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**Issues arising in internal affairs and professional standards departments, including complaint handling, mediation, liaison with complaint monitors and commissions.**

**PREFACE**

I am personally supportive of Civilian Oversight as a mechanism of ensuring that the practice of police investigating themselves is done so in a fair, thorough and unbiased manner. This is also the position of the Vancouver Police Department and all of the police managers that I have canvassed on the subject.

Nothing I am about to say today ought to be considered as criticism against any individual. My comments will be limited to general observations pertaining to the operational effectiveness of the relationship between the police and civilian oversight.

**PRESENTATION**

I was assigned to the Internal Investigation Section of the Vancouver Police Department for 3.5 years. During the first eight-months I was an investigator. I along with seven other investigators investigated all of the public trust complaints lodged against sworn members of the Vancouver Police Department. We also investigated any and all criminal allegations in which a member of the Vancouver Police Department, sworn or non-sworn, was named or considered a suspect.

After 8-months of investigative work, I was promoted to the position of Inspector in charge of the Internal Investigation Section. In that capacity I directed the investigations, managed the investigators and by delegation from the Chief Constable, discharged the day to day duties of the Discipline Authority. During my tenure as the inspector, the B.C. Office of The Police Complaint Commissioner endured a tumultuous phase which saw no fewer than four Police Complaint Commissioners appointed on either an interim or full appointment basis.

For clarification, in BC, civilian oversight is conducted by the Office of The Police Complaint Commissioner. The Police Complaint Commissioner is an independent appointee of the Legislature. I know the title of Police Commissioner may have a different meaning in other provinces. However when I refer to the Commissioner or Police Commissioner, I am referring to a civilian oversight appointment, not to be confused with a police board or police employer appointment.

Frankly, for a significant proportion of my tenure in the Vancouver Police Internal Investigation Section my head was on swivel as four different commissioners applied their widely varying philosophical approaches to police oversight. Combined with day to day philosophical changes were ongoing changes in the positions of deputy commissioner, commission counsel and investigator/ analyst / monitor.

Interestingly though, this was not entirely bad. The experience has enabled me to share with you my views and perspective on how a civilian oversight body may achieve the ideals of fairness and independence, while enhancing its functionality and effectiveness.

First and foremost is the issue of independence. This is not an argument intended to compromise the independence of a civilian oversight body. In fact it's just the opposite.

Independence is most successfully achieved when all stake-holders are entitled to open lines of communication and opportunities to ask questions, clarify concerns, and discuss in collegial terms, hurdles that may impede a professional working relationship between them. Independence should not be confused with avoidance or isolation.

I don't believe independence is compromised when police and oversight representatives, including the commissioner, sit at a table and present their respective views on a set of circumstances. I also don't think that independence is compromised when I buy a 25-cent coffee for a visiting member of an oversight body, or accept a coffee in return. However I have encountered such restraints at one time or another over my tenure. This may seem petty, however it tends to be viewed as insulting and unreasonable by members of a police agency. It can also plant the seeds of resentment between organizations.

When independence takes on an atmosphere of isolation it leads to alienation. Alienation leads to suspicion and mistrust. Civilian oversight will not succeed under such oppression and police accountability will suffer. All stakeholders, police included, need to be open and up-front about matters. Never should there exist secret files or secretive undertakings by the police or by an oversight body, which are intended to discredit a respondent or complainant.

Many process related issues and misunderstandings flourish in an environment devoid of discussion and resolution. If your respective police act or regulatory legislation is anywhere near as confusing, vague and contradictory as the BC Police Act, you will understand exactly what I mean by process related issues.

A venue for effectively addressing process related matters prior to them becoming major impediments is a Professional Standards Advisory Committee comprised of representatives from each police agency and representatives from the applicable oversight agency. I believe such a committee ought to be co-chaired by the police complaint commissioner and a police administrator.

A Professional Standards Committee is an excellent venue for resolving and defusing procedural and jurisdictional matters that may not be adequately articulated in police regulatory legislation. Many of you may operate such committees already and can likely verify the value of open lines of communication surrounding process and jurisdictional issues and questions.

However, beyond what issues the Professional Standards Committee may resolve: How is the discipline authority or an internal investigator expected to navigate the complex legal minefield of a police act, without access to the commissioner's views and interpretation of the legislation?

If not the commissioner, who within the oversight agency will provide such information and how do the police ensure that it won't change tomorrow because a new commissioner has been appointed or because the commissioner's staff is operating with a different set of rules than the commissioner?

These issues need to be addressed and a protocol established that will provide the police with a consistent application of the police act, day to day, year to year, commissioner to commissioner.

No one would argue against the need for police commissioners and oversight practitioners to be fully conversant with their respective police acts and regulatory codes; but what about the need to be fully conversant with police training objectives and standards, as applied by your respective police agencies? Are these perspectives being properly recognized and considered when examining police conduct complaints?

There's an adage that recommends you walk a mile in another person's shoes before you judge the individual. That adage could not be more relevant or applicable than it is in the realm of civilian oversight.

I am disappointed that I have not observed a greater willingness among oversight staff and commissioners to acquaint themselves with the day to day realities of big city policing and the training police officers receive in order to safely deal with such realities.

Police officers are trained to write reports in a clinical, dispassionate method. Often missing in their reports is a well-articulated account of the fear and emotion they experienced during a high risk event. Such an omission often makes it difficult for the reader to fully appreciate the atmosphere of danger that was faced by the officer.

Now I recognize that proper report writing is a training issue for the police and that oversight practitioners can not read into a report what is not there. However, no amount of sensational writing can adequately replace the comprehension that real life experiences, such as participating in a ride-along program, can provide.

I know of many Provincial Court Judges who have participated in police ride-along programs and police use-of-force training. They have walked away with an appreciation for the dangers faced by the police. They have also gained an understanding of how and why the police use force.

So why shouldn't oversight staff and commissioners, through a ride-along program, acquaint themselves with a 4am bar closing in which 100+ drunk and "coked-up" muscle-heads or "wired" meth-heads are fighting on the street, brandishing an assortment of weapons including firearms? Why not experience the ferocity needed to safely take such people into custody?

Speaking of violence, there is a terrifying trend emerging in the Granville Mall entertainment district of Vancouver. Police officers are being set-up and attacked without any provocation what-so-ever. In a one-month period, August to September 2003, 10 police officers were assaulted in Vancouver and most of those occurred in the Granville Mall area.

Since January 2002, 208 Vancouver police officers have been assaulted, resulting in many injuries; some of which have required re-constructive surgery.

The pattern involves males aged 18-30. During the recent Celebration of Lights, a four-day fireworks event that we term the Celebration of fights, gangs of combative males sought out isolated police officers and squared-off against them. These gangs roamed about, threw rocks and bottles at the police and fought with the police at every opportunity.

The Vancouver Police Department has undertaken a study to determine the profile of these individuals and what the triggering events are that precede an assault. I will ensure that the results of this analysis are shared with our civilian oversight agency.

Violence against the police isn't limited the use of physical force. In the United States the majority of police officers shot to death are done so with their own weapon, after being forcibly disarmed by a suspect. In Vancouver there have been many attempts by individuals to disarm a police officer.

If a police officer is over-powered during a struggle or rendered unconscious by a "sucker punch," the officer loses control of a loaded firearm. In self-defense training, police officers are taught that losing is not an option. It simply cannot happen. A police officer must never give the advantage to the opponent. The result of doing so may be deadly to the officer and those he is sworn to protect.

So how are police officers trained to protect themselves against such situations, especially when out numbered or out muscled? Do you know? You should.

Participating in police use-of-force training would enable those of you who oversee the police to objectively and competently analyze a police response that includes a use of force. Participate in use-of-force scenarios and experience the limitations of a firearm, OC spray and a baton. Learn about the reactionary gap, the space between you and the suspect. Experience how rapidly a suspect can eliminate the reactionary gap and cause you harm with or without a weapon.

Police officers are trained to recognize pre-assaultive cues such as fist clenching, jaw tightening, transfixed stares, perspiration, palpitation etc. No police officer must wait until being struck to take preventative action.

Many of today's police officers are women and individuals of slight stature. They have been trained to ensure their safety by handcuffing suspects or persons of interest at the earliest opportunity. When someone resists, the force necessary to overcome resistance is often misinterpreted by witnesses, many of whom may be drunk, as an unprovoked attack against a citizen. The officer often finds himself/herself surrounded by a hostile gang claiming police brutality, which is the issue du jour for anyone under 30.

The benefit of participating in a police training seminars on the topic of Street Survival Skills or police Use-of-Force cannot be over-stated. First of all it may save your own butt when and if you become the target of hostility, more importantly though, it places into context the use-of-force continuum that forms the basis of self-defence training for police officers.

As I am sure you know, when judging the actions of a police officer there exists a duty to examine the events from the perspective of the officer; what he knew at the time and what his training would influence him to do.

Also, when examining such actions it is important to consider the "aura" of danger that existed within the environment in which the police officer was operating. There is no time to exercise tact and diplomacy amidst a hostile or potentially dangerous crowd. Police actions must be judged against the full spectre of an incident, not just the immediate interaction between the complainant and the respondent officer.

It's not my intention to preach the law to a group as well informed as this. However I believe that police conduct has not always been scrutinized against a framework of case law that supports examining police conduct from the officer's perspective, that requires consideration be given to police training and that speaks to the aura of danger.

I would argue that police officers are subject to greater scrutiny and liability than any other profession. We all understand that any group empowered to use force and deprive people of liberty must be held to a higher standard. In BC if a complainant reports being assaulted by the police, the respondent officer who threw the punch during a struggle may be subject to:

- A criminal investigation
- A police act investigation
- A review by the Discipline Authority
- A review by the Police Board
- A review by Crown Counsel
- A review by a civilian oversight body

The police officer may then be:

- Subject to criminal proceedings
- Subject to civil proceedings
- Subject to a public hearing
- Subject to a re-investigation ordered by the police commissioner

We ask the police to stand between us and the evils that prey upon our families. We expect the police to grapple with anyone that may pose us harm. In return the police ask only that as practitioners of civilian oversight, you exercise your authority with objectivity and fairness, based on a sound and comprehensive understanding of policing and police training.

In closing, I would like to again emphasize my support for the civilian oversight model. I would also like to thank those of you who work so diligently to make civilian oversight a success. I can only imagine how hard it can be to deal with police officers and their respective departments.

I acknowledge that those of us in the policing community often feel unjustly accused. You could say we have a chip on our shoulders and I wouldn't deny the claim. However I can assure you that we do appreciate the role you fulfill as practitioners of civilian oversight. You have my gratitude and respect. Thank you.