misconduct. Section 77(3) of the *Police Act* identifies the following types of misconduct as disciplinary breaches of public trust:

1. Abuse of Authority
2. Accessory to Misconduct
3. Corrupt Practice
4. Damage to Police Property
5. Damage to Property of Others
6. Deceit
7. Discourtesy
8. Discreditable Conduct
9. Improper Disclosure of Information
10. Improper Off-Duty Conduct
11. Improper Use of Care and Firearm
12. Misuse of Intoxicants
13. Neglect of Duty

The OPCC categorizes each public trust complaint into one of the thirteen types of misconduct listed above. For the purpose of this study, the data collected from the annual and statistical reports included how many complaint files were opened per year, by which police agency, complaint categories and types, and allegations concluded.

### ***3.1.2.2. RCMP E Division Complaints***

The RCMP is a federal organization that provides policing services in all provinces in Canada. The organization is subdivided into divisions that are designated by the geographical

location, with British Columbia region known as E Division. For the purpose of this study, only complaints made against RCMP E Division officers will be included in the RCMP sample. As the RCMP is a national organization, data on complaints involving RCMP officers is reported in aggregate formats that encompass all divisions. A breakdown of annual complaint figures for RCMP E Division is not publically available and not reported in the RCMP Disciplinary Regime annual report. As a result, data on the number of complaints made against RCMP police officers in British Columbia, for years 2009 to 2014, was obtained through email data requests to the RCMP E Division Professional Standards Unit and CRCC headquarters.

When lodging a complaint, the complainant provides the RCMP or CRCC with details of the incident including where and when the incident occurred, who was implicated, and the series of events that transpired. Once received, the RCMP will determine which allegation categories relate to the nature of the complaint, ensuring that all matters are addressed in the form of allegation. There are 17 allegation categories that can be selected:

- |                              |                                      |
|------------------------------|--------------------------------------|
| 1. Improper Attitude         | 10. Oppressive Conduct               |
| 2. Improper Use of Force     | 11. Improper Arrest                  |
| 3. Improper Use of Firearms  | 12. Improper Persons/Vehicles Search |
| 4. Irregularity in Procedure | 13. Improper Search of Premises      |
| 5. Driving Irregularity      | 14. Policy                           |
| 6. Neglect of Duty           | 15. Equipment                        |
| 7. Statutory Offences        | 16. Service                          |
| 8. Mishandling of Property   | 17. Other                            |
| 9. Irregularity in Evidence  |                                      |

Once a complaint allegation has been made against an RCMP officer, there are five findings that can be made by the RCMP:

- **Substantiated:** It was determined, during the course of the investigation, that the allegation was supported by the RCMP.
- **Unsubstantiated:** It was determined, during the course of the investigation, that the allegation was not supported by evidence and therefore not supported by the RCMP.
- **Informally Resolved:** The complainant and the RCMP agreed upon a satisfactory resolution prior to the investigation being launched.

- **Terminated:** The RCMP may terminate a complaint, and subsequent allegations, if the complaint met the criteria for termination, pursuant to section 45.36(5) of the *RCMP Act*.
- **Withdrawn:** The complainant may withdraw their complaint, and subsequent allegations, at any point during the complaint process.

### ***3.1.2.3. Death or Serious Harm Investigations***

Incidents involving police-related death or serious harm by municipal police or RCMP officers are investigated and overseen by the IIO. Secondary aggregate data was collected from the IIO's annual reports, under Operational Performance, including how many investigations were opened per year, which police agency was involved, investigation by injury type, and case disposition. A written request was made to the IIO for operational performance disposition outcomes by municipal department and RCMP and the data was received within a few days. An annual breakdown on the outcome dispositions, which include public reports, open investigations and reports to Crown, were provided for three fiscal year periods.

## **3.2. Qualitative Methodology: Interviews**

To provide a comprehensive analysis of the research question and to better understand how the police complaint system is currently operating in BC, this study conducted interviews with individuals who are knowledgeable and experienced in police oversight. The information collected through the interviews represents the primary set of qualitative data used for this research study. Gill, Stewart, Treasure, and Chadwick (2008) state that interviews allow for a researcher to explore the opinion, views, and experiences of their study participants (p. 292). Therefore to fully understand the complex nature of the current oversight system present in British Columbia, it was necessary to conduct interviews with key stakeholders in the oversight system. Interviews focused on understanding the benefits and challenges of the current oversight system, the impact of civilian oversight over police complaints, and recommendations on how to improve or create efficiencies within the current police complaint system.

### 3.2.1. Population

There are several key stakeholder groups that have valuable knowledge on the current state of police oversight and were sought to participate in this study. The first population group were members from independent police oversight agencies in British Columbia. At the time of the study, there were three primary oversight organizations within the province. Two of the agencies are responsible for overseeing and reviewing the investigations of public complaints against the police, one for municipal police and the other for RCMP. The primary role of these agencies is to ensure that complaints are investigated by the police in an impartial and thorough manner. The third oversight agency is responsible for conducting their own investigation into incidents of serious harm or death involving on and off duty municipal police and RCMP members. The purpose of each investigation by this agency is to determine whether or not an officer has committed a criminal offense punishable under the *Criminal Code*. Collectively, each of these three agencies act to uphold accountability, legitimacy, and transparency in the way complaints are handled within the province.

The second population group were Professional Standards Officers currently employed by one of the eleven municipal police agencies in British Columbia or the RCMP E Division. The role of a Professional Standards Officer is to receive and investigate complaints from the public that include police use of force, misconduct, and breach of trust. Their duty is to conduct a thorough and in-depth investigation into the allegation and ultimately make a decision on whether the complaint is fully supported by evidence. For the purpose of this research, Professional Standards Officers were asked to share their opinion and knowledge on investigating public complaints, their perception of independent and civilian oversight of the police, and the benefits and challenges of the current police complaint system. As Professional Standards Officers are actively involved in the complaint process, their knowledge on the topic contributed to the research findings.

To increase the integrity and diversity of the research, another stakeholder group of interest were members from special interest groups, such as civil liberties associations. Special interest groups often campaign for police accountability, recommend policy changes that increase the level of civilian oversight of the police, and lobby for reforms or modifications to the police complaint process. These organizations serve to protect the interests of members of the public and to ensure that basic human rights are maintained at the highest level. Participation in the research

from members of civil liberties associations provided a unique perspective on the current police complaint system.

The last target population of this study were members from several police unions or professional associations representing police officers across British Columbia. Municipal police unions act to advocate on behalf of police officers by supporting or opposing amendments to the *BC Police Act*, review changes to the current structure of the police system, and promoting the overall interests of its members. As the RCMP do not have a police union, members from the Mounted Police Professional Association of Canada (MPPAC) were sought to participate in this study. The MPPAC is an organization that engages in collective bargaining, works with the RCMP management in improving standards of policing, and represents RCMP employee interests in the workplace (MPPAC, 2016, para. 4). As the research aims to examine the current police oversight system within British Columbia, including the overall financial cost of multiple layers of oversight, this population will help shed light on the perspective of police unions or professional associations who are protecting members in police complaint cases.

### **3.2.2. Sample**

The study employed a nonprobability purposive sampling methodology to recruit participants for the research sample. Purposive sampling involves selecting participants with a direct intent based on a set of specific criterion (Ritchie, Lewis, & Elam, 2003, p. 79). With the study aiming to interview specific individuals who hold valuable knowledge and experience in the research topic, purposive sampling is viewed as the most appropriate to answer the research question. A majority of contact information on potential participants was obtained from each organization public website. However contact details for a select few, higher ranking police officials, were forwarded through a direct referral from a personal contact. Once contact information was obtained, an initial e-mail was sent to potential participants informing them of the research. The initial email described how the study aims to explore the thoughts and knowledge of stakeholders who have experience being involved in the police complaint and oversight system. After briefly outlining the purpose of the research, a request for their voluntarily participation in the study was made and contact information was provided for any questions.



In total, 17 invitations to participate in the study were sent to potential research participants. Of the 17 offers made, 13 participants agreed to partake in the study and were interviewed. Table 3-3 below provides a breakdown of the study sample. The population group with the highest level of willingness to partake in the study, with 100% of invitations being accepted, were police oversight agencies, professional standards officers and municipal police unions. The population group with the lowest participation rate, with no invites being accepted, were RCMP Police Professional Association representatives. In total, the research sample included four police oversight agency representatives, four Professional Standards Officers, three individuals from different special interest groups, and two police union executives.

**Table 3-3: Interview Sample**

<b>Population Group</b>	<b># of Invitations to Participate</b>	<b># of Participants in Sample</b>
<b>Police Oversight Agency Representatives</b>	N= 4	N= 4
<b>Special Interest Groups</b>	N= 4	N= 3
<b>Professional Standards Officers</b>		
• RCMP Professional Standards	N= 2	N= 2
• Municipal Professional Standards	N= 2	N= 2
<b>Police Unions or Professional Associations</b>		
• Municipal Police Union	N= 2	N= 2
• RCMP Police Professional Association	N= 3	N= 0
<b>Total</b>	<b>17</b>	<b>13</b>

### ***3.2.2.1. Police Oversight Representatives***

The police oversight representatives who agreed to participate in the study represented three of the three oversight agencies in British Columbia. Three participants were active senior level executives while one was a former senior executive of an oversight agency and their experience in direct police oversight ranged from 3 to 7 years. All four participants had legal backgrounds and held law degrees. Where participants varied the most was their experience in

policing. Two participants were former prosecutors with approximately 20 years of experience and had never been police officers or worked in law enforcement during their careers. The other two participants had both served in law enforcement including having senior roles in the RCMP.

#### ***3.2.2.2. Professional Standards Officers***

Of the four Professional Standards Officers who agreed to participate in the study, two were from the RCMP and two represented two of the eleven municipal police departments in British Columbia. This sample group varied in their police rank, ranging from Sergeant (n = 2) to Inspector (n = 1), and years of service (15 to 25 years). All officers in the sample were male and their level of experience in Professional Standards varied from a little over seven months (n = 1) to two years (n = 1). Two of the municipal PSO participants also had previous experience working for the RCMP early on in their policing careers.

#### ***3.2.2.3. Special Interest Groups***

Of the three participants from special interest groups, one was from a formal organization that actively campaign on a variety of issues including police accountability. The other two participants were independent advocates for police misconduct and have previously had direct personal experiences with the police complaint system. Their backgrounds were diverse ranging from professional legal backgrounds to advocates who had been indirectly involved in high profile incidents of police misconduct. Two of the participants in this population group were male and one was female.

#### ***3.2.2.4. Police Union Executives***

The last two participants were active police union executives for two of the eleven municipal policing agencies in British Columbia. Both participants were male and had extensive experience in policing from 20 years and above. With their senior ranking within the policing sphere, both had a diverse policing background and worked in a variety of departments including patrol, organized crime, homicide, crisis negotiation, and more. Both participants agreed that their extensive background in policing helped them provide valuable supporting and advocating on behalf of members in union related issues.

### **3.2.3. Interview Methods**

Semi-structured interviews were used as one of the primary methods of data collection for this study. This type of interview was selected because it allows for the flexibility to explore new and emerging concepts while still asking a principal set of questions (Scott & Garner, 2013, p. 282). As the purpose of conducting interviews was to explore the viewpoints and opinions of professionals and stakeholders involved in the police complaint system, this style of interview was ideal.

Interviews were scheduled at the preferred location and time of the research participant. A majority of interviews were conducted in-person (n=9) either at the participant's place of employment or at a mutually agreeable off-site location such a rented meeting room or local coffee shop. Due to geographical distance, a small number of interviews were conducted by telephone (n=4). Before the interview commenced, the principal investigator went over the informed consent handout provided with participants and outlined the purpose of the study, any potential risks or benefits of participating in the research, voluntary participation, ensured confidentiality, and provided contact information for any questions or concerns. After discussing the study and procedures of informed consent, full oral informed consent by each participant was required before beginning the interview.

A customized interview schedule was created for each of the participant groups to gain a deeper understanding into each unique population. While the topics of inquiry were identical, questions were adopted to each group's professional terminology. Each participant was asked approximate ten to fifteen open ended questions regarding their perspective on police oversight, benefits and challenges to the current oversight system and recommendations on how to improve or create efficiencies. Open ended questions were preferred to encourage depth and richness in a participant's response

The duration of each interview varied and ranged from forty-five minutes to two hours. Each interview was recorded using a digital recorder to ensure accuracy of participant's responses. Recording the interview upholds the validity of the data collected as what was discussed is directly transcribed afterwards. Gill, Stewart, Treasure, and Chadwick (2008) highlights the importance of recording and transcribing interviews as it "protects against bias and provides a permanent record of what was and was not said" (p. 293). The decision to record the

interview was also to ensure full attention and focus was spent on the dialogue with the interviewee. This allowed for the researcher to thoroughly listen to the responses of the participant, ask follow up questions to divulge deeper into the topic of discussion, or ask for clarification on a potential subject.

### **3.2.4. Data Analysis: Interviews**

After the completion of the interview, the electronic recordings were immediately transferred and stored on a password protected USB and held in a secure location. The recorded interviews were then transcribed verbatim and a copy was saved on the same USB. The thirteen interviews generated over two hundred and eighty-nine, single-spaced, pages of transcripts from which to begin the analysis process. The unstructured data generated from the interviews was imported into NVivo, a qualitative data analysis software program, to assist in coding themes and analyzing data.

The study employed an inductive coding approach to help identify themes and concepts which emerged from the data (Palys & Atchison, 2013, p. 305). The data analysis process first involved reading each interview transcript to get a broad understanding of the overall content discussed with each participant. The second stage involved reviewing the transcripts a second time and identifying themes and patterns that emerged among participants. As themes emerged from the data, they were coded into nodes in NVivo and further analyzed for similarities and differences. After each theme was categorized, a final review of each transcript was conducted to identify any unique comments that shed light on rare experiences.

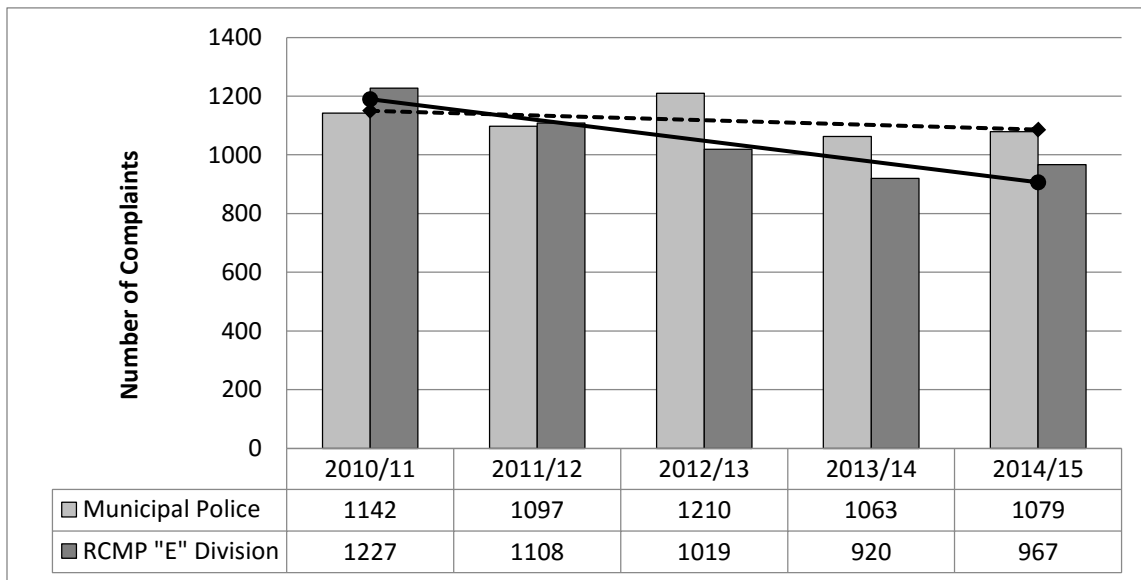
To ensure a high level of confidentiality and to minimize any potential risk to research participants, pseudonyms were assigned to participants during the coding process to secure their personal information. Each participant will be identified by the name of their target population followed by a number. For example, one participant will be called “Professional Standards Officer 2” and another will be identified as “Police Union Representative 1”. Any quotes or comments from interviews have been de-identified and aggregated with others wherever possible to ensure confidentiality of participants.

## Chapter 4. Findings & Discussion

### 4.1. Police Complaint & Criminal Investigation Trends: Municipal Police vs BC RCMP

#### 4.1.1. Complaints Lodged/Files Opened Per Year

From 2010/11 to 2014/15, both municipal police and RCMP E Division had a decrease in the number of complaints lodged against them per year. As shown in figure 4-1 below, files opened against municipal police decreased slightly over a 5 year period by 5.5% (n = 63). There was a modest rise in files opened in 2012/13 (n=1210) that resulted in the highest number of annual complaints for municipal police historically recorded. When examining the 5 year municipal trend line, represented by the dashed line in figure 4-1, while files opened per year against municipal police have decreased, it has been relatively consistent.



**Figure 4-1: Municipal vs RCMP: Complaints Opened Per Year (2010/11 – 2014/15)**

During the same 5 year timeframe, complaints lodged against RCMP E Division members had decreased by 21.2% (n = 260). The RCMP trend line, represented as the solid line in figure 4-1, showcases the yearly decline of complaints lodged against RCMP officers in BC. In 2010/11 and 2011/12, complaints received per year exceeded municipal police figures. However, from years 2012/13 to 2014/15, RCMP files opened per year declined and fell below the municipal intake levels. It is important to note that these results are only allegations made against the police and do not represent the number of complaints that have been fully investigated for validity.

#### ***4.1.1.1. Police Officer to Population & Complaint Ratios***

When examining the number of complaints lodged/files opened per year against municipal police and RCMP, it is important to understand the variance in police strength and jurisdiction populations. Table 4-1 below provides a breakdown of the distribution of policing services, police strength vs population figures, between the BC RCMP and municipal police forces. In 2013, the RCMP provided policing services to 3.3 million BC residents and had an authorized strength of 6,218 officers. This represents a rate of one RCMP officer per 530 citizens. In comparison, municipal police had a jurisdiction population of 1.3 million and had 2,638 police officers providing law enforcement services. As a result, there were 489 citizens for each municipal police officer. While the RCMP had a slightly higher population per officer, an extra 41 citizen per officer than municipal police forces, the police strength in relation to the population of the jurisdictions being policed was very similar.

**Table 4-1: 2013 BC Police Officer to Population & Complaint Ratios**

<b>Police Agency</b>	<b>Jurisdiction Population</b>	<b>Police Strength</b>	<b>Population Per Officer</b>	<b>Complaints Lodged</b>	<b>Complaints Per 100 Officers</b>
Municipal	1,288,914	2,638	489	1,063	40.3
RCMP	3,293,064	6,218	530	920	14.8
<b>BC Total</b>	<b>4,581,978</b>	<b>8,856</b>	<b>517</b>	<b>1,983</b>	<b>22.4</b>

A review of complaints received per year in relation to police strength reveals a gap between the RCMP and municipal police forces. In 2013, for every 100 RCMP E Division officers there was an average of 14.8 complaints lodged. In comparison, municipal police had an average of 40.3 complaints lodged per 100 officers. As a result, there was a net difference of 25.5 complaints per 100 officers between these two policing populations. With both organizations

having comparable police strength proportionate to their jurisdiction, the gap in the number of complaints received per 100 officers is a notable difference between these two police forces.

#### ***4.1.1.2. Municipal Police Departments: Net & Percentage Increases in Complaints***

Data on the number of complaints per department was only available for municipal police forces in British Columbia. The RCMP failed to provide detachment level figures after multiple requests. As such, a review of departmental level data within this subsection will only include municipal police data. Table 4-2, shown on the page below, reveals a few municipal departments had a larger net increase in complaints made against their officers than other agencies from year 2007/08 to 2014/15. Over an eight year period, the Vancouver Police Department had the highest jump in yearly complaints (n=280) which represented a 111.6% increase and was followed by Abbotsford Police Department (n=57) and Delta Police Department (n=49). Stl'atl'imx Tribal Police and Combined Forces Special Enforcement Unit (CFSEU) had the lowest net growth in complaints.

When examining the increase by percentage, smaller municipal police departments have seen a substantial growth. For example, Port Moody Police Department went from 4 registered complaints per year in 2007/08 to 27 in 2013/14. For smaller municipal departments, a large increase in complaints over a short period of time can place financial pressure on the organization's annual budget to ensure the complaints are investigated in compliance with the *Police Act*. One of the police union participants discussed the financial burden placed on some agencies to comply with the legislation by stating "that's a huge commitment for an organization, especially smaller police departments, to relocate those resources for complaint file work, particularly in the context in how many complaints smaller forces might generate". Prior to the 2010 *Police Act* amendments, many smaller departments would have full-time officers in other departments investigating complaints off the side of their desk. However, with the increase in complaints over the past 8 years, many departments had to establish permanent Professional Standards Units to take over the investigation of all complaints made against their officers. Out of 14 municipal departments, 10 agencies have a full staffed Professional Standards Unit and 4 agencies were too small and did not have their own distinct department.

**Table 4-2: Complaints Opened by Municipal Department Per Year (2007/08 – 2014/15)**

Department	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Net Increase	% Increase
<b>Vancouver</b>	251	205	271	545	544	596	539	531	280	111.6%
<b>Abbotsford</b>	26	22	20	106	90	93	105	83	57	219.2%
<b>Delta</b>	11	25	28	89	66	70	46	60	49	445.5%
<b>Saanich</b>	29	30	42	54	59	64	54	77	48	165.5%
<b>New West</b>	27	40	28	46	58	63	48	73	46	170.4%
<b>SCBCTAPS</b>	17	32	25	54	75	72	52	46	29	170.6%
<b>Port Moody</b>	4	6	8	24	24	25	27	24	20	500.0%
<b>Victoria</b>	94	73	110	152	113	153	134	113	19	20.2%
<b>West Vancouver</b>	19	16	19	41	41	46	33	34	15	78.9%
<b>Oak Bay</b>	1	3	5	14	3	5	5	7	6	600.0%
<b>Central Saanich</b>	4	1	9	7	10	9	6	10	6	150.0%
<b>Nelson</b>	8	8	3	8	13	7	12	14	6	75.0%
<b>CFSEU</b>	0	0	0	1	0	1	1	3	3	*
<b>Stl'atl'imx</b>	1	0	1	1	1	6	1	4	3	300.0%
<b>TOTAL</b>	<b>491</b>	<b>461</b>	<b>569</b>	<b>1142</b>	<b>1097</b>	<b>1210</b>	<b>1063</b>	<b>1079</b>	<b>588</b>	<b>119.8%</b>



#### 4.1.2. Complaint Allegation Outcomes Per Year

A complaint lodged against a police officer may contain multiple allegations pursuant to the *Police Act* or *RCMP Act*. Therefore a file can often contain more than one allegation and can include multiple officers. Each allegation is independently analyzed, investigated and concluded. Therefore when reviewing the outcomes of police complaint files, it is necessary to view it from the total allegations concluded per year, as opposed to the total number of files opened as highlighted in the previous section.

An analysis of five years of allegations, from 2010/11 to 2014/15, reveals that a majority of complaints are found to be unsubstantiated or informally resolved. For municipal police, as shown in table 4-3, the percentage of complaint allegations to be found unsupported by evidence over a five year period was 49.1%. The next most frequency category of complaint outcomes for allegations made against municipal police was through informal resolution, where 16.6 % of allegations made over a five year period were informally resolved without a *Police Act* investigation.

**Table 4-3: Allegations Concluded Per Year – Municipal**

<b>Allegation Outcome</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>5 Year Total</b>	<b>5 Year %</b>
<b>Unsubstantiated</b>	479	532	361	473	290	2135	49.1%
<b>Informally Resolved</b>	114	164	170	196	76	720	16.6%
<b>Discontinued</b>	191	115	66	118	56	546	12.6%
<b>Substantiated</b>	96	109	108	78	50	441	10.1%
<b>Withdrawn</b>	105	51	88	82	86	412	9.5%
<b>Reviewed &amp; Closed</b>	15	9	12	15		51	1.2%
<b>Mediated</b>	26	11	0	4		41	0.9%
<b>Total</b>	<b>1026</b>	<b>991</b>	<b>805</b>	<b>966</b>	<b>558</b>	<b>4346</b>	<b>100%</b>

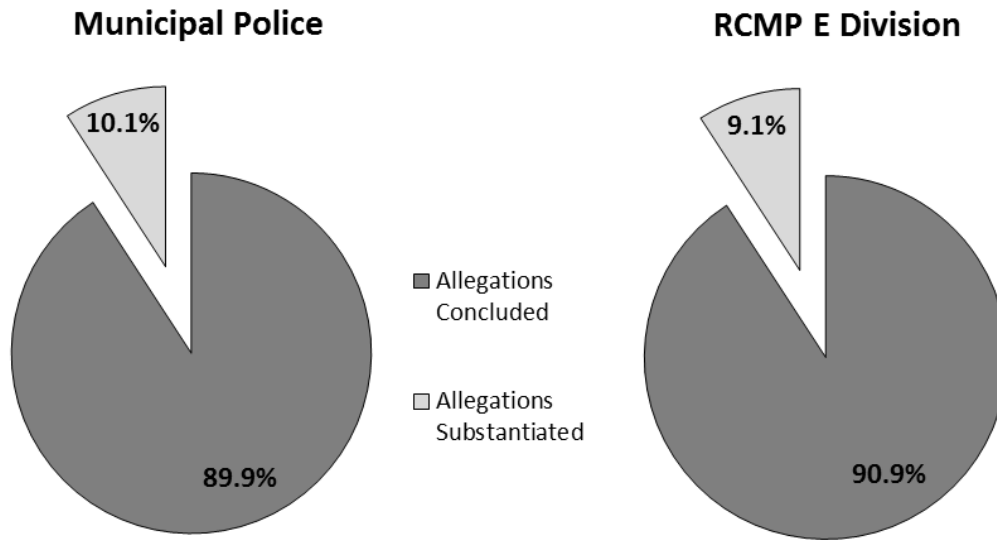
Table 4-4 below outlines the five year complaint allegation outcome averages for RCMP officers within British Columbia. From 2010/11 to 2014/15, 54.8% of allegations made against RCMP ‘E’ Division officers were found to be unsupported by evidence. Similar to municipal police outcomes, informal resolution was the second largest category with 28.8% of allegations made over a five year period being resolved informally by the RCMP without a full investigation.

**Table 4-4: Allegations Concluded Per Year – RCMP**

<b>Allegation Outcome</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>5 Year Total</b>	<b>5 Year %</b>
<b>Unsupported</b>	764	696	629	571	541	3201	54.8%
<b>Informally Resolved</b>	393	358	373	296	265	1685	28.8%
<b>Supported</b>	150	110	114	81	74	529	9.1%
<b>Terminated or Withdrawn</b>	134	102	69	70	51	426	7.3%
<b>Total</b>	<b>1441</b>	<b>1266</b>	<b>1185</b>	<b>1018</b>	<b>931</b>	<b>5841</b>	<b>100%</b>

Allegations that are found to be supported by evidence after a full investigation are defined as being substantiated. The OPCC (2010) defines substantiated files as being fully supported by evidence after the completion of a full investigation (p. vii). Substantiation rates are a commonly used as an indicator to provide perspective on what rate or percentage of allegations made are found to be valid and warrant disciplinary action.

Over a five year period, from 2010/11 to 2014/15, the average substantiation rates for municipal police and RCMP E Division are similar. As outlined in figure 4-2 below, the municipal police substantiate 10.1% of allegations made against their officers, while the BC RCMP substantiates 9.1%. These substantiation rate findings correlate with previous studies, including Prenzler and Ronken (2001) who found external review models and internal affairs model generally substantiate 10 percent of all complaints filed (p. 162).



**Figure 4-2: Average Complaint Allegation Substantiations Rates (2010/11 to 2014/15)**

### **4.1.3. IIO Criminal Investigations & Outcomes Per Year**

From 2012/13 to 2014/15, the IIO received 679 notifications of potential critical incidents that involve police related death or serious harm. When a notification is received, the IIO will assess the circumstances of the incident to determine if it meets the organizations mandate and criteria to sustain jurisdiction over the case. The IIO will make one of three decisions: conduct a preliminary investigation to determine if the incident resulted in death or serious harm at the hands of a police officer; decline jurisdiction over the case; or sustain jurisdiction and initiate a full investigation (IIO, 2015, p. 29). Of the 679 notifications, 50.4% (n=342) were declined, 31.7% (n=215) were not sustained and 18.0% (n=122) were sustained to proceed to a full criminal investigation.

Table 4-5 below provides a yearly outcome breakdown of sustained cases, along with which police organization, RCMP or municipal, was involved. From 2012/13 to 2014/15, of the 122 cases sustained and investigated by the IIO, 38.5% (n = 47) resulted in a referral report to Crown, 50% (n=61) concluded with the generation of a public report, and 11.5% (n=14) are still in an open investigation and have yet to be concluded. A report to Crown is made after the Chief Civilian Director (CCD) determines that a police officer may have committed a criminal offence. For cases where a report to Crown was not made, a public report may be issued instead.

**Table 4-5: Sustained Cases - Investigations Per Year & Outcomes**

Investigation Outcomes	2012/13*	2013/14	2014/15**	3 Year Total
<b>Public Report</b>	<b>11</b>	<b>35</b>	<b>15</b>	<b>61</b>
RCMP	7	18	6	31
Municipal Police	4	17	8	29
Other	0	0	1	1
<b>Reports to Crown</b>	<b>6</b>	<b>23</b>	<b>18</b>	<b>47</b>
RCMP	5	14	10	29
Municipal Police	1	8	7	16
Other	0	1	1	2
<b>Open Investigations</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>14</b>
RCMP	0	0	10	10
Municipal Police	0	0	3	3
Other	0	0	1	1
<b>Total</b>	<b>17</b>	<b>58</b>	<b>47</b>	<b>122</b>

\*September 10, 2012 to March 31, 2013.

\*\*The numbers for the 2014/15 fiscal year are as of January 26, 2016

Comparing the proportion of IIO sustained cases in relation to the police strength for both municipal police and RCMP reveals a slight variation. In 2013/14, as shown on table 4-6 below, for every 1000 RCMP officers there was an average of 5.2 sustained IIO cases. In comparison, municipal police had an average of 9.7 sustained cases per 1000 officers. As a result, there was a net difference of 4.5 criminal investigation cases per 1000 officers between these two policing populations. With both organizations having comparable police strength proportionate to their jurisdiction, municipal police have nearly twice as many sustained cases against them compared to the RCMP.

**Table 4-6: 2013/14 IIO Sustained Case Ratios: RCMP vs Municipal**

Police Agency	Police Strength	Population Per Officer	IIO Sustained Cases	Cases Per 1000 Officers
Municipal	2,638	489	25.5	9.7
RCMP	6,218	530	32.5	5.2
<b>BC Total</b>	<b>8,856</b>	<b>517</b>	<b>58</b>	<b>6.5</b>

An analysis of three years of IIO reports to Crown reveals that a majority of referrals result in charges not being approved. From 2012/13 to 2014/15, of the 47 cases referred to the Crown by the IIO, 74.5% (n = 35) resulted in charges not being approved, 14.9% (n=7) charges were approved by the Crown, and 10.6% (n=5) are still pending Crown decision and have yet to

be concluded. The findings indicate that for every seven cases referred to Crown, one will have charges approved.

**Table 4-7: Reports to Crown & Outcomes (2012/12 to 2014/15)**

<b>Referral Reports to Crown - Outcomes</b>	<b>2012/13*</b>	<b>2013/14</b>	<b>2014/15**</b>	<b>Total</b>
<b>Charges Not Approved</b>	<b>4</b>	<b>19</b>	<b>12</b>	<b>35</b>
RCMP	4	12	6	22
Municipal Police	0	7	5	12
Other	0	0	1	1
<b>Charges Approved</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>7</b>
RCMP	1	2	1	4
Municipal Police	1	1	0	2
Other	0	1	0	1
<b>Pending Crown Decision</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>5</b>
RCMP	0	0	4	4
Municipal Police	0	0	1	1
<b>Total</b>	<b>6</b>	<b>23</b>	<b>18</b>	<b>47</b>

\*September 10, 2012 to March 31, 2013.

\*\*The numbers for the 2014/15 fiscal year are as of January 26, 2016

## **4.2. The Cost of Oversight**

### **4.2.1. Five Year Snapshot: Growing Costs in Police Oversight**

As of 2014/15, the police oversight system within British Columbia, inclusive of RCMP E Division and municipal police forces, costs approximately \$21 million dollars per year. This represents the minimum baseline of the annual cost spent on the police complaint system in the province. Table 4-8, on the page below, outlines the fiscal year budgets/actuals for the administration of Professional Standards Units and police oversight agencies active within the province of British Columbia, for both municipal police and the RCMP E division.

The cost of administering police oversight within British Columbia from 2010/11 to 2014/15 has increased by 93.6% with a net growth of \$10,309,697 over a five year time period. It is important to note that the inception of the IIO in 2012/13 has contributed greatly towards the financial growth of oversight costs during this time period, as their yearly actuals for the past three years range from \$6.6 to \$7.2 million. Examination of the net growth, controlling for the

introduction of the IIO, demonstrates that the oversight system has increased by 27.4% over the 5 year period, with rise of \$3,013,927.

#### ***4.2.1.1. Police Oversight Agencies***

When analyzing the financial budget/actuals of the three oversight agencies active within the province, their financial costs vary. In 2014/15, police oversight agencies for municipal police and the RCMP cost \$14.8 million. Of this amount, the IIO actuals make up the largest portion, 49.3% of the cost, followed by the CPC (29.5%) and OPCC (21.2%). The CPC had the highest growth in yearly budgets over a 5 year time span compared to the OPCC or the 3 year time span for the IIO. From 2010/11, the \$3.1 million dollar actuals increased by 38.2% (n=\$1,207,115) to \$4.3 million in 2014/15. In comparison, the OPCC had the lowest net growth of all police oversight agencies, with an 8.2% increase over a five year period. From 2010/11 to 2014/15, the OPCC year-end actuals increased from \$2.9 to \$3.1 million which resulted in a modest net growth of \$238,000 dollars, of which a majority of the increase occurred in the last year.

**Table 4-8: Yearly Cost of Police Oversight (2010/11 – 2014/15)**

Organization Type	Organization Name	2010/11	2011/12	2012/13	2013/14	2014/15	% Change
<b>Police Oversight Agencies</b>	<b>Police Oversight Agencies - Yearly Budget/Actuals</b>						
	Independent Investigations Office			\$6,609,695	\$7,145,619	\$7,295,770	<b>10.4%</b>
	Office of the Police Complaint Commissioner	\$ 2,899,000	\$2,824,000	\$2,813,000	\$2,882,000	\$3,137,000	<b>8.2%</b>
	Commission for Public Complaints Against the RCMP	\$ 3,160,885	\$3,585,855	\$3,645,005	\$3,999,450	\$4,368,000	<b>38.2%</b>
<b>Total Oversight</b>		<b>\$ 6,059,885</b>	<b>\$6,409,855</b>	<b>\$13,067,700</b>	<b>\$14,027,069</b>	<b>\$14,800,770</b>	<b>144.2%</b>
<b>Professional Standards Units</b>	<b>Professional Standards Unit - Yearly Budget/Actuals</b>						
	RCMP E Div (HQ Only)	\$1,762,271	\$1,789,770	\$1,800,455	\$1,833,508	\$1,581,800	<b>-10.2%</b>
	Delta Police		\$682,681	\$766,607	\$692,495	\$804,725	<b>17.9%</b>
	Abbotsford Police	\$308,240	\$486,372	\$509,687	\$497,682	\$560,958	<b>82.0%</b>
	<b>Professional Standards Unit - Staffing Costs Only</b>						
	Vancouver Police	\$1,593,102	\$1,690,086	\$1,745,932	\$1,772,276	\$2,029,293	<b>27.4%</b>
	Saanich Police	\$403,052	\$408,967	\$449,210	\$475,063	\$490,642	<b>21.7%</b>
	Victoria Police	\$392,039	\$536,335	\$548,087	\$563,334	\$439,293	<b>12.1%</b>
	Port Moody Police	\$175,686	\$254,498	\$278,953	\$239,716	\$262,963	<b>49.7%</b>
	New Westminster Police	\$234,085	\$239,211	\$245,838	\$256,686	\$259,644	<b>10.9%</b>
	Combined Forces Special Enforcement Unit BC	\$90,030	\$90,030	\$94,658	\$96,078	\$97,999	<b>8.9%</b>
	Transit Police	Did Not Provide Figures					
	West Vancouver Police						
	Central Saanich Police	No Professional Standards Unit					
Nelson Police							
Oak Bay Police							
Stl'atl'imx Tribal Police							
<b>Total Professional Standards</b>		<b>\$4,958,505</b>	<b>\$6,177,950</b>	<b>\$6,439,427</b>	<b>\$6,426,839</b>	<b>\$6,527,317</b>	<b>31.6%</b>
<b>Grand Total</b>		<b>\$11,018,390</b>	<b>\$12,587,805</b>	<b>\$19,507,127</b>	<b>\$20,453,908</b>	<b>\$21,328,087</b>	<b>93.6%</b>

#### ***4.2.1.2. Professional Standards Units***

In 2014/15, as shown on table 4-8 above, professional standards units for municipal police and the RCMP cost an estimated \$6.5 million annually. The Vancouver Police Department comprised 31.1% of this annual cost just for staffing their professional standards unit while 24.2% is attributed to the yearly budget of RCMP E division headquarters. A review of the financial figures for professional standards units within this study's sample found there was a diverse range of expenditure fluctuation over a five year period ranging from a loss of -10.2% to a substantial 82.0% growth in costs. Collectively, professional standards units had a 31.6% growth (n=\$1,568,812) in fiscal expenditures from 2010/11 to 2014/15.

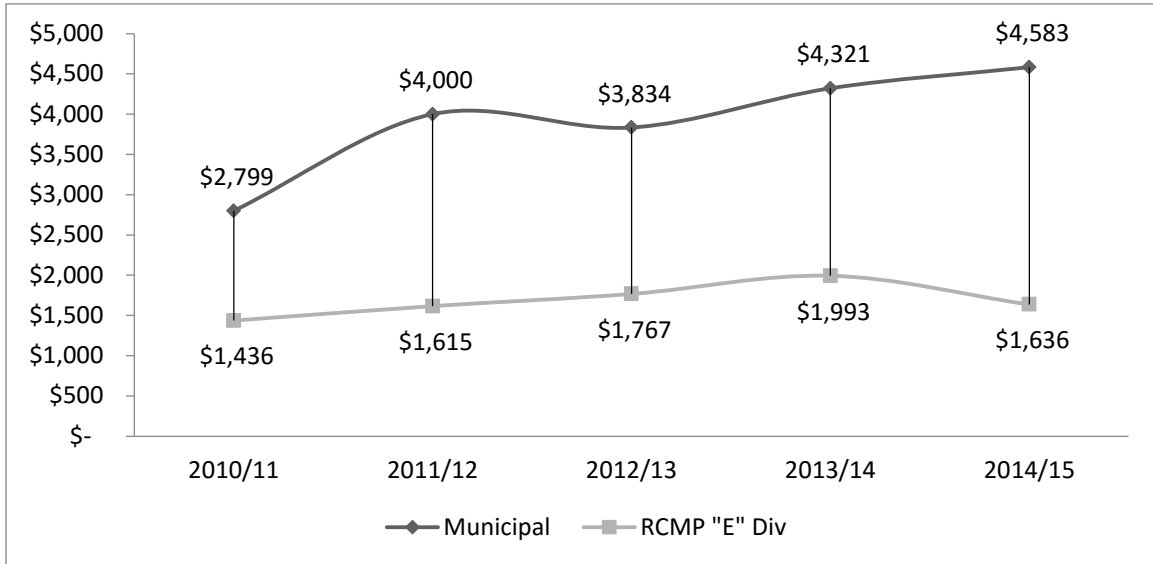
The Vancouver Police Department (VPD) had the highest increase in yearly budgets over a five year time span compared to all other professional standards units. From 2010/11, the yearly budget of \$1.7 million increased by 27.4% (n=\$436,191) to \$2 million. The rate of growth for VPD is predictable given that VPD opens over five times more complaint files per year than the next largest municipal district of Victoria Police Department. When examining percentage growth over a five year period, Abbotsford Police Department (APD) has seen a substantial 82.0% growth (n=\$252,718) in their professional standards fiscal year budget/actuals, from \$308,240 in 2010/11 to \$560,958 in 2014/15. Similarly, Port Moody Police Department had a 49.7% increase in their staffing costs since 2010/11. The only organization to have a decrease in fiscal budgets over five years was the RCMP E division headquarters. From 2010/11 to 2014/15, the RCMP PSU headquarters yearly budget decreased from \$1.76 million to \$1.58 million which resulted in a 10.2% net decline of \$180,471 dollars.

#### **4.2.2. Cost per Complaint in British Columbia**

While every complaint file is unique in investigative complexity and will vary in the amount of time and resources needed to investigate, average cost per complaint figures provide a high level perspective on the investment made by professional standards units from each police population. The amount of financial resources invested into the investigations of complaints lodged against the police varies between municipal police professional standards and the RCMP E Division professional standards. As shown in figure 4-3 below, the average cost per complaint file opened for municipal police increased by 63.7% from \$2,799 in 2010/11 to \$4,583 in



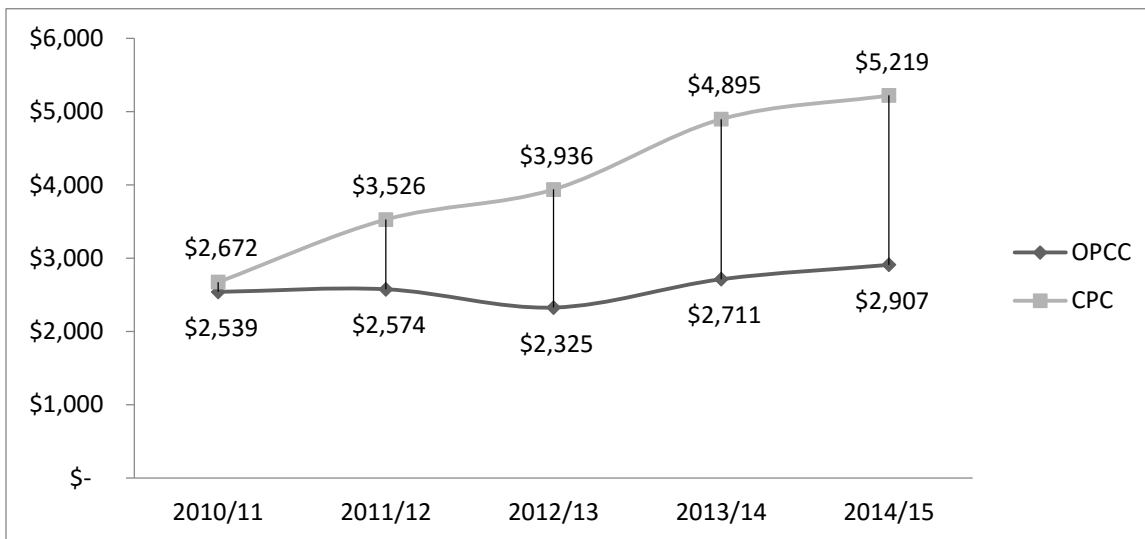
2014/15. In comparison, the average cost per complaint lodged against the RCMP had a minor rise of 13.9% from \$1,436 2010/11 to \$1,636 in 2014/15.



**Figure 4-3: Professional Standards: Average Cost Per Complaint (2010/11 to 2014/15)**

It is important to note that the RCMP figures represent only the E Division Headquarters cost. After two ATIP requests, the RCMP were unable to provide financial data on salary, budget, or expenditures for detachment level costs for investigating complaints. As such, the RCMP average cost per complaints represents, at minimum, the amount of financial resources invested into investigating complaints against their police officers.

Overseeing, monitoring or reviewing complaints by police oversight agencies such as the OPCC and CPC/CRCC provides a secondary layer of investment made to ensure public complaint investigations against the police are conducted fairly. The average cost per complaint for the OPCC and CPC in 2010/11 was similar. However in subsequent years, an increase in costs for the CPC resulted in a substantial gap between the two organizations. As shown in figure 4-4 below, the average cost per complaint reviewed and overseen by the CPC increased by 95.3% from \$2,672 in 2010/11 to \$5,219 in 2014/15. In comparison, the average cost per complaint monitored and overseen the OPCC had a minor rise of 14.5% from \$2,539 2010/11 to \$2,907 in 2014/15. The largest gap in cost per complaint between the OPCC and CPC was in 2014/15 and represented a net difference of \$2,312 per complaint.



**Figure 4-4: Police Oversight Agency: Average Cost Per Complaint (2010/11 to 2014/15)**

An indirect correlation exists between the average costs per complaint for professional standards compared with police oversight agencies. For municipal police, the average cost per complaint for professional standards is higher than the average cost for OPCC. Similarly for the RCMP, the average cost per complaint for professional standards is low while the average cost per complaint for CPC is much higher. From these two figures, there is a negative correlation in average costs per complaint for professional standards and oversight agencies.

### 4.2.3. Comparative Cost of Police Oversight: RCMP vs Municipal Police

Understanding the overall macro level financial investment made towards investigating complaints against the police was a primary focus of this study. When breaking down the total amount invested towards the RCMP E division police complaint and oversight system compared with the municipal police, there are differences between these two systems in relation to their yearly financial budget/actuals. While each system remains predominantly autonomous and separate, with independent oversight and professional standards, the one area of cross over is the dual oversight of the IIO. To estimate the IIO annual costs for each respective oversight system, the yearly actuals were multiplied by the percentage of cases involving RCMP and municipal police officers. For the purpose of this subsection, the oversight system is defined as including both oversight agency costs along with professional standards units figures combined to provide a system level cost for each respective policing group.

The municipal police complaint system figures outlined in table 4-9 include the annual expenditures for the police oversight agencies, OPCC and IIO, along with the total amount spent on the administration of each municipal professional standards unit. In 2014/15, the system level cost of oversight for municipal police complaints was \$11,292,656 per year. Of this amount, oversight agencies expenditures represented 56.2% (n = \$6,347,139) and professional standards were 43.8% (n = \$4,945,517).

**Table 4-9: Cost of Oversight for Municipal Police Officers (2010/11 to 2014/15)**

<b>Category</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>% Change</b>
Oversight Agencies	\$2,899,000	\$2,824,000	\$4,729,812	\$5,883,160	\$6,347,139	<b>118.9%</b>
Professional Standards	\$3,196,234	\$4,388,180	\$4,638,972	\$4,593,331	\$4,945,517	<b>54.7%</b>
<b>Grand Total</b>	<b>\$6,095,234</b>	<b>\$7,212,180</b>	<b>\$9,368,783</b>	<b>\$10,476,491</b>	<b>\$11,292,656</b>	<b>85.3%</b>

Over a five year range, from 2010/11 to 2014/15, the municipal police oversight system increased in cost by 85.3% with a net growth of \$5.1 million. Professional standards budget/actuals per year increased by 54.7% (n=\$1,749,283) over a five year period, while oversight agencies more than doubled in spending by 118.9% with a net spike of \$3.4 million. It is important to note that a large portion of the increase, \$3.2 million, is attributed to the incorporation of the IIO in 2012/13 in providing oversight. The IIO accounted for 93.1% of the growth in the municipal police oversight agencies category and 61.8% of the overall municipal system increase.

The RCMP E Division complaint system figures outlined in table 4-10 below include the annual expenditures for the police oversight agencies, CPC and IIO, along with the total amount spent on the administration of the RCMP E Division professional standards headquarters. In 2014/15, the system level cost of oversight for BC RCMP complaints was \$10,035,431 per year. Of this amount, oversight agencies expenditures represented 84.2% (n = \$8,453,631) and professional standards were 15.8% (n = \$1,581,800).

**Table 4-10: Cost of Oversight for RCMP E Division Officers (2010/11 to 2014/15)**

Category	2010/11	2011/12	2012/13	2013/14	2014/15	% Change
Oversight Agencies	\$3,160,885	\$3,585,855	\$8,337,889	\$8,143,909	\$8,453,631	<b>167.4%</b>
Professional Standards	\$1,762,271	\$1,789,770	\$1,800,455	\$1,833,508	\$1,581,800	<b>-10.2%</b>
<b>Grand Total</b>	<b>\$4,923,156</b>	<b>\$5,375,625</b>	<b>\$10,138,344</b>	<b>\$9,977,417</b>	<b>\$10,035,431</b>	<b>103.8%</b>

Over a five year range, from 2010/11 to 2014/15, the RCMP police oversight system increased in cost by 103.8% with a net growth of \$5.1 million. Professional standards budget/actuals per year decreased by 10.2% (n= -\$180,471) over a five year period, while oversight agencies increased in spending by 167.4% with a net spike of \$5.29 million. It is important to note that a large portion of the increase, \$4.08 million, is attributed to the incorporation of the IIO in 2012/13 in providing oversight category. The IIO accounted for 77.2% of the growth in the BC RCMP oversight agencies category and 79.9% of the overall RCMP system increase.

#### **4.2.4. Professional Standards Staffing Trends**

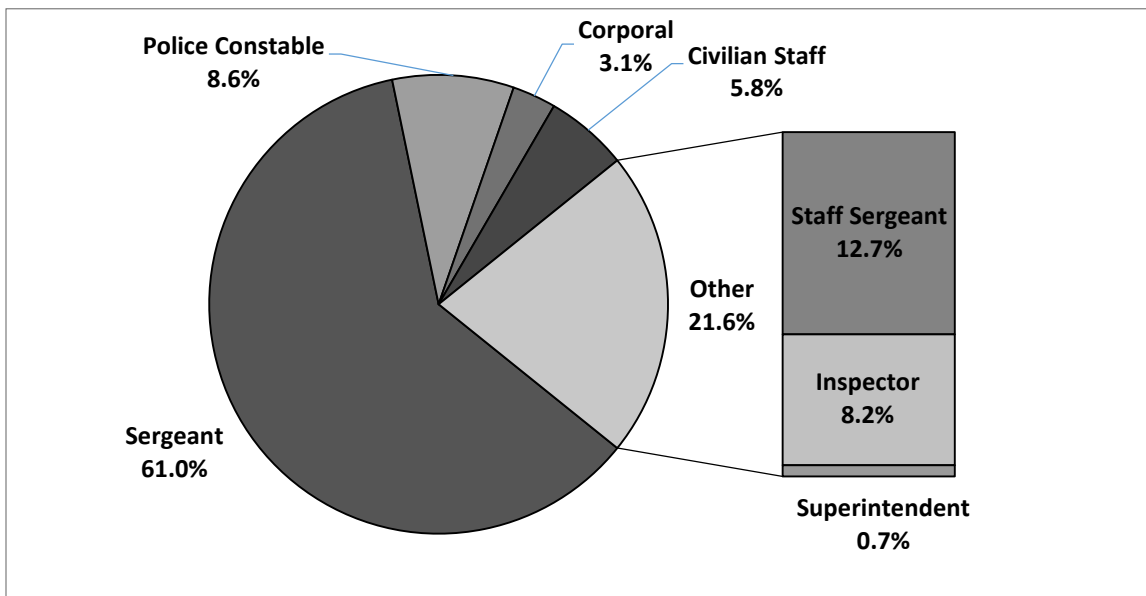
The increase in complaints lodged against police over the past five to eight years, as discussed in the previous sub chapter, has also influenced staffing levels within professional standards units. Professional standards staffing data for eight of the fourteen municipal police agencies and the RCMP E Division headquarters was analyzed to identify trends in staffing. Table 4-11 below provides a breakdown of the number officers working in each Professional Standards Unit from 2010 to 2015. Over the six year period, there has been a 32.6% increase in overall capacity for these departments. This growth directly correlates, and is reflected in, the rise of professional standards budget/actuals over the past five years.

**Table 4-11: Professional Standards Staffing By Department (2010 to 2015)**

<b>Police Department</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Net Change</b>	<b>% Change</b>
RCMP E Division (HQ Only)	13	13	12	13	13	18	5	38.5%
Vancouver	16	21	21	23	27	21	5	31.3%
Saanich	2	2	2	2	2	2	0	0.0%
Delta	2	5	5	5	5	6	4	200.0%
Abbotsford	2	3	3	3	3	3	1	50.0%
Victoria	3	4	4	4	3	3	0	0.0%
Port Moody	2	2	2	3	2	1	-1	-50.0%
CFSEU	1	1	1	1	1	1	0	0.0%
New Westminster	2	2	2	2	2	2	0	0.0%
<b>Total</b>	<b>43</b>	<b>53</b>	<b>52</b>	<b>56</b>	<b>58</b>	<b>57</b>	<b>14</b>	<b>32.6%</b>

While there has been a collective rise in the number of professional standards staff across the province, change at the department level has varied. The police agencies with the largest net growth of professional standards officers from 2010 to 2015 was Vancouver Police Department (n=5) and RCMP E division headquarters (n=5), while Delta Police Department (n=4) followed closely after. It is also interesting to note that four of the departments in this sample maintained consistent staffing levels over the six years.

A review of six years of professional standards staffing revealed that there is a diverse range of officers who work in this department, most notably their rank. Based off staffing data from 2010 to 2015, figure 4-5 below showcases the average staffing levels active in a year for professional standards units. This percentage composition includes both RCMP and municipal police professional standards staffing levels to provide a high level BC wide average, however, it is important to note that each police department varies and may not employ every rank shown on this figure. The most common police rank to be employed within professional standards is a Sergeant level officer. Sergeants make up a large majority, 61%, of the police officers within PSU while Staff Sergeants (12.7%), Police Constables (8.6%), and Inspectors (8.2%) following after.



**Figure 4-5: Average Professional Standards Units Staffing Composition**

The findings indicate that officers of mid to high-level ranking are typically staffed within professional standards units. The pay range for Sergeant level officers, which comprise a large portion of the staff within these units, can vary between RCMP and municipal police. As of January 1, 2014, the RCMP annual rates of pay for Sergeant level officers ranged from \$95,153 to \$97,999 per year (RCMP, 2016, para. 3). On the municipal side, each police department will vary in salary compensation. To provide an example, as of January 1, 2015, Sergeants employed with the New Westminster Police Department (2016) start at an annual salary of \$110,598 (para. 4).

The topic of professional standards units being staffed with high ranking police officers was brought up by a few of the study participants. One police union representative discussed how a majority of cases investigated by professional standards are relatively minor and are considered low level complaints. Therefore, from the participant’s perspective, agencies are paying high ranking officers to investigate minor complaints when they could potentially be putting their skill and knowledge into solving more serious crimes facing members of the public. The participant further elaborated by stating:

[The public] would be outraged because they expect highly paid, very well trained police officer with lots of skills and abilities to be out there investigating serious sexual assaults or domestic violence cases or dealing with the property crime issue that we're all plagued by. Not, you know, spending hours and hours

investigating missing sunglasses, where a complaint was lodged because a person is mad because their sunglasses got lost somehow during an arrest. I've seen with some of these other cases, on Robinson for example, the report was ten thousand pages long, for what? Like I told you, we knew what was on the video, there was no dispute. Think of the hours it took to put together that ten thousand page report with attachment after attachment after attachment, for what? (Police Union Representative 2)

Given the administratively heavy nature of professional standards investigations, which examine allegations made by members of the public towards the police, the dollar figure placed behind certain reports based on their length and the time required to compile is subject to criticism by key stakeholders in the police complaint system.

While the cost to employ and retain high ranking officers in professional standards units contributes towards the growing police oversight system, one participant expressed how the expertise and skill level was required to ensure that quality police investigations were conducted in a fair and impartial manner:

It is the actual investigators who deal with formal complaints, which is expensive. It is expensive, but you have to have a Sergeant doing it because the way the Police Act is written, there needs to be someone of equal or higher rank to handle complaints so it pays to have Sergeants in there...[with younger officers] there is a lack of credibility as well. I hand pick, same with my predecessor, we hand pick who comes here because we want people with credibility. You know, because they're ordering members to provide statements, we put them into jeopardy at times and so they need that built in reputation (Professional Standards Officer 4)

While the cost of hiring high ranking officers is an expensive component of the police complaint and oversight system, the level of skill, credibility and expertise is worth the investment in the long run. Given the potential outcomes that police complaint investigations can result in, such as disciplinary or corrective measures, it requires a skilled and well-qualified senior level officer to render responsible judgments during an investigation. If there are cost saving measures to be made, reducing the eligibility rank of officers who investigate formal complaints against the police may not be the most cost-effective measure.

In reference to the standard among police departments to staff Sergeant level or higher within PSU, one participant brought up an example of a successful model that employed

Constables, an entry level position, to handle all alternative dispute resolution files. The professional standards officer further elaborated by stating:

This particular agency has had a lot of success in getting withdrawals in informal resolution files. We have our investigators on the ART [Alternative Dispute Resolution] side who have a fairly high success rate of getting informal resolutions and but again, the costs are bigger...the nice thing about that agency though is it's Constables who are trying to get a resolution so they're not technically investigating (Professional Standards Officer 4)

The use of lower-level police rank officers for minor complaints that were suitable and eligible for informal resolution allowed high ranking officer expertise to be spent on investigating the more serious complaints that required an in-depth investigation into the alleged misconduct.

While complaints made against the police have been increasing over the past ten years and have resulted in a growth in professional standards, the inception of the IIO in 2012/13 may start to have more of an impact on the resources, human and capital, required of professional standards units. As the IIO is responsible for the criminal investigation of police involved serious injury or death cases, which are at the severe end of officer involved incidents and are often the ones that require the most resources, these critical incident files are now being taken out of the hands of professional standards units. This shift of critical incident files to the IIO was highlighted as potentially reducing the investigative impact for high profile and resource intensive cases:

It definitely took some of the pressure off the largest cases so, you have this specific set of cases that's going to go to the IIO and typically a lot of the cases that do get a lot of the media attention, any of the police involved shootings, in custody deaths, these kind of things that take up a ton of resources and time are now, we know that they are going to go to the IIO. So that's freed up, I think, some ability to work on other areas where we might not necessarily see, traditionally getting a lot of attention. I think it will have a bit of a ripple down effect in that way across the entire system. (Special Interest Group 2)

The IIO taking over the most critical incident cases previously investigated internally by police can be seen as a win-win situation from all parties involved. In addition, while serious harm or death incidents represent a very small portion of complaints that come through the system, taking these cases out of the hands of the police may begin to make available some of the resources previously used to investigate them.



### **4.3. Challenges to the Current Oversight System**

The police oversight models in place within British Columbia have been nationally and internationally recognized as being some of the most progressive and leading within existing democratic societies. However, it is apparent from interviews with participants that the current police oversight system has a variety of challenges. This results section will present the most cited challenges facing the oversight system referenced by study participants.

#### **4.3.1. Timeliness & Discipline**

A major challenge of the current police oversight system is the effective and timely processing of complaints made against the police. There was a prevalent concern expressed regarding the length of time it took to formally resolve complaints against the police and render discipline. This challenge was identified by 61.5% (n=8) of study participants and was referenced by all stakeholder populations involved in the study. In discussions with interviewees, the concept of timeliness is pivotal to the success of police oversight and discipline in a myriad of ways. The first area to be highlighted is the timeframes, or absence of, set in place by the Acts that govern the investigation of public complaints against the police.

As municipal police and the RCMP are governed under different legislation, the timeframes outlined by law for the investigation of complaints varies between the two policing bodies. For municipal police, there are specific timeframes outlined in the *Police Act* around the requirements for when investigations need to be completed (s. 99), discipline proceedings to be convened within a certain time after receiving the investigation report (s. 118), or time limit for requesting a public hearing or review on the record (s. 136). However despite having legislated time requirements to complete specific tasks, one participant outlined how they felt it was unevenly applied and should be revised to impose equal responsibility for all parties involving in the administration of the police complaint process:

So there are timelines in place, some that are very very strict. Then on the contrary, there are not a lot of timelines on the OPCC side in regards to what they do. Quite frankly there's not a lot of room for proceeding but then you can close it and say okay well we are going to reopen in another month which is crazy....If you are going to make timelines that is fine but make some sort of method where they can be extended to all parties involved and make them consistent. If it's going to be ten days fine, then it's going to be ten days and we'll have to adjust to

that but that should also apply to the OPCC, that should apply to how long it is until they have a review. I would argue it be the same thing when it comes to a discipline proceeding. On our side of the house there should be tighter timelines on that, there is tight timelines on the discipline proceeding and when you have to convene it, but for how long the proceeding actually takes, it's kind of out there, I don't think they anticipated it would take very long but some take forever. (Professional Standards Officer 4)

The importance of legislated time limits was viewed as helping complaints run smoothly through the municipal police complaint system. However, one of the challenges to ensuring effective and timely processing of complaints revolved around the presence of time limits on the police agency side, but not on other areas involving the police oversight agencies tasks or legal proceedings.

Despite the challenges raised by participants regarding the time limits enforced by the *Police Act* for municipal police, the RCMP has even lengthier legislated time limits. An investigation into allegations made against an RCMP officer should not, if possible, exceed one year. Section 43(8) of the *RCMP Act* indicates that disciplinary proceedings have to be initiated within a one-year period of time to have any violations against the Code of Conduct formally actioned and disciplined. If the one year limitation period lapses, subject officers could be precluded from charges under some offenses under the *Criminal Code* (CPC, 2009, p. 58).

While the legislation does not require investigations to be completed within a certain time frame, if the misconduct warrants formal discipline under the Code of Conduct or *Criminal Code* then the investigation needs to be completed within one year. One RCMP Professional Standards Officer describes how this statute of limitations plays out logistically when there are several priority investigation files on the go:

If during the course of the investigation there is an identified conduct that requires a formal discipline hearing to address it, that formal discipline needs to be rendered within that one year time frame. So let's say for arguments sake we are looking at a use of force type of scenario, domestic violence, something involving a significant or serious criminal offence, we need to be able to investigate that, get the required evidence and then be able to present that to Code of Conduct authorities...Now when those investigations come in, it puts everything else on hold. If there is a serious investigation and we have six investigators here and we all have fifteen public complaint investigations on the go and each of us in relation to different matters on the significant code of conduct or criminal offence comes in, then that needs to be investigated. All of our other investigations stop and we work together as a team to investigate that file. So these are when the delays start to take place.

The RCMP professional standards units have to continuously re-evaluate and prioritize cases as they flow in. The most severe cases take priority, while minor cases that may not have potential to result in any Code of Conduct or Criminal Code discipline are placed on low priority as they can be investigated outside the one year timeframe.

Despite having one year to complete an investigation in comparison with municipal police who have six months, along with having a lower number of complaints lodged per officer per year, the RCMP still face challenges in processing complaints within the legislated time limits. The findings in the previous subsection have shown that RCMP professional standards units are heavily underfunded in comparison to municipal police agencies. Participants had expressed the challenges in working with the limited resources their unit had to maximize results and ensure timely processing of complaints.

While a majority of public complaints are received, investigated and resolved within the legislated time frames established by law, there are still cases that drag out over a long period of time due to various administrative or legal processes. One participant expressed their disbelief in the length of time it took to formally resolve some complaints made against the police in the current oversight system:

The timeliness is outrageous. It is not appropriate, it just takes too long. There is an officer who just received a 4 day suspension for pushing down a woman and someone mentioned to me, and I still almost can't believe it, they said it happened 4 years ago. And I thought it had happen like last year....I just cannot figure out how a push to the ground that is on videotape can take 4 years to resolve. That's crazy and the fact that nobody is saying it's crazy, is every crazier...The only thing consistent about it is how inconsistent it is. (Police Oversight Agency Representative 3)

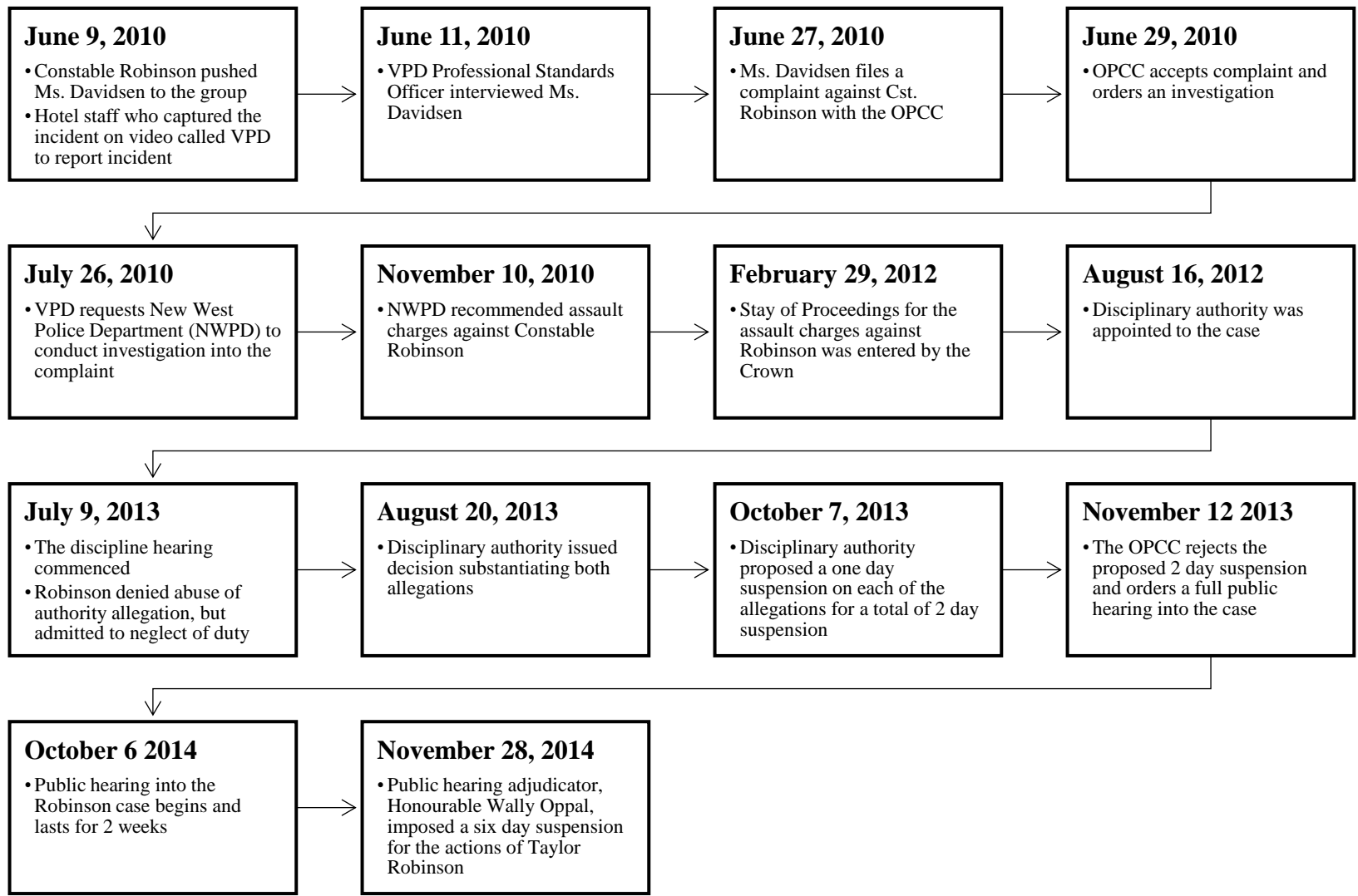
Participants were clear in stating that it is not the investigation that takes a long time and results in delays, it's the overall complaint process structure:

The investigation is not actually the part that takes the longest, it's the aftermath. In the Robinson case from the Downtown Eastside, the DA [disciplinary authority] made a decision that went to a s.117 review because they believed it was incorrect, came back, went to a discipline proceeding, which took a lot of time and then it went to a public hearing which took forever. So we basically went through every single process in the Police Act. It shouldn't have taken that long, there's no doubt it should not have taken that long but that is the process. (Professional Standards Officer 4)

The Robinson case being referenced was highlighted by several participants within this study and was used as a case example to demonstrate the systematic limitations and inefficiencies to resolving complaints in a timely and fair manner.

The high profile Taylor Robinson case was described by participants as the epitome of everything that is ineffective of the BC police oversight and complaint system. In 2010, Vancouver Police Department officer Constable Taylor Robinson forcefully shoved a disabled woman, Sandy Davidsen, to the ground in the Downtown Eastside (DTES) while walking past her. The entire event was caught on video and can show Robinson and VPD colleagues leaving the scene within twenty seconds of the incident. The case became notorious as it took over four years to increase a one day suspension to a six day suspension.

Figure 4-6 below provides a timeline of key dates and events in the Robinson case to outline the string of delays and where they occurred. Robinson faced two charges under the *Police Act* for abuse of authority and neglect of duty. The original disciplinary authority's decision recommended a one day suspension. Shortly following, the Police Complaint Commissioner, Stan Lowe, ordered a public hearing into the incident as the one day suspension was viewed as inappropriate given the gravity of the incident. After an eleven month delay, a two week long public hearing resulted in an increase in the discipline from a one day suspension to a six day suspension. The delays witnessed in this case were unprecedented and unacceptable.



**Figure 4-6: Taylor Robinson Case Timeline: Key Dates**

There were various components of this case that sparked debate and discussion among participants in relation to the challenges this complaint system faces in administering discipline within a timely manner. A major area of discussion was the fact the event was caught on video and still took over four years to come to a final conclusion. On the November 28, 2014, Honourable Wally Oppal openly declared in the public hearing decision “The facts are not in dispute. The incident was captured on video from a security camera situated at a nearby hotel. The incident was clearly visible on the video” (pg. 3). The fact that a case where the actions of the officer are so clearly visible took this long to resolve was viewed by one participant as a mockery of the system:

Yeah that was a joke, Robinson, we knew what happened. These investigations are not mysteries right. You know what happened, you usually know what the police officer did and you know who they did it too because that's the complainant. So you know who did it, you know who they did it too, and you know what it was that they did. So there's no mystery. The other thing is the legislation requires cooperation, so you're not even trying to negotiate statements and cooperation and stuff like that so these should not be taking as long as they have been taking but we get bogged down in process and you know different agendas and stuff like that and it goes on way too long. It's not rocket science, it's just about putting the pieces together and getting to the right outcome. In Robinson we knew what happened right when it happened. He accepted responsibility for doing what he did, and then it should have just been a question of deciding okay what the appropriate remedy here is? That's it. Instead it took four years, countless hearings, and all this evidence to arrive at the conclusion that we already had at the time the incident occurred. He pushed this woman on the street and he probably shouldn't have, right, so let's just deal with that. (Police Union Representative 2)

For cases where the evidence is so well laid out, the participant felt that solutions and discipline should have been streamlined. Although this particular case example was a unique case, extraordinary, it demonstrates the weaknesses in the system that can allow for a large amount of resources, time and legal fees to be used in coming to an ultimate conclusion. The administrative legality to render a fairer and more appropriate discipline decision was a central discussion for participants and raises the importance of effectively and timely corrective measures for officer misconduct.

A challenge in the current police oversight system felt by participants was how the length of the complaint process is having a negative impact on officer discipline. When corrective or disciplinary measures are imposed against an officer for misconduct that occurred months or

years ago, the effectiveness of that discipline has diminished and has reduced its potential to have long-term impacts on the behaviour of the officer. Three participants, each from different stakeholder populations in the police oversight system, highlight the importance of effective and timely discipline and its role in improving or modifying unacceptable police behaviour:

The basic premise behind discipline or anybody making complaint is it has to be timely, to when the event occurred. If you go shopping at a store and you have a negative experience and you complain and then the store gets back to you four years later and says we are really sorry you had that negative experience, it's too late. You have already decided you're never shopping at that store again right? If the store gets back to you within a week and says we are really sorry you'll give it another chance probably right? It's the same with complainants and it's the same with police officers. If I discipline someone four years later for something they did four years ago, the effect of that discipline is meaningless. In fact, what it does is it creates resentment. If somebody does something where discipline is the appropriate outcome, you need to impose that discipline in a timely manner, timely to when the incident occurred. That's how you deliver the message that what you did is wrong. (Police Union Representative 2)

One of the first cases I saw when I started working here had to do with an in-custody death and it had happened about four years before. It is very difficult to make specific recommendations about improving a certain practice or questions you want to raise about individual member behavior or conduct if it has been that long. You know people retire, are promoted, transferred, and moved on by the time it comes around. It really becomes much less effective (Police Oversight Agency Representative 4)

That example with the VPD member there is no justice served if it takes four years to come to some form of resolution in relation to a complaint. It needs to be addressed, the public needs to know that something has been done and so does the member for that matter. If they have to wait three or four years and then all of a sudden receive something in relation to discipline, it doesn't serve them any developmental purpose in the long run... It makes no sense to have anyone, any employee of any organization facing allegations and having a discipline rendered three or four years down the line, it needs to be immediate to be effective (Professional Standards Officer 3)

The loss of immediate corrective discipline can create a huge disconnect for members in today's policing world. Participants discussed how officers involved in incidents that are being disciplined years later are different people, professionally. Therefore, it is vital that any misconduct is addressed in a timely manner to be effective.

The police complaint and oversight system was set in place to ensure each complaint is treated fairly, investigated impartially and held accountable. However one participant discussed

how there is a delicate balance between ensuring complaints are investigated fairly and of high quality without jeopardizing the price of credibility:

The system is too complex, it's too formalized, and it takes too long. People expect there to be thorough, fair and complete investigations but if they are not done in a timely fashion, it doesn't matter how thorough or complete they are, you lose credibility. You lose credibility over that. You also lose credibility because there is no consistent discipline (Police Oversight Agency Representative 3)

The issue of timeliness has a direct and long term impact on the credibility held by members of the public towards the integrity and accountability of the police complaint system. When cases take years to render a final decision, the end result can be a public body that is dissatisfied and has little to no faith in holding officers accountable for their actions.

#### **4.3.2. Administrative Burden & Investigation of Minor Complaints**

A challenge to the current oversight system that was expressed by all of the six police participants in this study, Police Union representatives (n=2) and Professional Standards Officers (n=4), was the processing and investigation of minor complaints from members of the public. The concern raised by the police participants included the level of resources, investments, and time spent on investigating complaints that were either minor in nature or would be best addressed through other avenues, outside the formal police complaint investigation process.

Before a full investigation into a complaint can be initiated it must pass an admissibility test and, if suitable, be considered for informal resolution. Both the *RCMP Act* and *Police Act* outline admissibility requirements for complaints to ensure they are not frivolous and vexatious, out dated and are pertinent to the process outset in the legislation. Complaints that do not meet the requirements are deemed inadmissible and will no longer proceed to the investigation stage. Both Acts also regulate and authorize the use of informal resolution. Depending on the nature of the allegations, along with the consent and willingness of the complainant, complaints can be informally resolved and bypass a formal investigation.

Despite the existence of legislated admissibility criteria for complaints and informal resolution, participants still expressed concern in the number of minor complaints that are admitted and subject to a costly, time consuming investigation. The equal complaint investigation



model in place was highlighted by one participant as being a challenge to the efficiency of the current oversight system:

My issue with complaints and where I think the process becomes very inefficient is around how we treat every complaint the same way and essentially respond to every complaint the same way. That is a very inefficient and unproductive way to deal with public complaints. Treating every complaint the same way and responding investigatively the same way, you know, I can complain that you were rude to me and that's essentially investigated the same as if I complained you stole something out of my car. We have to come up with a system where less serious complaints can be dealt with in a more expedited way so we get a timely route which is better for the public and promotes more confidence in the complaints process. It is also better for police officers because they get the outcomes quicker and then they become more confident in the process as well. The way it sits now, it takes sometimes up to two years to investigate what are relatively minor complaints. So we need to get to more timely outcomes and that's where the system is broken. Now the more serious the allegation is, if the police officer robbed someone or sexually assaulted somebody, well that's a serious issue and should be properly investigated and it may take a longer period of time to make sure you interview everybody and gather all the evidence. But there needs to be a two prompt process and right now there's not. That's really undermining the complaints process in my opinion. (Police Union Representative 2)

The concept of having a two-tier complaint process, one for minor complaints and the other for more serious allegations, is based off the idea that more resources should be dedicated to complaints that require a more extensive investigation.

Under the current system, minor complaints are still subject to a full investigation. For municipal police, this is a six month *Police Act* investigation while the *RCMP Act* establishes a one year limitation if any discipline is to be imposed. Formal investigations can be quite costly for several reasons:

The amount of time and the resources that are consumed by the oversight models we have in place in the province now. The oversight piece consumes a lot of capacity and resources, both in terms of staffing and funding, when it comes to how we investigate public complaints which absolutely need to be investigated and need to be properly investigated but I think we need to have a bit more balance and it has to be a bit more contextual so we should be committing as many resources as we need to investigate the very serious complaints we need to find a better, more streamline way of investigating what are often very minor complaints that shouldn't consume the type of resources that they are consuming now and shouldn't have such, the degree of impact on capacity as they are now so it's a very big (Police Union Representative 2)

I think where it becomes cumbersome is with the threshold of the complaints coming in. On the former side of this house we investigate some complaints that would just make your head blur, going you've got to be kidding me that we're paying the Sergeant what we're paying him, we're paying all of these members to come in off the road because their coming in when their on duty. So that's a patrol call that's not getting answered because they are in here [Professional Standards] getting interviewed (Professional Standards Officer 4)

One participant felt the informal resolution process was an important component in reducing the amount time and resources spent on investigating minor complaints, however, believed it was a Band-Aid solution for a system that requires more legislative changes to the way minor complaints are processed:

I think informal resolution is an important component but it should not be the end all be all. If you can resolve things informally then why not but there needs to then be this sort of threshold. For example, if you look at the college of physicians, if there are minor complaints involving physicians it essentially goes to a committee. The committee reviews the complaint, arrives at a conclusion, informs the physician, informs the complainant and it's over. There's no need for multiple interviews and you know on and on and on. These are all things that drag out the process. You get to a timely outcome and generally it seems to work okay, so why not have a system where you can have the informal resolution piece but then have a threshold where you say okay these category of complaints, rudeness you know driving behaviour, person parked their car in a no stopping zone when they shouldn't have because it wasn't a police related reason for doing it, you know those kind of things, minor disagreements around whether or not the police officer at the lawful authority to detain the person or not. You know those could be dealt with in a much more expedited way and then you know, excessive use of force, breach of public trust kinds of issues, integrity type issues, uh then those can be dealt with utilizing all of the resources making sure that you properly investigate right, I think that's a better way to do it. (Police Union Representative 2)

As a majority of complaints made against police are relatively minor, there are efficiencies that can be made in the system to streamline complaints in a timely fashion while maximizing the financial budgets of professional standards units.

#### **4.3.3. The Two-Tier Oversight Model: RCMP & Municipal Police**

One of the biggest challenges facing the current police complaint and oversight model within this province is the two-tier system that exists between the RCMP and municipal police. Out of the participants interviewed, 75% (n=9) highlighted this systematic divide as one of the

greatest challenges facing police oversight and accountability in the province. On the contrary, 17% (n=2) of RCMP participants believed the two systems could not be compared due to their diversity and it was referenced as “comparing apples and oranges”. The discussion by participants on the challenges faced by having a two-tier system ranged on issues related to ease of access in making a complaint, variance in the level of oversight and accountability, and disciplinary differences.

The RCMP comprises a large majority, approximately 73%, of the policing strength in the province while municipal agencies make up the remaining 27% of officers. The way public complaints are handled, investigated and overseen between these two policing groups varies. Having a majority of police officers fall under one system and the remaining minority under another creates challenges around consistency and accountability in police services across the province. On the public facing side, having two systems can result in confusion for anyone filing a complaint. A participant from a special interest group described how the existence of two systems only increases the level of complexity for members of the public in understanding where to go to address concerns on officer conduct:

It's overly complicated first of all. I struggle myself sometimes to understand how the system is working and you know I'm a trained lawyer who has been working in this field for years. For the average person, it is very difficult for them to understand. It is difficult for them to understand the boundaries first of all, what organizations overlap and covers which. I can't tell you how many times someone's told me, if someone has a complaint against the RCMP they should go to the Office of the Police Complaint Commissioner, not realizing that the Police Complaint Commissioner doesn't cover the RCMP. So there are a lot of misconceptions out there.

The mistaken belief that RCMP officer's fall under the jurisdiction of the OPCC demonstrates that the municipal oversight body has a strong public presence within the province as a leading oversight organization. However at the same time it also reveals a gap in knowledge on how to appropriately file complaints against the RCMP and who is responsible for oversight.

The level of independent oversight that oversees the administration between the two systems, to ensure complaints are investigated impartially, is night and day. As the RCMP is a national force, all sworn officers are governed under the federal *RCMP Act*. Any complaints made against a member are investigated internally and discipline imposed is done at the sole discretion of the RCMP. This has been defined as a clear example of police investigating police.

If the complainant is not satisfied with the outcome of the investigation, they can request an external review by the RCMP oversight body, Civilian Review and Complaints Commission for the RCMP (CRCC). The challenge that exists within this system is the CRCC becomes involved if the complainant is dissatisfied with the results after the original investigation is conducted by the RCMP. The entire internal RCMP investigation is conducted without any form of oversight, which is a stark contrast to the municipal system.

On the contrary, all municipal police complaint investigations are conducted by internal professional standards units and overseen, from beginning to end, by the Office of the Police Complaint Commissioner (OPCC), an impartial and independent oversight body. This persistent presence of independent oversight over the investigation of complaints provides a level of accountability and oversight not seen in the RCMP model and a major reason why participants felt the two systems were unfair:

The problem I see is that municipal police are under such scrutiny and the RCMP really has a system that doesn't have the same level of scrutiny. It's really for government to come up with some sort of homogenous type of process. I can tell you I have worked with the RCMP on matters and when they run into our system and we get involved, start doing our reviews and all that, it widens their eyes as to accountability. They go away and realize oh, this is not going to be a cakewalk. But I can tell you there are seven thousand RCMP and the level of accountability in their system is dramatically less, based on even their new process of doing oversight. (Anonymous)

Having consistent oversight increases the level of scrutiny, criticism and exposure that misconduct investigations receive. The demand for RCMP to come under the same scrutiny and oversight as municipal police was expressed by many participants who either worked or engaged within the municipal oversight system.

The consensus among a majority of participants in this study that the RCMP model lacks effective oversight and is subpar compared that of the municipal system was evident. The main reason lies behind the fact that the RCMP oversight watchdog, which only comes in after a full investigation is completed by the RCMP, has no legislative power to impose or influence discipline. Several interviewees were clear in expressing why they viewed the CRCC or former CPC as not being true oversight over the RCMP:

Yeah it's hopeless, it's not oversight. Its recommendations to the Commissioner and the Commissioner must respond back. Where's the action? Where's the oversight? (Police Oversight Agency Representative 2)

In the RCMP model, effectively all they can do is make recommendations and the Commissioner can decide whether to follow those recommendations or ignore them. Even in the new legislation, there are so many outs for the Commissioner that it makes it ineffective. If you think our complaints take a long time to resolve, their complaints process is even more ridiculous so, it's not a good system and in my opinion that needs to change. (Police Union Representative 2)

The CRCC can't do anything about how the RCMP imposes discipline, that's I think a flaw. So the RCMP's model of appeal of discipline measures is I think flawed. So you've created a disparity there but that's really more a problem for the police officers but it is for the members of the public as well. For example, let's say a member of the public makes a complaint. Say, take a joint investigation, so Vancouver police and RCMP are involved in some incident. Vancouver police do their investigation and the RCMP does their investigation. The Vancouver police have a timeline around their investigations, they have to have it done within a certain amount of time or it has to go over to the OPCC to see if the Chief imposed the proper sanctions. With the CRCC it disappears, there's no service standard on the RCMP, they can take as long as they want to investigate it, and so that's a problem. The RCMP can impose discipline or not and there's nothing we can do about that, so it leaves the member of the public with. So let's say the discipline imposed by the Vancouver police and the OPCC they don't agree with, the member of the public has the OPCC on its side. (Anonymous)

The fact that the CRCC can only make recommendations to the RCMP Commissioner is a significant weakness of the RCMP model in comparison with the OPCC. The OPCC has the legislated power to review all final investigation reports to ensure there are no shortcomings along with having three avenues to take if the OPCC Commissioner does not agree with the final decision or discipline administered. The example highlighted in the last quote demonstrates how members of the public may have completely different experiences in filing a complaint, with different lengths of waiting time and discipline outcomes, simply due to if the officer was a member of the RCMP or with a municipal police force. Having two models of oversight present within the same province creates a disparity in policing service standards across the province.

During the course of this study, the RCMP made legislative amendments in response to the demand for changes in their oversight accountability. Enhancements and improvements to the system were witnessed on November 28, 2014 with the enactment of Bill C-42: *Enhancing*

*RCMP Accountability Act*. While this is a step in the right direction for enhancing the RCMP model of oversight, there are several weaknesses that participants discussed in reference to the older system that should be highlighted to demonstrate the lack of effectiveness of oversight towards RCMP officers.

A weakness that was present under old RCMP legislation was that the CPC did not receive all complaints made against RCMP officers. Under the municipal system, the OPCC receives a copy and tracks all complaints made against a municipal officer. However, prior to the newly legislated act, the RCMP were not mandated to provide their complaints to the CPC. When submitting data requests to the CRCC, the following response was provided as a disclaimer:

The complainant can choose to lodge their complaint directly with the RCMP or with the Intake Office for the CRCC. When a complainant chooses to lodge their complaint through the RCMP the CRCC may not be aware of the complaint until it's finalized. As a result, there may be complaints from 2009-2013 that are not captured in the CRCC's database and consequently may not be included in this analysis.

From reviewing the data received from both the RCMP and the CRCC, the gap between complaints lodged and resolved is reported differently between the two organizations. For an oversight agency to not hold the source of truth on the number of complaints received by members of the public demonstrates the ineffective nature of such a system.

Under the previous legislation, one of the major challenges was obtaining access to investigation material and other information relevant to properly review files where complainants were not satisfied with the outcome:

One of the challenges dealing with the RCMP is always getting documents. It is almost daily we have a challenge getting information from the RCMP. How we've overcome it, not so sure if, I'm not really sure we have...Up until November 28th the legislation did not require the RCMP give us any documents. It's bizarre. So they provided the documents voluntarily, now we have a legislative authority to demand them. (Police Oversight Agency Representative 1)

While the legislation has been updated to provide more support to the CRCC, these examples provided by participants demonstrate the daily challenges that the RCMP oversight agency faced when trying to fulfill its mandate. Also, when compared against the OPCC and their legislated

powers, it is easy to see why many participants feel the RCMP are not under the same level of accountability, scrutiny and oversight as municipal police are.

The RCMP has been subject to increased media attention within the past five years due to several high profile cases of police misconduct and the internal conflict on the mishandling of sexual harassment files against women officers. The pressure to reform the level of accountability in Canada's national police force has started with recognizing the systemic challenges their organization faces in ensuring a transparent, fair and accountable police force. When discussing the perception that members of the public or other police stakeholders may have around the RCMP model being a lower grade model than the municipal system, a member from the police oversight agency population group recognized that perception and stated:

Well, I would acknowledge the perception. I would agree that people do have that perception largely because we don't have the capacity to be on the ground and the Commission in the past had an office in Vancouver, Edmonton, Regina, and Winnipeg. So, it's really a question of capacity. I'd love to say look we have ten people here and we operate, you know, next to the OPCC in Victoria and we have that same profile so we're working on that. We're trying with a limited budget to increase our profile to try to dispel some of that. But it's a valid criticism and largely because of our, it's not for lack of trying it's just a question of being on the ground, being in the news, it's a very conscious thing that we're doing right now, to try to increase our profile right now in British Columbia. (Anonymous)

Recognition from senior members of the RCMP and CRCC in relation to the systematic barriers that are in place to administering an effective oversight system is a step towards the right direction.

The concerns of participants in relation to the challenges and inefficiencies of having a two-tier system are nothing short of new. Josiah Wood (2007) outlined in his *Report on the Review of The Police Complaint Process in British Columbia* that:

One issue that complicates the police complaint process in this province has to do with the fact that Part IX applies to just over one quarter of the total number of peace officers employed within its borders. Mine is not the first voice to be raised in support of harmonizing the complaint process for at least all police services, both municipal and provincial, in the province (p. 5)

Almost a decade later and the same concerns around the dual complaint process are present and a major concern among police officers, oversight agency representatives and special interest groups. The need to establish BC minimum police standards to ensure consistency among policing discipline, accountability and investigation into public complaints

#### **4.3.4. Pockets of Police Resistance**

An ongoing challenge discussed by several participants, including representatives from two of the three police oversight bodies active in the province, are the pockets of police resistance to independent oversight. While a majority of police understand and accept the role that oversight plays within the modern policing profession, there are still a percentage of officers who are heavily resistant to external forms of oversight. It is important to note that this challenge is not unique to the British Columbia oversight system. Civilian oversight of police has been present within the province of BC for nearly three decades. The CPC for the RCMP was originally established 28 years ago in 1998 and the OPCC was founded in 1998 for oversight of municipal police agencies. Resistance by police is a classic challenge that many oversight agencies face. Miller (2002) argues “hostility by police departments and police officers to civilian oversight is probably one of the most significant factors that helps explain the failures and underperformance that have afflicted civilian oversight agencies” (p. 11). The success of civilian oversight models requires a high degree of cooperation and support of policing agencies to ensure effective and timely processing of complaints.

When discussing the rationale for police resistance to oversight, members from police oversight organizations felt it was deep rooted in the absence of knowledge and education by officers or a lack of appreciation of the role that civilian oversight play within the overall system.

There are myths that are being perpetuated by what I refer to as pockets of resistance. There are significant pockets of resistance to oversight in this province, within the policing community. I am working to overcome those pockets of resistance but we've come a long way, I'd like to see the system five years from now. You have to remember that oversight and this type of process, in aspect of professionalism, hasn't been strongly engrained in policing...So, there are pockets of resistance and they will be overcome someday but they will only be overcome once we remove ignorance. That is going to be a big one, the education factor. At the executive level they get it, but it's the boots on the ground that doesn't always get it. So I think that part of the pockets of resistance



is misinformation. It's their stock and trade for those that are in the resistance movement is misinformation (Police Oversight Agency Representative 2)

I think there has been an evolution but I think there are pockets of resistance to review. There is a lack of understanding that oversight agencies are required and are an essential part of the machinery. From that perspective, there was a question about a lack of cooperation or lack of full some cooperation by the police at times because of a non-appreciation of the role. This stems from a deeply held resistance to being engaged with oversight or providing any information at all and distrust to very open mindedness and, you know, very welcoming if you will of the oversight role. So I think my experience covers the gamete from the good, bad and ugly (Police Oversight Agency Representative 4)

The trend for more civilian oversight of police has been increasing over the last two decades and with these types of organizations having more a dominant role in overseeing and investigating incidents of misconduct, the more customary their presence will be with newer generations of police officers. The resistance factor is perceived by participants as being from a place of misunderstanding of the role oversight agencies play and also the distrust of the fundamental principles of independent civilian oversight.

The resistance can also be the result of police officers who personally disagree with civilians, individuals with non-policing background, being actively involved in monitoring or investigating incidents against the police. All three active oversight bodies in the province hire a mix of civilians and former officers. The IIO is the only organization that has legislated criteria for hiring ex-police officers. Section 38.06 of the *Police Act* states that the Chief Civilian Director of the IIO is not permitted to hire a person who is:

- (a) is currently a member of a police or law enforcement agency outside of British Columbia,
- (b) is currently a member of the Royal Canadian Mounted Police, or
- (c) was a member of a police force in British Columbia at any time during the 5-year period immediately preceding the appointment.

As of March 2015, 59% of investigators at the IIO are civilians with investigative backgrounds and 41% are former police officers (IIO, 2015, p. 11). The OPPC, while having no restrictions around hiring practices, is staffed with approximately 50% civilians and 50% former officers. The CRCC did not have any available data pertaining to their hiring practices.

The pockets of resistance to civilian oversight may also lie in the generalized police distrust of civilians to oversee their work. When speaking to current police officers as part of this study, there was a concern that civilians with non-policing backgrounds lacked the lived police experience and would not understand the types of scenarios, risks and second split decisions that need to be made that only a police officer would know. The preference for former officers or policing executives to be staffed within independent oversight was prevalent in a comment made by a participant in reference to the RCMP's oversight body, the CRCC.

I think generally speaking there's been an acceptance among RCMP members that there is a role for civilian oversight...My relationship with the RCMP has been positive. Maybe it's partly because I would like to think it's because we do good work and our reports are fair. It could be because the RCMP still thinks I'm one of them and think I'm going to cut them some slack. I don't know what's behind it but I do think that the police appreciate having people in senior positions because we understand policing. The police want people to understand them. So as long as I am fair, objective and do good things, that's one thing. But then there is a bit of 'well he gets it, he understands this. (Anonymous)

This statement demonstrates the presence of an old mentality that still exists within policing culture. The resistance that civilians with non-policing backgrounds face in oversight is still very present and alive.

In discussions with participants on the challenges faced in resistance from the police, there is also dialogue on ensuring that relationships with the police remain at arm's length. There is a natural hostility to the police-oversight relationship that is almost required to ensure that there is a level of accountability and transparency to the relationship. When oversight agencies work too closely or have a chummy relationship with police organizations or specific officers, it is often criticized. One police oversight agency representative further elaborated on the need to have a healthy tension by stating:

If you are making a lot of friends in oversight, you are probably not doing your job. There needs to be a healthy tension. You need collaboration and cooperation between law enforcement and oversight but you also need some tension between them in order for it to really be effective...If you are working in oversight and doing the job well, you are generally going to be attacked by people on the right and the left, and sometimes on the same day on the same issue. So you don't make a lot of friends. Another one that I always hear is "welcome to oversight, were for every decision you make you will make, you will make one temporary friend and one permanent enemy" (Police Oversight Agency Representative 3)

There is a delicate balance to the police-oversight relationship, which is in the grey area of being not too resistant while not being too close. The ability to remain professional while still maintaining a distinct role during interactions with members of policing organizations is an important concept within effective police oversight. This type of behaviour not only impacts the credibility of the employees of the oversight organization, but the entire agency as a whole.

#### **4.3.5. The Return on Investment: Increased Oversight Cost vs Outcomes**

Determining if the financial cost of oversight is an adequate return on investment is one of the most challenging measures of the effectiveness of the current oversight system. There are specific components of the police oversight and compliant system that directly and indirectly increase the cost of administering oversight within the province. As found in in the previous subsection, the cost of administering police oversight within British Columbia from 2010/11 to 2014/15 has increased by 93.6% with a net growth of \$10,309,697 over a five year time period. With more resources being allocated to professional standards divisions and police oversight agencies, there is pressure to ensure all financial investment is maximized to ensure favorable returns. However, determining the success of oversight is still being debated. One police oversight representative discussed the challenge their agency faces when justifying increased costs while demonstrating measurable success and accountability:

We have difficulty because the budgeting process is based on value for money. So as an organization, how do you justify the budget dollars the government gives you? Well you have to demonstrate a return. So what's the return for us? We're not in the business of making riches and what have you. We struggle with this concept ourselves, how do we measure whether we've been successful? The number of reports? The number of investigations we do? The number of complaints? I mean we have an outreach program trying to make ourselves better known to the public. So do you say if there are more complaints that we were successful? I don't know (Police Oversight Agency Representative 1)

For oversight agencies, how is success ultimately defined? The determination of value for money and where to appropriately allocate limited resources is becoming more of a pressing challenge. Almost all participants interviewed in this study discussed a major challenge in working with limited budgets. This this proceeded into discussion on where there may be too much money being spent in specific areas of the oversight system.

Adjudicative reviews, such as judicial reviews and public hearings, were identified by participants as one of the most costly areas of oversight and sparked the most debate on the overall return on investment for monetary value. For all complaints made against municipal police officers, the OPCC (2015) will review “all investigations and decisions to ensure the integrity of the process and to confirm that decisions are impartial and fair” (p.22). If the OPCC Commissioner does not agree with the final disciplinary authority decision made after the investigation of a complaint, there are three adjunctive reviews that can be ordered, legislated under the *Police Act*, depending on the circumstances of the complaint file: appointment of a new discipline authority (s. 177), review on the record (s. 141) and public hearings (s. 143).

Judicial reviews and public hearings were listed by participants as being a high cost area in the administration of oversight. The financial investment to prepare, attend, and resolve complaints through this avenue cost both the police and oversight bodies a substantial amount in legal and litigation fees:

When you look at the history of judicial reviews and read some of those 117 decisions, you'll scratch your head going really? How much did this cost? A six month investigation, DA [disciplinary authority], retired judge, public hearing and at the end of the day what was the complaint? I remember one time we were having a meeting with all the heads of all the professional standards sections. The guy from another police agency said they had a verbal reprimand that cost them 65 thousand dollars and I going what is going on here? Something is wrong. Something is very wrong (Professional Standards Officer 4)

Along with being a costly component of the oversight system, there was also discussion on the overall cost effectiveness in obtaining the final discipline decision.

While judicial reviews play an important role to obtain appropriate discipline for misconduct, the degree of shift in the final outcome is sometimes disappointing given the time, effort and resources input towards achieving that judgement. The final disciplinary outcome in comparison with the original decision made by the DA was an area of concern for participants. One police union representative highlighted the minor shift in discipline that typically occurred after going through a judicial review and public hearing:

Most of these times the decisions made by the DA's [disciplinary authority] are actually pretty close to what comes out of the public inquiry. So that's where it gets expensive because we are spending hundreds of thousands of dollars, in

some cases, to exonerate our members where they were exonerated in the first instance. So we are asking ourselves why are we spending hundreds of thousands of dollars on this? (Police Union Representative 1)

I've been involved in public hearings that have resulted in a minor findings and minor discipline being imposed and these hearings have taken longer than some homicide hearings in the criminal trial, right, just so that somebody can get a three day suspension or a written reprimand. That's a waste of everybody's time and resources, we should be getting to those outcomes without a public hearing ...This is an administrative process it should be very straightforward very easy and instead we're getting bogged down in you know, legal precedence and cases and you know it, I'm not kidding when I say that some of these public hearings and discipline proceedings take longer than pretty serious criminal trials (Police Union Representative 2)

Some cases have got a lot of publicity have resulted in minor change to an officers penalty and have taken years and years for that to happen. A good example would be the case of the Vancouver Police Officer, Taylor Robinson. It took years to get that through and for all that the officer just got a few extra days penalty, a few extra days suspension on his penalty, that's all. (Special Interest Group 1)

Given the high degree of cost associated, for all parties involved, to go through a judicial review or public hearing, the impact that was made in terms of the final disciplinary outcome was viewed by participants as too minor to be worth the cost.

The Constable Taylor Robinson case was highlighted again as a case example of the financial cost vs outcome challenge facing the police oversight system. As mentioned previously, this particular case was extraordinary in the length of time it took to resolve. However, the amount spent and time invested by all parties involved to render a final decision was a major concern for several participants:

The original DA decision said he got a one or two day suspension and then he got what a six day suspension. And how much did that cost to go from one day to six days....do you see what I am saying? There is a lot of money just spent on his wages, there's a lot of money spent on counsel, a lot of money spent on OPCC counsel, there is a lot of money spent on the PI counsel, and there is a retired judge who isn't cheap. It is insane the amount of money that went through, to come to basically or very closely the same decision... Well even just from a budgetary point of view, like this guy got a two day suspension, he got training, he got written reprimand and really were are convinced that that is within the bounds, like why are we going to war for four more days (Police Union Representative 1)

The client got what they wanted in that a public hearing was called, the decision of the department was reversed and a tougher suspension was given. But, it's really tough I think for anyone to look at what happened and say that that was cost effective for the public and was the best way for it to be done...the end results raising a suspension from 2 days to 6 days I think, in the end. So, yeah, that one it's hard not to be a part of that and feel like this system is a waste sometimes. I mean definitely when you get to the public hearing stage and you're sitting in a room and there's six lawyers... but you know the reality is you've got a former judge, you've got support staff, you've got all these lawyers and they're all being paid to some degree from the public, the one exception being the union lawyer who'd be paid from the Vancouver Police Union. But everybody else has got public representation. So I mean hundreds of thousands of dollars must have been spent on the public hearing aspect of that alone. If not, you know, from the very beginning it's pretty staggering and all of that could have been avoided if you just had an adequate investigation in the first place (Special Interest Group 2)

The concerns raised by participants into the relation to the overall cost in the Taylor Robinson case are relevant. While public hearings play an important role in the system, there should be other options/remedies available in the system to get to more timely conclusions in a more cost effective manner. For a case to take four years and result in four additional days of suspension is hard to justify. The last quote from participant special interest group 2 sheds light on this challenge this system face. While the principle behind taking cases to a public hearing is vital to the integrity of the system, at what point does the cost does it become too much and outweigh the potential benefits.

The return on investment is a challenging issue to deal with in regards to the police complaint and oversight system. One participant wrapped up their thoughts on the issue by stating that they feel that the dollar amount spent on oversight is not the issue, it's how those dollars are utilized and maximized to their greatest efficiency that is debated.

I think that there is too much money being spent on oversight, it's just consuming too many resources. It's not just the budget for the Office of the Police Complaints Commissioner or for the IIO, it is the impact it's having on police budgets. I go to other meetings and other contexts where the topic of discussion is the cost of policing and how it's not sustainable. So I struggle when I see these inefficiencies. On the one hand going to meetings where there is discussion around eliminating positions or restructuring policing while on the other hand I just see this inefficiency in this area where I think it could be way more efficient and can therefore consume fewer dollars. That is the context of the too much money issue. It's not necessarily saying the budget for the OPCC is too much, it's the cost of the whole thing because it's not just what they spend in their operating budget, it's the time it takes to go interview a member three times, the time it takes for the investigator to put the report together, the number of lawyers they

get involved because the process has become too adversarial and is following too closely to the criminal process. This is an administrative process it should be very straightforward very easy and instead we're getting bogged down in legal precedence and cases. I'm not kidding when I say that some of these public hearings and discipline proceedings take longer than pretty serious criminal trials (Police Union Representative 2)

Although the cost of oversight has increased over the past five to ten year and will most likely continue, it is an essential part of ensuring that the police remain accountable and any misconduct is dealt with appropriately and adequately. While the debate on if the amount being invested into the system is worth the current outcomes, it is also important to consider what the cost of not having an oversight system that invests to ensure complaints are adequately investigated.

## **4.4. Benefits to the Current Oversight System**

### **4.4.1. Increased Accountability in Policing**

The most cited benefit that independent civilian oversight has had on policing is an increased level of accountability when reviewing, investigating, overseeing public complaints against the police. Of the participants interviewed, 69% (n=9) had referenced increased accountability as the greatest benefit of the current system. Oversight plays an integral and valuable role in the police complaint system to serve as a system of checks and balances to hold police officers accountable for any potential abuse of power or misconduct against the public. As the law grants police the authority to justifiably arrest, detain, and use force, oversight provides a system of checks and balances to ensure that officers function at a high standard of conduct.

The presence of oversight in this province is still a very essential and valuable component of the police complaint system to ensure members of the public have an independent, third party organization to file complaints against the police. While viewed as not the most efficient system by a particular participant, recognition that the system in place is still better than other places in the world where there is essentially no oversight available for citizens:

I think one of the biggest benefits is that it's better than nothing. It is better than people literally having no ability to complain about the police and that's not too far-fetched. There are some places out there where that is a reality and we are not too far removed from that reality ourselves. Even if this is not the most effective system, they are sufficient systems that I think have played a major role in

changing the mentality of police officers in what level of accountability exists out there (Special Interest Group 2)

The system offers an avenue of transparency and establishes for a third party entity where people can go to when filing complaints against the police.

An example of how police oversight contributes towards accountable policing is through the identification of trends in police misconduct. Oversight agencies can see the macro-level patterns in officer behaviour across multiple agencies and have the ability to recognize if there is a spike in use of force incidents or improper use of a weapon. Having this ability to identify trends allows oversight bodies to recommend ways to improve officers' actions through policy or training. Two participants further describe how oversight has recommended changes in policy to increase the standard of policing which have had long term and beneficial impacts:

I know for a fact police organizations have significantly revised many policies around how they deal with public, how they respond to certain things, and I would attribute a lot of that to the creation of the independent oversight and I think that's a good thing and as frustrating as some of the frivolous complaints have been and as exaggerated as some of the complaints can be from individuals or groups with an agenda or particular you know, anti-establishment approach to things at the end of the day those complaints have gotten us to a better place such as better training, better recognition of community needs which I think is very important when you're dealing with public policing, so there has been a lot of positive things that have come from it and I think policing is in a better place because of it (Police Union Representative 2)

I think the police investigating the police report had a huge impact considering that that report turned into policy change for the RCMP in terms of external investigations and review policy which was then enshrined in law in the RCMP act, so a huge impact.(Police Oversight Agency Representative 4)

The level of accountability that is advanced from the current oversight system was also partially attributed to by the role of the media. One participant discussed how the media has highlighting specific cases of misconduct and raised police accountability issues on a large scale was also discussed by a special interest group stakeholder:

Probably the other biggest factor has been the role that the media has played and being very active in reporting on policing cases and just making sure that it is a matter of public interest. The media has really defined police accountability and police use of force specifically and it's something that the public needs to care about, I know a lot of police officers aren't happy about that and they feel like they've been really unfairly treated by the media. In the fact that so much of what



they do get so much attention but sometimes we forget police officers are given some of the most intense powers of any government official they have the ability to take away our liberty, in some certain situations they have the ability to legally take away our life, so I don't think it's unreasonable for the public to be truly invested in how it is operated. (Special Interest Group 2)

The media has played a key role in holding police accountable by publishing incidents of police misconduct. Walker (2005) argues that “the news media have played a sporadic but nonetheless powerful influence on public understanding of police problems” (p. 8). Arguably, some of the most high profile misconduct cases within the past five to ten years, heavily reported on by the media, have resulted in significant policy changes or even directly resulted in the creation of civilian oversight bodies as remedies to the flaws in the oversight system.

While the media plays a role in highlighting incidents of police misconduct, it also has the potential to magnify an issue to the point where members of the public believe that such incidents are a frequent occurrence. The overrepresentation of particular police misconduct cases in the media have maximized and glorified the small percentage of negative police interactions with the public and have minimized the large majority of positive interactions, as one participant explains:

The media, in my view, is part of the problem. The tragedy, whether it's Dziekanski or any one of the incidents that you hear about all the time, as tragic as they are the reality is out of how many interactions we have with the public we have very few tragic outcomes. About 95% of the time the outcomes are very positive, well 99.9% you know, the outcomes are positive. It is that very small number of the incidents where the outcomes are tragic, those are the ones you hear about though (Police Union Representative 2)

Highly publicized complaints covered in the news have the potential to erode public confidence on a much larger scale and impact a wide audience. Despite the concentration on the .1% to 5% of negative interactions, it all loops back towards enhancing the accountability of the police.

Police officers are subject to criticism from multiple angles and stakeholders. Whether it is from members of the public, fellow officers, oversight agencies, civil liberties groups or senior management, the level of criticism in today's policing profession is multifaceted. However, the degree of critique only increases the level of accountability held by officers and sets in place a high standard of behaviour and enhances a greater standard of excellence in the professionalization of policing.

#### **4.4.2. Improved Public Confidence & Image of Policing**

The role that independent oversight plays in enhancing and maintaining public confidence and trust was referenced by participants as arguably the single most important aspect of the current oversight system. Civilian involvement in oversight is a mechanism to bring more accountability to law enforcement and restore public confidence in the police. An independent system that can oversee the police, or even conduct their own investigations, will not only influence public confidence, but also increase the overall image of policing.

The findings on the importance oversight organizations play in increasing public confidence correlates with previous academic literature on the issue. Buren (2007) studied the impact of citizen oversight of the Tempe Police Department in Arizona, United States. The results of a 2001 survey of Tempe residents found that 89.4% of participants supported the citizen involvement in the review of complaints against the police (p. 153). Interestingly, when participants were asked if the level of public confidence in their police department increased or decreased as result of the newly implemented civilian oversight body, 7.7% said their confidence in the police “greatly” increased, 32.6% “somewhat” increased, 59.1% responded their confidence level did not change, and .06% “somewhat” decreased, and 0% “greatly” decreased (Buren, 2007, p. 155). The study demonstrates how the involvement of civilians in police oversight can influence the confidence levels of individuals towards their police.

Without any meaningful oversight, members of the public will not hold faith in their police force. A good example of this in a Canadian context, and as discussed by participants in the study, is the CRCC and their lack of legislative power to influence discipline against the RCMP officers. This type of oversight impacts public perception on the ability to hold members of the RCMP accountable for their actions. Therefore the existence and presence of civilian oversight of police within British Columbia is a direct product of public confidence in policing.

Participants who were interviewed for the study felt that there was a correlation between accountability and public confidence in policing. The more effective civilian oversight is at increasing the level of accountability of the police, the public will have more faith in the oversight system. Similarly, a lack of impartial oversight can decrease the level of accountability in how complaints are handled, and ultimately undermine and reduce public confidence in the

police. Participants were clear in stating that fair, transparent, and meaningful oversight directly improves the level of public confidence in how complaints are processed and overall policing:

The benefit is that there has to be police accountability, everything we do has to work towards the public trust. You can't have an efficient police system unless the public has faith you can do your job. So you have to have that accountability piece there, you have too (Police Union Representative 1)

I think that our primary goal in terms of policing is, we've improved the public image of policing, we'll continue, that's my goal at the end of the day is to improve the public image of policing by saying and being able to write someday that this is, these are the achievements and this is the system that everybody wants and that the level of professionalism is very high and it is very high. You know, it's really, overwhelming majority of police officers do excellent work day in and day out, it's just a small minority of, from time to time, but sometimes a smaller group can cause a lot of the issues or for those who do fall off line, there's usually a reason for it, there's something at home or something going on, so we're helping in that regard (Police Oversight Agency Representative 2)

Improving the image of the policing in the eyes of the public is one of the core principals of police oversight.

Police are also very aware of the role that civilian oversight plays in increasing public confidence. From a policing perspective, a current professional standards officer openly discusses how the implementation of IIO has not only been beneficial for their work but also will have a positive influence on public trust and the perception of the level of accountability and integrity going into these investigations:

Love the IIO. Love the implementation of the IIO. That takes it out of the hands of police departments in relation to serious incidents involving members in shootings, significant assaults, you know situations where there has been harm caused to somebody. Now the public can't look upon us and say 'hey you know what the police did wrong? They investigated it and there is no objectivity in the investigation and it was just a smoke show'. So I love the IIO for that, I think it is great. We have a great relationship with them. We refer a lot of incidents to them, they don't always assert jurisdiction over what we send them, but it definitely does provide that separation and that autonomy for them. So that we can continue to do our business we don't have to succumb to those investigations which are actually nice because it relieves the burden from us. Which is perfect and there is that level of transparency right so at the end of the day the IIO comes out provides their response and we move forward with whatever the response is (Professional Standards Officer 3)

The importance that the current oversight system plays in improving public confidence is invaluable. It is evidence from speaking with participants that the entire oversight system is based off the criticisms from members of the public towards the police. With the media having played a significant role in highlight critical incidents of police misconduct and raising the expectations from government to deal with these incidents, the end result has often been recommendations for greater powers to police oversight, particularly civilian oversight. The establishment of organizations such as the IIO demonstrate that civilian oversight is a solution to increase public confidence in the police and improve the overall image of policing within this province. What sparked discussion with stakeholders was how performance indicators to determine if these organizations actually increase police accountability has yet to be determined. Their presence acts as a symbolic characteristic towards enhancing accountability in the eyes of the public.

#### **4.4.3. A Shift in Police Behaviour**

A significant benefit attributed to the police oversight system is the constructive influence on police behaviour and conduct. Closely linked to identifying trends in misconduct and recommending changes in policy or training, oversight has a powerful role in shaping the behaviour of police officers when they are carrying out their duties. Participants discussed how from their experience, police officers are aware their conduct is subject to independent oversight and any deviation from the Code of Conduct can result in a complaint being lodged against them, it directly impacts how officers conduct themselves when on the job or dealing with members of the public. Reflecting on the long term impacts that the oversight and complaint system has had on policing, two participants describe how there has been a shift in police behaviour along with the overall culture of policing:

Accountability has gone way up quite frankly where you know maybe ten years ago an officer wouldn't necessarily be making notes on a matter, they will make exhaustive notes now. Whereas a file would have very little in it there might be a whole lot more in there in terms of documentation in terms of covering your butt really, making sure everything is in there where to an excessive amount actually sometimes. But we do it because we don't want to be criticized and I think anytime we are making more notes, anytime we are being more attentive to the details, anytime that we are able to step up and answer people who are asking us to be accountable for something it is a good thing, so I think it has brought up the quality of documentation and investigations (Professional Standards Officer 1)

I see huge benefits in oversight, it changes the culture of policing. They know they are being looked at, they may not like it sometimes, but it really does make officers more open to suggestions, more willing to change (Police Oversight Agency Representative 3)

The level of attention and detail required to document police interactions to ensure continuity in reporting has transformed the policing world. As mentioned by the participant, increased note taking after incidents as increased the level of writing required to ensure that if the event is ever brought up in the future, officers will have notes to appropriately reference the situation.

While participants recognized that police oversight has had a constructive impact on the conduct and behaviour of officers, there are unintended consequences of oversight that were also discussed by stakeholders. The constant presence of oversight and potential for members of the public to file complaints has indirectly resulted in a portion of officers afraid to police. While the system is aiming to achieve a high level of accountable policing, two participants describe how the unintended consequence of the current system is a decline in proactive policing:

The motivation satisfaction performance in policing is declining; the proactive portion of policing is dying off. We are turning into fire hall police officers because risk managers are now risk averters. If you check a guy and he claims you broke his phone, the OPCC will investigate you and there is a chance that your career could be on hold while they go to a public inquiry because they just don't like the way that things are going and it's over whether it should be a verbal reprimand or a one day suspension or a three day suspension. That is ridiculous. Cops are saying I don't want to do anything that is going to cause me issues with my family or my job. They now are not managing risk, they are avoiding it. That should be a public safety concern... You need the policing oversight because you have to hold police officers accountable. I want to hold police officers accountable. I don't want to work with somebody who is not willing to be dedicated, it is dangerous for my house too right. But at the same token, too much and you wind up with the same results. Cops are not taking risks, go get your quota or your kindle or whatever you read and go to your car and then go find a corner and read until you get another call. That is the result, that is what is happening (Police Union Representative 1)

Something that people don't talk very much about, it also has a very negative effect on the police and it has a very deterring, it has an impact on the willingness of individual police officers to engage in proactive policing activities which is what the public wants. So those are some of these unintended consequences that I don't think people pay enough attention too... To respond, to be proactive, to take risks, to protect people, to investigate crimes you're less willing to do that and there does need to be a balance but the balance should be the oversight the policies, the procedures, the training and the auditing of activities that creates the

balance it shouldn't, the balance shouldn't come from the officer trying to mitigate risk on his or her own it should come from the systems they have in place to ensure that the actions and activities are consistent with the law and what societies expectations are but we've at times found ourselves in a place where our systems aren't very strong so officers start to mitigate risk from their own and ultimately it's the public that suffers because they don't get the service that they deserve or expect. (Police Union Representative 2)

In the view of the respondents, the fear of a complaint and its impact on an individual's career are starting to outweigh the benefits of officers engaging in proactive policing. The level of criticism within the current system as resulted in a portion of officers who think twice before they act and avoiding taking any potential risks that may impact their career. From the police officers interviewed in this study, they believe that this is a serious public safety concern. However, it is important to note that while this may be a minor side effect of the current system, it demonstrates the impact the police complaint and oversight system has on shifting the behaviour of police officers.

## **Chapter 5. Conclusions**

The present study examined the British Columbia police complaint system from a macro level perspective. The research focused on exploring various dynamic components of the oversight system including the financial cost of accountability, trends in public complaints against the police and the benefits and challenges of the system. By examining the entire BC model of police oversight, including the two-tier process for RCMP and municipal police, the findings of this study helped to identify efficiencies and improvements that can enhance the current system.

The study identified longitudinal substantiation trends in public complaints against the police. A majority of complaints made against the RCMP and municipal police are found to be unsubstantiated or informally resolved. For municipal police, 49.1 % of complaint allegations are found unsupported by evidence and 16.6 % are informally resolved. Similarly, 54.8% of allegations made against RCMP 'E' Division officers were unsubstantiated and 28.8% are informally resolved. The rates of substantiation between the two organizations are comparable. The municipal police substantiate 10.1% of their allegations made against their officers, while the BC RCMP substantiates 9.1%. When it comes to criminal investigations against the police, an analysis of three years of IIO reports to Crown revealed that a majority of referrals result in charges not being approved. For every seven cases referred to Crown, one will have charges approved.

The police strength between RCMP and municipal police is proportionate to the jurisdictional population. While the RCMP has three times the police strength of municipal police agencies, they receive a similar number of complaints filed per year. The findings of this study revealed that while the number of complaints lodged against the police has decreased over a five year period, from 2010/11 to 2014/15, the cost of oversight has increased. In 2014/15, the police oversight system within British Columbia, inclusive of RCMP E Division and municipal police forces, costs approximately \$21 million dollars per year. Police oversight agencies totaled \$14.8

million per year while professional standards units represented \$6.5 million. The cost of administering police oversight has increased by 93.6% with a net growth of \$10,309,697 over a five year time period. A key contributor to the financial growth of oversight was the inception of the IIO.

Although the cost of oversight has increased over the past five years and will most likely continue, it is an essential part of ensuring that the police remain accountable and any misconduct is dealt with appropriately and adequately. While the debate on if the amount being invested into the system is worth the current outcomes, it is also important to consider what the cost of not having an oversight system that invests to ensure complaints are adequately investigated. At what point does the cost become too much compared to the ethical and social cost of not having enough oversight?

While the current oversight model has been positively highlighted by participants as increasing accountability in policing, improving public confidence, and playing a powerful role in shifting police behaviour, there are still a variety of challenges that need to be addressed to ensure its highest operational efficiency. The major challenge facing the oversight system is the effective and timely processing of complaints and administering discipline. The Taylor Robinson case was referenced frequently by participants in relation to the systemic barriers that are in place to achieve timely resolutions. There is a real demand to streamline the police complaint system to provide relieve to the administrative burden for processing complaints under the equal complaint investigation model in place. While participants agreed that complaints need to be investigated, participants expressed concern in the number of minor complaints that are admitted and subject to a costly, time consuming investigation.

One of the biggest challenges facing the current police complaint and oversight model within this province is the two-tier system that exists between the RCMP and municipal police. The level of independent oversight that oversees the administration between the two systems, to ensure complaints are investigated impartially, is night and day. Having a majority of police officers fall under one system and the remaining minority under another system creates issues around consistency and accountability in police services across the province. To make progressive changes in the BC police complaint system, there needs to be reform to standardize the level of service provided by both agencies. The pressure to provide more civilian oversight of



police, especially in regards to the RCMP, also raises the question about other federal agencies. The biggest elephant in the room for a lack of effective oversight is Canada Border Services Agency (CBSA). If our society is critical of ensuring the police have independent and impartial oversight, the CBSA is operating in full absence of any overseers. Currently the CBSA does not have an oversight agency to oversee the actions and behaviour of CBSA officers in relation to their duties.

Throughout the course of this research, it is evident that the oversight system in BC is stimulated, at times, by political forces and interests. While the merit and intent of police oversight is to increase public accountability for police, it has manifested into a heated political environment between key stakeholders within the system including police oversight agencies, police forces, police unions and special interest groups. With the ability of oversight agencies to increase the investigative workload of professional standards divisions within the municipal system along with the selection of key high profile cases for public hearings, a question that is being increasingly posed is ‘who is overseeing the overseers’? The discussion of having oversight of the police oversight agencies will begin to appear in future discussions and literature.

## **5.1. Recommendations**

By examining the police complaint system from a macro level analysis, this study has identified efficiencies and improvements that can enhance the current system. The findings of this research reveal that while the province of BC has one of the leading complaint systems, nationally and internationally, there are areas that can be improved to enhance the system to be more efficient, cost effective, and timely. The research findings have presented some potential opportunities where recommendations can be made and policies can be implemented to enhance the current status of the police oversight system.

The lack of direct oversight of RCMP investigations into complaints lodged against their members is a valid concern that needs to be addressed. At present, all allegations made against RCMP officers are investigated internally and discipline imposed is done at the sole discretion of the RCMP. This is a clear example of police investigating police. If the complainant is not satisfied with the outcome of the investigation, they can request an external review by the RCMP oversight body, CRCC. However, this occurs after the entire internal RCMP investigation is

conducted without any form of oversight. A recommendation of this research is to provide the CRCC with the legislative power to oversee and monitor all complaint investigations conducted by the RCMP. Not only will this allow the CRCC to have similar oversight status as the OPCC, it will raise the level of accountability in dealing with complaints against the RCMP and increase the level of public confidence in the RCMP complaint process.

With the current two-tier oversight system that exists within BC, having a majority of police officers fall under one system and the remaining minority under another system creates challenges around consistency and accountability in police services across the province. On the public facing side, having two systems can result in confusion for anyone filing a complaint. A recommendation of this study is to create and establish a centralized intake center where members of the public can put forward a complaint against any police officer in the province and this agency will ensure that the complaint is received by the correct organization. If there is one common intake form and process, then there is no way for a complaint to get lost within the system. One participant described this approach as the “no wrong door” approach to handling complaints. This will not only help ensure complaints against the police are forwarded to the appropriate policing agency, but it also ease the complexity when members of the public file a complaint.

With a high number of complaints made against police officers are relatively minor, there should be more legislative changes to enhance the use of informal resolution. Under the current legislation for both RCMP and municipal, informal resolution is voluntary and most commonly suitable for incidents that are minor and do not involve serious harm, a reported injury or death involved. While complainants and police officers involved in a complaint are encouraged to participate in the informal resolution process, there is no legislative support to facilitate mandatory informal resolution for minor complaints. In the province of Quebec, the Police Ethics Commission has legislated mandatory alternative dispute resolution and has seen a substantial increase in complaints being resolved through this avenue. As study results found, informal resolution is the second highest category for complaint outcomes within the province of British Columbia. Not only does ADR resolve a large volume of minor complaints and reduce time and cost when compared to conducting a full professional standards investigation, it also can increase public confidence in the police. To assist in reducing the

administrative burden that is facing the current police complaint system, the use of mandatory ADR may aid in resolving minor complaints entering the system.

Another recommendation that will have transformative impacts on how discipline is administered within the province, for both RCMP and municipal police agencies, is the creation of a disciplinary matrix. Establishing a sentencing matrix that outlines the type of corrective or disciplinary outcome that proceeds a certain type of misconduct would greatly contribute towards standardizing the discipline received by officers. Given that the most expensive parts of oversight explored within this study include judicial reviews and public hearings, having a standardized discipline model imposed across all breaches of conduct will not only streamline the system but it will also ensure consistency in accountability across all police agencies.

As one of the principal values of the police complaint and oversight system is transparency, a recommendation as a result of this study would be to have more detailed and transparent reporting of public complaints against the police. Each oversight organization reports their annual statistical figures differently, with some more detailed than others. To be more open and transparent, detailed reporting should become standardized. In addition, professional standards units from each police department or detachment should produce and publish annual reports that will be made available to the public. While oversight organizations such as the OPCC publish aggregate data on municipal department figures, having each professional standards unit publish an annual report on complaint trends, annual budget/expenditures and staffing levels would increase the level of transparency and public faith held towards professional standards units.

Throughout the process of this study, there have been many challenges and barriers in obtaining figures from the RCMP in contrast to municipal police departments and oversight agencies. As the RCMP is Canada's largest police force and is typically referenced as an iconic image of Canadian culture, their approach to transparency and accountability towards the public requires further commitment despite the recent enactment of Bill C-42: *Enhancing Royal Canadian Mounted Police Accountability Act*. The low level of transparency and barriers to accessing RCMP data requires significant work.

The stark difference between the process for obtaining data from municipal departments and oversight agencies in comparison to the RCMP was so vast that it was a finding of this study

in itself. After submitting two separate ATIP requests for data on professional standards budgets for E division, I was direct to contact each detachment level. There are currently 152 detachments in the RCMP E division and based off the responses received from several detachments, along with RCMP headquarters, 152 ATIP requests would be required to obtain the data. While there were supportive responses from members of the senior executive level to supply data, it was not transcendent at the detachment level. The end result is a system that makes it very challenging, if not impossible, to obtain the desired figures. As a researcher, having challenges in acquiring data can only be met with thoughts on how members of the general public, or even minority populations, can obtain information from the RCMP. As a result, a recommendation of this research is to remove the ten dollar ATIP request fee that is required to submit an online access to information request for data. If the RCMP is serious about making changes to how it is perceived as an organization and dedicating to making meaningful changes to their engagement with the public, their interactions with members of the public need to be more informative.

## **5.2. Strengths & Limitations**

The present study aimed to document the dynamics and cost of police oversight in the province of British Columbia, inclusive of both municipal police and RCMP. A major strength of this study is that it is the first example of a macro-level analysis of the overall cost for police oversight along with examination of challenges and benefits of the two-tier system that exists for RCMP and municipal police. While other research studies have examined particular components of the BC model, or focused solely on municipal or RCMP oversight processes, this study contributes towards the body of knowledge on the entire system cost and an exploration of the strengths and limitations of both systems combined.

A valuable strength of this research was the opinion and knowledge of a diverse range of participants from various stakeholders representing various parts of the oversight spectrum. To fully understand the benefits, challenges and trends within the complaint and oversight system within British Columbia, having the views and perspectives of key stakeholders active within in the system was invaluable and ultimately enriched the data collected. Each stakeholder played an influential and diverse role in the BC oversight model. Their outlook on the benefits and challenges of the current system provided the study with valuable data in which to draw themes

and conclusions. The results inevitably reflected the perspective of multiple stakeholders within current oversight system

There are limitations to the study that should be highlighted. The most significant limitation of this study was the lack of BC RCMP professional standards unit detachment level financial budget/actuals. After two ATIP requests and multiple emails to several detachments requesting professional standards financial data, the RCMP was not able to provide to fulfill the request and stated a separate ATIP request would need to be made for each of the 152 detachments in BC. As a result, only figures for the RCMP E Division Headquarters were provided. The lack of RCMP professional standards data is a limitation to the study as the RCMP investment in their professional standards units is underrepresented and the figures projected represent the minimum amount spent on the RCMP complaint system.

While the present study has provided high level cost figures, complaints data, and length of time to process certain high level cases, a major limitation to this study is a lack of empirical data to support the overall impact of the oversight system on deterring police misconduct, in general or on individual's officers. While a majority of complaints for RCMP and municipal police over the past 5 years have been found to be unsubstantiated, lacking evidence to support claims made by the complainant, there is a clear lack of understanding on the impact police oversight has had on officer misconduct.

Along with a lack of data from the RCMP, another important limitation to the study findings are that financial figures reported were exclusive of legal fees spent by oversight agencies and police departments. The annual budgets and actuals acquired do not include legal fees spent by oversight agencies and police departments in legal proceedings. The financial cost of defending members against allegations of misconduct, the hiring of retired judges to conduct reviews on the record, and the legal fees spent to take files to public hearings was not included in this financial sample due to confidentiality. Given that adjunctive reviews were highlighted as the expensive components of oversight, the absence of legal fees undermines the true cost of the current oversight system. Therefore, the financial findings of this study represent, at minimum, what the current oversight system costs with knowledge that it is missing the costly legal fee figures.

One of the limitations of this research is that findings pertaining to the dynamics of the complaint and oversight process are solely based off the perceptions of study respondents. While the participants sampled represented key stakeholder groups within the oversight system and were experienced in their area of expertise, their thoughts on the dynamics of the oversight system still require further examination to validate. Therefore, it would take an additional study to determine how accurate their perceptions are, both operationally and empirically, of the complaint and oversight process.

There were two limitations in relation to the sample of stakeholders who agreed to participate in the study. The first was the disproportionate number of interviews conducted with individuals who either were active police officers or had policing backgrounds. The study conducted 13 semi-structured interviews, of which 5 participants were civilians who had non-policing backgrounds while the remaining 8 were either currently serving or had served in a police force. As a result, the voice of police participants was overrepresented in comparison with the civilian stakeholders. In addition, the study sample was that no representatives from the RCMP police representation body, the Mounted Police Professional Association of Canada (MPPAC). A request to participate was sent to three active members within the BC region, however, all had declined to partake in the study. Given that both municipal police union participants had openly agreed to be interviewed, the lack of RCMP perspective from the police union stakeholder population group is a limitation to the study.

### **5.3. Future Research**

There are many facets of the BC police complaint and oversight system that are in need of further research. As the present study primarily focused on examining the financial cost of police oversight within the province, future research should analyze the overall return on investment or cost effectiveness of this oversight model. As the present study contributed towards understanding the annual macro-level cost of the police complaint system, inclusive of RCMP and municipal police, a study on the overall value of the system is needed.

Another potential area for future research would be to conduct a detailed disciplinary outcomes analysis of all complaints made against municipal police and RCMP officers. Identifying trends in corrective and disciplinary outcomes is important in understanding how

effective the oversight system is in holding officers accountable. Linking the type of misconduct with the final disciplinary outcome and then comparing gaps in discipline will help to identify areas of weakness in the current system. The findings of this type of study could potentially contribute towards standardizing the discipline received by officers along with ensure consistency in discipline accountability across the province.

Along with examining disciplinary outcomes, another topic for future research would be to further study the deterrent impacts of oversight. An empirical study to identify the impact oversight has on reducing police behaviours that result in misconduct would significantly contribute towards determining the long term effectiveness of oversight agencies and their role in upholding accountability in the police.

A case study analysis on high profile incidents of police misconduct that resulted in significant delays in rendering a final judgement could be another area of exploration for future research. While a majority of public complaints are received, investigated and resolved within the legislated time frames established by law, there are still cases that drag out over a long period of time due to various administrative or legal processes. Understanding why particular cases, such as the Taylor Robinson case, took years to resolve will expose the weaknesses in the system that can allow for a large amount of resources, time and legal fees to be used in coming to an final conclusion. A detailed case study will help to expose the systematic limitations and inefficiencies to resolving complaints in a timely and fair manner. A study of this nature will help to identify solid recommendations on how to improve the oversight system.

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