



# WINNIPEG POLICE SERVICE

## REPORT TO THE WINNIPEG POLICE BOARD

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

FROM: Chief Danny G. Smyth

SUBJECT: 2016 Bias Free Policing and Professional Standards Report

DATE: April 10, 2017

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### **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:**

The Winnipeg Police Board's Bias Free Policing policy requires an annual report to the Board that outlines outcomes for the year.

The Commission on Accreditation for Law Enforcement Agencies (CALEA) requires that the Service establish and maintain written procedures governing bias based profiling. The CALEA standards require a prohibition against bias based profiling in traffic stops and field contact, as well as training on the legal and ethical implications of bias profiling, a procedure for corrected measures if profiling occurs and an annual review of agency practices and citizen concerns.

### **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 Winnipeg Police Board's Bias Free Policing policy, the Criminal Code of Canada, the Law Enforcement Review Act, 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.

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 Professional Standards Unit also facilitates investigations by external agencies regarding the Winnipeg Police Service; including complaints made to the Law Enforcement Review Agency of Manitoba (LERA) and investigations initiated by the Independent Investigations Unit of Manitoba (IIU).

## **RESULTS**

In 2016, the Service conducted 28,981 Traffic Stops and 1,377 Subject stops. There were 205,641 calls for service for the year in which officers or communications operators came into contact with the public. The Professional Standards Unit received 95 complaints for 2016, 38 of these complaints led to investigations. 71% of allegations came from external sources and 29% came from internal sources.

In Table 1, below, all investigations for the past four 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. Two of these complaints included an allegation related to bias-based profiling but it was not the primary complaint. The Professional Standards Unit fully investigated one of the complaints and found no independent evidence of bias. The complainant also appears to have abandoned their complaint. The second complaint involved a use of force incident that resulted in injury to the complainant, as such the IIU has assumed control of the investigation and it is ongoing.

<b>Allegations</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Abuse of Authority	4		1	3
Assault	16	14	13	6
Breach of any Other Order	3	5	2	3
Corrupt Practice		1		
Criminal Association/Activity	2	1	1	3
Discreditable Conduct	9	11	7	6
Harassment		1		
Impaired			2	
Miscellaneous *	5	9	10	8
Neglect of Duty	5	3	5	2
Theft	3	2		2
Threats			1	
Unauthorized Release of Info	2	4	2	5
<b>Total Investigations</b>	<b>49</b>	<b>51</b>	<b>44</b>	<b>38</b>
(External Source)	33	27	26	27
(Internal Source)	16	24	18	11
<b>Non-investigable Public Complaints</b>	<b>115</b>	<b>91</b>	<b>44</b>	<b>57</b>

Table 1

\* Miscellaneous includes:

Breach of Trust	Fabricating Evidence	Obstruction
Criminal Negligence	Fraud	Outside Employment
Conflict of interest	Mischief	Point Firearm
Dangerous Operation of MV	MVC	Suspicious Circumstances

In Table 1 above, 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, (2) explanation of laws and exemptions and (3) complaints or incidents that may appear to involve officers but when investigated do not actually involve officers. The process of engaging in dialogue with citizens with these types of valid 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.

In 2016, 40% of all complaints received resulted in investigations and 32% 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 of bias-based profiling 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 LERA who investigates independently of the Winnipeg Police Service. 2016 results from LERA's investigations are not available at this time. In 2015, 8

complaints of differential treatment without cause were filed with LERA. This is a total for Manitoba; however in 2015 the Winnipeg Police Service represented 92% of the files investigated by the agency. LERA's public disclosure of outcomes of their investigations does not indicate how these particular complaints were resolved.

### **Bias-Free Policing procedure and initiatives for 2016**

In 2016 the Service continued 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 membership is subject to a number of routine orders outlining their responsibilities and the Service's expectations annually.

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.

Beginning in 2016, the Service required that members attend Fair and Impartial Policing training, a one day course that aims to help individuals acknowledge the role that implicit and explicit biases have on our behaviour, attitudes and decision making. This course seeks to make members aware of how biases can be problematic and even detrimental to their roles in law enforcement. Two courses have been developed, one for supervisors and one for non-supervisors. More than half of the Service's membership (868 individuals: 199 civilians and 669 sworn members) completed the course in 2016. Additional dates have been scheduled for 2017 to accommodate the rest of the membership.

As part of the Service's proactive approach to dealing with potential bias and other behavioural issues that challenge the performance of members, the Service has launched a Wellness and Professional Development Program. A website has been developed to allow for better record keeping of day to day performance and noting any issues hindering performance and conduct. A future phase of this project will allow performance indicators to be tracked and early warning signs to be flagged for individuals showing performance issues that may require intervention including issues surrounding inappropriate bias.

Bias behaviour in law enforcement continues to be a concern for agencies across North America. These issues are intertwined with historical and socioeconomic issues that pervade our city. There are no easy solutions to heal histories of mistrust; however the Service acknowledges that there is always room for improvement and is eager to build relationships with the diverse communities in our city to ensure a culture of safety for all.

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Danny G. Smyth  
Chief of Police