



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Winnipeg Police Board

FROM: Chief Danny G. Smyth

SUBJECT: 2018 Bias Free Policing and Professional Standards Report

DATE: April 16, 2019

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 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 correcting measures if profiling occurs and an annual review of agency practices and citizen concerns.

DISCUSSION:

Sir Robert Peel's principles of policing formed the basis for the modern police agency in Commonwealth countries. The key standard which differentiates Peel's instructions from his predecessors is the concept that police only hold power and authority as long as they have the respect and approval of the public. This is often referred to as 'policing by consent'. The Service has attempted to ensure that legislative and administrative requirements as well as training and Service procedure are in place to maintain a high level of integrity for conducting police activities in ways that are fair, equitable and free of bias.

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 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 a representation of the high standards that 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 assumed by the Independent Investigations Unit of Manitoba (IIU).

RESULTS

In 2018, the Service conducted 29,556 Traffic Stops, 1,149 Subject Stops and 2,973 SPI Subject Stops. There were 225,204 dispatched calls for service for the year in which officers or communications operators came into contact with the public and another 28,093 calls not dispatched.

The Professional Standards Unit received 60 complaints for 2018. Three of these complaints were related to bias based policing (there were two in 2017, two in 2016, one in 2015 and two in 2014). One of the PSU investigations involved members attending the scene of a death and asserted that their family was treated differently because of their ethnicity. In another investigation an individual alleged that a member went to his home to issue tickets from 12 days earlier, and racism was implied. PSU investigated both of these complaints and confirmed that policy and processes were followed. In the last complaint the Service received an anonymous complaint about a member writing a post on Facebook that could be construed as culturally insensitive. PSU investigated and determined while there was nothing specific targeting a race or ethnicity, there was the potential for that interpretation. The member completed two relevant training courses.

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.

As the table shows, while total investigations went up slightly from 2017 there were still fewer than in 2015 and 2016.

Table 1

Allegations	2015	2016	2017	2018
Abuse of Authority	1	3	1	
Assault	13	6	3	4
Breach of any Other Order	2	3	4	4
Corrupt Practice			1	
Criminal Association/Activity	1	3	3	1
Discreditable Conduct	7	6	12	10
Harassment				1
Impaired	2		1	3
Miscellaneous *	10	8	5	10
Neglect of Duty	5	2		4
Theft		2		
Threats	1		1	
Unauthorized Release of Info	2	5	3	
Total Investigations	44	38	34	35
(External Source)	26	27	15	19
(Internal Source)	18	11	19	16
Public Complaints - Not Investigated (Not Categorized)	44	57	52	25

* Miscellaneous includes:

Breach of Trust	Fabricating Evidence	Misuse of Computer Access
Criminal Negligence	Fraud	MVC
Conflict of interest	Improper Use of Firearm	Obstruction
Dangerous Operation of MV	Insubordination	Unlawfully in dwelling house

In Table 1 above, the category ‘Public Complaints - Non Investigated’ 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) incidents that may appear to involve officers but when investigated do not actually involve officers. The number of these complaints has decreased by over half in the last year.

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.

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.

Someone may choose to place a formal complaint with LERA who investigates independently of the Winnipeg Police Service; additionally the Independent Investigations Unit investigates allegations of misconduct against members, neither of which would be represented in the table above. When there is an investigation elsewhere, or a criminal allegation where PSU is not the primary investigator, the regulatory conduct investigation is held until any criminal proceedings have completed.

Bias-Free Policing procedure and initiatives for 2018

In 2018 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 policy in the WPS procedure manual. The membership is subject to a number of organizational communications 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. Newly promoted Sergeants also receive training on bias based policing.

Beginning in 2016, the Service required that all 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, by the end of 2018 over 90% of members have completed this course. This course seeks to make members aware of how biases can be problematic and even detrimental to their roles in law enforcement. The Service also requires that all members complete an online training module on Ethics through the Canadian Police Knowledge Network and attend a half day training course through the City of Winnipeg called 'W'daeb Awaewe- The Truth as We Know It', as part of Winnipeg's step towards reconciliation with the Indigenous community. Senior Officers and managers are required to take a two day cultural awareness training session called "Indigenous - Chi Ki Ken Da Mun - so you should know".

In March 2018 the Service hosted a one day training session answering the Truth and Reconciliation Call to Action entitled "Moving Beyond Prejudice" that provided the opportunity for members and the community to engage in conversation with each other and featured guest speaker Paul Saltzman. There were 150 police members and 150 community members from over 50 different organizations in attendance.

In July 2018 the Service hosted a two day Diversity Career Exhibition for indigenous and newcomer community members interested in a career in law enforcement.

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.

Danny G. Smyth
Chief of Police