



# WINNIPEG POLICE SERVICE

## REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Winnipeg Police Board

FROM: Chief Danny G. Smyth

SUBJECT: 2019 Bias Free Policing and Professional Standards Report

DATE: May 15, 2020

---

### **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:**

The Service has training and procedure in place to maintain a high level of integrity for conducting police activities in ways that are fair, equitable and free of bias. This is crucial in order to 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 details 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 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 facilitate 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 Investigation Unit of Manitoba (IIU).

## **RESULTS**

In 2019, the Service conducted 31,401 Traffic Stops, 965 Subject stops and 2,052 SPI Subject stops. There were 263,656 calls for service for the year in which officers or communications operators came into contact with the public. The Professional Standards Unit received 49 complaints during the year, 29 of which led to investigations. 38% of allegations came from external sources and 62% came from internal sources. In 2019, none of these complaints involved allegations related to bias-based profiling. There were three complaints in 2018, two in 2017, two in 2016 and one in 2015.

In Table 1, below, all investigations for the past five 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.

In Table 1, 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.

**Table 1**

<b>Allegations</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Abuse of Authority</b>	1	3	1	-	-
<b>Assault</b>	13	6	3	4	2
<b>Breach of any Other Order</b>	2	3	4	4	2
<b>Corrupt Practice</b>	-	-	1	-	-
<b>Criminal Association/Activity</b>	1	3	3	1	-
<b>Discreditable Conduct</b>	7	6	12	10	8
<b>Harassment</b>	-	-	-	1	-
<b>Impaired</b>	2	-	1	3	1
<b>Miscellaneous *</b>	10	8	5	10	13
<b>Neglect of Duty</b>	5	2	-	4	2
<b>Theft</b>	-	2	-	-	1
<b>Threats</b>	1	-	1	-	-
<b>Unauthorized Release of Info</b>	2	5	3	-	-
<b>Total Investigations</b>	<b>44</b>	<b>38</b>	<b>34</b>	<b>35</b>	<b>29</b>
<b>(External Source)</b>	26	27	15	19	11
<b>(Internal Source)</b>	18	11	19	16	18
<b>Public Complaints – Not Investigated</b>	44	57	52	25	20

\* Miscellaneous includes:

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

In 2019, 59% of all complaints received resulted in investigations and 35% of all public complaints received by the Service resulted in investigations. The five-year average of public complaints related to bias-based profiling is 1.6 per year. Two 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. LERA's 2019 results will be released independently.

### **Bias-Free Policing procedure and initiatives for 2019**

In 2019, the Service continued promoting bias-free policing by requiring all members (sworn and civilian) to 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 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.

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. The Service also required that all members, sworn and civilian, 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 steps towards reconciliation with the Indigenous community.

Supervisors are required to have taken a supervisor version of the Fair and Impartial Policing training as well as a 'Respectful and Healthy Workplace for Supervisors' course which includes a component on racial and sexual orientation/identity diversity. Senior officers and civilian managers are required to attend a two-day City of Winnipeg course called 'Chi Ki Ken Da Mun' (Ojibway for "So You Should Know") that examines the history of Residential Schools and their legacy, roles of Indigenous women, traditional culture, worldview and medicines of the original inhabitants of Treaty 1 territory.

Biased 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