



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Risk Management and Audit Committee, Winnipeg Police Board

FROM: Chief Devon Clunis

SUBJECT: 2015 Professional Standards and Bias-Free Policing Report

DATE: June 24, 2016

RECOMMENDATION:

It is recommended that this report be received as information by the Winnipeg Police Board.

FINANCIAL IMPLICATIONS:

There are no financial implications relating to the recommendation within this report.

BACKGROUND:

A formal request was made on April 18, 2016 for the Winnipeg Police Service to provide the Winnipeg Police Board with information on the workload of the Service's Professional Standards Unit. The request asked for average numbers of citizen complaints received by the Service, the ratio of complaints that led to investigations and the topic of the complaints.

In an effort to support the Winnipeg Police Service 2016 Business Plan's goal 2.3 'Enhance Communication, Transparency and Accountability', the Service is providing the Police Board with reports on Use of Force, Criminal Flight Pursuits and Professional Standards activities for the past year. This report will include information on the Service's procedures and activities on bias-free policing, as the standalone 2014 Bias Free Policing Report presented.

DISCUSSION:

The standards to which police members are held are required to be both clear and thorough to ensure police officers maintain the continued trust of the citizens of Winnipeg. The [Winnipeg Police Service Regulation By-law 7610/2000](#), the Criminal Code of Canada, the Service's procedure manual, the Police Officer's Code of Ethics and the City of Winnipeg Code of Conduct outline the expectations for the behaviour of sworn members. Topics covered in these documents forbid discrimination, harassment, conflicts of interest, corrupt practice, discreditable conduct, abuse of authority, improper use or mishandling of a firearm, neglect of duty, the unauthorized release of information and unlawful

conduct. The Regulation By-law lays out how investigations into service defaults will proceed as well as the potential penalties of breaching conduct regulations.

In order to ensure the conduct of all members is representative of the high standards the Service sets, a thorough and comprehensive system is in place to investigate and address all complaints that come from the public and from within the organization. The confidence of the public in the integrity of the Service must be maintained by the knowledge that a full and unprejudiced investigation will be conducted, and if the complaint is substantiated, action will follow.

Any citizen who wishes to log a complaint about the actions or behaviour of a Winnipeg Police Service member has the right to have their complaint heard and addressed. There are three primary avenues: reporting a complaint or crime regarding a Service member to the Service’s Professional Standards Unit, filing a complaint about a non-criminal or administrative matter with the Law Enforcement Review Agency, a provincial agency mandated to provide arms-length investigation of Manitoba’s law enforcement agencies or filing a complaint on administrative matters with the Manitoba Ombudsman. The Service will comply with any investigations conducted by the outside agencies to ensure accountability.

Organization	Type of Behaviour		
	Criminal Behaviour	Non-Criminal Behaviour	Administrative/Policy Matters
Winnipeg Police Service	X	X	X
Law Enforcement Review Agency		X	X
Manitoba Ombudsman			X

Table 1

Source: <http://www.winnipeg.ca/police/professionalstandards/default.stm>

Members of the public are able to make a complaint to the Service through its [website](#), in person at any Winnipeg Police Service Centre, over the phone or through the mail. Complaints filed with the Service, whether by internal or external sources, are addressed by the Professional Standards Unit. The Unit’s mandate is to maintain the integrity of the Winnipeg Police Service. It is staffed with one Inspector, one Staff Sergeant, two Sergeants, eight Detective Sergeants, and two civilian Administrative Assistants.

The primary function of the Professional Standards Unit is to conduct investigations into public complaints as well as allegations stemming from internal sources. Every complaint is examined thoroughly to determine whether a formal investigation is warranted. Formal investigations stemming from complaints and allegations take an average of four to six months to conclude. The Unit’s officers are committed to ensuring an exhaustive investigation of allegations happen in a fair and impartial manner.

The Unit is also responsible for facilitating investigations by external agencies regarding the Winnipeg Police Service. In 2015, 121 complaints against members of the Service were lodged with the Law Enforcement Review Agency of Manitoba (LERA). The Unit prepares all the disclosure of police documents for LERA’s investigations. With the introduction of the Independent Investigations Unit of Manitoba (IIU) in 2015, the Unit has added another portfolio to their workload, which is acting as the IIU liaison for the Service. They will prepare disclosures for the IIU as well as arranging all officer contact and interviews the IIU will conduct with Service members. In 2015, there were 8 incidents involving the Service investigated by the IIU. The Unit’s work ensures the IIU is able to conduct their investigations

with full cooperation of the Service and also to ensure that officers under investigation are being provided with the legal protection they are guaranteed under the Canadian Charter of Rights and Freedoms.

The Professional Standards Unit has also taken on the administration of all McNeil disclosures. R. v. McNeil established obligations for disclosure of police discipline records to the Crown any time a Service member is required to appear in Court. The Unit is required to ensure that all records are up to date and disclosed to all parties in a case. The Unit also conducts investigations into external agencies as needed. This was more common prior to the establishment of the IIU, but can still occur if IIU investigators need to recuse themselves from an investigation.

An important function of the Professional Standards Unit is educating police members of the importance of professional standards and the legal obligation to behave in a way that is beyond reproach. The Unit also spends a significant portion of their workload educating the public when they contact the Service with a potential complaint.

In Table 2 below, the category 'Non-investigable Public Complaints' appears. This statistic represents a number of circumstances where formal investigations were not required. There are three primary categories these complaints fall under: (1) clarification of policy and procedure: such as informing citizens about the use of force framework and clarifying whether an incident they witnessed was within acceptable limits. (2) Explanation of laws and exemptions: for example, citizens witnessing patrol vehicles on route to a call without lights and sirens driving at speed may assume officers were breaking the law. However, there are Highway Traffic Act exceptions for police, fire and paramedic vehicles that need to respond to calls without alerting a suspect of their presence. (3) Complaints or incidents that may appear to involve officers but when investigated do not actually involved officers. This can be when a member of the public reports a traffic breach and the license plate is registered to an officer but it was another family member driving the vehicle. As the Unit would be notified whenever an officer is the subject of an internal or external complaint, they are required to assess if and how the officer was involved.

The process of engaging in dialogue with citizens with these types of concerns is an important engagement tool provided by the Unit and can help bring some much needed context to legal interactions. After these interactions, citizens are still able to file an official complaint if they are unsatisfied.

RESULTS

In 2015, the Service conducted 27,338 Traffic Stops and 1,754 Subject stops. There were 200,499 calls for service for the year, in which officers or communications operators came into contact with the public. The Professional Standards Unit received 88 complaints for 2015, 44 of these complaints led to investigations. 59% of allegations came from external sources and 41% came from internal sources.

In Table 2, below, all investigations for the past three years are categorized by type. Many of these allegations may include more than one element from the list below but for the sake of clarity, the most serious allegation in each complaint is listed. Only one of these complaints included an allegation related to bias-based profiling but it was not the primary complaint. The Professional Standards Unit investigated the complaint and found no independent evidence of bias. The complainant abandoned their complaint.

Allegations	2013	2014	2015
Abuse of Authority	4		1
Assault	16	14	13
Breach of any Other Order	3	5	2
Corrupt Practice		1	
Criminal Association/Activity	2	1	1
Discreditable Conduct	9	11	7
Harassment		1	
Impaired			2
Miscellaneous *	5	9	10
Neglect of Duty	5	3	5
Theft	3	2	
Threats			1
Unauthorized Release of Info	2	4	2
Total Investigations	49	51	44
(External Source)	33	27	26
(Internal Source)	16	24	18
Non-investigable Public Complaints	115	91	44

Table 2

* Miscellaneous includes:

Breach of Trust	Motor Vehicle Collisions
Criminal Negligence	Mischief
Fabricating Evidence	Obstruction
Fraud	Suspicious Circumstances

In 2015, 50% of the complaints received resulted in investigations and 30% of all public complaints received by the Service resulted in investigations.

The five year average of public complaints related to bias-based profiling is 2 per year. None of the complaints made to the Service in the last five years have been found to be substantiated. The Service recognizes that the low number of complaints regarding bias based profiling made directly to the agency is not reflective of the entire scope of policing in Winnipeg. The continuing ability to build trust with historically under represented communities is a key factor in addressing this issue. One alternative is placing a formal complaint with the Law Enforcement Review Agency of Manitoba who investigate independently of the Winnipeg Police Service. 2015 results from LERA's investigations are not available at this time.

Bias-Free Policing procedure and initiatives for 2015

CALEA requires that the Service establish and maintain written procedures prohibiting bias in general and specifically bias- based profiling in traffic contacts, field contacts and asset seizure and forfeiture. There are further requirements prescribing training that must be conducted, corrective actions that must be taken and a process to review citizen complaints regarding bias based profiling. CALEA requires that an annual review is conducted of agency procedures and outcomes as well as citizens' concerns.

In 2015 the Service continued its promoting bias-free policing by requiring all members (sworn and civilian) conform to the standards articulated in the City of Winnipeg Code of Conduct, the Police Officer's Code of Ethics and the Service's conduct procedure manual.

The Service's conduct procedure further addresses the requirements for bias free policing. It mandates that all investigations, detention and searching of individuals shall be based upon the law and reasonable grounds. Officers are reminded that biased policing is detrimental to proper law enforcement and leads to a violation of a person's rights and an imbalance of justice. All members of the Service are required to be up to date on Service procedure and adhere to it at all times.

The training provided by the Service on these matters includes units on bias based profiling and bias free policing that recruits attend while in the Training Academy. The foundation of the training syllabus is ethical decision making based on adherence to law, policy and procedure, including Charter rights. Additional training is provided to police members on community diversity and Indigenous cultural awareness through the Service and further opportunities exist for police members to attend City of Winnipeg bias free and diversity training courses.

On September 23-25, 2015, the Service held a Fair and Impartial Policing (FIP) training program for senior officers and trainers. FIP training encompassed recruitment/hiring; agency policy; training; leadership supervision and accountability; assessing institutional practices and policies; outreach to diverse communities; and measurement.

The Winnipeg Police Service is taking a proactive approach to bring awareness to its members about bias-based policing and implicit biases that affect behaviour. The ideas and best practices raised in the Fair and Impartial Policing training have been circulated to leaders and trainers within the organization in order to work towards goals in the 2016 Business Plan, including 4.1. Enhance training and professionalism in the Service and 2.5. Continue to build a Service that knows and reflects the communities it serves. All members of the Service, sworn and civilian, will be completing a full day training course on Fair and Impartial Policing in 2016.

As part of the Service's proactive approach to dealing with potential bias by members, the Professional Standards Unit is working with the Service's Human Resources department on a pilot project for supervisors to track both positive and negative employee conduct in order to detect behaviour that may require some level of intervention, including issues surrounding inappropriate bias.

Devon Clunis
Chief of Police