

PROVINCE OF BRITISH COLUMBIA



VICTORIA POLICE DEPARTMENT

POLICE ACT AUDIT:

FOCUSED INSPECTION & USE OF FORCE REVIEW

POLICE SERVICES DIVISION

STANDARDS AND EVALUATION

MARCH 4, 2010

PSSG10-008

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EXECUTIVE SUMMARY

A. INTRODUCTION

On January 26, 2009, then Solicitor General John van Dongen announced that Police Services Division (PSD) would conduct an audit of the Victoria Police Department, under the authority of s. 40 of the *Police Act*. The terms of reference for the audit included three main components: (i) a focused inspection of the department, including compliance with specific *Provincial Standards for Independent Municipal Police Departments in British Columbia* and an examination of the department's use of force; (ii) a review of resource deployment, call load, response times and associated costs; and (iii) a review of the CREST communications system.

Police Services Division has completed the focused inspection and the service level review. An analysis of the effectiveness and suitability of the existing communications system, CREST, was originally planned as the third phase of the audit. However, after conducting key stakeholder interviews and reviewing recent progress made toward addressing the CREST issues, Police Services Division excluded the review of CREST from the audit plan. At the time of writing, CREST is actively working with the Victoria Police Department to determine their specific needs and options for moving forward.

This report – *Victoria Police Department Police Act Audit: Focused Inspection and Use of Force Review* – presents the findings and recommendations from the focused inspection portion of the audit. The findings and recommendations from the second portion of the audit are provided under separate cover in the report, *Victoria Police Department Police Act Audit: Service Level Review*.

The *Focused Inspection* report is comprised of two parts. Part I concerns the findings for the focused inspection of the department based on compliance to specific *Provincial Standards for Independent Municipal Police Departments in British Columbia* (not including use of force). Part II concerns the findings from a review of use of force in the department based on compliance to specific *Provincial Standards* and sections of the *Police Act Use of Force Regulation* (herein, *Use of Force Regulation*), as well as analyses of use of force data reporting and complaints made against members of the department.

It is important to note that portions of the *Use of Force Regulation* and related provincial standards are currently being reviewed by Police Services Division following the release in July 2009 of the Braidwood Commission Report, *Restoring Public Confidence: Restricting the Use of Conducted Energy Weapons in British Columbia*. Some of the issues identified in the review of use of force at the Victoria Police Department are also the subject of concern in Justice Braidwood's report (including, process for signing out intermediate weapons, process for weapons

inspection/testing, process for tracking intermediate weapon, training concerns, among others). As such, any recommendations made with respect to these topics are for the department's attention, pending regulatory reform and the amendment of provincial policing standards.

Police Services Division conducted the audit of the Victoria Police Department in the spring and summer of 2009. Overall, the methodology for the Focused Inspection (Part I and Part II) included physical inspection activities, review of files and reports, over 100 interviews with members of the Victoria Police Department and a variety of stakeholders, as well as analyses of the Victoria Police Department reported use of force data for 2007 and 2008 and the Victoria Police Department complaints data.

It should be noted that a new Chief of Police had been hired by the Victoria Police Board just prior to the commencement of this audit. Overall, Police Services Division observed improvement in various aspects of the department as a result of changes made by the new Chief shortly after his arrival. Some of these positive changes included, for example: the addition of jail sergeants; the transition of jail guards from contractors to department employees; and improvements made to the detention facility surveillance system.

Police Services Division requests that within 3 months of the date of receipt of the final version of this report that the Victoria Police Department provide to the Assistant Deputy Minister, Policing and Community Safety, Ministry of Public Safety and Solicitor General, a plan to implement the recommendations.

B. KEY FINDINGS

PART I – FOCUSED INSPECTION

Topics and related policing standards covered in this section of the focused inspection included both administrative (i.e., Police Role and Responsibilities; Liaison with Other Agencies; Direction; Administrative Reporting; Planning and Research; Crime Analysis; Personnel Allocation; Financial Management; and Internal Audit) and operational (i.e., General Operations; Patrol; Specialized Criminal Operations; Evidence; Community Relations; Young Persons and Children; Prisoner Transportation; Detention Facility; and Property Management) aspects of the department.

Overall, the audit team was satisfied with the findings from this portion of the focused inspection. The Victoria Police Department met approximately 73% of the standards chosen for review (93 out of 127). Of the remaining 34 standards, 17 were met in policy or practice but not both; and 17 standards were not met.

The audit team found no major areas of concern in this section of the focused inspection. While 33 recommendations are made, all are for minor or moderate concerns. The majority of the recommendations (70% or 23 of 33) were to develop, update or amend various policies.

Key findings included:

INTERNAL AUDITS AND POLICY REVIEWS

Internal audits and policy reviews and amendments are not currently being conducted on a regular basis. Recommendations pointed to the creation of an audit schedule and a policy review schedule that are based on risk assessments.

PROPERTY AND EVIDENCE

There are some concerns about evidence and property management. Recommendations pointed to: a review of policies relating to seized and found property, additional emphasis put on the importance of continuity of evidence, and considerations for increased property storage space.

The audit team also noted a need for improved policy and practice relating to department owned property. In particular, while inventories are being maintained for most types of equipment and weapons, there are gaps and inconsistencies in the type of information included, how often the information is updated, and responsibility for maintaining the inventories. The audit team recommends that the department revise and develop policies on department owned property.

DETENTION FACILITY

Recent changes in the jail have resulted in positive changes since PSD's last evaluation of the detention facility. However, the audit team noted a number of revisions to policy that are required in order to fully meet the standards. Two of these recommendations involve areas of significant risk: revising policy to require physical checks of prisoners at least once every 20 minutes; and reviewing policy governing medical care of persons in custody to ensure that if there is any doubt as to the need for medical assistance, then medical assistance should be sought.

ADMINISTRATIVE REPORTING, PLANNING AND RESEARCH, CRIME ANALYSIS

Administrative reporting, planning and research, and crime analysis activities appear to be requested in an ad hoc fashion without a clear division of roles and responsibilities between the research and crime analysis functions. The audit team recommends that the department clarify these functions in policy and practice, including: the specific activities, the component or position responsible, the timelines for completion of activities or reports.

YOUNG PERSONS AND CHILDREN

The department's policy dealing with young persons and children has not been updated since the introduction of the *Youth Criminal Justice Act*. Some of the procedures outlined in the policy are therefore out of date. The audit team recommends that the department review and update all policies that address young persons and children and/or reference the *Young Offenders Act*.

PRISONER TRANSPORTATION

The department does not have policy dedicated to prisoner transportation. The audit team recommends that the department develop a policy on prisoner transportation that includes procedures for: the security and control of persons transported to medical care facilities for treatment or examination; transporting prisoners of the opposite sex; transporting mentally disturbed, handicapped, sick or injured prisoners; and addresses restraint during transport and the use of restraining devices on mentally disturbed, handicapped, sick or injured persons.

PART II – FOCUSED INSPECTION: USE OF FORCE

This section of the audit included: a focused inspection of use of force related sections of the *Provincial Standards for Independent Municipal Police Departments in British Columbia*; review of departmental compliance with the *Use of Force Regulation*; analysis of the Victoria Police Department reported use of force data for 2007 and 2008; and analysis of Victoria Police Department complaints data.

Specific standards and regulation topics included:

- Authorization for the carrying and using of weapons
- Weapons inspection and maintenance requirements
- Use of force qualification and training
- Officers' use and control of weapons
- Reporting and reviewing use of force incidents
- Canine unit
- Emergency Response Team (ERT)
- Pursuits

Overall, the use of force review reveals that the Victoria Police Department is a well functioning department with appropriately trained and generally highly motivated individuals who take considerable pride in their job and the work they do for the community. Officers are generally well trained regarding use of force, and are appropriately prepared for such encounters. Officers are also aware of their responsibilities inherent in this area and the need for reporting and accountability.

No major areas of concern were identified in this portion of the focused inspection. While 26 recommendations are made, all are for minor or moderate concerns. Nonetheless, the use of force review did identify some gaps in policies and some practices which require the attention of the department.

STANDARDS AND REGULATION INSPECTION

The department was in compliance with all relevant sections of the *Use of Force Regulation*; however, some aspects of policy and practice related to these could be improved.

The department was examined against 28 standards (some with many subsections) related to use of force. The department was found to be in compliance with most provincial standards. However, there were gaps in policies and some practices which need to be addressed.

Key areas to be addressed in policy and procedures improvements can be categorized as requiring improved policy (applies to aspects of weapon authorization; weapon inspection; training; use and control of weapons; report and review; canine; and ERT) or improved record keeping (applies to weapons inspection and training), or both:

- Purchasing appropriate software to track training and qualifications of weapons use;
- Improving procedures for signing out 'pool' weapons and Conducted Energy Weapon (CEW) cartridges;
- Policy and process for ensuring all weapons (not just firearms) are maintained in good working order;
- Policy for replacement of ammunition, CEW cartridges, Oleoresin Capsicum (OC) spray;
- Requirement in policy and practice for annual intermediate weapon requalification;
- Annual training and requalification in lateral neck restraint use;
- Clarifying in policy and training the difference between the use of force model graphic used by the Victoria Police Department and the Justice Institute Police Academy (JIBC) or use the same graphic as presented at the JIBC;
- Create departmental policy on use and control of weapons (not just firearms) in terms of carrying and storage (use of weapons is covered elsewhere);
- Require in policy and practice that all use of force events are appropriately reviewed;
- Clarify that use of force by jail guards is required to be reported and the threshold for reporting;
- Clarify in policy the use of police dogs as a use of force option, not only a searching tool;

- Amend and update policy for emergency response (OA20) to clarify policy areas required by provincial standards including aspects currently covered in practice but not policy (e.g., testing and training standards, specification of negotiator equipment, specification of who maintains ERT equipment, among others);
- Ensure single overarching ERT manual includes all aspects required by provincial standard (including negotiator role and equipment, debriefing procedures, written feedback from managers);
- Update the area Chiefs ERT MOU;
- Ensure all Commanders attend the mandatory training days; and,
- Consider whether ERT team should be full time vs. part time.

VICTORIA POLICE DEPARTMENT USE OF FORCE DATA

The analysis of 2007 and 2008 use of force data raised one key item of concern: 13 officers (or 5% of the department) generated one third of all use of force Subject Behaviour – Officer Response reports (SBOR). It may be that these officers are conscientious about reporting any type of physical interaction or that these officers work in particularly challenging environments. However, the audit team recommends that the department proactively identify officers that generate a higher proportion of use of force reports and review these incidents to ensure that the high frequency of use of force is not highlighting any training or management issue that needs to be addressed.

Key points of the data analysis include:

Overall

- There was less than one use of force (SBOR) report a day, or approximately one incident for every 149 dispatched calls for service.
- The most common force option reported was physical control soft (65%) followed by physical control hard (44%).
- Intermediate weapons were used in over one third of all reports (39%). The most common type of intermediate weapon used was CEWs (51%), followed by OC spray (40%).

CEWs

- When a CEW was discharged, contact stun deployment and probe deployment were equally likely.
- In two-thirds of cases the CEW was cycled once or for a total of up to 5 seconds. In a quarter of cases the CEW was cycled twice or between 6 and 10 seconds. In the remainder of cases the CEW was cycled for longer.

Injuries

- The subject was reported injured in a quarter of all use of force reports, although it is not possible to determine what the cause of the injury was (e.g., self-injury, injury prior to officer arrival, injury due to force option).
- The officer was reported injured in 8% of cases.

Use of force pre- and post- death of Robert Dziekanski

- It appears there was a strong effect in the aftermath of the death of Robert Dziekanski.
- Use of force overall decreased by 10% in the department, mirroring recent decreases recorded in *Criminal Code* offences and calls for service.
- Intermediate weapon use decreased substantially (-66%).
- CEW use in particular decreased by -85%.
- Physical control soft increased by 29%.
- There was no change in reports of officer injuries.
- There was an increase in the proportion of reported subject injuries, from 22% to 27% of use of force reports. However, subject injuries cannot necessarily be attributed to use of force (e.g., injuries may be due to events prior to police arrival or self-injury).

COMPLAINTS DATA

As part of the audit process, Police Services Division conducted an analysis of complaints data against members of the Victoria Police Department received by the Office of the Police Complaints Commissioner (OPCC). This research did not review any individual complaints, rather, it was conducted to provide an overview of the data and identify any trends beyond the issue of individual cases. An interview was also conducted with OPCC staff.

Overall, within the limitations of complaints data, the Victoria Police Department did not show a pattern of complaints out of the ordinary compared to other BC police departments.

A review of the data indicated that overall complaints as well as allegations of excessive force in Victoria have decreased since 2005. At the same time complaints and allegations of excessive force *in total* for other BC police departments have increased.¹ The proportion of excessive force allegations as a proportion of all allegations was approximately 30% in Victoria, which is similar to that of other independent departments in BC.

The most frequent type of excessive force allegations against the Victoria Police Department involved “empty hand control,” followed by CEW use, and pepper spray use. Compared to other independent municipal police departments, Victoria had a higher proportion of intermediate weapon allegations of excessive force. Other independent municipal departments had a larger proportion of empty hand allegations of excessive force.

¹ While the total number of complaints and allegations of other departments has increased, this does not mean that all other departments showed an increase. Some departments had an increase and others had a decrease, but the total pattern was an overall increase.

C. RECOMMENDATIONS

PART I – FOCUSED INSPECTION

By Standard:

A1 POLICE ROLE AND RESPONSIBILITIES

1. Update policy AA30 to ensure consistency with the mission statement, goals and objectives outlined in the department's 2008-2010 Strategic Plan.
2. Develop policy that requires an annual written report by each organizational component stating the progress made toward the attainment of goals and objectives.

B2 DIRECTION

3. Create a policy review schedule to ensure that all policies are reviewed on a regular basis. The schedule should require that areas of greater risk, legislative reform and case law development are reviewed at least annually. These areas should include but not be limited to: a) arrest, detention and criminal investigation; and b) search and seizure.

B3 ADMINISTRATIVE REPORTING

4. Clarify, in policy and practice, the department's administrative reporting; planning and research; and crime analysis functions, including: a) the specific activities, analyses and reports to be completed (including those outlined in standards B03.01.01, B03.01.02 and B04.01.02); b) the position or component responsible for specific activities, analyses and reports and the roles and responsibilities of others who may be involved in their completion; c) timelines for completing specific activities, analyses and reports; and d) the distribution and intended use of reports.

B4 PLANNING AND RESEARCH

Recommendation 4 applies.

B5 CRIME ANALYSIS

Recommendation 4 applies.

B8 INTERNAL AUDIT

5. Create and follow a formal schedule for internal audits that is based on a risk analysis of the department's entire operations. The schedule should include (but not be limited to) areas specifically required by the standards: a) an annual audit of seized and found property; b) an annual audit of the confidential source fund; and c) audits of financial activities and transactions. Audits should be conducted by persons not immediately responsible for the function.
6. Draft policy that addresses the facilitation of Police Act audits.

D1 GENERAL OPERATIONS

7. Amend policy OD50 to reflect that youth sources are not to be used or include precautions to be taken with youth sources.

Recommendation 3 and 5 also apply.

D2 PATROL

8. Revise policy OC10 to better describe the expected activities of the patrol function.

D3 SPECIALIZED CRIMINAL INVESTIGATIONS

9. Review policy OB180 and communications policy M50 for consistency with the provincial missing persons policy developed by the British Columbia Police Missing Persons Centre and endorsed by the BCACP in 2008.

D8 EVIDENCE

10. Revise policy OF10 to require that the following information be recorded for items submitted to an external laboratory for examination:
 - a. Name of the officer/employee last having custody of the item;
 - b. Date and time of submission or mailing and method used for transmission;
 - c. Date and time of receipt in the laboratory;
 - d. Name and signature of the person in the laboratory receiving the evidence.

The policy should also identify who is responsible for recording the information.

11. Revise policy OE30 to refer to all laboratory services routinely used by the department and to provide direction concerning the timing and conditions for submitting evidence to each of these locations.

Recommendation 3 also applies.

D10 COMMUNITY RELATIONS

12. Update policy OM20 and OM70 to reflect current community relations and community partnership programs.
13. Ensure that the survey includes a sample of residents across all areas, not just high crime areas; and that the report includes a breakdown of results by community/neighbourhood in the survey report.
14. Draft policy governing crime prevention priorities, including procedures for determining priorities.
15. Amend policy OD200 to identify GVPVS as the victim services provider for the department and to indicate that the GVPVS is responsible for hiring and training staff and volunteers.
16. Amend policy to include procedures for providing victims with information about the Crime Victim Assistance Act and FOIPPA.

D11 YOUNG PERSONS AND CHILDREN

17. Update policy to reflect the YCJA.

D14 PRISONER TRANSPORTATION

18. Develop policy on prisoner transportation that:
 - a) Includes procedures for the security and control of persons transported to medical care facilities for treatment or examination;
 - b) Includes procedures for transporting prisoners of the opposite sex;

- c) Includes procedures for transporting mentally disturbed, handicapped, sick or injured prisoners;
- d) Addresses restraint during transport; and
- e) Addresses the use of restraining devices on mentally disturbed, handicapped, sick or injured persons.

E1 DETENTION FACILITY

- 19. Ensure that fire extinguishers in the detention facility are tested.
- 20. Amend the Policy Respecting Security of the Jail Facility to require that cell searches be documented.
- 21. Revise the Mission and Administration policy to specify that the weekly inspection of the detention facility is to include security considerations, including a search for weapons.
- 22. Review the Policy Governing the Medical Care of Persons in Custody to ensure it reflects operational needs.
- 23. Amend the Prisoner Release Policy to include a cross reference to OD80.
- 24. Amend the Policy Respecting Security of the Jail Facility to clarify that video monitor checks and physical checks are not to be conducted at the same time.
- 25. Revise the Policy Respecting the Security of the Jail Facility to require physical checks at least once every 20 minutes.
- 26. Amend the Policy Respecting the Security of Prisoners in Cells to include procedures that must be followed when a prisoner is supervised by a staff member of the opposite sex.
- 27. Amend the Policy Respecting Access to the Jail to require that visitors be registered.

E4 PROPERTY MANAGEMENT

28. Review all policies relating to seized and found property to ensure consistency with current practice.
29. Ensure that patrol supervisors emphasize the importance of continuity and hold members accountable for items left unattended in patrol vehicles and report writing areas.
30. Ensure that the need for increased property storage space is considered when addressing space concerns for the entire department.
31. Ensure that the practice of marking an exhibit as destroyed despite questions as to its location or circumstances is reviewed. The review should identify alternative or additional steps that may be taken to promote accountability for narcotics exhibits while still meeting the needs of Exhibit Control and Purchasing with respect to purging.
32. Ensure that the process for returning property to owners and the hours of operation for Exhibit Control and Purchasing are examined. Considerations should include the feasibility of staggering shifts to provide longer hours of service.
33. Revise and develop policies on department owned property to ensure that:
 - a) all policies dealing with acquisition and requisition of property and equipment are consistent;
 - b) distribution of equipment to members is addressed, including procedures and responsibilities for both the assignment and return of equipment;
 - c) policy clearly identifies the types of property and equipment that must be inventoried, how often the information must be updated, what information is to be included and the positions responsible for each type of property and equipment;
 - d) policy clearly identifies who is responsible for performing an analysis of police issue equipment, what is to be included in the analysis and how often it is to be performed.

PART II: FOCUSED INSPECTION: USE OF FORCE

AUTHORIZATION FOR THE CARRYING AND USING OF WEAPONS

1. Clarify in policy and procedures the process for issuing firearms and ammunition (general duty and special purpose) including the procedures to ensure that officers are up-to-date with their qualification.
2. Revise the policy stating that one firearm be issued at any point in time and clearly specify the conditions under which an officer can be issued more than one firearm.
3. Develop policy on the process for signing out intermediate weapons, specifying:
 - what information is to be included in sign-out;
 - who ensures that the officer signs out properly; and
 - who ensures whether the officer is properly qualified on the weapons at the time of sign off.

Note: This issue was identified as an issue of concern in the Braidwood report; as such any recommendations made are for department attention pending regulatory reform or amendment to provincial standards.

WEAPONS INSPECTION AND MAINTENANCE REQUIREMENTS

4. Include in policy a process for inspection (for the purpose of assessing good working order) of all weapons (including CEWs, OC spray, Arwen/gas gun). The policy should include a time period for regular inspection and the process for record keeping.
5. Include in policy a process that specifies how officers are to replace ammunition for firearms, CEW cartridges and OC spray canisters.

Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.

USE OF FORCE QUALIFICATION AND TRAINING

6. State in policy that officers must train and recertify/re-qualify on intermediate weapons. This policy should specify the period for recertification/re-qualification for OC Spray, CEWs, and impact weapons. The period should be annually for all weapons (as per provincial standard A.01.02.07).

Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.

7. Purchase the necessary software and implement an overarching process to track all firearm and use of force training and qualifications. The process should:
 - track for each officer which training & qualification is completed;
 - track for each officer the date at which qualification will expire; and
 - create general lists of officers whose qualification expiry date is approaching, or has passed.
8. Policy or training manual should describe proficiency assessment requirements (what elements are necessary to pass and what constitutes a pass). The policy should specify the process to be followed when an officer fails assessment for any weapons or tactic.

Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.

9. Policy should specify what and how training records should be kept.
10. Policy should require annual training and qualification in intermediate weapons use.

Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.

11. Policy should be amended to state that officers should not use Lateral Neck Restraint the technique unless they have been trained and certified on this technique in the last 12 months. Training should be offered annually.

12. Establish a process to track the training and proficiency in the use of Lateral Neck Restraint.

OFFICERS' USE AND CONTROL OF WEAPONS

13. Departmental policy should provide clear directives to officers on the use and control (e.g., how to store, carry) of weapons other than firearms issued by the department.

Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.

REPORTING AND REVIEWING USE OF FORCE INCIDENTS

14. *Victoria Police Department Jail Manual* and training should be updated to clarify the process and procedures for jail guards to report all instances where force was used (not just when restraint devices are used). The manual should be clear as to the
 - threshold for reporting (beyond compliant handcuffing);
 - who should fill the form;
 - what forms is to be filled (SBOR in PRIME);
 - when and how the form is to be filled; and
 - who should be notified once the form is completed.
15. Develop policies for reviewing incidents in which an officer applies force. The policy sections(s) should include provisions for:
 - who is required to review report(s);
 - the purpose of the review or reviews if more than one person is to review an incident;
 - what reports are to be reviewed;
 - what circumstances or type of force used require a review;
 - when and how the review is to take place;
 - whether records are to be kept that a review was done and of the conclusion of the review.
16. Develop a policy that establishes criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm.

CANINE UNIT

17. K9 policy:
 - Be amended to include a consideration of police dogs as a use of force option, not just a searching tool, and the responsibilities inherent with this;
 - Include additional clarifications on circumstances where dogs are, or are not, to be used to apprehend a suspect by biting (e.g., seriousness of offence, proportionality, young persons); and
 - Not just refer to 'contact' generally, but also bites. Bites could be a subcategory of 'contact'.
18. K9 Unit policy (OK60) specifically require a supervisor's review of each bite incident.

EMERGENCY RESPONSE TEAM (ERT)

19. Amend policy OA20 Critical Incident Response to ensure it covers all the requirements of provincial standards for ERT teams, as per the 2003 Provincial review of ERT. (The relevant standards are: D13.1.1, D13.1.1A, D13.1.2, D13.1.2B, D13.1.3, D13.1.4, D13.1.5, D13.2.1, D13.2.2, D13.2.2A, D13.2.3, D13.2.4, and D13.2.5). This will include but may not be limited to:
 - a statement that Chief has overall responsibility as per standard D13.1.1 for ensuring access to ERT services;
 - the specification of ERT service as an integrated team, specifying personnel numbers required (tactical team, negotiators), as well as the capabilities and types of calls that the GVERT is qualified to handle, those it is not qualified to handle and how these services would otherwise be accessed;
 - the requirement of an MOU and the creation and provision of an ERT manual to all ERT members;
 - the inclusion of supervisory arrangements and whether special operations officers are to be assigned as an integral unit;
 - the requirement for adherence to BCACP ERT a) selection and recruitment criteria, b) testing standards and c) training standards as a minimum;
 - minimum equipment requirements and the position(s) responsible for maintaining the equipment; and
 - policy, procedures and minimum equipment and the position responsible for maintaining equipment for negotiators.

20. Update existing ERT policy and procedures manuals to ensure that all aspects required by standard D13.1.2 are included (e.g., policy and procedures regarding negotiators, debriefing, and response to reports by police managers).
21. Review and update the existing MOU between participating departments in the GVERT. This should include a universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out.
22. Review current guidelines for hostage and barricaded persons and integrate any missing aspects of the provincial standard (e.g., aspects of negotiators role and communication with barricaded person) required by the standard. Make integrated guidelines (not specific tactics) available to all relevant personnel.

PURSUIITS

23. Departmental policy on pursuits should provide guidance or directive with regard to pursuits for situations where officers are accompanied by passengers who are not officers.

USE OF FORCE DATA ANALYSIS

24. Officers be given follow-up training regarding the detail required for SBOR reports, the categories of physical control-hard and physical control-soft and the categories of subject resistance.
25. The department should proactively identify officers who are frequent users of force to address any training, managerial or other potential issues.
26. All use of force reports should be reviewed regularly by the Control Tactics Coordinator (or other appropriate position) in order to identify any potentially inappropriate force responses and for the department to take any remedial steps necessary.

**Part I. FOCUSED INSPECTION
(NOT INCLUDING USE OF FORCE)**

A. INTRODUCTION

This section of the report concerns the findings for the focused inspection of the department based on compliance to specific *Provincial Standards for Independent Municipal Police Departments in British Columbia* (not including use of force).

The standards for review were chosen by the audit team based on the perceived degree of risk associated with the topic area and whether it was the subject of past or intended future provincial reviews. In total, the audit team selected 127 standards (out of 432) for inclusion in the inspection. The standards covered the following areas:

Administration

- Police Role and Responsibilities
- Liaison with Other Agencies
- Direction
- Administrative Reporting
- Planning and Research
- Crime Analysis
- Personnel Allocation
- Financial Management
- Internal Audit

Operations

- General Operations
- Patrol
- Specialized Criminal Operations
- Evidence
- Community Relations
- Young Persons and Children
- Prisoner Transportation
- Detention Facility
- Property Management

In addition to compliance with the standards, the focused inspection also examined the department's use of force, including compliance with the specific requirements of the *Use of Force Regulation*. **All aspects of the focused inspection dealing with the use of force are presented in Part II of this report.**

Generally, the methodologies used for this portion of the focused inspection included: physical observation and demonstration; interviews; reviewing samples of records and reports; and reviewing written policies and procedures. The audit team completed most of the on-site interviews and portion of the standards and use

of force inspections from April 20 to May 15, 2009. Review of written policies, procedures, records and reports continued in the following months. A small number of telephone and face-to-face interviews also took place following the on-site inspection activity.

The original scope of the focused inspection was to have included a survey of officer morale and a public confidence survey; however, due to financial and time constraints, the audit team was unable to undertake the surveys.

Overall, the audit team was impressed with the findings from this portion of the focused inspection. The Victoria Police Department met approximately 73% of the standards chosen for review (93 out of 127). Of the remaining 34 standards, 17 were met in policy or practice but not both; only 17 standards were not met.

The audit team found no major areas of concern in this section of the focused inspection. While 33 recommendations are made, all are for minor or moderate concerns (see Table 1 below for a summary of standards topics by compliance and significance level of findings).

The detailed inspection reports contained in the Appendices of this report explain the findings and recommendations for each topic area in greater detail. **The detailed inspection reports should be consulted when addressing each recommendation to ensure a full understanding of the observations addressed.**

TABLE 1: STANDARDS TOPICS BY COMPLIANCE AND SIGNIFICANCE LEVEL OF FINDINGS

| Standards Topics | No. of Standards | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | Significance of Findings and Recommendations |
|--|------------------|-----------|----------------------------|----------------------------|-----------|--|
| A1 Police Role and Responsibilities | 4 | 3 | | 1 | | Minor |
| A3 Liaison with Other Agencies | 2 | 2 | | | | Minor |
| B2 Direction | 6 | 6 | | | | Moderate |
| B3 Administrative Reporting | 2 | 1 | | | 1 | Moderate |
| B4 Planning and Research | 4 | 3 | | 1 | | Moderate |
| B5 Crime Analysis | 2 | | | 2 | | Moderate |
| B6 Personnel Allocation | 3 | 3 | | | | Minor |
| B7 Financial Management | 2 | 2 | | | | Minor |
| B8 Internal Audit | 3 | 1 | 1 | 1 | | Moderate |
| D1 General Operations | 9 | 8 | 1 | | | Moderate |
| D2 Patrol | 7 | 6 | | | 1 | Moderate |
| D3 Specialized Criminal Investigations | 5 | 4 | | 1 | | Moderate |
| D8 Evidence | 6 | 4 | | 1 | 1 | Minor |
| D10 Community Relations | 10 | 7 | | 1 | 2 | Minor |
| D11 Young Persons and Children | 4 | 1 | | | 3 | Moderate |
| D14 Prisoner Transportation | 10 | 4 | | 3 | 3 | Minor |
| E1 Detention Facility | 35 | 29 | 1 | 2 | 3 | Moderate |
| E4 Property Management | 13 | 9 | 1 | | 3 | Moderate |
| Total | 127 | 93 | 4 | 13 | 17 | |

B. KEY FINDINGS AND RECOMMENDATIONS

Overall, the audit team was satisfied with the results of the focused inspection. The department was found to be in compliance with the majority of the standards. A total of 34 standards were not fully met, including 4 that were met in policy but not practice and 13 that were met in practice but not policy. The audit team has identified 33 recommendations to address areas of non-compliance as well as areas requiring improvement. In addition, the audit team has identified 31 “opportunities for improvement”. These are put forward for the department’s consideration or information but will not be followed up by Police Services Division.

All of the findings and recommendations resulting from the focused inspection are summarized in Table 2. As noted, the supporting observations and additional details can be found in the corresponding Detailed Inspection Reports in the Appendices.

Significant findings and recommendations are highlighted below, under the following headings: Department Practices; Policy and Procedures; and Future Planning and Decision-Making.

1. DEPARTMENT PRACTICES

a) *INTERNAL AUDIT*

Likely due to limited resources in the research and audit section, the audit team observed a number of concerns with respect to internal audit. Overall, a regular (e.g., annual) schedule of audit activities is not being established or carried out. In addition, certain activities that require annual audit either by the provincial standards and/or the department’s own policies are not being audited. These include seized and found property, which requires annual audit by someone not immediately responsible for the function (standard E4.1.3), and the department’s confidential source fund (standard D1.2.2 and department policy OD50).

The audit team recommends that the department create and follow a formal schedule for internal audits that is based on a risk analysis of the department’s entire operations. The schedule should comprise (but not be limited to) areas specifically required by the standards. These include:

- (i) an annual audit of seized and found property (E4.1.3);
- (ii) an annual audit of the confidential source fund (D1.2.2); and

- (iii) audits of financial activities and transactions (B7.1.4, B7.1.5, E3.1.10, and E3.2.14).

Audits should be conducted by persons not immediately responsible for the function.

b) *EVIDENCE AND PROPERTY MANAGEMENT*

Overall, the audit team was impressed with the efficiency and organization of the department's evidence and seized and found property management functions. However, the audit team noted some practices of concern. Several interview respondents indicated that property is often left unattended in patrol vehicles and the report writing area. The audit team learned of at least one example where crucial evidence was lost.

The audit team recommends that the department ensure that patrol supervisors emphasize the importance of continuity and hold members accountable for items left unattended in patrol vehicles and report writing areas.

While reviewing a sample of narcotics exhibits due for destruction, the audit team observed three cases where exhibit control officers had marked exhibits as destroyed despite uncertainty as to the exhibit's whereabouts. This was done in order to prevent the item from continuing to appear on the purge list.

The audit team recommends that the department ensure that this practice is reviewed. The review should identify alternative or additional steps that may be taken to promote accountability for narcotics exhibits while still meeting the needs of Exhibit Control and Purchasing with respect to purging.

At the time of this report, the Chief Constable had already taken steps to address some of the audit team's concerns. These included ordering an investigation into specific discrepancies (e.g., missing items), and a comprehensive audit of Exhibit Control and Purchasing.

2. POLICY AND PROCEDURES

The audit team noted some areas where there are significant or high risk policy gaps that need to be addressed, as well as policies that require minor amendment in order to fully meet the requirements of the standards. Significant and high risk areas are discussed in this section.

a) *POLICY AND PROCEDURE SYSTEM*

Due to limited resources in the research and audit section, the audit team observed that the identification of policies and procedures in need of review or updating is not proactively managed. A formal process does not exist to facilitate proactive review of all policies or to ensure that policies are regularly amended in response to legislative or case law developments. Policies are generally reviewed and amended in response to requests from members who identify a need for procedural change.

The audit team recommends that the department create a policy review schedule to ensure that all policies are evaluated on a regular basis. The schedule should require that areas of greater risk, legislative reform and case law development are reviewed at least annually. These areas should include but not be limited to:

- (i) Arrest, detention and criminal investigation; and
- (ii) Search and seizure.

b) *DETENTION FACILITY*

The addition of jail sergeants, the transition of jail guards from contractors to employees, and a recent self-audit of the detention facility have combined to result in positive changes since Police Services Division's last evaluation of the department's detention facility. However, the audit team did note a number of revisions to policy that are required in order to fully meet the standards. Most of these are minor in nature but two involve areas of significant risk and warrant particular attention.

First, written policy requires that each prisoner be visually checked at least every 20 minutes by department staff (standard E1.7.2). The department's jail policy generally requires physical status checks every half hour (and every 15 minutes for SIPP or other high risk prisoners). Previously, written policy had required that prisoners be visually checked "frequently". This standard was amended in 2002 when Police Services Division published its provincial review, *Municipal Police Evaluation: Detention Facilities*.²

In the 2002 report referred to above, the department's policy was evaluated against the previous standard (i.e., requiring frequent visual checks) and was found to be

² Police Services Division, Ministry of Public Safety and Solicitor General. 2002. *Municipal Police Evaluation: Detention Facilities*.

insufficient. A policy revision was recommended. This recommendation was not addressed and the department's policy and practice still generally require physical checks every half hour. The audit team again concludes that the standard is not being met.

The audit team recommends that the department revise the Policy Respecting the Security of the Jail Facility to require physical checks at least once every 20 minutes. Policy should continue to require more frequent checks for SIPP or other high risk prisoners.

The second policy area the audit team wishes to highlight deals with the medical care of persons in custody. It came to the attention of the audit team that the overall policy direction on this subject is impractical – that is, if there is any doubt as to the need for medical assistance, then medical assistance should be sought. In practice, jail sergeants and jail staff are called upon to make judgement calls. The potential disparity between policy and practice could create confusion and uncertainty for staff. The audit team recommends that the department review the Policy Governing the Medical Care of Persons in Custody to ensure it reflects operational needs.

c) *ADMINISTRATIVE REPORTING, PLANNING AND RESEARCH AND CRIME ANALYSIS*

The audit team observed potential for improvement in the related areas of administrative reporting, planning and research, and crime analysis. Overall, these activities appear to be requested in an ad hoc fashion. There does not appear to be a clear division of roles and responsibilities between the research and crime analysis functions. In addition, the audit team found that there was no schedule or prioritization of competing research and crime analysis projects and requests.

The audit team recommends that the department clarify, in policy and practice, the administrative reporting, planning and research, and crime analysis functions, including:

- (i) The specific activities, analyses and reports to be completed (including those outlined in standards B03.01.01, B03.01.02 and B04.01.02);
- (ii) The position or component responsible for specific activities, analyses and reports and the roles and responsibilities of others who may be involved in their completion;
- (iii) Timelines for conducting specific activities, analyses and reports; and
- (iv) The distribution and intended use of reports.

d) *YOUNG PERSONS AND CHILDREN*

The department's policy dealing with young persons and children has not been updated since the introduction of the *Youth Criminal Justice Act*. Some of the procedures outlined in the policy are therefore out of date.

The audit team recommends that the department review and update all policies that address young persons and children and/or reference the *Young Offenders Act*.

e) *PRISONER TRANSPORTATION*

The department does not have policy dedicated to prisoner transportation. Many aspects of this issue are addressed in policies regarding arrest, search and seizure, the medical care of persons in custody or the jail policy and procedure manual. However, some of the policy elements required by the standards are absent. Further, policy direction is difficult to locate.

The audit team recommends that the department develop a policy on prisoner transportation that:

- (i) Includes procedures for the security and control of persons transported to medical care facilities for treatment or examination;
- (ii) Includes procedures for transporting prisoners of the opposite sex;
- (iii) Includes procedures for transporting mentally disturbed, handicapped, sick or injured prisoners;
- (iv) Addresses restraint during transport; and
- (v) Addresses the use of restraining devices on mentally disturbed, handicapped, sick or injured persons.

f) *PROPERTY MANAGEMENT*

Standards pertaining to property management include both seized and found property and department owned property. As noted under Department Practices, overall the audit team was very satisfied with the department's management of seized and found property. However, there are some policies in this area that require review and updating. The audit team noted a number of inconsistencies between policies or between policy and practice (see the Detailed Inspection Reports in Appendices R and S for additional information).

The audit team recommends that the department review all policies relating to seized and found property to ensure consistency with current practice. The department may wish to consider reorganizing the policies to ensure that each party's responsibilities with respect to property management are clear and easily identifiable or add cross-references to facilitate consequential amendments in the future.

The audit team also noted a need for improved policy and practice relating to department owned property. In particular, policy and practice with respect to inventories of equipment and weapons was found to be disjointed. While inventories are being maintained for most types of equipment and weapons, there are gaps and inconsistencies in the type of information included, how often the information is updated, and responsibility for maintaining the inventories. In most cases, the inventories do not indicate the reason for issuing the equipment. There is no centralized oversight of the various lists maintained by specialized units or positions, for example to ensure compliance with policy (where it exists). The distribution of ammunition and CEW cartridges are not being tracked.

The audit team was advised that the department recently acquired new software that will enable improved inventory practices. The audit team recommends that the department revise and develop policies on department owned property to ensure that:

- (i) All policies dealing with acquisition and requisition of property and equipment are consistent;
- (ii) Distribution of equipment to members is addressed, including procedures and responsibilities for both the assignment and return of equipment;
- (iii) Policy clearly identifies the types of property and equipment that must be inventoried, how often the information must be updated, what information is to be included and the positions responsible for each type of property and equipment. Inventoried equipment should include firearms, ammunition, CEWs and CEW cartridges;
- (iv) Policy clearly identifies who is responsible for performing an analysis of police issue equipment, what is to be included in the analysis and how often it is to be performed.

3. FUTURE PLANNING AND DECISION-MAKING

The audit team was made aware of concerns with respect to the amount of space available for storing property and evidence and the physical environment for persons working in these areas. The audit team recommends that the Chief Constable ensure that the need for increased property storage space is given due consideration when addressing space concerns for the entire department.

The audit team was also made aware of members' concerns with the process for returning property to owners (which was perceived as onerous) and the hours of operation for Exhibit Control and Purchasing (which were perceived as too limited). This may weaken public satisfaction with the services provided by the department and might also lead to property being held by the department for longer periods of time, contributing to space challenges.

The audit team recommends that the hours of operation of Exhibit Control and Purchasing and the procedures for returning property to the public be reviewed. Consideration should be given to staggering shifts to provide longer hours of service.

C. SUMMARY OF ALL FINDINGS AND RECOMMENDATIONS

The table below summarizes the findings and recommendations for the standards included in the compliance inspection except for those directed at use of force, which are included in Part II of this report. One of four conclusions was reached for each standard:

- Standard met. This finding was applied in cases where the standard was fully met in both policy and practice. It was also used where the standard was fully met in policy and a practical component was either not required or not examined by the audit team and vice versa. This finding was applied to 93 of the 127 standards examined.
- Standard met in policy not practice. This finding was applied in cases where the standard was fully met in policy but there was evidence that the policy was not consistent with current practice or was not being followed in practice, either in whole or in part. This finding was applied to 4 of the 127 standards examined.
- Standard met in practice, not policy. This finding was used in cases where the standard was fully realized in practice but written policy was missing

required elements, did not exist, or was significantly outdated. This finding was applied to 13 of the 127 standards examined.

- Standard not met. This finding was applied when the standard was not being fully met in either policy or practice. It was also used where the standard was not fully met in policy, and practice was either not required or not examined by the audit team and vice versa. This finding was used for 17 of the 127 standards included in the audit.

In addition to the finding for each standard, Table 2 identifies the corresponding recommendations or “opportunities for improvement,” if any. Opportunities for improvement are provided for the department’s consideration and awareness.

As previously noted, the detailed inspection reports included in the Appendices to this report explain the findings and recommendations for each topic area in greater detail. These reports should be consulted when addressing the recommendations to ensure a full understanding of the observations supporting the finding and recommendations.

TABLE 2: SUMMARY OF FINDINGS AND RECOMMENDATIONS - STANDARDS INSPECTION

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-------------------------------------|---|---------|----------------------------|----------------------------|---------|--|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| A1 Police Role and Responsibilities | | | | | | | |
| A01.01.01 | Mission statement | ✓ | | | | 1. Update policy AA30 to ensure consistency with the mission statement, goals and objectives outlined in the department's 2008-2010 Strategic Plan. | 1. Amend policy to include procedures for formulation and annual review of department's mission statement. |
| A01.01.02 | Goals and objectives | ✓ | | | | Recommendation 1 (A01.01.01) also applies. | |
| A01.01.05 | Annual report to chief constable | | | ✓ | | 2. Develop policy that requires an annual written report by each organizational component stating the progress made toward the attainment of goals and objectives. | |
| A01.01.06 | Conflict of interest guidelines | ✓ | | | | | |
| A3 Liaison with Other Agencies | | | | | | | |
| A03.01.01 | Liaison with other agencies | ✓ | | | | | |
| A03.01.02 | Liaison with other police departments | ✓ | | | | | |
| B2 Direction | | | | | | | |
| B02.01.06 | Supervisory direction to be available at all times | ✓ | | | | | |
| B02.02.01 | Police board's role in formulation and approval of standards, guidelines and policies | ✓ | | | | | |
| B02.02.02 | Rules approved by police board to be filed with Police Services Division | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|------------------------------------|---|---------|----------------------------|----------------------------|---------|--|---|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| B02.02.03 | Written policy system and procedures | ✓ | | | | 3. Create a policy review schedule to ensure that all policies are reviewed on a regular basis. The schedule should require that areas of greater risk, legislative reform and case law development are reviewed at least annually. These areas should include but not be limited to: a) arrest, detention and criminal investigation; and b) search and seizure. | 2. Have patrol supervisors discuss important policy changes at parade. 3. Consider adding resources in the Research and Audit section. |
| B02.02.04 | Review of proposed policy | ✓ | | | | | |
| B02.02.05 | Distribution of policy manual | ✓ | | | | | 4. Make hard copies of the policy manual available in the patrol room. |
| B3 Administrative Reporting | | | | | | | |
| B03.01.01 | Management information system | ✓ | | | | 4. Clarify, in policy and practice, the department's administrative reporting; planning and research; and crime analysis functions, including: a) the specific activities, analyses and reports to be completed (including those outlined in standards B03.01.01, B03.01.02 and B04.01.02); b) the position or component responsible for specific activities, analyses and reports and the roles and responsibilities of others who may be involved in their completion; c) timelines for conducting specific activities, analyses and reports; and d) the distribution and intended use of reports. | |
| B03.01.02 | Administrative and operational reporting | | | | ✓ | <i>Recommendation 4 (B03.01.01) also applies.</i> | |
| B4 Planning and Research | | | | | | | |
| B04.01.01 | Planning and research function | | | ✓ | | <i>Recommendation 4 (B03.01.01) also applies.</i> | |
| B04.01.02 | Annual analysis of operational activities | ✓ | | | | <i>Recommendation 4 (B03.01.01) also applies.</i> | <i>Opportunity for Improvement 4 (B02.02.03) also applies.</i> |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|--------------------------------|--|---------|----------------------------|----------------------------|---------|---|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| B04.01.03 | Internal distribution of analytical reports | ✓ | | | | <i>Recommendation 4 (B03.01.01) also applies.</i> | |
| B04.01.04 | Multi-year plan | ✓ | | | | | |
| B5 Crime Analysis | | | | | | | |
| B05.01.01 | Crime analysis function | | | ✓ | | <i>Recommendation 4 (B03.01.01) also applies.</i> | |
| B05.01.04 | Use of crime analysis information for planning and development | | | ✓ | | <i>Recommendation 4 (B03.01.01) also applies.</i> | |
| B6 Personnel Allocation | | | | | | | |
| B06.01.01 | Personnel list | ✓ | | | | | |
| B06.01.02 | Personnel allocation in accordance with workload assessments | ✓ | | | | | 5. Amend Policy AE30 to specify procedures for allocating personnel in accordance with workload assessments, on an annual basis. |
| B06.01.03 | Annual reassessment of personnel allocation | ✓ | | | | | <i>Opportunity for Improvement 6 (B06.01.02) also applies.</i> |
| B7 Financial Management | | | | | | | |
| B07.01.04 | Procedures for handling cash | ✓ | | | | | |
| B07.01.05 | Audit of department's financial activities | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------------------|---|---------|----------------------------|----------------------------|---------|--|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| B8 Internal Audit | | | | | | | |
| B08.01.01 | Internal audit function | | ✓ | | | 5. Create and follow a formal schedule for internal audits that is based on a risk analysis of the department's entire operations. The schedule should include (but not be limited to) areas specifically required by the standards: a) an annual audit of seized and found property; a b) an annual audit of the confidential source fund; and c) audits of financial activities and transactions Audits should be conducted by persons not immediately responsible for the function. | Opportunity for Improvement 3 (B2.02.03) also applies. |
| B08.01.02 | Internal audit authority | ✓ | | | | | |
| B08.01.03 | Facilitation of audits by [PSD] | | | ✓ | | 6. Draft policy that addresses the facilitation of Police Act audits. | |
| D1 General Operations | | | | | | | |
| D01.01.01 | Compliance with legal requirements during arrest, detention and investigation | ✓ | | | | Recommendation 3 (B02.02.03) also applies. | |
| D01.01.02 | Review of cases where charges refused by crown | ✓ | | | | | |
| D01.01.03 | Review of cases where officer recommends stay of proceedings or no charges despite likelihood of conviction | ✓ | | | | | |
| D01.01.04 | Criteria for determining case status, including suspended or closed | ✓ | | | | | |
| D01.01.05 | Accountability for preliminary and follow-up investigations | ✓ | | | | | |
| D01.01.06 | Journals | ✓ | | | | | |
| D01.02.01 | Confidential source procedures | ✓ | | | | 7. Amend policy OD50 to reflect that youth sources are not to be used or include precautions to be taken with youth sources. | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|------------------|--|---------|----------------------------|----------------------------|---------|--|---|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| D01.02.02 | Controls surrounding payment of confidential sources | | ✓ | | | <i>Recommendation 5 (B08.01.01) also applies.</i> | |
| D01.02.06 | Call prioritization and response | ✓ | | | | | |
| D2 Patrol | | | | | | | |
| D02.01.01 | Patrol activities | | | | ✓ | 8. Revise policy OC10 to better describe the expected activities of the patrol function. | |
| D02.01.02 | Communication, coordination and cooperation between patrol and other components or functions | ✓ | | | | | 6. Consider encouraging senior officers to attend patrol shift briefings. |
| D02.01.03 | 24/7 response to emergencies | ✓ | | | | | |
| D02.01.04 | Continuous patrol coverage including shift change | ✓ | | | | | |
| D02.01.06 | Circumstances requiring patrol supervisor attendance | ✓ | | | | | |
| D02.02.01 | Preliminary investigation by patrol members | ✓ | | | | | 7. Consider taking measures to ensure that policy respecting the early involvement of specialists is observed. |
| D02.02.02 | Follow-up investigation by patrol members | ✓ | | | | | 8. Consider measures to ensure that the number and types of files referred back to patrol by Investigative Services are monitored to determine if changes to resource levels of either patrol or Investigative Services are required. |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|--|---------|----------------------------|----------------------------|---------|--|---|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| D3 Specialized Criminal Investigations | | | | | | | |
| D03.01.01 | Specialized criminal investigation function | ✓ | | | | | 9. Consider amending policy to include selection criteria and/or the training required for members assigned to a specialized criminal investigations function. |
| D03.01.03 | Major case management system | ✓ | | | | | |
| D03.01.04 | Missing persons investigations | ✓ | | | | 9. Review policy OB180 and communications policy M50 for consistency with the provincial missing persons policy developed by the British Columbia Police Missing Persons Centre and endorsed by the BCACP in 2008. | |
| D03.02.07 | Victim and witness protection | ✓ | | | | | |
| D03.02.08 | Crimes against vulnerable groups | | | ✓ | | | |
| D8 Evidence | | | | | | | |
| D08.01.01 | Compliance with legal requirements during search and seizure | ✓ | | | | Recommendation 3 (B02.02.03) also applies. | 10. Consider inviting feedback from Regional Crown Counsel during the policy review process. |
| D08.02.05 | Weighing, marking and labelling of evidence | ✓ | | | | | 11. Consider revising policy OF20 to outline responsibility and procedures for weighing, marking or labelling physical evidence, in particular expectations regarding bulk items. |
| D08.02.06 | Documentation of evidence | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|--------------------------------|--|---------|----------------------------|----------------------------|---------|--|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| D08.02.07 | Transfer of possession | ✓ | | | | | 12. Consider revising policy OF20 to emphasize that a record must be made each time transfer of possession of physical evidence takes place. |
| D08.02.08 | Documentation of transfer of physical evidence to laboratory | | | | ✓ | 10. Revise policy OF10 to require that the following information be recorded for items submitted to an external laboratory for examination: a) Name of the officer/employee last having custody of the item; b) Date and time of submission or mailing and method used for transmission; c) Date and time of receipt in the laboratory; d) Name and signature of the person in the laboratory receiving the evidence. The policy should also identify who is responsible for recording the information. | |
| D08.02.09 | Submission of evidence to laboratory | | | ✓ | | 11. Revise policy OE30 to refer to all laboratory services routinely used by the department and to provide direction concerning the timing and conditions for submitting evidence to each of these locations. | |
| D10 Community Relations | | | | | | | |
| D10.02.01 | Community relations function | ✓ | | | | 12. Update policy OM20 and OM70 to reflect current community relations and community partnership programs. | |
| D10.02.02 | Public survey at least once every five years | ✓ | | | | 13. Ensure that the survey includes a sample of residents across all areas, not just high crime areas; and that the report includes a breakdown of results by community/neighbourhood in the survey report. | |
| D10.03.01 | School liaison function | ✓ | | | | | 13. Amend policy OM30 to include procedures to better describe the department's school liaison function. |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|---------------------------------------|--|---------|----------------------------|----------------------------|---------|---|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| D10.04.01 | Crime prevention function | ✓ | | | | | 14. Increase coordination between the community relations officers in West Div and FET with Crime Prevention Services. |
| D10.04.02 | Crime prevention priorities determined by analysis of crime data | | | ✓ | | 14. Draft policy governing crime prevention priorities, including procedures for determining priorities. | |
| D10.05.01 | Victim assistance program | ✓ | | | | | |
| D10.05.02 | Selection criteria for non-sworn personnel and volunteers in victim assistance program | | | | ✓ | 15. Amend policy OD200 to identify GVPVS as the victim services provider for the department and to indicate that the GVPVS is responsible for hiring and training staff and volunteers. | |
| D10.05.03 | Cooperation and coordination between victim assistance program and other components or functions | ✓ | | | | | 15. Provide officers a reminder about the individuals and circumstances where GVPVS may be utilized. 16. Ensure all front line members have access to a Victim Services Information card to provide to victims. |
| D10.05.04 | Information to be provided to victims | | | | ✓ | 16. Amend policy to include procedures for providing victims with information about the <i>Crime Victim Assistance Act</i> and <i>FOIPPA</i> . | |
| D10.06.01 | Community involvement in identifying and resolving crime problems | ✓ | | | | <i>Recommendation 12 (D10.02.01) also applies.</i> | |
| D11 Young Persons and Children | | | | | | | |
| D11.02.01 | Arrest and detention of young persons | | | | ✓ | 17. Update policy to reflect the YCJA. | |
| D11.02.02 | Procedures governing custody of young persons | | | | ✓ | <i>Recommendation 17 (D11.02.01) also applies.</i> | |
| D11.02.03 | Procedures for interviewing young persons | | | | ✓ | <i>Recommendation 17 (D11.02.01) also applies.</i> | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|------------------------------------|--|---------|----------------------------|----------------------------|---------|--|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| D11.02.04 | Procedures for fingerprinting, photographing and other identification of young persons | ✓ | | | | | |
| D14 Prisoner Transportation | | | | | | | |
| D14.01.01 | Information to be included in documentation accompanying prisoners during transport | ✓ | | | | | |
| D14.02.01 | Modification of vehicles used for prisoner transportation | | | ✓ | | | |
| D14.02.02 | Prisoners searched prior to transport | ✓ | | | | | 17. Consider including search procedures in new policy dedicated to prisoner transportation. |
| D14.02.03 | Vehicles searched before and after transporting prisoners | ✓ | | | | | |
| D14.02.04 | Security and control of prisoners transported to medical facilities | | | | ✓ | 18. Develop policy on prisoner transportation that: a) Includes procedures for the security and control of persons transported to medical care facilities for treatment or examination; | |
| D14.02.05 | Sheriff notified of security hazards involving prisoners transported to court | ✓ | | | | | |
| D14.02.06 | Transport of prisoners by officer of opposite sex | | | ✓ | | b) Includes procedures for transporting prisoners of the opposite sex; | |
| D14.02.07 | Transport of mentally disturbed, sick or injured prisoners | | | | ✓ | c) Includes procedures for transporting mentally disturbed, handicapped, sick or injured prisoners; | |
| D14.02.08 | Prisoner restraint during transport | | | ✓ | | d) Addresses restraint during transport; and | |
| D14.02.09 | Use of restraining devices on mentally disturbed, handicapped, sick or injured prisoners | | | | ✓ | e) Addresses the use of restraining devices on mentally disturbed, handicapped, sick or injured persons. | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------------------|--|---------|----------------------------|----------------------------|---------|--|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E1 Detention Facility | | | | | | | |
| E01.01.01 | Responsibility for operation and maintenance of detention facility | ✓ | | | | | |
| E01.01.02 | Access to detention facility | ✓ | | | | | |
| E01.02.01 | Minimum conditions for prisoners | ✓ | | | | | 18. Consider installation of slip-resistant flooring in cells and hallways. 19. Consider requesting an indoor air quality investigation of the detention facility. |
| E01.03.01 | Fire prevention practices and procedures | ✓ | | | | | 20. Consider amending the Jail Policy Manual to include the procedures and prevention practices outlined in the Fire Safety Plan. |
| E01.03.02 | Approval of fire protection equipment and location by fire officials | ✓ | | | | | |
| E01.03.03 | Documented inspection of fire protection equipment | | ✓ | | | 19. Ensure that fire extinguishers in the detention facility are tested. | 21. Consider amending the Policy Respecting Security of the Jail Facility to specify minimum frequency of testing by Building Service Services Section and to require that fire prevention equipment is tested annually or sooner if required by the manufacturer. |
| E01.03.04 | Emergency evacuation plan and signage | ✓ | | | | | 22. Consider requiring that emergency evacuation of the facility is practiced by jail staff. |
| E01.03.05 | Sanitation inspection of detention facility | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------|--|---------|----------------------------|----------------------------|---------|---|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E01.04.01 | Securing of firearms in holding facility | ✓ | | | | | |
| E01.04.02 | Documented security check prior to using unoccupied cell | | | ✓ | | 20. Amend the Policy Respecting Security of the Jail Facility to require that cell searches be documented. | |
| E01.04.03 | Weekly security inspection of holding facility | | | ✓ | | 21. Revise the Mission and Administration policy to specify that the weekly inspection of the detention facility is to include security considerations, including a search for weapons. | |
| E01.04.04 | Security alarm system linked to designated control point | ✓ | | | | | |
| E01.04.05 | Video surveillance and recording for all prisoner booking areas | ✓ | | | | | |
| E01.04.06 | Escape procedures | ✓ | | | | | |
| E01.04.07 | Prisoners searched before entering cell and inventory made of all items taken | ✓ | | | | | |
| E01.04.08 | Booking form completed for all prisoners and information to be included | ✓ | | | | | 23. Consider revising the Prisoner Intake Record Form to encourage consistent and full completion or take other steps to ensure that forms are fully completed. |
| E01.04.09 | Young persons detained separate from adults | ✓ | | | | | 24. Consider short-team means of mitigating contact in hallways and the booking area, such as amendments to policy. 25. Consider this issue in any future physical modifications of the facility. |
| E01.04.10 | Females detained separate from males | ✓ | | | | | <i>Opportunities 24 & 25 (E.01.04.09) also apply</i> |
| E01.04.11 | Detention of person under influence of alcohol or drugs or who are violent or self-destructive | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------|--|---------|----------------------------|----------------------------|---------|---|---|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E01.04.12 | Group arrests exceeding capacity of detention facility | ✓ | | | | | 26. Consider amending s. 3.10 of the Security of Prisoners in Cells Policy to clarify expectations regarding supplemental jail staff. |
| E01.04.13 | Return of property upon release | ✓ | | | | | |
| E01.04.14 | Significant or unusual occurrences recorded in a journal | ✓ | | | | | |
| E01.05.01 | Procedures for prisoners in need of medical assistance | ✓ | | | | 22. Review the Policy Governing the Medical Care of Persons in Custody to ensure it reflects operational needs. | |
| E01.05.02 | First aid kit available, inspected weekly and replenished as necessary | ✓ | | | | | |
| E01.05.03 | Dispensing of pharmaceuticals by employees | ✓ | | | | | 27. Consider amending the Policy Governing the Medical Care of Persons in Custody policy to include an informed consent portion. |
| E01.05.04 | Procedures for prisoners with infectious diseases | ✓ | | | | | 28. Consider amending the Policy Governing the Medical Care of Persons in Custody to make it more consistent with OG40 or include a cross reference to OG40 within the jail policy. |
| E01.05.05 | Procedures for prisoners of questionable consciousness | ✓ | | | | <i>Recommendation 22 (E01.05.01) also applies.</i> | |
| E01.06.01 | Lawful release of prisoners must not be impeded | ✓ | | | | 23. Amend the Prisoner Release Policy to include a cross reference to OD80. | |
| E01.06.02 | Ensuring prisoners have confidential access to counsel | ✓ | | | | | |
| E01.06.03 | Procedures for prisoner access to telephone and legal aid | ✓ | | | | | |
| E01.06.04 | Prisoners provided three meals in each 24 hour period | ✓ | | | | | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-------------------------------|---|---------|----------------------------|----------------------------|---------|--|---|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E01.07.01 | Constant monitoring of prisoners | ✓ | | | | 24. Amend the Policy Respecting Security of the Jail Facility to clarify that video monitor checks and physical checks are not to be conducted at the same time. | |
| E01.07.02 | Physical checks of prisoners | | | | ✓ | 25. Revise the Policy Respecting the Security of the Jail Facility to require physical checks at least once every 20 minutes. | |
| E01.07.03 | Procedures for supervision of prisoners by staff member of opposite sex | | | | ✓ | 26. Amend the Policy Respecting the Security of Prisoners in Cells to include procedures that must be followed when a prisoner is supervised by a staff member of the opposite sex. | |
| E01.07.04 | Prisoner visitations including registering and searching visitors | | | | ✓ | 27. Amend the Policy Respecting Access to the Jail to require that visitors be registered. | |
| E4 Property Management | | | | | | | |
| E04.01.01 | Property management function | ✓ | | | | 28. Review all policies relating to seized and found property to ensure consistency with current practice. | 29. Consider re-organizing the policies to ensure that each party's responsibilities with respect to property management are clear and easily identifiable, or add cross references to facilitate consequential amendments. |
| E04.01.02 | Designated secure area for property storage | ✓ | | | | 29. Ensure that patrol supervisors emphasize the importance of continuity and hold members accountable for items left unattended in patrol vehicles and report writing areas. 30. Ensure that the need for increased property storage space is considered when addressing space concerns for the entire department. | |
| E04.01.03 | Annual audit of seized and found property | | | | ✓ | <i>Recommendation 5 (B08.01.01) also applies.</i> | |
| E04.01.04 | Access to property storage area | ✓ | | | | <i>Recommendation 28 (E04.01.01) also applies.</i> | 30. Consider adding a similar description of access restrictions to OF20 Property Seized and Found as appears in s. 3.8 of AF60 Building Security. |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------|---|---------|----------------------------|----------------------------|---------|---|--|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E04.01.05 | Separate, secure storage available within storage area for items requiring added protection | ✓ | | | | <i>Recommendation 28 (E04.01.01) also applies.</i> | |
| E04.01.06 | Inventory detailing acceptance, release and destruction of seized drugs | ✓ | | | | 31. Ensure that the practice of marking an exhibit as destroyed despite questions as to its location or circumstances is reviewed. The review should identify alternative or additional steps that may be taken to promote accountability for narcotics exhibits while still meeting the needs of Exhibit Control and Purchasing with respect to purging. | |
| E04.01.07 | Secure refrigerated storage available for perishable items | ✓ | | | | | |
| E04.01.08 | Facilities for storing property when property room is closed | ✓ | | | | | 31. Monitor the frequency of occasions where demand for temporary storage exceeds capacity and devise appropriate solution(s) as required. |
| E04.01.09 | Timely disposition of found, recovered and evidentiary property | ✓ | | | | 32. Ensure that the process for returning property to owners and the hours of operation for Exhibit Control and Purchasing are examined. Considerations should include the feasibility of staggering shifts to provide longer hours of service. <i>Recommendations 28 (E04.01.01) and 30 (E04.01.02) also apply.</i> | |
| E04.01.10 | Disposal of property | ✓ | | | | | |
| E04.02.01 | Requisition and distribution of department property | | | | ✓ | 33. Revise and develop policies on department owned property to ensure that: a) all policies dealing with acquisition and requisition of property and equipment are consistent; b) distribution of equipment to members is addressed, including procedures and responsibilities for both the assignment and return of equipment; | |
| E04.02.02 | Inventory of department owned property | | | | ✓ | c) policy clearly identifies the types of property and equipment that must be inventoried, how often the information must be updated, what information is to be included and the positions responsible for each type of property and equipment; | |

| Standard | | Finding | | | | Recommendations | Opportunities for Improvement |
|-----------|---|---------|----------------------------|----------------------------|---------|---|-------------------------------|
| | | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | | |
| E04.02.03 | Annual analysis of police issue equipment | | ✓ | | | d) policy clearly identifies who is responsible for performing an analysis of police issue equipment, what is to be included in the analysis and how often it is to be performed. | |
| TOTAL | | 93 | 4 | 13 | 17 | | |

Part II. USE OF FORCE REVIEW

A. INTRODUCTION

This section of the report concerns the findings for the review of use of force and related issues, including:

- A focused inspection of use of force related sections of the *Provincial Standards for Independent Municipal Police Departments in British Columbia*;
- Departmental compliance with the *Police Act Use of Force Regulation*;
- Analysis of the Victoria Police Department reported use of force data for 2007 and 2008; and
- Analysis of Victoria Police Department complaints data.

Specifically, the use of force review included an assessment of the department's compliance with 28 standards and relevant sections of the *Use of Force Regulation*. These were considered within the following eight themes:

1. Authorization for the carrying and using of weapons (2 sections of *Regulation*, 1 standard)
2. Weapons inspection and maintenance requirements (1 section of *Regulation*, 1 standard)
3. Use of force qualification and training (1 section of *Regulation*, 4 standards)
4. Officers' use and control of weapons (2 sections of *Regulation*, 4 standards)
5. Reporting and reviewing use of force incidents (3 standards)
6. Canine unit (3 standards)³
7. Emergency Response Team (ERT) (13 standards)
8. Pursuits (1 standard)

The methodology for the use of force review consisted of physical observation and demonstration, interviews, reviewing samples of records and reports, and reviewing written policies and procedures. The audit team completed most of the on-site portion of the standards and use of force inspections between May 4 and May 15, 2009. Review of written policies, procedures, records and reports continued in the following months. Some telephone and face-to-face interviews also took place following the on-site inspection activity. Analysis of use of force and complaints data was performed in the fall of 2009.

³ Canine unit was examined using 3 standards (D2.1.5, A1.2.9 and A1.2.10); however, A1.2.9 and A1.2.10 were also used to examine the category "reporting and reviewing use of force incidents" so these latter two standards do not add to the total number of standards.

Overall, the use of force review revealed that the Victoria Police Department is a well-functioning department with appropriately trained and generally highly motivated individuals who take considerable pride in their job and the work they do for the community. Officers are generally well trained regarding use of force, and are appropriately prepared for such encounters. Officers are also aware of their responsibilities inherent in this area and the need for reporting and accountability.

No major areas of concern were identified in the use of force review. While 26 recommendations are made, all are for minor or moderate concerns (see Table 3 below). Nonetheless, the review did identify some gaps in policies and some practices which the department must address.

The detailed inspection and data analysis reports contained in the Appendices of this report explain the findings and recommendations for each topic area of the inspection in greater detail. **The detailed inspection reports should be consulted when addressing each recommendation to ensure a full understanding of the observations addressed. The detailed data analysis reports should be consulted for detailed information concerning the review of use of force data and complaints.**

TABLE 3: TOPICS OF USE OF FORCE STANDARDS BY COMPLIANCE AND SIGNIFICANCE LEVEL OF FINDINGS

| Standards Topics | No. of Standards | Met | Met in Policy not Practice | Met in Practice not Policy | Not Met | Significance of Findings and Recommendations |
|---|------------------|-----|----------------------------|----------------------------|---------|--|
| Authorization for the carrying and using of weapons | 1 | 1 | | | | moderate |
| Weapons inspection and maintenance requirements | 1 | | | | 1 | moderate |
| Use of force qualification and training | 4 | 2 | | 1 | 1 | moderate |
| Officers' use and control of weapons | 4 | 3 | | | 1 | minor |
| Reporting and reviewing use of force incidents | 3 | 1 | | | 2 | moderate |
| Canine Unit | 3 ⁴ | 2 | | 1 | | moderate |
| Emergency Response Team | 13 | 3 | | 10 | | moderate |
| Pursuits | 1 | 1 | | | | Minor |
| Total | 28 | 12 | | 11 | 5 | |

⁴ Canine unit was examined using three standards (D2.1.5, A1.2.9 and A1.2.10); however, A1.2.9 and A1.2.10 were also used to examine the category "reporting and reviewing use of force incidents" so these latter two standards do not add to the total number of standards.

B. KEY FINDINGS AND RECOMMENDATIONS

The department was in compliance with all relevant sections of the *Use of Force Regulation*. However, some aspects of policy and practice related to these could be improved. It is important to note that portions of the *Use of Force Regulation* and related provincial standards are currently being reviewed by Police Services Division following the release in July 2009 of the Braidwood Commission Report, *Restoring Public Confidence: Restricting the Use of Conducted Energy Weapons in British Columbia*. Some of the issues identified in the review of use of force at the Victoria Police Department are also the subject of concern in Justice Braidwood's report (including, process for signing out intermediate weapons, process for weapons inspection/testing, process for tracking intermediate weapon, training concerns, among others). As such, any recommendations made with respect to these topics are for the department's attention, pending regulatory reform and the amendment of provincial policing standards.

The department was examined against 28 standards (some with many subsections) related to use of force. The department was found to be in compliance with most provincial standards. However, there were gaps in policies and some practices which need to be addressed. These are highlighted below.

A total of 16 standards were not being fully met. Of these most (11) were met in practice but not in policy. Twenty-five (25) recommendations were made to address areas of non-compliance as well as areas considered as needing improvement, even though the standard was met. An additional three recommendations were made based on the analysis of use of force data (see Appendix BB: *Use of Force in the Victoria Police Department, 2007-2008*). Finally, the audit team identified a number of "opportunities for improvement". These are put forward for the department's consideration or information but will not be followed up by Police Services Division.

All of the findings and recommendations resulting from the focused inspection are summarized in Table 4 below. As noted, the supporting observations and additional details can be found in the corresponding detailed inspection and data analysis reports found in the appendices.

Significant findings and recommendations are highlighted below, under the following headings:

- Use of force
- Canine unit
- Emergency response team
- Police pursuits
- Use of force data
- Complaints data

1. USE OF FORCE

a) AUTHORIZATION FOR THE CARRYING AND USING OF WEAPONS

This section examined compliance with two sections of the regulation and one provincial standard. The department was found to be in compliance. Nevertheless, three recommendations were made to clarify policy and procedures.

The department's general duty firearms meet regulatory requirements, and the department ensures that officers to whom firearms are issued have received the necessary training and possess the necessary qualifications. The department has clear policy stating that officers may not use or carry weapons other than those authorized by the department. Interviews confirmed that there are no incidents where an officer carried or used a weapon other than that which had been issued by the department.

While a process exists for issuing firearms and other weapons, the process is not clear in policy. Some gaps exist that could potentially result in inadvertent non-compliance with the regulation or standard. Therefore, recommendations were made to clarify the procedures for issuing weapons, including the signing out of weapons from a common 'pool,' and ensuring that relevant qualifications were met.

b) WEAPONS INSPECTION AND MAINTENANCE REQUIREMENTS

The department was in compliance with the regulation which requires that firearms are maintained in good working order. However there were gaps in policy and practice in meeting the provincial standard which requires a process for the inspection of weapons (not only firearms) and policy for the replacement of ammunition.

The department has written policy that requires periodic ‘audits’ of firearms (including Arwen and Gas Gun) and CEWs but not for OC spray or other weapons. Further, audits were concerned with accounting for firearms (and compliance with the Federal *Firearms Act* and associated Regulations) but not necessarily with the assessment of proper functioning.

In policy and in practice, officers are responsible for ensuring the ‘inspection’ and ‘maintenance’ of the weapon(s) issued to them. The process for ensuring maintenance is not specified in policy. In practice, firearms are serviced annually at the firearms qualification. Recommendations were made to include in policy the procedures for inspection of other weapons (not only firearms) and the replacement of ammunition, CEW cartridges and OC spray.

In addition, as discussed in more detail in Part I of this report, it was noted that there was a general need for improved policy and practice relating to department owned property. In particular, policy and practice with respect to inventories of equipment and weapons was found to be disjointed. While inventories are being maintained for most types of equipment and weapons, there are gaps and inconsistencies in the type of information included, how often the information is updated, and responsibility for maintaining the inventories. In most cases, the inventories did not indicate the reason for issuing the equipment. Further, there was no centralized oversight of the various lists maintained by specialized units or positions, for example to ensure compliance with policy (where it exists).

c) *USE OF FORCE QUALIFICATION AND TRAINING*

An overall area of concern regarding use of force training and qualification, when the on-site inspection was done was that there was a lack of a computerized, tracking system which would allow immediate and easy access to records of who had been trained and qualified, with what weapons or techniques, and when re-qualifications are due. This lack of an overall tracking system for all training and qualifications was of significant concern to key interviewees. The department had recognized this as a pressing issue and at the time of the audit was planning to purchase new software to rectify the situation.

Records of training exist but require manual multi-step processes to review from the original paper records. This indicates that the department’s process for ensuring that officers have trained/re-qualified/recertified is weak. At the time of inspection, hand-written attendance sheets are maintained for all training courses. Hard copy records of training courses and qualifications are placed in the individual officers’ files. Accessing historical records would require manual searches through numerous

hard copy files and lists. Generating reminders of approaching lapses in qualifications and training requires a manual reminder/memory system.

In the past, specific software existed for tracking firearms training and qualification. This system is reported to have crashed numerous times requiring the existing records to be recreated; 18 months prior to this audit, the system crashed for the last time and could not be resurrected.

In addition there were gaps with regard to provincial standards. Provincial standards require annual re-qualification in firearms and intermediate weapon use. While departmental policy and practice conforms to this standard for firearms qualifications, there is no policy requiring annual qualifications in intermediate weapons. In practice, training involving intermediate weapons is conducted as part of the general control tactics training in the spring and fall. Re-qualification on use of force techniques is conducted through a scenario based assessment during this training. However, the process and criteria for qualifying are not in policy.

Finally, provincial standards require that officers using the lateral neck restraint should qualify at least annually in this technique. This is not required in practice or in policy by the Victoria Police Department.

The audit team recommends that the department purchase the necessary software for tracking training and qualifications. Recommendations were also made that policy be amended to include the requirements for annual training and recertification for intermediate weapons, and for use of the lateral neck restraint.

d) *OFFICERS' USE AND CONTROL OF WEAPONS*

Aspects of officers' use and control of weapons are regulated through the *Use of Force Regulation* and subject to four provincial standards. The department fully met the requirements of the regulation and the three standards.

Provincial standard A1.02.04 requires that the department have written policy governing the use and control of weapons and ammunition issued by the department. Departmental policy provides clear directives with regard to the use and control of firearms and ammunition issued by the department including how weapons ought to be carried, loaded, unloaded, stored, carried for plainclothes while on duty, and transported to/from residence. However, departmental policy does not address the use and control of weapons, other than firearms, while on duty. The audit team recommends the department address this policy gap.

In general, the department has sound processes for the reporting of use of force. The department has been, in fact, quite progressive and accountable by implementing standardized and computerized reporting of all use of force events (beyond compliant handcuffing) a number of years ago. However, there are some standard requirements that are not covered by departmental policy and processes. These are the requirement for a review of use of force events (after they have been reported) and the reporting of use of force by employees other than police officers (e.g., jail staff). Recommendations were made to address these gaps.

2. CANINE UNIT

The audit team found that the Canine (K9) unit is a high functioning and professional team staffed with motivated individuals. The dogs are trained to a high level and documentation and accountability of the unit's performance was also to a high level. Mandatory annual certifications of the dogs are conducted by K9 officers external to the Victoria Police Department for increased independence and accountability.

There are some aspects of the K9 Unit policy that could be improved. The K9 policy avoids the concept of dogs as a use of force option and there is no reference to dogs biting. In fact, the K9 policy states that dogs are not to be applied to any type of force continuum and they should only be viewed in terms of a tool. On the other hand, the *Victoria Police Department General Use of Force Policy* states that dogs are a specialized use of force option.

It seems clear that if a dog bites a suspect then this is an application of force. In fact, dog bites have a higher potential for injury outcomes than some other force options. Therefore it was recommended that the department's K9 policy be amended to include a consideration of police dogs as a use of force option including clarifications on circumstances when dogs are, or are not, to be used to apprehend a suspect by biting.

3. EMERGENCY RESPONSE TEAM

The Greater Victoria Emergency Response Team (GVERT) is an integrated team servicing the jurisdictions of Victoria, Saanich, Central Saanich and Oak Bay. Overall, the inspection found that GVERT is a well equipped, professional, well trained, motivated and disciplined unit with a sound track record. Nevertheless, there were a number of gaps noted in terms of written policy (including the lack of a single overarching ERT manual encompassing all aspects of ERT, lack of written policy

governing all aspects of the negotiators role and position). It should be noted that missing policy aspects were generally covered by current practice.

In addition, four other issues were highlighted during the audit. These were: a potentially outdated Memorandum of Understanding (MOU) between the area Chiefs; divergent views by different area Chiefs on when ERT should be deployed; the possible advantage of being a full time team; and some Commanders not attending required training days.

a) *POLICIES*

There were gaps noted in terms of written policy regarding certain aspects of the ERT, although in practice these aspects were being implemented. For example, there was no reference in policy to adherence to BC Association of Chiefs of Police (BCACP) ERT Standards on selection and training as required. In practice these standards appear to be met or exceeded. However, there is a requirement that this be formally referred to in policy to ensure that these are maintained. The Victoria Police Department Policy OA20 – Critical Incident Response (June 2001) has not been updated since the provincial review of ERT teams in 2003⁵ which made a number of policy recommendations. Policy OA20 should be updated to incorporate all the recommendations from the provincial review conducted in 2003.

b) *NO SINGLE OVERARCHING ERT MANUAL*

It was noted that although there was a detailed tactical ERT manual for tactical team members, there was no single overarching ERT manual that included all the key aspects of policy and procedures (not specific tactics) as required by provincial standards. This should be rectified. For example, during the audit a key interviewee acknowledged that there was a current gap in written policy (although not in practice) regarding policy and procedures for the negotiators and negotiator team.

c) *UPDATE MOU*

The existing MOU between the area Chiefs regarding ERT services is more than 25 years old. The audit team recommends that the MOU be re-examined and updated to ensure it meets the current needs.

⁵ Police Services Division, Ministry of Public Safety and Solicitor General. 2003. *Provincial Review of Emergency Response Teams*.

d) *DIVERGENT VIEWS ON WHEN TO USE ERT*

GVERT is an integrated team servicing the jurisdictions of Victoria, Saanich, Central Saanich and Oak Bay. There are some differing views regarding ERT services among the different jurisdictions. [Withheld as per s. 13, s.15, and s.17 of FOIPPA]

As part of the existing MOU, the audit team recommends that Chiefs come to an agreement on the philosophy underlying when to deploy ERT.

e) *FULL TIME VS. PART TIME TEAM*

Numerous interviewees discussed advantages of the ERT becoming a full-time unit, rather than the present part-time unit. At the time of the audit, [Withheld as per s. 15(1)(c) (k)(l) of FOIPPA].

Many team members would appreciate the increased training time that would result from becoming a full-time unit. As part of the review of the existing MOU, the audit team recommends that this issue be the subject of consideration and examination.

f) *NOT ALL COMMANDERS ATTEND TRAINING*

An issue that had previously been identified in the provincial ERT review in 2003, as being of concern to ERT members was that not all Commanders attend the mandatory tactical training (two days a year). While some Commanders exceed their training requirements, others do not meet the minimum attendance.

4. POLICE PURSUITS

The department's policy on pursuits meets and exceeds the provincial standard in many respects. In fact the Victoria Police Department was progressive in implementing a pursuit policy which includes a threshold for pursuit initiation which is higher than that of most pursuit policies in the province.

However, the standard includes numerous sub-elements, one of which the department does not meet (officer's responsibilities when accompanied by passengers who are not officers). The audit team recommends this gap be addressed.

The deployments of forcible techniques which are permitted and not permitted in the department are described in policy; however, the policy does not specifically limit the use of permitted techniques to those officers who have been trained in them. A suggestion for improvement is that this requirement be added into the policy.

5. USE OF FORCE DATA ANALYSIS

All Victoria Police Department use of force reports (Subject Behaviour – Officer Response, or SBOR) from 2007 and 2008 were analyzed in order to examine trends and patterns of use of force in the department.

It appears that the Victoria Police Department, among other police departments in the province, had not previously analyzed use of force data. Further, this data was not readily available to Police Services Division at the time of the audit. As a consequence, the audit team did not conduct a comparative analysis to determine whether force is used differently in Victoria than in other BC agencies.

The data presented below provides a comprehensive picture of the use of force in the Victoria Police Department and a baseline against which to compare future results in order to monitor or evaluate any changes. Overall, the data showed one key item of concern: 13 officers (or 5% of the department) generated almost one third of all use of force reports. It may be that these officers are conscientious about reporting any type of physical interaction or that these officers work in particularly challenging environments. It is recommended that the department proactively identify officers that generate many use of force reports and review these incidents to ensure that the high frequency of use of force reports is not highlighting any training or management issue that are required to be addressed.

Key findings of the data analysis are as follows (see Appendix BB for a detailed data analysis):

a) *OVERVIEW*

- There were 327 use of force reports in 2007 and 313 in 2008, which is less than one SBOR report a day, or approximately one report for every 149 dispatched calls for service.

- The most common force option reported was physical control soft (65%) followed by physical control hard (44%).
- Intermediate weapons were used in over one third of all reports (39%).
- The most common type of intermediate weapon used was the CEW (51%), followed by OC spray (40%).

b) *CEWs*

- When a CEW was discharged, contact stun deployment and probe deployment were equally likely (46% probe only; 47% contact stun only; 7% both).
- In 65% of cases the CEW was cycled once or for a total of up to 5 seconds.
- In 25% of cases the CEW was cycled twice or between 6 and 10 seconds.
- In the remainder of cases the CEW was cycled for longer.

c) *INJURIES*

- The subject was reported injured in one quarter (25%) of all use of force reports, although it is not possible to determine what the cause of the injury was (e.g., self-injury, injury prior to officer arrival, injury due to force option).
- The officer was reported injured in 8% of cases.

d) *USE OF FORCE PRE- AND POST- DEATH OF ROBERT DZIEKANSKI*

- It appears there was a strong effect on the use of force in the department following the death of Robert Dziekanski.
- Use of force overall decreased (-10%) in the department, mirroring recent declines in reported crimes and calls for service.
- Intermediate weapon use decreased substantially (-66%).
- CEW use in particular decreased by -85%.
- Physical control soft increased by 29%.
- There was no change in reports of officer injuries.
- There was some increase in reported subject injured; from 55 to 62 reports, or from 22% of use of force reports in 2007 to 27% of use of force reports in 2008. However subject injuries cannot necessarily be attributed to use of force (e.g., injuries may be due to events prior to police arrival or self-injury).

6. COMPLAINTS DATA ANALYSIS

The Victoria Police Department has experienced some high-profile, publicized complaints and lawsuits regarding use of force. Therefore, as part of the 2009 audit of the Victoria Police Department, Police Services Division conducted an analysis of complaints data from the Office of the Police Complaints Commissioner (OPCC). This research did not review any individual complaints, rather, it was conducted to provide an overview of data and identify any trends beyond the issue of individual cases. An interview was also conducted with OPCC staff.

Within the limitations of complaints data, overall Victoria did not show a pattern of complaints out of the ordinary compared to other BC police departments. The data showed that both total complaints and allegations of excessive force in Victoria Police Department have decreased since 2005. At the same time complaints and allegations of excessive force *in total* in other BC police departments have increased.⁶ The proportion of excessive force allegations as a proportion of all allegations was approximately 30% in Victoria, which is similar to that of other independent departments in BC.

The most frequent type of excessive force allegations made against the Victoria Police Department involved “empty hand control,” followed by CEW use, and OC spray use. Compared to other BC independent municipal police departments, Victoria Police Department had a higher proportion of intermediate weapon allegations of excessive force. Other independent municipal departments had a larger proportion of empty hand allegations of excessive force than Victoria.

The OPCC staff identified some issues of concern during the audit interview process, including use of force incidents that had occurred in the Victoria Police Department jail in the past. The audit team notes that the department recently established jail sergeant positions in the detention facility to bring increased supervision and accountability to the facility. A review of complaints in the future by the OPCC should reveal whether this initiative has been successful.

See Appendix CC for a detailed analysis of the Complaints Data Review relating to the Victoria Police Department.

⁶ While the total number of complaints and allegations of other departments has increased, this does not mean that all other departments showed an increase. Some departments had an increase and others had a decrease – but the total pattern was an overall increase.

C. SUMMARY OF ALL FINDINGS AND RECOMMENDATIONS

The table below summarizes the findings and recommendations for the use of force-related standards and regulations included in the focused inspection, organized by topic area. Even though the Victoria Police Department was in compliance with the sections of the *Use of Force Regulation* examined, some recommendations and opportunities for improvement are made.

One of four conclusions was reached for each standard:

- Standard met. This finding was applied in cases where the standard was fully met in both policy and practice. It was also used where the standard was fully met in policy and a practical component was either not required or not examined by the audit team and vice versa. This finding was applied to 12 of the 28 standards examined.
- Standard met in policy not practice. This finding was applied in cases where the standard was fully met in policy but there was evidence that the policy was not consistent with current practice or was not being followed in practice, either in whole or in part. This finding was applied to none of the 28 standards examined.
- Standard met in practice, not policy. This finding was used in cases where the standard was fully realized in practice but written policy was missing required elements, did not exist, or was significantly outdated. This finding was applied to 11 of the 28 standards examined.
- Standard not met. This finding was applied when the standard was not being fully met in either policy or practice. It was also used where the standard was not fully met in policy and practice was either not required or not examined by the audit team and vice versa. This finding was used for 5 of the 28 standards included in the audit.

In addition to the finding for each standard, Table 4 identifies the corresponding recommendations or “opportunities for improvement”, if any. Opportunities for improvement are provided for the department’s consideration and awareness but do not require a response.

As previously noted, the detailed inspection and Data Analysis Reports contained in the Appendices of this report explain the findings and recommendations for each topic area in greater detail. **These Appendices should be consulted when addressing the recommendations to ensure a full understanding of the observations supporting the finding and recommendations.**

TABLE 4: USE OF FORCE AUDIT: COMPLIANCE WITH *POLICE ACT USE OF FORCE REGULATIONS* AND *PROVINCIAL STANDARDS FOR MUNICIPAL POLICE DEPARTMENTS IN BC*

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|--|---------------------------------|-------------------------------|-------------------------------|--|--|---|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| Audit Activity: Weapons Authorization | | | | | | | |
| Regulation s.3 | Authorization to carry firearms, ammunitions and firearms specification | ✓ | | | | 1) Clarify in policy and procedures the process for issuing firearms and ammunition (general duty and special purpose) including the procedures to ensure that officers are up-to-date with their qualification. 2) Revise the policy stating that one firearm be issued at any point in time and clearly specify the conditions under which an officer can be issued more than one firearm. | That those tasked with issuing firearms have access to the qualification status of officers to whom the weapon is to be issued |
| Regulation s.9 | Authorization to carry intermediate weapons | ✓ | | | | 3) Develop policy on the process for signing out intermediate weapons, specifying: <ul style="list-style-type: none">what information is to be included in sign-outwho ensures that the officer signs out properlywho ensures whether the officer is properly qualified on the weapons at the time of sign off. <i>Note: This issue was identified as an issue of concern in the Braidwood report; as such any recommendations made are for department attention pending regulatory reform or amendment to provincial standards.</i> | |
| A01.02.08 | Firearms, ammunition and other weapons must be authorized by chief constable | ✓ | | | | | |
| Audit Activity: Inspections and Maintenance of Firearms and Weapons | | | | | | | |
| Regulation s.4 | Maintenance and inspection of firearms | ✓ | | | | | |
| A01.02.05 | Inspection and replacement of firearms, weapons and ammunition | | | | ✓ | 4) Include in policy a process for inspection (for the purpose of assessing good working order) of all weapons (incl. CEWs, OC spray, Arwen/gas gun). The policy should include a time period for regular inspection and the process for record keeping. | |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|--|---------------------------------|-------------------------------|-------------------------------|--|---|--|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | | | | | | <p>5) Include in policy a process that specifies how officers are to replace ammunition for firearms, CEW cartridges and OC spray canisters.</p> <p><i>Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> | |
| Audit Activity: Use of Force Qualification and Training issues | | | | | | | |
| Regulation s.10 | Training and re-qualification on use of force | ✓ | | | | <p>6) State in policy that officers must train and recertify/re-qualify on intermediate weapons. This policy should specify the period for recertification/re-qualification for OC Spray, CEWs, and impact weapons. The period should be annually for all weapons (as per provincial standard A.01.02.07).</p> <p><i>Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> <p>7) Purchase the necessary software and implement an overarching process to track all firearm and use of force training & qualifications. The process should:</p> <ul style="list-style-type: none"> - track for each officer which training & qualification is completed, - track for each officer the date at which qualification will expire, - create general lists of officers whose qualification expiry date is approaching, or has passed. | <p>Opportunity for improvement: That the department review its use of force model graphic and make it consistent with that taught at the JIBC, or clarify and explain the differences in both policy and training. . The graphic should be included in policy OH20 Use of Force.</p> |
| A01.02.06 | Training and proficiency to carry and use firearms, weapons | ✓ | | | | <p>8) Policy or training manual should describe proficiency assessment requirements (what elements are necessary to pass and what constitutes a pass). The policy should specify the process to be followed when an officer fails assessment for any weapons or tactic.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of</i></p> | <p>If annual training & certification for intermediate weapons is conducted through scenarios, officers should be required to work through enough scenarios so as to ensure they are assessed for different force</p> |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|--|---------------------------------|-------------------------------|-------------------------------|--|--|--|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | | | | | | <p>concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</p> <p>9) Policy should specify what and how training records should be kept.</p> | options. |
| A01.02.07 | Annual qualification with firearms or other weapons | | | ✓ | | <p>10) Policy should require annual training and & qualification in intermediate weapons use.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> | |
| A01.02.12 | Training and proficiency to use lateral neck restraint | ✓ | | | | | |
| A01.02.13 | Annual qualification in lateral neck restraint | | | | ✓ | <p>11) Policy should be amended to state that officers should not use the Lateral Neck Restraint technique unless they have been trained and certified on this technique in the last 12 months. Training should be offered annually.</p> <p>12) Establish a process to track the training and proficiency in the use of Lateral Neck Restraint.</p> | |
| Audit Activity: Officers use and control of weapons | | | | | | | |
| Regulation s.5 | Use of Firearms | ✓ | | | | | |
| Regulation s.11 | Use of force policy and model | ✓ | | | | | That the department review its use of force model graphic and make it consistent with that taught at the JIBC, or clarify and explain the differences in both policy and training. The graphic should be included in policy OH20 Use of Force. |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|---|---------------------------------|-------------------------------|-------------------------------|--|---|---|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | | | | | | | <p>Policy sections relevant to each force option could include provisions which delineate:</p> <ul style="list-style-type: none"> - threshold of use; - any circumstances when the force option may not be used (if relevant); - procedures for after care and medical assistance. <p>Policy OH20 could refer to <i>the BC Police Act</i> and associated regulations (<i>Use of Force Regulation, Code of Conduct Regulation</i>) for information of officers.</p> |
| A01.02.01 | Authority for the use of force | ✓ | | | | | |
| A01.02.02 | Warning shots | ✓ | | | | | |
| A01.02.03 | Carrying of firearms, ammunition and weapons off-duty | ✓ | | | | | |
| A01.02.04 | Use and control of department weapons and ammunition | | | | ✓ | <p>13) Departmental policy should provide clear directives to officers on the use and control (e.g., how to store, carry) of weapons other than firearms issued by the department.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> | Policy should include directives regarding how weapons (other than firearms) should be: carried/worn, loaded, unloaded, stored, carried/worn for plainclothes officers, and transported to residence if applicable. |
| Audit Activity: Use of Force Reports, Reviews, and other post-incident issues | | | | | | | |
| A01.02.09 | Use of force reports | ✓ | | | | <p>14) <i>Victoria Police Department Jail Manual</i> and training should be updated to clarify the process and procedures for jail guards to report all instances where force is used (not just when restraint devices are used). The manual should be clear as to the</p> <ul style="list-style-type: none"> - Threshold for reporting (beyond compliant handcuffing); | |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|--|---------------------------------|-------------------------------|-------------------------------|--|---|----------------------------------|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | | | | | | <ul style="list-style-type: none"> - Who should fill the form - What forms is to be filled (SBOR in PRIME) - When and how the form is to be filled; - Who should be notified once the form is filled. | |
| A01.02.10 | Use of force review | | | | ✓ | 15) Develop policies for reviewing incidents in which an officer applies force. The policy sections(s) should include provisions for: <ul style="list-style-type: none"> - who is required to review report(s); - the purpose of the review or reviews if more than one person is to review an incident; - what reports are to be reviewed; - what circumstances or type of force used require a review; - when and how the review is to take place; - whether records are to be kept that a review was done and of the conclusion of the review. | |
| A01.02.11 | Officer assignment after use of force resulting in death or serious injury | | | | ✓ | 16) Develop a policy that establishes criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm. | |
| Audit Activity: K 9 Unit | | | | | | | |
| D02.01.05 | Criteria for deploying horse or dog teams | ✓ | | | | 17) K9 policy: <ul style="list-style-type: none"> - Be amended to include a consideration of police dogs as a use of force option, not just a searching tool, and the responsibilities inherent with this. - Include additional clarifications on circumstances where dogs are, or are not, to be used to apprehend a suspect by biting (e.g., seriousness of offence, proportionality, young persons). - Not just refer to 'contact' generally, but also bites. Bites could be a subcategory of 'contact'. | |
| A01.02.09 | Use of force reports (K-9 issues only) | ✓ | | | | | |
| A01.02.10 | Use of force review (K-9 issues only) | | | ✓ | | 18) K9 Unit policy (OK60) specifically require a supervisor's review of each bite incident. | |
| Audit Activity: Tactical Operations | | | | | | | |
| D13.01.01 | Special operations function including ERT and negotiation teams | | | ✓ | | 19) Amend policy OA20 Critical Incident Response to ensure it covers all the requirements of provincial standards for ERT teams, as per the 2003 Provincial review of ERT. (The relevant standards are: | |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|---|---------------------------------|-------------------------------|-------------------------------|--|---|----------------------------------|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | | | | | | <p>D13.1.1, D13.1.1A, D13.1.2, D13.1.2B, D13.1.3, D13.1.4, D13.1.5, D13.2.1, D13.2.2, D13.2.2A, D13.2.3, D13.2.4, and D13.2.5). This will include but may not be limited to:</p> <ul style="list-style-type: none"> - a statement that Chief has overall responsibility as per standard D13.1.1 for ensuring access to ERT services. - the specification of ERT service as an integrated team, specifying personnel numbers required (tactical team, negotiators), as well as the capabilities and types of calls that the GVERT is qualified to handle, those it is not qualified to handle and how these services would otherwise be accessed. - the requirement of an MOU and the creation and provision of an ERT manual to all ERT members. - the inclusion of supervisory arrangements and whether special operations officers are to be assigned as an integral unit - the requirement for adherence to BCACP ERT a) selection and recruitment criteria, b) testing standards and c) training standards as a minimum. - minimum equipment requirements and the position(s) responsible for maintaining the equipment - policy, procedures and minimum equipment and the position responsible for maintaining equipment for negotiators. | |
| D13.01.01A | Identify service level and delivery method | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.01.02 | ERT procedural manual operations | | | ✓ | | 20) Update existing ERT policy and procedures manuals to ensure that all aspects required by standard D13.1.2 are included (e.g., policy and procedures regarding negotiators, debriefing, and response to reports by police managers). | |
| D13.01.02B | Policy for MOU | | | ✓ | | 21) Review and update the existing MOU between participating departments in the GVERT. This should include a universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out. <i>Recommendation 19 applies</i> | |
| D13.01.03 | Minimum number of ERT members required for various types of incidents | ✓ | | | | | |
| D13.01.04 | Written policy governs | | | ✓ | | <i>Recommendation 19 applies</i> | |

| Use of Force Regulation Or Provincial Standard for Municipal Police Departments Section | | Finding | | | | Recommendations | Opportunities for Improvement |
|--|---|---------------------------------|-------------------------------|-------------------------------|--|---|--|
| | | In Compliance / Standard Met | Met in Policy not Practice | Met in Practice not Policy | Not in Compliance / Standard not met | | |
| | procedures for deploying ERT officers to supplement other operation components or functions. Guidelines should be established for the use of special operations officers to supplement other operations, such as patrol, as the need arises. The policy should specify supervisory arrangements and whether special operations officers are to be assigned as an integral unit. | | | | | | |
| D13.01.05 | Intra-department cooperation and coordination with ERT | ✓ | | | | | |
| D13.02.01 | BCACP Selection criteria for ERT assignment | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.02.02 | BCACP Firearms and physical fitness testing of ERT members | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.02.02A | BCACP training standards | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.02.03 | Specialized equipment for ERT operations and secure vehicle for storage and transportation of ERT supplies and equipment | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.02.04 | Negotiator equipment | | | ✓ | | <i>Recommendation 19 applies</i> | |
| D13.02.05 | Plan for handling hostage and barricaded persons situations | ✓ | | | | 22) Review current guidelines for hostage and barricaded persons and integrate any missing aspects of the provincial standard (e.g., aspects of negotiators role and communication with barricaded person) required by the standard. Make integrated guidelines (not specific tactics) available to all relevant personnel. | |
| Audit activity: Police pursuits | | | | | | | |
| D01.02.05 | Police pursuits | ✓ | | | | 23) Departmental policy on pursuit should provide guidance or directive with regard to pursuits for situations where officers are accompanied by passengers who are not officers. | Departmental policy on pursuits, especially the section on forcible stopping techniques, should require that only officers trained in the use of forcible stopping techniques may use such techniques. |

Three additional recommendations ensued from the use of force data analysis. These were:

- 24) That the department should proactively identify officers who are frequent users of force to address any training, managerial or other potential issues
- 25) That all use of force reports should be reviewed regularly by the Control Tactics Coordinator (or other appropriate position) in order to identify any potentially inappropriate force responses and for the department to take any remedial steps necessary.
- 26) That officers be given follow-up training regarding the detail required for SBOR reports, the categories of physical control-hard and physical control-soft and the categories of subject resistance.

APPENDICES

A. POLICE ROLE AND RESPONSIBILITIES

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Police Role and Responsibilities

SUMMARY OF ACTIVITY:

Four standards (A01.01.01 – A01.01.06) were included in this inspection activity. Methodology included review of: written policies and procedures pertaining to the formulation and annual review of the department's mission statement; goals and objectives for each component and function; annual reports submitted to the chief constable; and the department's conflict of interest guidelines. Key documents such as the 2008-2010 Strategic Plan, the 2007 Annual Report, and reports on the department's progress toward its goals were reviewed. Questions regarding the mission, goals, objectives and conflict of interest guidelines were asked during interviews.

Findings show that written policy requires annual review of the department's mission statement and goals and objectives. However, the mission statement and goals listed in the policy are not the same as those outlined in the department's current strategic plan. The policy also does not include procedures for the formulation and annual review of department's mission statement, goals and objectives. Although procedures are not required by the standard, having procedures that detail how the department will create and review its mission and goals will provide structure to the process to ensure that it is sufficiently rigorous and helps to ensure compliance with expectations of the Chief and/or police board.

Findings also show that there is no policy that requires organizational components to provide annual written reports on progress made toward goals and objectives. Although this does occur in practice, it was recommended that responsibility for these reports be added to the policy manual.

REFERENCES:

- Inspection checklist 65620-20-9-16
- AA30 (1.1) Role and Planning
- AB135 (3.6-3.7) Diversity Unit
- AB60 (8) Job Descriptions
- AC50 (1.1-1.3; 3.1-3.2) Conflict of Interest
- AB290 (1.2) Employment of Relatives
- AC150 (1.1; 3.1-3.10) Allegations of Police Misconduct
- AC160 (1.1) Internal Investigation Function
- OM80 (3.3) Reserves
- Amended Policy AC190 (1.1) Work Flow and Family Members
- Amended Policy AC55 (1.1) Gifts
- *Victoria Police Department 2008-2010 Strategic Plan*
- *Victoria Police Board 2007 Annual Report*
- *Dec 2008 Suppress Violent Crime - Strategic Plan Interim Report - Goal 2*
- *Nov 2008 Reduce Street Disorder - Strategic Plan Interim Report - Goal 1*
- *Sept 2008 Reduce Property Crime -Strategic Plan Interim Report - Goal 3*
- *Oct 2008 Invest in the Best -Strategic Plan Interim Report - Goal 4*
- *Strategic Plan Final Report - Goal 2, Reduce Violent Crime (2008)*
- *Strategic Plan Final Report - Goal 1, Reduce Street Disorder (2008)*
- *Strategic Plan Final Report - Goal 3, Reduce Property Crime (2008)*
- *Strategic Plan Final Report - Goal 4, Invest in the Best (2008)*

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|---|--|--|
| A01.01.01 | Written policy requires the formulation, annual review, and updating if necessary, of the department's mission statement, which is made available to all personnel. | Standard met | <p>Policy: AA30 Role and Planning includes reference to standard in policy. Procedures include a description of the mission and goals as opposed to procedures for the formulation and annual review of written goals and objectives. The mission and goals listed differ from the mission and goals identified in the 2008-2010 Strategic Plan.</p> <p>Practice: Interviews with Patrol members and Investigators revealed that most knew where to find the department's mission statement but were not familiar with its content. Interviews with department executive suggest that the mission statement will be reviewed and updated in upcoming months.</p> | <p>Recommendation:</p> <p>Update policy AA30 to ensure consistency with the mission statement, goals and objectives outlined in the department's 2008-2010 Strategic Plan.</p> |
| A01.01.02 | In support of the mission statement written policy requires the formulation and annual review of written goals and objectives for each component and function. | Standard met | <p>Policy: AA30 Role and Planning includes reference to standard in policy. Procedures include a description of the mission and goals as opposed to procedures for the formulation and annual review of written goals and objectives. The mission and goals listed differ from the mission and goals as identified in the 2008-2010 Strategic Plan.</p> <p>Practice: Interviews with department executive suggest that the existing goals and objectives will be reviewed and updated in upcoming months.</p> | <p>Recommendation:</p> <p>As above.</p> |
| A01.01.05 | Written policy requires an annual written report by each organizational component and function, submitted to the chief constable, stating the progress made toward the attainment of goals and objectives. | Standard not met in policy; met in practice | The Audit Team did not identify policy requiring each organizational unit to file an annual report. However, in practice, organizational components submit quarterly and year-end progress reports to the Chief and to the Board. | <p>Recommendation:</p> <p>Develop policy that requires an annual written report by each organizational component stating the progress made toward the attainment of goals and objectives.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--------------|---|-------------------|
| A01.01.06 | Written policy describes the department's conflict of interest guidelines. | Standard met | Policy: AC50 Conflict of Interest, AB290 Employment of Relatives, AC150 Allegations of Misconduct, OM80 Reserves, AC160 Internal Investigations Section (AC140), AC190 Work Flow and Family Members, and AC55 Policy Governing Gifts all include reference to standard in policy and procedures. Did not identify Conflict of Interest language in the Union Agreement – not required by standard. | |

B. LIAISON WITH OTHER AGENCIES

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Liaison with other Agencies

SUMMARY OF ACTIVITY:

Two standards (A03.01.01 and A03.01.02) were included in this inspection activity. Methodology included review of written policies and procedures pertaining to liaison with other police departments or liaison with other agencies having criminal investigative responsibilities in the department's service area. The topic of liaison with other police agencies was discussed during interviews.

The department coordinates with various agencies, including, for example: Crown Counsel, Victoria Search and Rescue, and organizations that assist victims and the homeless. The department also participates in the provincial integrated units and will coordinate with other local police departments if required for responding to calls for service. There were no major concerns with policy or procedural requirements regarding liaison with other agencies; though there are opportunities for the department to continue to work toward establishing positive working relationships with police departments in adjoining jurisdictions.

REFERENCES:

- Inspection checklist 65620-20-9-13
- OL10 Liaisons with other Agencies

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--|-------------------|
| A03.01.01 | <p>Written policy establishes procedures for maintaining liaison with other agencies, and includes:</p> <ul style="list-style-type: none"> - local adult and youth courts; - crown counsel; - probation and parole agencies; - adult and youth correctional agencies; - social services; - fire departments; and - emergency medical services. | <p>Policy: OL10 Liaise with other Agencies includes reference to standard in policy and procedures.</p> <p>Practice: Members revealed in interviews the department coordinates with various agencies, including Crown Counsel, Victoria Search and Rescue, organizations that assist victims, the homeless, etc.</p> | |
| A03.01.02 | <p>Written policy establishes procedures for maintaining liaison with other police departments in adjoining jurisdictions or agencies having criminal investigative responsibilities in the department's service area.</p> | <p>Policy: OL10 Liaise with other Agencies includes reference to standard in policy and procedures.</p> <p>Practice: Some members in Investigative Services reported working out of the West Shore RCMP detachment in integrated units and with members of police departments in adjoining jurisdictions.</p> <p>According to investigators, investigations of major crimes including homicide, missing persons, drug trafficking and major property crime may include information sharing and coordination with surrounding police agencies.</p> <p>In interviews, some members stated the Victoria Police Department will coordinate with other local agencies (e.g., Saanich Oak Bay, and Central Saanich police departments and/or the RCMP). Interviewees noted that, over the years, there have been some communication and coordination challenges between departments.</p> | |

C. DIRECTION

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Direction

SUMMARY OF ACTIVITY:

Six standards (B02.01.06 – B02.02.05) were included in this inspection activity. Methodology included: a review of written policies and procedures pertaining to supervisory direction; the police board's role in the formulation and approval of standards, guidelines and policies; the written policy system; and distribution of a policy manual. Interviews were conducted with a variety of police members and police board members.

All of the policies and procedures relating to supervisory direction, the formulation and approval of standards, guidelines and policies, and the overall written policy system were found to meet the standards and their objectives. However, in practice, it appears that policy reviews are being conducted in a reactive fashion due to limited resource capacity. There are also a variety of policies that require updating. During other inspection activities, some policies were found to be missing altogether or in need of significant revision, including: policy on administrative and operational reporting; the department's crime prevention priorities; and the *Youth Criminal Justice Act*.

Ensuring that members are informed of changes to policies or procedures that may impact the performance of their duties was noted during the interviews as an area in need of improvement. Currently, policy changes are emailed out to every department member; however, patrol staff may not have time to review their email and/or to retain pertinent information. Patrol members suggested that patrol supervisors could discuss critical policy changes at parade to ensure a clear understanding of key changes to important policies.

The audit team recommended that the department create a policy review schedule based on risk, changes in legislation or case law and the date the subject was last reviewed. Other opportunities for improvement were noted, including: placing a paper copy of the policy manual in the patrol room and considering adding resources in the policy review portfolio.

REFERENCES:

- Inspection checklist 65620-20-9-9
- AA50 (1.3) Department Direction
- AA60 (1.1-1.5; 3.1-3.18, 3.3) Policy Development Process

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|--|-------------------|
| B02.01.06 | Written policy requires supervisory direction to be available at all times. | Standard met | <p>Policy: AA50 Department Direction includes reference to standard in policy but not procedures. Policy also does not a) include provision for interim supervisory responsibility or b) identify procedures for contacting a supervisor. However, policy twice states “appropriate supervisory direction is available at all times.”</p> <p>Practice: Members reported that supervisors are always available and if one cannot be reached it is easy to reach another.</p> | |
| B02.02.01 | Written policy acknowledges the police board's role in the formulation and approval of standards, guidelines, and policies for the administration of the municipal police department. | Standard met | <p>Policy: meets the Police Act requirements. AA60 Policy Development Process includes reference to standard in policy and procedures.</p> <p>Practice: Board members reported department policies are brought before the board for formal approval. One member stated that a few policies have been sent back for more work or to gather more information. Members also stated that department management provides the board with a great deal of information and is very willing to work with the board.</p> | |
| B02.02.02 | Written policy requires that all rules approved by the police board be filed with [Police Services Division]. | Standard met | <p>Policy: meets the Police Act requirements. AA60 Policy Development Process includes reference to standard in policy and procedures.</p> <p>Practice: The person responsible for drafting department policies is aware that all rules approved by the board must be filed with PSD. Either the member or the member's assistant makes submissions via email 8 or 9 times per year. All but the policies approved at the last board meeting have been submitted. The member has no concerns about this process.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|--|---|
| B02.02.03 | The department has a written policy system that includes the following: a description of the written policy system; procedures for indexing, purging, and revising policy; and, procedures for ensuring all employees are apprised of current policy. | Standard met | <p>Policy: meets both the Standard and its intent. AA60 Policy Development Process includes reference to standard in policy and procedures.</p> <p>Practice: Policy review is ongoing and it was reported that 20-30 policies are currently under review. There is very little proactive policy review. Updates typically stem from requests by the Chief and other members or are identified after changes to legislation prompt policy review.</p> <p>The policy review process can be formal or informal. Formal policy review occurs when a member requests change or identifies a legislative change and requests a policy review. Informal policy review occurs when lawsuits in other jurisdictions prompt policy review.</p> <p>It was noted that the procedure for selecting policies for review (emails from members, requests from the Chief, legal updates, etc.) is not effective and there should be a formal policy review process; however due to the number of requests for policy changes from senior management there is little time for proactive policy review.</p> <p>All members receive email updates with changes to policy or procedures; however this is may not be the most effective way to ensure members are informed of current policy.</p> <p>During interviews, several patrol members noted that they do not have time to review all of the policy changes. Some of the patrol members suggested that it would be beneficial to have patrol supervisors discuss important policy changes at parade.</p> | <p>Recommendation:</p> <p>Create a policy review schedule to ensure that all policies are reviewed on a regular basis. The schedule should require that areas of greater risk, legislative reform and case law development are reviewed at least annually.</p> <p>Opportunities for Improvement:</p> <p>Have patrol supervisors discuss important policy changes at parade.</p> <p>Consider adding resources in the internal audit portfolio.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|---|---|
| B02.02.04 | Written policy establishes procedures for review of proposed policy prior to its submission to the police board for approval. | Standard met | <p>Policy: meets both the Standard and its intent. AA60 Policy Development Process includes reference to standard in policy and procedures.</p> <p>Practice: It was noted that subject matter experts (SMEs) are included in policy review, as needed. After an initial draft is made, the proposed policy is then put before senior management and the SMEs for review. The entire executive and involved SMEs meet every two months to discuss proposed policies. Typically they send policies back for further development.</p> <p>There are no stated concerns about how SMEs are selected.</p> | |
| B02.02.05 | Written policy establishes procedures for the distribution of a policy manual. | Standard met | <p>Policy: meets both the Standard and its intent. AA60 Policy Development Process includes reference to standard in policy and procedures.</p> <p>Practice: The policy manual is available electronically to all members. One member recommended making hard copies of the policy manual available in the patrol room.</p> | <p>Opportunity for Improvement:</p> <p>Make hard copies of the policy manual available in the patrol room.</p> |

D. ADMINISTRATIVE REPORTING

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Administrative Reporting

SUMMARY OF ACTIVITY:

Two standards (B03.01.01 & B03.01.02) were included in this inspection activity. Methodology included review of written policies and procedures regarding the department's management information system and the administrative and operational reporting program. Reviews were also conducted of reports and reporting programs such as DASHBOARD, COMPSTAT, eSPIKE and the "Top 10" call types. Informational interviews were conducted with appropriate department members.

Findings show that policy relating to the department's administrative and operational reporting program does not exist and that, although different types of daily, monthly and annual reports exist, they are not provided in a cumulative or connected fashion. It was also found that there is no clear division of responsibility between the crime analyst and the research analyst in producing these reports.

Further potential exists for administrative reports to be used in the identification of department objectives. The recommendation deals with clarifying the department's administrative reporting function, including the specific activities to be undertaken, roles and responsibilities, associated timelines, and the distribution and intended use of reports.

REFERENCES:

- Inspection checklist 65620-20-9-6
- Victoria Police Department Bi-weekly DASHBOARD reports
- COMPSTAT
- eSpike
- "Top 10" call types

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|------------------|---|---|
| B03.01.01 | <p>The department has a management information system, which includes:</p> <ul style="list-style-type: none"> - statistical and data summaries of department activities; - an administrative reporting program. | Standard met | <p>Management information is being provided in an ad hoc fashion. It was not possible to select a sample of MIS reports but examples were found of reports that contain statistical and data summaries of dept activities (i.e., DASHBOARD, COMPSTAT, and eSPIKE). This does not constitute a (regular) system or program. There is no individual designated as responsible for providing or maintaining an MIS.</p> | <p>Recommendation:</p> <p>Clarify, in policy and practice, the department's administrative reporting; planning and research; and crime analysis functions, including:</p> <ul style="list-style-type: none"> - the specific activities, analyses and reports to be completed (including those outlined in standards B03.01.01, B03.01.02 and B04.01.02); - the position or component responsible for specific activities, analyses and reports and the roles and responsibilities of others who may be involved in their completion; - timelines for completing specific activities, analyses and reports; and - the distribution and intended use of reports. |
| B03.01.02 | <p>Written policy specifies the department's administrative and operational reporting program, and includes:</p> <ul style="list-style-type: none"> - a daily report; - a monthly report; and - an annual report. | Standard not met | <p>Policy: does not exist.</p> <p>Practice: Administrative and operational reports are being provided in an ad hoc fashion. It was not possible to select a sample of Admin & Ops reports although at least one example was provided of reports that include daily (Patrol Sgt's log BOLOF reports), monthly (DASHBOARD & COMPSTAT) and annual (UCR reports to StatCan & TOP 10) data and statistics. These reports are not connected or cumulative but are separate reports. This does not constitute a (regular) <i>program</i>.</p> <p>There is no clear division of responsibility between the crime analyst and the research analyst in producing these reports. Monthly reports may include administrative matters and permit Inspectors to identify the objectives of their units for the next month – unclear whether this potential is being realized.</p> | <p>Recommendation:</p> <p>As above.</p> |

E. PLANNING AND RESEARCH

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Planning and Research

SUMMARY OF ACTIVITY:

Four standards (B04.01.01 – B04.01.04) were included in this inspection activity. Methodology included review of: written policies and procedures pertaining to the department's planning and research function; analysis of operational activities; distribution of analytical reports; and the department's multi-year plan. Reviews were also conducted of the 2008-2010 Strategic Plan and research reports and reporting programs such as Dashboard, COMPSTAT, "Top 10" Call Types, and the *Statistical Analysis of Crime Rates, Mental Health Issues and Drug Related Workload for the Victoria Police Department*. Interviews were conducted with appropriate department members.

Policy relating to planning and research functions and reports requires amendment, particularly in the area of identifying the specific planning research and responsibilities for each department function or component. Various planning and research activities are spread across different units in the department and it was difficult to obtain samples of research reports for inclusion in the audit. It appears that research is being conducted in an ad hoc fashion with no schedule or timetable for expected activities.

There also does not appear to be a clear division of roles/responsibilities between the research and crime analysis functions. As a result, Inspectors may request reports from either the person responsible for conducting research or from the crime analyst for similar types of queries. There does not appear to be priority ranking for research projects, so the individuals responsible for conducting research face pressure from competing priorities. The position in charge of conducting the basic research and planning activities is also responsible for conducting internal audits and policy reviews, which contributes to difficulties in managing overlapping priorities. The department may consider adding resources in the research portfolio.

Overall recommendations deal with clarifying policy and procedures for this area, including procedures for conducting annual analysis of operational activities, and creating a schedule of research reports that are generated on a regular basis and ensuring this list is circulated to all Inspectors.

REFERENCES:

- Inspection checklist 65620-20-9-15
- AE20 Research and Analysis
- AE10 Administrative and Operational Planning
- Victoria Police Department 2008-2010 Strategic Plan
- Dashboard
- COMPSTAT
- Top 10 Call Types
- February 2008 Statistical Analysis of Crime Rates, Mental Health Issues and Drug Related Workload for the Victoria Police Department.

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---|---|
| B04.01.01 | Written policy establishes the department's planning and research function. | <p>Standard not met in policy; met in practice</p> <p>Policy exists but does not include any procedures, such as the function or component responsible for the activities and reports listed in the policy.</p> <p>In practice, some of these functions are the responsibility of the person responsible for research and planning, while other activities such as uniform crime reporting, budgeting, etc., are the responsibility of other department components. There also does not appear to be a clear division of roles/responsibilities between the research and crime analysis functions. As a result, Inspectors may request reports from either the person responsible for conducting research or from the crime analyst for similar types of queries.</p> | <p>Recommendation:</p> <p>Amend policy to:</p> <ul style="list-style-type: none"> - identify the component or function that is responsible for specific planning and research activities; - identify timelines for completion of specific activities and reports; - address the distribution and intended use of reports. |
| B04.01.02 | <p>Written policy requires an annual analysis of operational activities, which includes the following items:</p> <ul style="list-style-type: none"> - type of activity; - location; - time; and - date. | <p>Standard met</p> <p>Policy AE20 exists but does not include procedures for conducting annual analysis of operational activities.</p> <p>Research is being conducted in an ad hoc fashion with no schedule or timetable for expected activities. Some of the reports that display one or more of the analysis items (such as type of activity, location, time or date) include: Dashboard reports to the Operations Council; reports drawn from COMPSTAT; the "Top 10" call types which compiles Priority 1, 2, and 3 calls over the year. Much of the research is conducted as a one-off project where specific types of calls are analyzed (i.e., Crime Rates, Mental Health Issues and Drug Related Workload) or are performance-based measures of specific</p> | <p>Recommendation:</p> <p>Amend policy to include procedures for conducting annual analysis of operational activities.</p> <p>Opportunity for Improvement:</p> <p>Consider adding resources in the research portfolio.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|--|-------------------|
| | | | <p>initiatives.</p> <p>There does not appear to be priority ranking for research projects and requests for research may come from different units within the department. The audit team observed that research projects face competing priorities. As well, the position responsible for this function is also responsible for conducting internal audits and policy reviews and amendments.</p> | |
| B04.01.03 | Written policy requires distribution of analytical reports to affected organizational units. | Standard met | <p>Policy AE20 exists but does not include procedures for distributing analytical reports to affected organizational units.</p> <p>In practice, Inspectors who request specific research to be conducted receive the copy of results produced. As well, DASHBOARD reports contain unit-specific stats and are provided to Operations Council (which includes Inspectors from each organizational unit) on a bi-weekly basis.</p> | |
| B04.01.04 | <p>The department has a written multi-year plan, which includes:</p> <ul style="list-style-type: none"> - goals and operational objectives; - anticipated workload and population trends; - anticipated personnel levels; and - anticipated capital improvements and equipment needs. | Standard met | <p>Policy is not required to meet this standard, however, AE10 stipulates that the department establish and maintain a multi-year strategic plan that is developed and implemented by a leadership team comprised of members from all ranks and various units in the department, including representation from the police union, non-sworn members and the police board.</p> <p>In practice, the existing 2008-2010 Strategic Plan includes the required components.</p> | |

F. CRIME ANALYSIS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Crime Analysis

SUMMARY OF ACTIVITY:

Two standards (B05.01.01 & B05.01.04) were included in this inspection activity. Methodology included review of written policies and procedures regarding the department crime analysis program and reviews of reports and reporting programs such as eSPIKE; COMPSTAT, Hot Spot; Project “Top 20”; and the Rock Bay Stats. Interviews were conducted with appropriate department members.

Policy relating to crime analysis functions and reports did not meet the standards and their intent. In practice, it appears that crime analysis is not conducted as a systematic review of crime trends, offender characteristics and locations data but tends to be more a series of one-off reports and updating of basic statistics. There is no clear division of responsibility between the crime analyst and the research analyst in producing crime analysis reports and there does not appear to be a process for priority ranking of crime analysis projects, which can leave the analysts scrambling to meet competing priorities. There is further potential for crime analysis to be used in: the identification of department objectives; the allocation of resources; and the development of tactics, strategies, and long-range plans. The recommendation deals with creating a formal crime analysis reporting schedule and setting clear expectations for how crime analysis reports are to be used in allocation of resources and the establishment of long-range plans.

REFERENCES:

- Inspection checklist 65620-20-9-8
- AE20 (1.4-1.6, 2.2) Research and Analysis
- Victoria Police Department reports: eSPIKE; COMPSTAT, Hot Spot; Project “Top 20”; and the Rock Bay Stats
- Strength & Spirit: A Strategic Plan for 2008-2010. Victoria Police Department.

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
|---|---|--|---|
| B05.01.01 Written policy establishes and governs the department's crime analysis function, including procedures for the following elements: <ul style="list-style-type: none"> - collection, collation and analysis of crime data; - geographic distribution of selected crimes; - distribution of analyzed crime information; and - feedback analysis and program evaluation. | Standard not met in policy; met in practice | Policy AE20 (1.4-1.6) Research and Analysis establishes the department's crime analysis function but does not include <i>procedures</i> for collecting, analyzing and distributing data or reports. Examples of data and reports may developed by the crime analyst include one-off or more regular reports such as eSPIKE; COMPSTAT, Hot Spot; Project "Top 20"; and the Rock Bay Stats. However, there is no clear division of roles/responsibilities between the crime analysis and research functions so Inspectors go to one or the other with similar types of queries. There does not appear to be any type of priority ranking for crime analysis projects. At the time of inspection, the department did not have a mapping program to facilitate analysis of the geographic distribution of crime data but was planning a purchase. | Recommendation: Clarify, in policy and practice, the department's administrative reporting; planning and research; and crime analysis functions, including: <ul style="list-style-type: none"> - the specific activities, analyses and reports to be completed; - the position or component responsible for specific activities, analyses and reports and the roles and responsibilities of others who may be involved in their completion; - timelines for completing specific activities, analyses and reports; and - the distribution and intended use of reports. |
| B05.01.04 Written policy requires the use of crime analysis information in developing tactics, strategies, and long-range plans. | Standard not met in policy; met in practice | There is no policy on the utilization of crime analysis in long range planning; however, AE20 (2.2) Research and Analysis, <i>Reason for Policy</i> points to long range planning, estimating future crime trends and assisting in the identification of policing priorities. There are also no written procedures for how crime analysis is to be utilized in practice. The Audit Team was provided at least one example of data or reports on: crime trend data by type of crime; offender characteristics; and crime trend by data location but reports tend to be largely one-offs rather than a systematic review of trend data. Interviewees noted that crime analysis is not well-utilized in the allocation of resources and the development of tactics, strategies, and long-range plans. | Recommendation: As above. |

G. PERSONNEL ALLOCATION

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Personnel Allocation

SUMMARY OF ACTIVITY:

Three standards (B06.01.01 – B06.01.03) were included in this inspection activity. Methodology included review of: written policies and procedures pertaining to the department's personnel list; authorized and actual strength; allocation of resources; and workload analysis. Reviews were also conducted of the department's personnel list, workload reports and human resource needs assessments. Questions about personnel allocation were asked during various interviews with members of the department.

Findings show the department meets the selected standards in policy and in practice. The department conducts workload assessments at least annually in a formal or informal manner. Reports have been used in budget requests for additional members, to create the 'early car' on nightshift, and to consider patrol schedules.

Written policy is not required to meet these standards. However, it was noted that policy AE30 is missing department-specific *procedures* for conducting and incorporating workload assessments into allocation decisions. As overtime costs continue to be a significant component of the departments' budget, having written procedures that detail the inclusion of workload assessments in deployment and allocation decisions can help with planning decisions and to ensure that staff are allocated in the best manner. There are opportunities for improvement by amending policy to include procedures for reassessing personnel allocation at least annually and for allocating personnel in accordance with workload assessments.

The department should attempt to prevent over or understaffing by ensuring that the personnel strength of an organizational component or function is consistent with the workload. The nature or number of tasks as well as their complexity, location, and time required for completion are some of the factors influencing workload demands.

REFERENCES:

- Inspection checklist 65620-20-9-14
- AA10 (1.2) Organization
- AE30 (1.1) Allocation of Personnel
- Abrahamson, Doug. April 2003. Victoria PRD Resource Study: Peak Period Analysis and Recommendations. Report 1 of 2.
- Abrahamson, Doug. June 2003. Victoria PRD Resource Study: Peak Period Analysis and Recommendations. Report 2 of 2.
- Victoria Police 2004 Restructuring Committee. November 2004. Back to Basics.
- Victoria Police 2005 Restructuring Committee.
- Review of Callout Stats 2003 through 2007 (hand-written).
- Abrahamson, Doug. November 2008. Victoria Police Department Human Resource Needs Analysis 2010-2014.

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|--|---|
| B06.01.01 | <p>The department has a personnel list which provides the following information:</p> <ul style="list-style-type: none"> - total authorized personnel strength; and - number of personnel, by rank and job title, assigned to each organizational component or function. | Standard met | <p>Policy: AA10 Organization includes reference to standard in policy and procedures. Procedures do not specify how frequently or in what manner the personnel list will be distributed. Written policy is not required for this standard.</p> <p>Practice: The department personnel list includes the number of personnel assigned to each organizational component or function, including secondment, rank and job title. The list includes the total authorized strength and accounts for members that are seconded to other units, on long term leave, and/or on training.</p> | |
| B06.01.02 | The department allocates personnel to organizational components or functions in accordance with anticipated workload assessments. | Standard met | <p>Policy: AE30 Allocation of Personnel includes reference to standard in policy but not procedures. Written policy is not required for this standard.</p> <p>Practice: According to interviews, the Chief, Deputy Chiefs and Inspectors determine the allocation and deployment of members in order to meet the department needs and fulfill its objectives.</p> <p>Deployment and allocation decisions are based on: call load; case burden; population and crime stats; set minimum numbers in policy; operational plans from previous years (for event-specific operations such as Canada Day); the amount of available resources; and community requests. In addition, in 2008, a 5-year resource projection was conducted.</p> | <p>Opportunity for Improvement:</p> <p>Amend Policy AE30 to specify procedures for allocating personnel in accordance with workload assessments.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---------------|---|--|
| B06.01.03 | At least annually, the department reassesses the allocation of personnel. | Standard met. | <p>Policy: AE30 Allocation of Personnel includes reference to standard in policy but not procedures.</p> <p>Written policy is not required for this standard.</p> <p>Practice: Since 2003, workload reports have been conducted at least annually in a formal report or informal manner. Reports may consider call out numbers, peak period analysis, overtime, minimum strength requirements, locations, backfilling from other positions and training commitments. Reports have been used in budget requests for additional members, to create the 'early car' on nightshift, and to consider patrol schedules.</p> | <p><i>Opportunity for Improvement:</i></p> <p>Amend Policy AE30 to specify procedures for reassessing personnel allocation at least annually.</p> |

H. FINANCIAL MANAGEMENT

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Financial Management

SUMMARY OF ACTIVITY:

Two standards (B07.01.04 & B07.01.05) were included in this inspection activity. Methodology included a review of written policies and procedures regarding the department's financial management systems. The review also included reports such as the 2008 KPMG audit conducted for the City of Victoria, the 2009 budget request and five year forecast, and fiscal year end reviews from 2006, 2007 and 2008. A civilian member was interviewed.

Findings show that policy relating to the department's financial management meets the selected standards and their intent. In practice, it was found that the department does not conduct internal audits of financial activities but is subject to any evaluations, audit, or reviews conducted by the City of Victoria and/or the City's external auditors, KPMG. The department's financial controller does review account codes, make adjustments, provide monthly summaries, and explain any significant variations in account statements. Cash collections and disbursements are recorded in the City's accounting system and petty cash funds are monitored.

REFERENCES:

- Inspection checklist 65620-20-9-10
- AD20 (1.1-1.2; 3.1-3.18) Accounting System
- AD40 (1.1; 3.1-3.2) Financial Audit
- KPMG Audit Findings Report to Mayor and Council for the year ending December 31, 2008
- 2006 Fiscal Year End Review
- 2007 Fiscal Year End Review
- 2008 Fiscal Year End Review
- 2009 Budget Request
- 2009 Budget Five Year Forecast

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|---------------|--|-------------------|
| B07.01.04 | <p>Written policy specifies procedures used for collecting, safeguarding, and disbursing cash, and includes:</p> <ul style="list-style-type: none"> - maintenance of an allotment system, if any, or records of appropriations among organizational components or functions; - preparation of financial statements; - conduct of internal audits; and - persons or positions authorized to accept or disburse funds. | Standard met | <p>Policy: Written policy meets both the Standard and its intent. AD20 Accounting System includes reference to standard in policy and procedures. AD40 Financial Audit includes reference to standard in policy and procedures.</p> <p>Practice: According to interviewees, monetary (cash, cheque, debit and credit) collections and disbursements are recorded in the City's accounting system (JD Edwards).</p> <p>Select members and staff who are responsible for allotments such as petty cash, informant disbursements, special occasion licence fees, and records check fees perform reconciliation through Accounts Payable and are each individually responsible for that fund.</p> <p>The department does not prepare <i>formal</i> financial statements because they are tied into the City's records, but the Controller does prepare monthly financial forecasts and a year-end fiscal review for the Board (of all expenses and revenues). Policy AD40 (3.2) states that internal audits may be necessary, but the department does not conduct internal financial audits (although the City may) - the Controller does <i>review</i> account codes, makes adjustments, provides monthly summaries, and explains any significant variations.</p> | |
| B07.01.05 | <p>Written policy provides for an audit of the department's financial activities.</p> | Standard met. | <p>Policy: Written policy states an external auditor will conduct a financial audit annually. AD40 Financial Audit includes reference to standard in policy and procedures.</p> <p>Practice: According to the interviewees, the City contracts KPMG to audit City books each year. The department may or may not be selected in the sample of expenditures. Interviewees reported that the last time KPMG looked closely at the department's books was about 5 or 6 years ago.</p> <p>However, the intent of this standard is deemed to be met if the department's financial activities are compliant with municipal auditing procedures.</p> | |

I. INTERNAL AUDIT

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Internal Auditing

SUMMARY OF ACTIVITY:

Three Standards (B08.01.01 – B08.01.03) were included in this inspection activity. Methodology included review of: written policies and procedures pertaining to the department's audit schedule; authority of the audit function; and/or Police Services Division's audit responsibilities. Interviews were conducted with appropriate department members.

Findings revealed that policies around the authority of the audit function meet the basic intent of the standards; however, in practice internal audits are not currently being conducted due to limited resource capacity and there is no formal schedule for future internal audits. Without internal audits, the department is missing opportunities to: have an early warning regarding potential areas of concern within the department; contribute to effective risk management; develop recommendations for quality improvement; and identify opportunities for improving efficiency and effectiveness of operations.

Recommendations included: create a formal schedule for internal audits based on topic or risk analysis and conduct internal audits; and draft policy that addresses the facilitation of *Police Act* audits. The department may also wish to consider adding resources in the internal audit portfolio to facilitate the conduct of internal audits.

REFERENCES:

- Inspection checklist 65620-20-9-12
- AA70 Internal Auditing
- Victoria Police Department Administration and Operations Manuals: Introduction

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
|---|---|--|---|
| B08.01.01 Written policy requires an audit function within the department, and includes provisions for: <ul style="list-style-type: none"> - procedures to be used in conducting audits; - a projected audit schedule; and, - procedures to be used to follow-up the recommendations made as a result of the audit. | Standard met in policy; not met in practice | <p>AA70 Internal Auditing requires an audit function within the department that includes procedures to be used in conducting audits; a project audit schedule; and procedures to be used to follow-up on recommendations.</p> <p>However, internal audits are, largely, not being conducted. Interviewees that this results from limited resource capacity as this position is also responsible for research and planning and for policy reviews and amendments.</p> <p>It appears there are plans to provide additional resources to the audit function and a proposed plan to assign an Inspector to be in charge of audit personnel. This would not add to the capacity of the audit function but may provide a priority-based structure for the audit member to deal with competing job responsibilities.</p> <p>The current “schedule” for conducting audits is a list of the various department units and is not based on a risk analysis.</p> | <p>Recommendation:</p> <p>Create and follow a formal schedule for internal audits that is based on risk analysis.</p> <p>Opportunity for Improvement:</p> <p>Consider adding further resources in the internal audit portfolio.</p> |
| B08.01.02 Written policy describes the authority of the audit function. | Standard met | <p>AA70 states that all personnel who are identified to act within the audit function operate through the authority of the Chief Constable.</p> <p>Policy states that the auditor will have full and unrestricted access to all function, records, property and personnel associated to the area under audit, subject to any necessary restrictions imposed by Senior Management. Any internal audit reports are to be directed to the Chief Constable.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---|---|---|
| | | | Policy is sufficiently thorough in detailing the authority of the audit function. As internal audits are not currently being conducted, it was not possible to determine whether there have been any challenges in practice. | |
| B08.01.03 | Written policy governs the facilitation of audits conducted by [Police Services Division] | Standard not met in policy; met in practice | <p>The Introduction of the Administration and Operations Policy Manual describes the structure of the <i>Provincial Policing Standards</i> and states that these are the minimum criteria against which departments will be audited. However, there is no specific policy that discusses how the department will facilitate <i>Police Act</i> audits.</p> <p>In practice, the Victoria Police Department has provided the required information and made personnel available for interviews and to assist in the conduct of the present audit.</p> | <p>Recommendation</p> <p>Draft policy that addresses the facilitation of <i>Police Act</i> audits.</p> |

J. GENERAL OPERATIONS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: General Operations

SUMMARY OF ACTIVITY:

Nine standards (D01.01.01 – D01.01.06, D01.02.01, D01.02.02 and D01.02.06) were included in this inspection activity. Methodology included: a review of written policies and procedures pertaining to: procedures for arrest, detention, and criminal investigations; case status, officer journals, and confidential sources; and procedures for responding to routine, urgent, and emergency calls. Analyses of interviews with a variety of police members and an external stakeholder were included in the findings.

There were no major concerns with policy or procedural requirements regarding this inspection activity. However, some clarification is needed in *policy* regarding three points.

First, clarification is needed regarding procedures for assuring compliance with legal requirements during detention without arrest. It was found that policy OD80 on Arrest combines procedures arrest and detention, but does not provide procedures for circumstances where detention may occur independent of arrest.

Second, an opportunity for improvement was identified for the department to remind members that persons are to appear before a Justice of Peace as soon as practicable *and* within 24 hours.

Third, [Withheld as per s. 13 and s.15(1) of FOIPPA]

One additional recommendation was given for practice as opposed to policy: to ensure that annual audits of the confidential source fund are conducted. The department does not currently conduct internal audits due to limited resource capacity in the department's internal audit function.

REFERENCES:

- Inspection checklist 65620-20-9-11
- OD80 (1.1; 3.14) Arrest
- OD100 (1.1; 3.20-3.22) Laying Charges
- OD20 (3.20) Suspending or Closing Investigations
- OC10 (3.11-3.14; 3.15-3.16) Preliminary and Follow-Up Investigation
- OD20 (3.15; 3.17) Specialist Involvement
- OD40 (1.1) Journals/Notebooks
- OD50 Confidential Sources
- OD50 Confidential Sources (Archived on February 27, 2009)
- OO10 (1.1) Communications
- OO30 (1.2) Requests for Service
- Communications Manual P30 (3.2) Priority Response to CAD Calls

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--------------|---|---|
| D01.01.01 | Written policy governs procedures for assuring compliance with legal requirements during arrest, detention, and criminal investigations. | Standard met | <p>Policy: OD80 Arrest includes reference to standard in policy and procedures. Policy and procedures govern combined arrest and detention, but not detention independent of arrest. Policy 2.2 (p. 574) states arrest and detention “impose similar legal obligations,” but it is not clear whether arrest and detention are sufficiently similar to allow one set of procedures to apply to both actions.</p> <p>Practice: The department updates policy according to changes in case law and legislation, provided those changes are noted by members and brought to the attention of the policy drafter. A formal review process of changes to legal requirements does not exist. OD80 has not been updated since 2003.</p> <p>It was noted that while members ensure that prisoners appear before a justice within the 24 hour period, it is often not ‘as soon as practicable’.</p> | <p>Recommendation:</p> <p>Ensure that policies regarding arrest, detention and criminal investigations are reviewed at least annually and updated as needed.</p> <p>Opportunity for Improvement:</p> <p>Remind members that persons are to appear before a JP as soon as practicable.</p> |
| D01.01.02 | Written policy establishes procedures for reviewing cases where the investigating officer recommends the laying of charges, and this recommendation is overruled by a supervisor or crown counsel. | Standard met | <p>Policy: OD100 Laying Charges includes reference to standard in policy and procedures. Policy establishes procedures for reviewing cases where the investigating officer recommends the laying of charges and the procedures detail the review process.</p> | |
| D01.01.03 | Written policy establishes procedures for reviewing cases where the investigating officer, or any other officer, recommends a stay of proceedings or charges not be laid, notwithstanding there is a likelihood of conviction. | Standard met | <p>Policy: OD100 Laying Charges includes reference to standard in policy and procedures.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|---|-------------------|
| D01.01.04 | Written policy specifies the criteria for suspending or closing investigative efforts, and for designating case status. | Standard met | <p>Policy: OD20 General Criminal Investigations includes reference to standard in policy and procedures, with one exception: According to Provincial Standard D01.01.04, one of the criteria for closing a case is at “supervisory discretion;” this is not included in department policy.</p> <p>Practice: Some patrol interviewees stated that they understand when to suspend or close a case but are unfamiliar with policy on the topic.</p> | |
| D01.01.05 | Written policy specifies accountability for conducting preliminary and follow-up criminal investigations. | Standard met | <p>Policy: OD20 General Criminal Investigations includes reference to standard in policy and procedures.</p> <p>Practice: [Withheld as per s. 15(1)(c) of FOIPPA]</p> | |
| D01.01.06 | Written policy requires each officer to maintain a current journal. | Standard met | <p>Policy: OD40 Journals/Notebooks includes reference to standard in policy and procedures.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--|---|---|
| D01.02.01 | Written policy specifies procedures to be followed when using confidential sources. | Standard met | <p>Policy: OD50 Confidential Sources includes reference to standard in policy and procedures.</p> <p>OD50 was amended on February 27, 2009. [Withheld as per s. 13, s. 15(1) of FOIPPA]</p> <p>Practice: [Withheld as per s. 13 s. 15(1)(c) of FOIPPA]</p> | <p>Recommendation:</p> <p>Amend OD50 to reflect that youth sources are not to be used or include precautions to be taken with youth sources.</p> |
| D01.02.02 | When a department provides a fund for paying confidential sources, written policy establishes the following controls: accessibility; criteria for use; accounting; and auditing. | Standard met in policy; not met in practice. | <p>Policy: OD50 Confidential Sources meets the standard and its intent and includes reference to standard in policy and procedures.</p> <p>Practice: Auditing of the fund and processes for compliance with policies, procedures and statutory requirements (as described in policy) is not presently being conducted due to limited resource capacity in the department's internal audit function. However, it was reported that an internal financial audit by payroll services takes place annually of the source fund and related accounting.</p> | <p>Recommendation:</p> <p>Conduct annual audits of the confidential source fund as per policy OD50 (5.2).</p> |
| D01.02.06 | Written policy establishes procedures for responding to routine, urgent, and emergency calls. | Standard met. | <p>Policy: P30 Priority Response to CAD Calls defines priority calls. Section OB in the Administration and Operations policy manual discusses procedures for responding to each type of call. OB30 and OB270 point specifically to use of lights and sirens.</p> <p>Practice: Patrol members stated that they fully understand the priority rankings, how and when to respond to calls, and when to use lights and sirens.</p> | |

K. PATROL

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Patrol

SUMMARY OF ACTIVITY:

Seven standards were included in this inspection activity (D2.1.1 – D2.1.4 and D2.1.6 – D2.2.2). Inspection activity included reviewing written policies and procedures as well as conducting interviews with 25 department members from various ranks. Information from interviews conducted as part of the broader inspection with other department personnel and an external stakeholder were also included in this inspection activity.

The majority of the standards were met. The most significant observation was that policy governing the patrol function is limited. In particular, an opportunity is being missed to provide direction to members on the priority to be given to proactive work in the community.

According to a community survey on public safety and policing in Victoria and Esquimalt conducted by the department in 2007, increasing uniform patrols and the visibility of police in the community was the overwhelming choice of respondents when asked how the department could best improve the way it deals with problems in the community and with those who break the law. Information from this survey was to be used to assist decision makers within the department in establishing priorities. The audit team was also made aware of Esquimalt Council's concerns regarding the visibility of police in Esquimalt.

An interest in improving visibility is not reflected in written policy. OC10 Patrol Responsibilities lists preventive patrols and crime prevention among the tasks of the Primary Response Division (now referred to as Uniform Services Division). However, the policy does not provide any direction as to the importance of these activities or how they are to be carried out in the department. The lack of clear policy outlining the expected activities for patrol members with respect to preventive patrol, crime prevention and building relationships with the community hinders the alignment of service with community priorities.

The audit team recommends that policy OC10 Patrol Responsibilities be revised to better outline the expected activities of patrol members and procedures for information sharing and coordination between patrol and other components and functions.

Other noteworthy observations include: a strong reliance on electronic communication to share information; a potential gap between policy and practice with respect to serious

motor vehicle accidents; and files returned to patrol for follow-up investigation due to lack of resources in Investigative Services.

Electronic communication is an appropriate and valuable tool but it may weaken relationships when not supplemented with more direct forms. The Chief Constable may consider encouraging senior officers to attend patrol shift briefings.

Policy requires the early involvement of specialists in serious or fatal motor vehicle accidents and the resulting follow up investigation. The audit team's interview with an external stakeholder suggests that this may not always be consistently followed. The Chief Constable may consider reviewing compliance with policy respecting the early involvement of specialists.

Similarly, files referred to Investigative Services but returned to patrol for follow-up investigation may not receive appropriate attention. The scope of this situation is not clear. The Chief Constable may consider ensuring that the number and types of files referred back to patrol by Investigative Services are monitored to determine if changes are required.

REFERENCES:

- Inspection checklist 65620-20-9-20
- OC10 Patrol Responsibilities
- AB65 Staffing Levels – Uniformed Services Division
- OD20 General Criminal Investigations
- Vancouver Police Department Patrol Deployment Study (February 5, 2007)

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|------------------|--|--|
| D02.01.01 | Written policy establishes the expected activities of the patrol component. | Standard not met | <p>S. 3.3 of OC10 Patrol Responsibilities refers to all of the major job tasks for patrol included in the standard except for the development of relationships between citizens and the community. Most of these activities, however, are simply listed as tasks of the Primary Response Division (now referred to as Uniform Services Division). Additional direction is only provided with respect to investigations and the provision of emergency response services. The policy does not indicate the importance or priority of the various tasks or how they are to be carried out within the department specifically, such as the interplay between patrol members and the department's dedicated crime prevention and traffic functions.</p> <p>In practice, interviews with patrol members indicate that their understanding of their expected activities comes not from written policy but from their recruit training and direction from supervisors. In the absence of written policy direction, priorities and expectations of field trainers and supervisors may vary and may not be consistent with department and community priorities.</p> | <p>Recommendation:</p> <p>Revise OC10 to better describe the expected activities of the patrol function.</p> |
| D02.01.02 | Written policy establishes procedures for communication, coordination, and cooperation between patrol and other department components or functions. | Standard met | <p>S. 3.4 of OC10 Patrol Responsibilities states the importance of coordination and cooperation between Primary Response Division and other department sections but only provides direction with respect to specialized investigators.</p> <p>S. 3.5 outlines procedures for information sharing. Specialty and support units are to attend Primary Response Division briefings when possible and section supervisors are to meet formally and informally on major cases.</p> <p>In practice, [Withheld as per s. 15(1)(c)(l) of FOIPPA].</p> <p>Some interviewees raised some concerns with respect to communication between patrol and other functions and between patrol and senior officers. A central theme amongst criticisms was the heavy reliance on electronic communication:</p> | <p>Opportunity for Improvement:</p> <p>Consider encouraging senior officers to attend patrol shift briefings.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--------------|--|-------------------|
| | | | <ul style="list-style-type: none"> - [Withheld as per s. 15(1)(l) of FOIPPA]. - Electronic communication is used in some cases where face to face communication would be more appropriate and could help foster positive relationships. - Electronic communication, in particular email, is not ideal for patrol members who spend the majority of their day on the road. - Other sections could make greater effort to attend parade to provide information on their operations and proactive information about what is needed from patrol members. | |
| D02.01.03 | Police response to emergencies is available continuously within the department's service area. | Standard met | <p>The department's shift scheduling process ensures that a minimum number of patrol members are on duty at all times. [Withheld as per s. 15(1)(c)(k)(l) of FOIPPA].</p> <p>While some interviewees expressed the view that patrol is under-resourced, there were no concerns with the department's capacity to respond to emergencies throughout its service area.</p> <p>The department's average response time to priority 1 calls was provided to the audit team. [Withheld as per s. 15(1)(c)(k)(l) of FOIPPA].</p> <p>This figure includes only those calls where both the dispatch time and arrival time were known. This is very close to the "best practice" response time to urgent calls of 7 minutes, recognized in policing literature (p. 20, Vancouver Police Department Patrol Deployment Study, February 5, 2007).</p> | |
| D02.01.04 | Procedures for shift change provide for continuous patrol coverage. | Standard met | [Withheld as per s. 15(1)(c)(k)(l) of FOIPPA]. | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|--|---|
| D02.01.06 | Written policy describes the circumstances that require the presence of a patrol supervisor at the scene for the purpose of assuming command. | Standard met | <p>s. 3.8 – 3.10 of OC10 Patrol Responsibilities outline the expectations of supervisors with respect to attending incidents. Supervisors are responsible for monitoring the activities of members of their watch and attending any incident where they believe their assistance may be required. In general, the policy requires that supervisors attend and assume command for all serious incidents, including but not limited to those listed in the policy.</p> <p>In practice, interviews with patrol members and supervisors indicate that there are no concerns with respect to supervision. Supervisors listen to the radio and attend calls where assistance may be required. Dispatchers also play a role in calling supervisors to attend a scene and members can call in and request supervisory assistance. Supervisory direction and attendance are available when needed.</p> | |
| D02.02.01 | Written policy establishes the categories of crimes and incidents that should receive preliminary investigation by patrol officers. | Standard met | <p>S. 3.11 of OC10 Patrol Responsibilities establishes that preliminary investigation is generally the responsibility of patrol members. S. 3.12 indicates that members are to consult with a supervisor for unusually serious or complex crimes and s. 3.14 lists circumstances requiring the early involvement of specialists.</p> <p>In practice, interviews with members again suggest that their understanding of expectations come not from written policy but training and experience. Responsibilities with respect to preliminary investigation are well understood.</p> <p>It is worth noting, however, that an external stakeholder expressed concern with the department's handling of serious motor vehicle accidents. These are often handled as patrol-level investigations when specialized resources such as dedicated exhibit controllers are required to ensure that evidence at the scene is properly preserved and collected. S. 3.14 includes serious motor vehicle accidents in the list of incidents requiring early involvement of specialists.</p> | <p>Opportunity for Improvement:</p> <p>Consider taking measures to ensure that policy respecting the early involvement of specialists is observed.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--------------|---|---|
| D02.02.02 | Written policy governs the conduct of follow-up investigations by patrol officers. | Standard met | <p>S. 3.15 and 3.16 of OC10 Patrol Responsibilities address follow-up investigations by patrol members. Policy states that available members may be required to involve themselves in follow-up investigations and that patrol supervisors must be prepared to assign members to investigate cases where specialized investigators cannot be designated. The policy does not describe the types of incidents that would generally be referred to specialized investigators.</p> <p>S. 3.4 – 3.5 of OD20 General Criminal Investigations indicate that the member initially assigned by Communications as the principal investigator will remain the principal investigator until charges are laid, the file is concluded or the file is forwarded to Detective Division (now referred to as Investigative Services). When a file is forwarded to Detective Division, the NCO is responsible for assigning a new investigator. S. 3.15 lists the types of incidents which generally require specialist follow-up.</p> <p>In practice, [Withheld as per s. 15(1)(c) of FOIPPA]</p> <p>[Withheld as per s. 15(1)(c) of FOIPPA]</p> | <p><i>Opportunity for Improvement:</i></p> <p>Consider measures to ensure that the number and types of files referred back to patrol by Investigative Services are monitored to determine if changes to resource levels of either patrol or Investigative Services are required.</p> |

L. SPECIALIZED CRIMINAL OPERATIONS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Specialized Criminal Investigations

SUMMARY OF ACTIVITY:

Five standards (D03.01.01 – D03.02.08) were included in this inspection activity. Methodology included review of: written policies and procedures pertaining to the specialized criminal investigation function; the major case management system; the investigation of missing persons; the protection of victims and witnesses; and special procedures for investigating crimes against vulnerable groups. Questions regarding these topics were asked during interviews with a number of department members from various ranks as well as an external stakeholder.

Findings show that policy relating to the specialized criminal investigations; major case management; the investigation of missing persons; the protection of victims and witnesses; and the procedures for investigating crimes against vulnerable groups meet the standards and their intent in both policy and written procedures.

The audit team recommends that the department review its missing persons policies for consistency with the provincial missing persons policy developed by the British Columbia Police Missing Persons Centre and endorsed by the BCACP. The department may also consider amending policy to include selection criteria and/or the training required for members assigned to specialized criminal investigations.

REFERENCES:

- Inspection checklist 65620-20-9-17
- OC10 (3.14) Patrol Responsibilities
- OB220 (1.1; 3.1-3.24) Sexual Assault
- OB90 (3.39-3.43) Domestic Disputes
- OB140 (1.1; 3.1-3.4) Homicide
- OD20 (3.4-3.8) General Criminal Investigations
- OB180 (1.1-1.2; 3.1-3.24) Missing Persons
- OK20 (1.1-1.2; 3.1-3.16) Witness Protection
- OD160 (1.1; 3.1-3.59) Vulnerable Groups

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--------------|---|---|
| D03.01.01 | Standard met | <p>Policy: OC10 Patrol Responsibilities, OB220 Sexual Assaults, OB90 Domestic Disputes (Child Abuse), OB140 Homicide and OD20 General Criminal Investigations include reference to standard in policy and procedures. OD20 General Criminal Investigations identifies investigation procedures for homicides and major incidents.</p> <p>For each investigation type, including homicide or attempted homicide, sexual assault and child abuse, the policy specifies the <i>activities</i> of the component or function, but not the selection criteria or the training required for assigned members. OB140 Homicide (1.1) states that homicide or attempted homicide will be investigated “using appropriately selected and trained personnel.”</p> <p>Practice: [Withheld as per s. 15(1)(c) of FOIPPA].</p> | <p>Opportunity for Improvement:</p> <p>Consider amending policy to include selection criteria and/or the training required for members assigned to a specialized criminal investigations function.</p> |
| D03.01.03 | Standard met | <p>Policy: OD20 General Criminal Investigations includes reference to standard in policy and procedures.</p> <p>Practice: According to most investigators interviewed; major case management (MCM) procedures are clear and appropriate, and the structure is effective provided</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---------------|---|---|
| | | | sufficient resources are available. One member suggested MCM procedures change periodically and since adoption of the integrated unit files may be started (but not completed) in PRIME. [Withheld as per s. 15(1)(c) of FOIPPA]. | |
| D03.01.04 | Written policy governs the investigation of missing persons. | Standard met. | <p>Policy: OB180 Missing Persons, OD20 General Criminal Investigations and Communications Policy M50 Missing Person (amended December 2008) include reference to standard in policy and procedures. OB180 has not been amended since 2006.</p> <p>Practice: Members reported policy regarding handling and investigation of missing persons is clearly defined and accurately reflects procedures required for investigating missing persons.</p> | <p>Recommendation:</p> <p>Review OB180 and Communications Policy M50 for consistency with the provincial missing persons policy developed by the British Columbia Police Missing Persons Centre and endorsed by the BCACP in 2008.</p> |
| D03.02.07 | Written policy governs the protection of victims and witnesses. | Standard met. | <p>Policy: OK20 Witness Protection includes reference to standard in policy and procedures. Procedures for witness protection fall under the purview of the Witness Protection Program Act and the RCMP. Victoria Police Department policy covers coordination with the RCMP.</p> <p>Practice: [Withheld as per s. 15(1)(c) of FOIPPA].</p> <p>Policy is said to accurately reflect procedures for protecting victims and witnesses.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---------------|---|-------------------|
| | | | | |
| D03.02.08 | Written policy establishes special procedures for investigating crimes against vulnerable groups. | Standard met. | <p>Policy: OD160 Vulnerable Groups and D60 Domestic Violence include reference to standard in policy and procedures. Procedures for investigating crimes against vulnerable groups in OD160 are limited to persons in relationships and do not cover investigations of crimes against other vulnerable groups. The General Criminal Investigations and Specialized Criminal Investigations sections are cited as sources of additional information.</p> <p>Practice: Most members who were interviewed reported that they believe vulnerable groups receive effective police service from Victoria Police Department; though few were aware of policy concerning vulnerable groups.</p> | |

M.EVIDENCE

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Evidence

SUMMARY OF ACTIVITY:

Six standards were included in this inspection activity (D8.1.1, D8.2.5 – D8.2.9). This inspection activity was carried out in conjunction with the inspection of seized and found property, involving much of the same methodology and departmental contacts.

Methodology included: a guided tour of all areas used to store and process evidence; an audit of a sample of items of evidence looking at labelling and packaging and verifying each item's location as described in records; interviews with external stakeholders; and review of written policies and procedures involving search, seizure and evidence.

There are no major concerns resulting from this inspection activity. As with seized and found property, evidence is generally handled well. Most of the standards are being met or partially met. Where standards are not fully met, it is generally a gap or concern with written policies and procedures rather than practice.

The PRIME Property Module facilitates consistent documenting of evidence and tracking continuity of possession. However, during the audit of a sample of evidentiary items, two items could not be located. One was a credit card, the other a small amount of cash. There was no obvious cause or explanation. This observation underscores the importance of independent audits discussed in the Inspection Activity Summary Report for seized and found property to monitor the scope or frequency of missing items and ensure that discrepancies are addressed. As noted in the above referenced report, the audit team recommends that the Chief Constable ensure that an annual, independent audit of seized and found property is conducted.

Policies governing search and seizure address the elements required by the standards but have not been reviewed or updated since 2005 and 2006, respectively. These policies should be reviewed regularly for consistency with case law developments to facilitate successful prosecutions. The audit team recommends that the department ensure that policies and procedures dealing with search and seizure are reviewed at least annually and updated as needed. The department may consider requesting input from Regional Crown Counsel during this process.

Other written policy concerns involve the absence of specific elements required by the standards, including:

- A requirement that a record be made each time transfer of possession of physical evidence takes place;

- A requirement that the transfer of physical evidence to testing laboratories be documented, including the date and time of receipt in the laboratory and receiving person's name; and
- Procedures governing the timing and conditions for submitting items to a forensic laboratory.

These gaps could lead to difficulties tracking the chain of custody or analyzing evidence. The audit team recommends that the Chief Constable ensure that policies governing evidence are amended to address all of the elements required by the standards.

It should be noted that shortly after the audit team completed this inspection activity, the Chief Constable ordered an investigation into specific discrepancies, including the missing cash and credit card referred to above. While the missing items still could not be located, it is recommended that steps be taken to help prevent similar problems from reoccurring. Some of these recommendations directly address concerns highlighted above, including that:

- An annual audit of Exhibit Control and Purchasing be conducted;
- Significant self-audit findings (e.g., missing items) be disclosed to the senior manager responsible for Exhibit Control and Purchasing.

Note: a comprehensive audit of Exhibit Control and Purchasing was underway at the time of writing.

REFERENCES:

- Inspection checklist 65620-20-9-3
- OD120 Search
- OD130 Seizure
- OE20 Forensic Identification Services
- OE30 Forensic Science Laboratory Policy
- OF10 Evidence (Mail/Courier) Package Continuity
- OF20 Property Seized and Found

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|---|---|
| D08.01.01 | Written policy governs procedures for assuring compliance with constitutional and other legal requirements regarding search and seizure, with or without warrant. | Standard met | OD120 Search and OD130 Seizure outline procedures for ensuring compliance with legal requirements. However, these policies do not appear to have been reviewed or amended since October 2005 and May 2006, respectively. As police search and seizure are often impacted by case law decisions, these policies should be reviewed annually and updated as needed. | <p>Recommendation:</p> <p>Ensure that OD120 and OD130 are reviewed at least annually and updated as needed.</p> <p>Opportunity for Improvement:</p> <p>Consider inviting feedback from Regional Crown Counsel during the policy review process.</p> |
| D08.02.05 | Written policy governs the weighing, marking, or labelling of physical evidence. | Standard met | <p>S. 1.1 of OF20 Property Seized and Found states that the department will maintain a property management function that will provide for the consistent handling and recording of seized and found property. Procedures are not described, other than identifying the PRIME Property Module as the system to be used (s. 3.1) and stating that members are responsible for completing property entries (s. 3.5). The policy does not specify that evidence is to be weighed, marked or labelled.</p> <p>In practice, the Property Module facilitates consistent description, packaging and labelling of evidence by providing fields for this information, some of which are mandatory, and the ability to print labels for each item. The labels include bar codes which can be easily read by scanners in Exhibit Control and Purchasing.</p> <p>The audit team reviewed a sample of 24 items of evidence submitted to Exhibit Control and Purchasing in the past 12 months to ensure that each item was adequately described in the system, including a description of the weight, volume or amount of the item where applicable, and that a corresponding label was attached to each physical item. Overall, the results of this review were positive. The audit team was impressed with the organization of the main storage area and how quickly and easily most items could be located in their physical location. However, two items in the sample were missing.</p> | <p>Opportunity for Improvement:</p> <p>Consider revising OF20 to outline responsibility and procedures for weighing, marking or labelling physical evidence, in particular expectations regarding bulk items.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|--------------|---|---|
| | | | <p>One of these was already acknowledged as missing in the records system, the other was discovered to be missing from its intended location during the review.</p> <p>The audit team also noted some inconsistencies by members when recording the number of pieces of certain types of items, such as jewellery. This is in keeping with concerns raised during an interview with an investigator that bulk or miscellaneous items (e.g., a backpack containing a number of items) are not packaged and labelled appropriately. The respondent emphasized the need for supervisors to review files to ensure that items are entered properly.</p> | |
| D08.02.06 | For all items of evidence, a list is prepared containing the following information: description of the item; source; and name of person collecting the item or items. | Standard met | <p>As discussed above, the Property Module includes fields for describing each item of evidence. Source information is noted on the General Occurrence report.</p> <p>The same sample of items of evidence reviewed under standard D8.2.6 were examined to ensure that the records included a description of the item, the source or location from which the item was obtained and the name of the officer collecting the item. There were no concerns resulting from this review.</p> | |
| D08.02.07 | Written policy requires a record be made each time transfer of possession of physical evidence takes place. | Standard met | <p>In practice, transfers of possession are recorded in the Property Module in PRIME, including the date and time of transfer, the receiving person's ID number and the reason for transfer.</p> <p>S. 3.1 of OF20 Seized and Found Property requires the use of the Property Module. The policy does not specify that a record must be made each time transfer of possession of physical evidence takes place.</p> | <p>Opportunity for Improvement:</p> <p>Consider revising OF20 to emphasize that a record must be made each time transfer of possession of physical evidence takes place.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|---|--|---|
| D08.02.08 | Written policy requires the record of physical evidence submitted to a laboratory for examination to include prior possession information. | Standard not met | <p>S. 2.1 of OF10 Evidence (Mail/Courier) Package Continuity states that the purpose of the policy is to ensure that chain of custody is documented and maintained. However, the policy does specify the information that must be recorded in order to ensure that continuity of possession is maintained.</p> <p>In practice, prior possession information and the movement of exhibits is documented in Property Module. When an item is submitted to an external lab, the courier waybill number is also recorded in the Property Module. The Property Module does not record information about the item's receipt by an external lab (e.g., date and time of receipt, receiving person's name). Exhibit Control and Purchasing staff advised that this information could be obtained from the lab or the courier company but is not routinely requested.</p> | <p>Recommendation:</p> <p>Revise OF10 to require that the following information be recorded for items submitted to an external laboratory for examination:</p> <ul style="list-style-type: none"> - Name of the officer/employee last having custody of the item; - Date/time of submission or mailing and method used for transmission; - Date/time of receipt in the laboratory; - Name and signature of the person in the laboratory receiving the evidence. <p>The policy should also identify who is responsible for recording the information.</p> |
| D08.02.09 | Written policy governs timing and conditions for submitting evidence to a forensic laboratory. | Standard met in practice; not met in policy | <p>S. 1.1 of OE30 Forensic Science Laboratory Policy states that exhibits are to be submitted to Forensic Laboratory – Vancouver (FLV) following guidelines established by FLV personnel. The policy does not provide procedures concerning the timing or conditions for submission. Although these issues may be covered in the guidelines established by FLV personnel, in practice FLV is not the only laboratory to which the department submits exhibits.</p> <p>The audit team spoke with two external stakeholders representatives of RCMP "E" Division Forensic Laboratory Services in Vancouver. Neither respondent had any concerns about the department's submission of evidence or its condition upon arrival at the lab. Both respondents described a positive working relationship between their lab and Victoria Police Department. In particular, one respondent noted that the department's investigators keep up to date on emerging techniques and are always amenable to procedural changes.</p> | <p>Recommendation:</p> <p>Revise OE30 to refer to all laboratory services routinely used by the department and to provide direction concerning the timing and conditions for submitting evidence to each of these locations.</p> |

N. COMMUNITY RELATIONS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Community Relations

SUMMARY OF ACTIVITY:

Ten standards (D10.02.01 – D10.06.01) were included in this inspection activity. Methodology included a review of the department's direction involving community partnerships as well as review of written policies and procedures pertaining to community relations activities, community surveys, school liaison, crime prevention and crime prevention priorities, and victim assistance programs.

Reviews were also conducted of reports to the Police Board regarding Strategic Plan performance measures; the community survey results; the partnership review; and the department's personnel list. Interviews were conducted with sworn members in charge of the department's crime prevention and community relations programs and external personnel from Greater Victoria Police Victim Services.

Findings show that the department operates several Crime Prevention and Community Programs that are staffed and/or operated by volunteer, reserve constable and/or sworn members. The department also provides school liaison officers throughout Victoria and Esquimalt. No major concerns were raised during inspections or interviews regarding the crime prevention or community program functions. The audit team recommended an update of policies OM20 and OM70 to better reflect current programs or practices and to increase coordination between the community relations officers.

Standards relating to victim assistance programs were included in this inspection activity. Victim assistance is provided by the Greater Victoria Police Victim Services (GVPVS). Concerns were raised through interviews about the number of referrals provided by Victoria Police Department officers. GVPVS does not have access to police records and relies on officers to provide program information to victims. An opportunity for improvement is to ensure officers are made aware of this responsibility. The audit team recommended changing policy and procedures to include provisions for officers to inform victims about criminal injuries compensation and, separately, to note that GVPVS is responsible for hiring and training staff and volunteers.

The department conducted a community survey in 2007, which was distributed to households within high crime areas in Victoria and Esquimalt. The audit team recommended expanding the sample to include all areas of the city and suggested that results be presented by each community or neighbourhood.

REFERENCES:

- Inspection checklist 65620-20-9-7
- OM20 (1.1) Community Relations
- OM40 (3.0) Crime Prevention
- OM30 (1.1) School Liaison
- OD200 (1.1 and 3.1-3.6) Victim Services Policy and Procedures
- *Greater Victoria Police Victim Services (GVPVS) Strategic Plan 2008-2011*
- *Greater Victoria Police Victim Services (GVPVS) Activity Summary 2009*
- OB90 (1.1-1.2 and 3.1-3.9) Domestic Disputes Policy, Procedures and Officer Responsibilities
- OD80 (3.28) Arrest – Victim/Witness Notification
- *Victims of Crime Act*
- OM70 (1.1) Community Partnership
- Victoria Police 2007 Community Survey
- Nov 2008 Reduce Street Disorder – Strategic Plan Interim Report – Goal 1
- Dec 2008 Suppress Violent Crime – Strategic Plan Interim Report – Goal
- Sept 2008 Reduce Property Crime –Strategic Plan Interim Report – Goal 3
- Oct 2008 Invest in the Best -Strategic Plan Interim Report – Goal 4

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|--------------|--|---|
| D10.02.01 | Written policy establishes a community relations function within the department. | Standard met | <p>OM20 Community Relations includes reference to standard in policy and procedures.</p> <p>Policy describes the community relations function and identifies programs that exist as part of the function; however, Community Police Stations is listed as one of the community programs and CoPS have not been running in Victoria since the early 1990's.</p> <p>Some of the current Crime Prevention and Community Programs operated through Victoria Police Department include: reserve constable program, volunteer programs, Block Watch, crime free multi housing, youth and seniors safety, seniors driving program, bicycle registration, lock-out auto crime, stolen auto recovery program, links to community associations, speed awareness, business and residential security audits.</p> | <p>Recommendation:</p> <p>Update policy to reflect current community relations and community partnership programs.</p> |
| D10.02.02 | A survey of citizen attitudes and opinions is conducted at least every five years with respect to the following: overall department performance; overall competence of department employees; officers' attitudes and behaviour toward citizens; concern over safety and security in the department's service area as a whole; concern over safety and security in the area where the respondent lives; and recommendations and suggestions for improvements. | Standard met | <p>OM20 Community Relations includes reference to standard in policy 1.1 but not in procedures (written policy not required as part of the standard).</p> <p>The last survey was conducted in 2007 and included questions covering all aspects of the standard. Results are not presented in a way to be able to differentiate between Esquimalt and Victoria.</p> <p>Sample selection was limited to only houses within high crime areas as opposed to a sample of all residents. Survey was conducting on paper and administered through door-to-door delivery.</p> | <p>Recommendation:</p> <p>Include a sample of residents across all areas, not just high crime areas.</p> <p>Opportunities for Improvement:</p> <p>Consider alternate or additional methods of data collection (i.e., telephone).</p> <p>Include a breakdown of results by community/neighbourhood in the survey report.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---|---|--|
| D10.03.01 | Written policy requires the department to have a school liaison function. | Standard met | <p>OM30 School Liaison includes reference to standard in policy 1.1 but not in procedures. Procedures include administration of the DARE program but do not state whether school liaison officers act as counsellors or provide referrals to appropriate social agencies.</p> <p>According to interviews, school liaison officers operate the DARE program and may provide referrals to appropriate social agencies but do not act as counsellors.</p> | <p>Opportunity for Improvement:</p> <p>Amend policy OM30 to include procedures to better describe the school liaison function.</p> |
| D10.04.01 | Written policy establishes a crime prevention function and defines the relationships between all organizational elements of the department in pursuing crime prevention activities. | Standard met | <p>OM40 Crime Prevention establishes the function in policy; procedures include a description of some of the crime prevention services the dept provides.</p> <p>Suggestions came from interviews for more coordinated interaction between community relations officers in West Div and FET with Crime Prevention Services. Crime prevention reports to the police board and comments from interviews reflect increased presence in high call areas and increased efforts to work with youth populations (particularly in Esquimalt).</p> | <p>Opportunity for Improvement:</p> <p>Increase coordination between the community relations officers in West Div and FET with Crime Prevention Services.</p> |
| D10.04.02 | Written policy establishes the department's crime prevention priorities by crime type and geographic area, based on an analysis of local crime data. | Standard not met in policy; met in practice | <p>Policy does not establish crime prevention priorities by crime type and geographic area, nor does it say that crime prevention priorities should be based on analysis of local crime data.</p> <p>Policy lists programs offered as opposed to types of crime to prevent. Crime prevention priorities are established (and reported on) in reports to the police board.</p> <p>Reports include analysis of local crime data. Priorities include reducing street disorder, violent crime and property crime.</p> | <p>Recommendation:</p> <p>Draft policy governing crime prevention priorities, including procedures for determining priorities</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|------------------|--|---|
| D10.05.01 | Written policy establishes and describes the department's victim assistance program. | Standard met | OD200 establishes the function in policy; procedures detail that Victoria Police Department officers are to provide information and/or referrals to the victim assistance program. Victim assistance is managed by the Greater Victoria Police Victim Services (GVPVS). | |
| D10.05.02 | Written policy describes the selection criteria for non-sworn personnel and volunteers working within the victim assistance program. | Standard not met | No policy was found regarding selection criteria for non-sworn personnel and volunteers working within the victim assistance program. In practice, the department does not monitor selection within the GVPVS, however, GVPVS paid staff appear to have very high credentials and the volunteers go through extensive training and monitoring. | Recommendation: Amend OD200 to identify GVPVS as the victim services provider for the department and to indicate that the GVPVS is responsible for hiring and training staff and volunteers. |
| D10.05.03 | Written policy establishes procedures for cooperation and coordination between the victim assistance program and other department components or functions. | Standard met | OB90 (1.2 & 3.51-3.56) specify procedures for when to contact victim services. OD200 includes referrals to GVPVS. GVPVS does not have access to PRIME to initiate contact with victims and are reliant on officers to identify and provide program information to victims. Concerns were raised as to whether officers are providing referrals in all appropriate cases (including traffic accidents). The GVPVS Activity Summary shows an 18% drop in referrals from Victoria Police Department from 2007 to 2008. GVPVS has raised their concern with the department and attended patrol parades to ensure that new members are aware of their responsibilities. The department is aware of GVPVS concerns and holds that officers are the ones to determine who is a victim but the onus is on victims to initiate contact if they want to access the program. OD200 states that an info card may be left with the victim to facilitate referral Comments from | Opportunities for Improvement: Provide officers a reminder about the individuals and circumstances where GVPVS may be utilized. Ensure all front line members have access to a Victim Services Information card to provide to victims. |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|------------------|--|---|
| | | | interviews with GVPVS suggest that many officers have this info on the back of their business cards, making it easy to provide program info. | |
| D10.05.04 | Written policy establishes procedures for informing crime victims of the following: case status; change in case status; submission of reports to crown counsel; and victim assistance programs including information concerning criminal injuries compensation. | Standard not met | <p>OB90 (3.24-3.26 & 3.51-3.62) include procedures for informing victims of the services available to them and the release of offenders from custody.</p> <p>OD80 (3.28) and OD160 include procedures regarding informing victims of offenders release, discussion of submissions to crown counsel, informing victims of the case status and progress of investigation, and of the victim services available through GVPVS.</p> <p>OD200 includes provisions for referrals and information on <i>Victims of Crime Act</i>.</p> <p>Policy does not include procedures for providing information concerning criminal injuries compensation (<i>Crime Victim Assistance Act</i>). Policy also does not include procedures for providing information about FOIPPA. This is not included in the Provincial Standards; however, it is required by <i>Victims of Crime Act</i> (s 5).</p> | <p>Recommendation:</p> <p>Amend policy to include procedures for providing victims with information about the <i>Crime Victim Assistance Act</i> and FOIPPA.</p> |
| D10.06.01 | Written policy establishes the department's direction involving the community, in partnership with the police, to identify and resolve problems of crime and disorder. | Standard met | OM70 includes provisions for the community to partner with the police to identify and resolve problems of crime and disorder. Programs listed include: Community Police Stations and volunteers; however CoPS have not been running in Victoria since the early 1990's. Some of the volunteer programs that are currently running include the reserve constable program, speed watch and neighbourhood/block watch. | <p>Recommendation:</p> <p>Update policy to reflect current community relations and community partnership programs.</p> |

O. YOUNG PERSONS AND CHILDREN

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Young Persons and Children

SUMMARY OF ACTIVITY:

Four standards (D11.02.01 – D11.02.04) were included in this inspection activity. Methodology included review of written policies and procedures pertaining to the arrest or detention of young persons. The *Youth Criminal Justice Act* and the *Identification of Criminals Act* were also reviewed and compared to the department's policy. Interviews were conducted with several department members.

Overall, policy pertaining to the arrest, detention, custody, interviewing and identification of youth needs to be updated to ensure compliance with the requirements of YCJA.

According to interviews, members have been trained on changes to policy and procedures that result from YCJA and from recent media attention and civil litigation surrounding the detention of a youth in the Victoria detention facility. The department is aware of the need, and have already begun to review and update these policies.

REFERENCES:

- Inspection checklist 65620-20-9-18
- OD80 (3.35) Arrest of Young Persons
- OD180 (1.1; 3.1-3.21) Young Persons
- YCJA and BCYJA Reference Card for Peace Officers
- *Youth Criminal Justice Act (2002)*
- *Identification of Criminals Act (R.S., 1985)*

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation |
|-----------|--|--|--|------------------------------------|
| D11.02.01 | Written policy governs the arrest or detention of young persons. | Standard not met in policy; met in practice. | <p>Policy OD180 and OD80 (3.35) exist but have not been updated to reflect the <i>Youth Criminal Justice Act</i> (YCJA). Policy and procedures do not reflect key changes such as emphasis on extrajudicial measures and restrictions on the use of pre-trial detention.</p> <p>Practice: According to interviews, members have been trained on changes to procedures that result from YCJA and the department has begun to review and update this policy. During interviews with Patrol Members, all stated that they were familiar with expected procedures regarding the arrest and detention of youth.</p> | Update policy to reflect the YCJA. |
| D11.02.02 | Written policy establishes procedures regarding young persons who have been taken into custody, and includes: <ul style="list-style-type: none"> - notifying the young persons immediately of their constitutional rights; and - notifying the young persons' parents or guardians. | Standard not met. | Policy OD180 and OD80 (3.35) outline procedures but have not been updated to reflect the YCJA. While many of the provisions regarding the explanation of rights are unchanged from the YOA, there are key changes that may require policy amendments. For example, the additional warnings for different categories of young persons outlined in s. 3.15 of OD180 regarding trial in adult court are outdated. | Update policy to reflect the YCJA. |
| 11.02.03 | Written policy governs procedures for interviewing young persons, and includes provision for the following: <ul style="list-style-type: none"> - consulting with legal counsel, parents, guardians, relatives, or other appropriate adult; and - use of appropriate statement forms. | Standard not met. | Policy OD180 and OD80 (3.35) outline procedures but have not been updated to reflect the YCJA. For example, under the YCJA consulted persons cannot include a co-accused or someone under investigation for the same offence and consulted persons must be present during statements (unless the young person desires otherwise). In addition, the YCJA includes new provisions for waiver of rights. S. 3.15 may need to be updated to reflect these changes. Policy does not address the use of statement forms; however, the YCJA does not prescribe forms to be used. | Update policy to reflect the YCJA. |
| D11.02.04 | Written policy establishes procedures regarding fingerprints, photographs, and other forms of identification pertaining to young persons. | Standard met. | Policy OD180 states that the provisions of the Identification of Criminals Act apply to youth. This is consistent with provisions of the YCJA. | |

P. PRISONER TRANSPORTATION

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Prisoner Transportation

SUMMARY OF ACTIVITY:

Ten standards were included in this inspection activity (D14.1.1 – D14.2.9). Inspection activities included reviewing written policies and procedures, interviews on procedures and physical observation of vehicles regularly used for prisoner transportation [Withheld as per s 15(1)(c) of FOIPPA].

There are no major concerns resulting from this inspection activity. Both the police cruisers and vans are well equipped for transporting prisoners. The majority of standards are being fully or partially met (i.e., met in practice but not in policy). In most cases, the gaps in written policy can be attributed to a lack of policy dealing specifically with prisoner transportation. Some aspects of policy required by the standards are addressed in other policies such as the Jail Manual or policy dealing with communicable diseases. This results in some issues being only partially addressed. For example, OA60 Policy Governing the Medical Care of Persons in Custody and OG40 Communicable Diseases include provisions respecting the transportation of sick or injured persons. However, they do not address the transportation of handicapped or mentally disturbed persons, as required by the standard.

The lack of policy dedicated specifically to prisoner transportation may also make it difficult for members to locate policy direction on a particular matter related to this issue. The audit team recommends that the Chief Constable develop a policy on prisoner transportation that addresses a comprehensive range of considerations, including those outlined in the standards, in a readily accessible location.

REFERENCES:

- Inspection checklist 65620-20-9-5
- Jail Manual: Prisoner Booking Policy
Policy Respecting the Security of Prisoners in Cells
Policy Governing the Medical Care of Prisoners
- OD120 Search (s. 3.80)
- OD80 Arrest (s. 3.9 – 3.12)
- OA60 Policy Governing the Medical Care of Persons in Custody (s. 4.7)
- OD85 Arrest, Detention and Search of a Transgendered Person (s. 4.3 – 4.4)
- OG40 Communicable Diseases (s. 3.4, 3.10 – 3.11, 3.19 – 3.25)
- OH20 Use of Force (s. 3.21 – 3.32)

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|--|---|--|--|
| D14.01.01 | Written policy requires that information relating to a prisoner's escape or suicide potential or other personal traits of a security nature be included in the documentation that accompanies the prisoner during transport. | Standard met | <p>S. 3.14 – 3.16 of the Prisoner Booking Policy in the Jail Manual require that VISEN information be recorded for and accompany all prisoners released into the custody of another agency.</p> <p>S. 3.15 also requires that the jail guard advise the receiving police officer, sheriff etc. of the VISEN information.</p> <p>[Withheld as per s. 15(1)(c) of FOIPPA].</p> | |
| D14.02.01 | Written policy requires that vehicles used for transporting prisoners on a regular basis are modified to minimize opportunities for the prisoner to escape and to separate the driver from the prisoner by a safety barrier. | Standard met in practice; not met in policy | Appropriate modifications have been made to both types of vehicles routinely used for transporting prisoners [Withheld as per s. 15(1)(c) of FOIPPA]. | |
| D14.02.02 | Written policy requires a search of each prisoner prior to being transported. | Standard met | <p>OD80 Arrest and OD120 Search require searches of arrested persons prior to transport.</p> <p>Policy requirements are consistent with search procedures described through interviews.</p> | <p><i>Opportunity for Improvement:</i></p> <p>Consider including search procedures in new policy dedicated to prisoner transportation.</p> |
| D14.02.03 | Written policy requires a search of transport vehicles before and after transporting prisoners. | Standard met | <p>OD80 Arrest requires search of transport vehicle prior to and after transport.</p> <p>Policy requirements are consistent with search procedures described through interviews.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------|---|---|---|---|
| D14.02.04 | Written policy describes the security and control of prisoners transported to medical care facilities for treatment or examination. | Standard not met | Sections 3.10 – 3.14 of the Policy Governing the Medical Care of Prisoners in the Jail Manual address the security and control of prisoners transported to medical care facilities <i>from the jail</i> . There is no policy concerning arrested persons who require medical care prior to being booked into cells or the transportation of persons to medical facilities who are in police custody for other reasons, such as apprehensions under the <i>Mental Health Act</i> . | Recommendation: Develop policy on prisoner transportation that includes procedures for the security and control of persons transported to medical care facilities for treatment or examination. |
| D14.02.05 | Written policy requires that the department notify the sheriff or the court when a prisoner to be transported to court is considered a security hazard. | Standard met | Section 3.14 of the Prisoner Booking Policy in the Jail Manual requires that jail guards note any security concerns for all prisoners released into custody of another agency by [Withheld as per s. 15(1)(c) of FOIPPA]. | None. |
| D14.02.06 | Written policy governs transport of prisoners by an officer of the opposite sex, with exceptions defined. | Standard met in practice; not met in policy | Transport of prisoners by an officer of the opposite sex is not addressed in policy. In practice, [Withheld as per s. 15(1)(c) of FOIPPA]. | Recommendation: Develop policy on prisoner transportation that includes procedures for transporting prisoners of the opposite sex. |
| D14.02.07 | Written policy describes methods used in transporting mentally disturbed, handicapped, sick or injured prisoners. | Standard not met | OA60 Policy Governing the Medical Care of Persons in Custody states that [Withheld as per s. 15(1)(c) of FOIPPA]. OG40 Communicable Diseases states that [Withheld as per s. 15(1)(c) of FOIPPA]. | Recommendation: Develop policy on prisoner transportation that includes procedures for transporting mentally disturbed, handicapped, sick or injured prisoners. |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | [Withheld as per s. 15(1)(c), s.13 of FOIPPA]. | |
| D14.02.08 | Written policy requires prisoners to be restrained during transport, with exceptions noted. | Standard met in practice; not met in policy. | <p>OD80 Arrest states that when carrying out an arrest an officer will take physical custody of the person, [Withheld as per s. 15(1)(c) of FOIPPA].</p> <p>OH20 Use of Force states that [Withheld as per s. 15(1)(c) of FOIPPA].</p> <p>However, neither policy addresses restraint during transport.</p> <p>Interviewees advised that, in practice, [Withheld as per s. 15(1)(c) of FOIPPA].</p> | <p>Recommendation:</p> <p>Develop policy on prisoner transportation that addresses restraint during transport.</p> |
| D14.02.09 | Written policy describes the use of restraining devices on mentally disturbed, handicapped, sick or injured prisoners. | Standard not met. | There are no policies addressing the use of restraining devices on mentally disturbed, handicapped, sick or injured prisoners. | <p>Recommendation:</p> <p>Develop policy on prisoner transportation that addresses the use of restraining devices on mentally disturbed, handicapped, sick or injured persons.</p> |

Q. DETENTION FACILITY

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Detention Facility

SUMMARY OF ACTIVITY:

Thirty-five standards were included in this inspection activity. Revisions to the standards resulting from Police Services Division's provincial evaluation of detention facilities (published in 2002) were considered when assessing compliance. Inspection activity included a guided tour of the detention facility and interview rooms and interviews regarding procedures, record keeping and equipment within the facility. The audit team also reviewed a sample of prisoner intake and release forms from January 1 to April 15, 2009 to verify that information about the arrest, the prisoner's condition and his or her property was included. Interviews were conducted with a sample of jail guards and jail sergeants.

Overall, the audit team observed that the addition of jail sergeants and the transition of jail guards from contractors to department employees have been very positive changes. The audit team was also impressed by the conditions and cleanliness of the detention facility, the surveillance system, and the food provided to prisoners.

Prior to this inspection, the jail sergeants had conducted an internal audit of the detention facility. This identified some provincial standards that were not being met and action was taken to address the non-compliance shortly before the external audit began. It should be noted that many of these issues had already been identified by Police Services Division's Municipal Police Evaluation of the department's detention facility published in 2002 but were not addressed until this time.

The most significant concern resulting from this inspection activity is that despite revisions to the provincial standards in 2002 requiring physical checks of all prisoners at least once every 20 minutes, the department's jail policy generally requires physical status checks every half hour (and every 15 minutes for intoxicated or other high risk prisoners). Although prisoners are monitored more frequently by video surveillance, the provincial standard explicitly excludes video surveillance for the purpose of physical checks.

The rationale for specifying a minimum 20 minute interval for physical checks in the revisions to the provincial standards in 2002 was based on both the common practice among most police agencies in the province at the time as well as the standard of care established in *Funk v. Clapp* (1986): at least three checks per hour, at least 15 minutes apart. Previously, the standard only required that prisoners be visually checked "frequently".

In the Municipal Police Evaluation report published in 2002, the evaluation team concluded that the department's policy requiring visual checks every half hour was not sufficient to meet

the intent of the standard and recommended that the policy be revised. In 2009, as policy and practice still generally require physical checks every half hour, the audit team again concludes that the standard is not being met. This deficiency poses a risk for prisoner safety and department liability. The audit team recommends that the department revise policy and practice to require physical checks of all prisoners at least once every 20 minutes. Policy should continue to require more frequent checks for intoxicated or other high risk prisoners.

Other concerns and opportunities for improvement involve: the separation of youth and adult and male and female prisoners throughout all stages of detention; the long-term capacity of the 'youth wing'; policy governing assessing prisoners' level of consciousness; and, policy governing infectious diseases.

While the layout of the jail facility ensures that youth and adult and male and female prisoners are separated by sight and sound once lodged in cells, it does not prevent contact during booking and release or movement to and from interview rooms. [Withheld as per s. 15(1)(c)(k) of FOIPPA].

This is not required by policy. The jail sergeant assisting the audit team acknowledged periodic contact does occur in hallways and the booking area. This may infringe upon the privacy and feelings of safety of youth and female prisoners. The audit team recommends that the department explore short-term means of mitigating contact in hallways and the booking area, such as amendments to policy. Further, the department should ensure that this issue is addressed in any future physical modifications of the facility.

A related concern was the capacity of the youth wing, [Withheld as per (13(1)(c)(k) of FOIPPA].

Interviewees identified a long term need (i.e., next 3 – 5 years) to increase the capacity of the youth wing. The audit team recommends that the department ensure that this issue is addressed in any future physical modifications of the facility.

The audit team also noted potential discrepancy between policy and practice with respect to prisoners of questionable consciousness and prisoners needing medical assistance. Interviewees expressed concern that the overall policy direction (i.e., seek medical assistance if there is any doubt as to the need for medical attention) carries an unrealistic reliance on external resources, namely paramedics. Interviews advised that, in practice, there is a need for jail sergeants and jail staff to make judgement calls. This is also consistent with the job description for jail guards which states that guards are to "[o]bserve prisoners for medical symptoms, provide first aid when necessary...and initiate action for additional medical care, if required." The potential disparity between policy and practice could create confusion and uncertainty for staff. The audit team recommends that the department review its policy respecting the medical care of prisoners for consistency with operational needs.

The audit team noted that the policy contained in the jail policy manual regarding infectious diseases was not as comprehensive as the policy contained in the department's overall policy and procedure manual (i.e., OG40 Communicable Diseases). As a result, jail staff may not be aware of information intended to protect staff when dealing with infectious persons. The audit team recommends that the department amend the jail policy regarding infectious diseases to bring it more in line with the overall policy and procedure manual or include a cross reference to section OG40. Other findings and recommendations are outlined in the attached table.

REFERENCES:

- Inspection checklist 65620-20-9-4
- Victoria Police Department – Jail Policy and Procedure Manual
- Victoria Police Department – Policy and Procedures Manual
 - AA50 Department Direction
 - OG40 Communicable Diseases
 - OD80 Arrest
- Internal Jail Audit – Victoria Police Department (March 2009, updated April 2009)
- Victoria Police Department Fire Safety Plan
- Jailer Training Materials:
 - Training Schedule Apr/May 2009
 - Jail Policy and Procedure Manual training outline and presentation slides
 - Jail Policy and Procedure Manual exam and answer key
 - Jailer Training Check sheet
 - Jail Guard Course Training Standards Final Report
- Municipal Police Evaluation: Detention Facilities (MPSSG 2002)
- Jail Sergeant – Weekly Inspection Report
- Prisoner Intake Record/Prisoner Medical Information Sheet
- PRIME Detention/Release Report
- PRIME Booking Sheet
- Jail log book page
- Jailer Job Description

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation |
|-----------|--------------|---|---|
| E01.01.01 | Standard met | Victoria Police Department Jail Policy Manual – Mission and Administration s. 4.0 identifies OIC USD as position with overall responsibility for the jail function. | |
| E01.01.02 | Standard met | Victoria Police Department Jail Policy Manual – Policy Respecting Access to Jail outlines escorted and unescorted access to detention facility, and identifies position (Jail NCO) that may grant access. [Withheld as per s. 13(1)(k)(l) of FOIPPA]. | |
| E01.02.01 | Standard met | <p>During a tour of the detention facility, physical observation found the facility to be in compliance with the standard.</p> <p>Consideration should be given to improving flooring. Flooring from sallyport to booking area and interview rooms were somewhat cushioned, but each cell and hallways to cells were concrete. Slip-resistant flooring was recommended in PSD's 2002 Detention Facility MPE and is again recommended in this audit as a good practice.</p> <p>Interviews were conducted with four jail guards. The most significant and common concern was poor air quality/circulation. One noted that if OC is sprayed in the facility, it takes the day to dissipate. Another noted similar concern regarding the harsh smell of the chemicals used by the cleaning staff that takes a long time to go away. Another common issue raised was the lighting in the facility, being too bright with the use of fluorescent bulbs.</p> | <p>Opportunities for Improvement:</p> <p>Consider installation of slip-resistant flooring in cells and hallways.</p> <p>Consider requesting an indoor air quality investigation of the detention facility.</p> |
| E01.03.01 | Standard met | <p>Victoria Police Department has a Fire Safety Plan for the entire building which includes a section specific to the detention facility; the Plan is posted on the department's Intranet and outlines fire procedures. Victoria Police Department's Fire Safety Plan was under review by the Victoria Fire Department at the time of the audit. However, it was also noted that the detention facility portion of the Fire Safety Plan was sufficient.</p> <p>Portions of the Victoria Police Department Jail Policy Manual also</p> | <p>Opportunity for Improvement:</p> <p>Consider amending the Jail Policy Manual to include the procedures and prevention practices outlined in the Fire Safety</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| | | | <p>outline procedures for reporting and evacuation in the event of a fire as well as fire prevention procedure (Policy Respecting Security of the Jail Facility).</p> <p>All the above is included in the jailer training course materials, although there is no formal training for facility staff in the use of fire prevention equipment.</p> <p>Victoria Police Department Internal Jail Audit report recommends inclusion of the fire safety plan in the Jail Policy Manual; PSD supports this action as it would fill any gaps in information regarding this standard.</p> <p>Development/inclusion of fire prevention practices and procedures in jail policy was recommended in the 2002 Detention Facilities MPE.</p> | Plan. |
| E01.03.02 | The type and location of fire protection equipment is approved in writing by provincial or local fire officials. | Standard met | <p>Victoria Police Department Fire Safety Plan states that inspecting, testing and servicing of the Victoria Police Department fire protection equipment is done by the City of Victoria’s Building Services Section; however, it does not speak specifically to the type/location of fire equipment and its approval.</p> <p>The Fire Safety Plan itself is approved by Victoria Fire Department and is currently under review.</p> | |
| E01.03.03 | Written policy requires the documented inspection and testing of fire protection equipment annually or sooner if required by the manufacturer. | Standard met in policy; not met in practice | <p>S. 4.43 and s. 4.44 of the Policy Respecting Security of the Jail Facility states that “regular” inspection and testing of fire prevention equipment is done by the City of Victoria’s Building Services Section. S. 4.44 states that annual inspection is also performed by Victoria Fire Department. The policy does not define the frequency of inspection and testing by Building Services Section or require that equipment be tested sooner than annually if required by the manufacturer.</p> <p>At the time of inspection, most fire prevention equipment including the smoke detectors and alarms had been tested within the past year. The fire extinguishers were overdue by one month (last tested March 2008).</p> | <p>Recommendation:</p> <p>Ensure that fire extinguishers in the detention facility are tested.</p> <p>Opportunity for Improvement:</p> <p>Consider amending the Policy Respecting Security of the Jail Facility to specify minimum frequency of testing by Building Service Services Section and to require that fire prevention equipment is tested</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
|-----------|---|--------------|---|--|
| | | | | annually or sooner if required by the manufacturer. |
| E01.03.04 | There is a written and posted emergency evacuation plan for the facility and a designated and signed emergency exit directing the evacuation of persons to hazard-free areas. | Standard met | <p>An emergency evacuation plan, with instructions and map is posted in the detention facility.</p> <p>There are two emergency exits that are clearly signed.</p> <p>The Victoria Police Department Fire Safety Plan also clearly outlines evacuation procedures for detention facility. Evacuation procedures are also noted in the Jail Policy Manual.</p> <p>Provisions for first aid, medical care and transfer of prisoners are included in the Policy Respecting Security of the Jail Facility.</p> <p>Interviewees advised that drills are not conducted. Emergency evacuation drills are required by the <i>Fire Services Act</i> [R.S.B.C. 1996] s.31 (2g) for public buildings and those that are used for the care of persons.</p> <p>Of the jail guards interviewed, two stated they had training in evacuation procedures, one stated they had a walk through, and one stated they had not received training at all.</p> | <p>Opportunity for Improvement:</p> <p>Consider requiring that emergency evacuation of the facility is practiced by jail staff.</p> |
| E01.03.05 | Written policy requires a weekly documented sanitation inspection of the facility. | Standard met | <p>Victoria Police Department Jail Policy Manual – Mission and Administration (s. 7.0) requires the Jail NCO to conduct weekly inspection and document.</p> <p>The policy is a recent amendment resulting from the Internal Jail Audit; additionally the practice of documenting the inspection is recent with only one completed report available at the time of inspection. Interviewees advise that the inspections had been occurring since the Jail NCOs were established. The inspection documentation provides a checkbox for “cleanliness” of the facilities with space available to make note of any concerns.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.04.01 | Written policy governs the securing of firearms in the holding facility. | Standard met | Victoria Police Department Jail Policy Manual – Policy Respecting Security of the Jail Facility [Withheld as per s. 13(1)(c)(k)(l) of FOIPPA]. | |
| E01.04.02 | Written policy requires a documented security check, including a search for weapons, prior to each use of an unoccupied cell. | Standard not met in policy; met in practice | <p>Victoria Police Department Jail Policy Manual – Policy Respecting Security of the Jail Facility s. 4.24 requires jailers to search all cells at the beginning of their shift and individual cells to be searched again prior to prisoner being placed in them. Cells are also to be checked when prisoner removed but before booked out.</p> <p>Good practices include: The policy notes search is for weapons and/or contraband and the jailers are trained in conducting searches of cells (training is documented).</p> <p>There is no requirement in policy for the searches to be documented, but in practice cell checks are documented on the Detention/Release report, and policy does require the reporting of any contraband found. This information is recorded in the black book.</p> | <p>Recommendation:</p> <p>Amend the Policy Respecting Security of the Jail Facility to require that cell searches be documented.</p> |
| E01.04.03 | Written policy requires a documented security inspection, including a search for weapons, of the detention facility at least weekly. | Standard not met in policy; met in practice | <p>Victoria Police Department Jail Policy Manual – Mission and Administration requires Jail NCO to conduct and document weekly inspection of the facility but does not specify that inspection must include security considerations (e.g., search for weapons).</p> <p>In practice, the Jail Sergeant - Weekly Inspection Report requires a search for contraband/weapons. These documented inspections are recent with the instatement of Jail NCO's.</p> <p>Lack of policy requiring security inspections was highlighted in the 2002 Detention Facilities MPE.</p> | <p>Recommendation:</p> <p>Revise the Mission and Administration policy to specify that the weekly inspection of the detention facility is to include security considerations, including a search for weapons.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| | | | <p>[Withheld as per s. 15(1)(k)(l) of FOIPPA].</p> <p>A sample of 20 prisoner intake and release forms was audited in PRIME to ensure that searches of prisoners and property taken from prisoners were documented. The sample was obtained by browsing the Court file information folder in PRIME for arrests between these two dates. Roughly 1 file out of every 100 was selected to obtain the desired 20 files. Identification of the officer conducting a prisoner search is a mandatory field in PRIME (i.e., a record cannot be saved without completing this field). However, this field could not be viewed from the Court file information folder and was therefore not audited. In all but one of the 20 forms audited, detailed inventories or property taken from prisoners were included. In the anomalous case, the audit team speculated a data entry error (i.e., the file did not actually involve detention).</p> | |
| E01.04.08 | A booking form is completed for every person booked into the facility and contains the following information to the extent permitted by law: arrest information; apparent physical and psychological condition; medications taken by prisoner; property inventory and disposition; and prisoner profile coding. | Standard met | <p>Jailers are required to complete both the PRIME booking module (electronic form) and a Prisoner Medical Information Form (paper form). The police officer bringing a person into the detention facility must also complete a Prisoner Intake Record Form (paper form), which must be signed off by a Jail NCO. The latter ensures that jail staff have information about the circumstances of the prisoner's arrest and condition (i.e., prior to the officer entering the relevant information into PRIME).</p> <p>The same sample of prisoner intake and release forms referred to in E1.4.7 was audited to ensure that information about the prisoner's arrest and condition was included. Two of the sampled files did not have arrest information. One was likely a data entry error (see above) but there was no apparent explanation in the other case. The audit team also observed that some fields on the prisoner intake form were not consistently completed. Specifically, some fields requiring either a yes or no response (e.g., did prisoner vomit, was prisoner unconscious) were blank.</p> | <p>Opportunity for Improvement:</p> <p>Consider revising the Prisoner Intake Record Form to encourage consistent and full completion or take other steps to ensure that forms are fully completed.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.04.09 | Written policy requires that young persons are detained separately from adult prisoners. | Standard met | <p>Victoria Police Department Jail Manual – Prisoner Booking Policy (s. 3.30-3.37) governs youth detainment. Youth are required to be detained separately.</p> <p>Good practice included: a policy for separate detention of transgendered youth (s. 4.42 Policy Respecting the Security of Prisoners in Cells).</p> <p>Design of booking counter and hallways is open and it is possible that youth being escorted to interview rooms or cells must be escorted past booking counter where adult prisoners may be present. Interviewees stated that best efforts are made by staff to wait, e.g. in sallyport while adult in booking; however, it does happen that youth and adult prisoners come within sight and sound of each other.</p> | <p>Opportunities for Improvement:</p> <p>Consider short-team means of mitigating contact in hallways and the booking area, such as amendments to policy.</p> <p>Consider this issue in any future physical modifications of the facility.</p> |
| E01.04.10 | Written policy requires that female prisoners are detained separately from male prisoners. | Standard met | <p>Victoria Police Department Jail Manual – Prisoner Booking Policy (s. 3.4) governs female prisoners separate from male.</p> <p>Design of booking counter and hallways is open and it is possible that females may come into contact with male prisoners. Similar to youth prisoners, while best efforts are made to wait/keep male and female prisoners separated in these common areas it can happen that male/female prisoners come within sight and sound of one another.</p> | As above. |
| E01.04.11 | <p>Written policy describes methods for handling, detaining and segregating persons under the influence of alcohol or other drugs who are violent or self-destructive.</p> <p><i>Such prisoners must remain under close observation by facility staff, or referred for appropriate medical treatment. In situations where the department determines that a prisoner must be immobilized for his/her or another person's safety, the policy must address the conditions for the action to be taken, who may authorize it, and where appropriate, offer guidelines</i></p> | Standard met | <p>Victoria Police Department Jail Manual – portions of Prisoner Booking Policy, Policy Respecting Security of the Jail Facility, and Policy Governing the Medical Care of Persons in Custody cover this standard. However, policy is more geared towards violent/self-destructive and not specific to alcohol/drug influenced. Policy requires more frequent physical checks and documentation of observations in subject behaviour report.</p> <p>Prisoner Booking Policy, s. 3.17-3.19 outline the Hold/SIPP Report, and s. 3.22 outlines housing SIPP arrests with visible bodily fluids (i.e., to be housed separately). S.3.26 states a person intoxicated by drugs alone shall not be lodged in cells.</p> <p>Prisoner Release Policy s.3.6 states persons held for SIPP are to be assessed at regular intervals and released as soon as the Jail NCO believes they no longer meet LCLA provisions.</p> <p>Victoria Police Department has padded cell (recently upgraded) and</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| | <i>as to its application.</i> | | <p>multi-step restraint devices for individuals who pose threat to self/others. In practice, [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>During interviews with jail guards, no concerns were raised regarding immobilization equipment at the facility. Training is received from the Use of Force coordinator in the model and the devices.</p> | |
| E01.04.12 | Written policy describes space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the detention facility. | Standard met | <p>Victoria Police Department Jail Policy – Prisoner Booking Policy contains “Arrest Exceeding Capacity” provisions (e.g., transfer to Sheriffs/release of prisoners). Maximum capacity and steps to be taken are to be determined by the Jail NCO based on behaviour of prisoners and their reasons for detention.</p> <p>S. 3.7 - 3.10 of the Security of Prisoners in Cells Policy includes provisions for supplemental jail staff but s. 3.10 contains contradictory language (i.e., extra jailer “will always be scheduled...at the discretion of the Jail NCO”).</p> | <p>Opportunity for Improvement:</p> <p>Consider amending s. 3.10 of the Security of Prisoners in Cells Policy to clarify expectations regarding supplemental jail staff.</p> |
| E01.04.13 | Written policy governs the return of property to prisoners upon release. | Standard met | <p>Victoria Police Department Jail Policy – Prisoner Release Policy & Prisoner Booking Policy requires documentation of property. It is the Duty Jailer’s responsibility to return all property, and that the person endorses the PRIME sheet that all property returned.</p> <p>Interviews stated that, in practice, [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The same sample of prisoner intake and release forms referred to under E1.4.7 was audited to ensure that the return of property was documented. In each case, either the prisoner signed the form acknowledging receipt of returned property or an explanation was provided (e.g., prisoner refused to sign).</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.04.14 | Written policy requires a journal to be maintained in which significant or unusual occurrences are recorded. Written policy requires that the journal be stored in a safe location and be available for reference for up to 10 years. | Standard met | Prisoner Log Book, Pass-on Book, and NCO Log all kept and maintained as records. These documentation types are all required in policy in the Jail Policy Manual. Interviewees advised that journals are kept indefinitely in Exhibit Control and Purchasing (i.e., once a book has been filled). | |
| E01.05.01 | Written policy identifies the policies and procedures to be followed when a prisoner is in need of medical assistance. | Standard met | <p>Victoria Police Department Jail Policy Manual – Policy Governing the Medical Care of Persons in Custody outlines policies/procedures.</p> <p>Overall policy direction is that if there is any question as to the medical fitness of an individual, a BC medical practitioner (most often paramedics) should be called. Interviewees expressed concern that the policy is too tight. In practice, Jail NCOs often need to make a call on a prisoner’s medical status prior to contacting paramedics. Interviewees expressed concern that the policy could burden external agencies (i.e., paramedics).</p> | <p>Recommendation:</p> <p>Review the Policy Governing the Medical Care of Persons in Custody to ensure it reflects operational needs.</p> |
| E01.05.02 | A first aid kit equivalent to or superior to the WCB Basic First Aid Kit is available in the detention facility, and is subject to a documented weekly inspection and replenished as soon as possible by a trained first aid provider. | Standard met | <p>First aid kit observed – included WCB Basic requirements and additional supplies (e.g., oxygen, bandages). Located in readily accessible location in the detention facility. Appeared fully stocked at time of inspection. All jail guards have Occupational First Aid Level 2 training and are responsible for checking the supply of the first aid kit at the start of each shift. Jail NCOs have at least basic first aid training and are responsible for weekly documented inspection of the first aid kit.</p> <p>S. 5.2 of the Jail Policy – Mission and Administration states that the Jail NCO is responsible for weekly inspection of first aid kit and maintaining all supplies for the jail facility.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.05.03 | Written policy governs the dispensing of pharmaceuticals or other medical treatment, within the facility by department employees. | Standard met | <p>Victoria Police Department Jail Manual – Policy Governing the Medical Care of Persons in Custody includes provisions for dispensing pharmaceuticals within the facility by department employees (s. 6.0 Prisoner Booking Policy).</p> <p>Policy/Practice does not require “informed consent” as recommended by the “Notes” portion of the Standard.</p> <p>Good practices include: medications are removed from prisoners and itemized in PRIME. The Medication Module manages dosage instructions and alerts jailer when medication is to be dispensed. Jail staff double confirm with other jail staff for the dispensing of pharmaceuticals, and make notation in Pass On Book.</p> | <p>Opportunity for Improvement:</p> <p>Consider amending the Policy Governing the Medical Care of Persons in Custody policy to include an informed consent portion.</p> |
| E01.05.04 | Written policy establishes procedures to be followed when a prisoner has an infectious disease. | Standard met | <p>Victoria Police Department Jail Manual has policy for special handling/close observation for infectious persons, and states that if staff are exposed they must seek medical attention. Information is documented as part of VISEN requirements/ procedures.</p> <p>The audit team noted that the Victoria Police Department Policy and Procedures Manual includes a more extensive policy on this issue (OG40 Communicable Diseases). There is no reference to this policy in the jail manual.</p> <p>Equipment is available to protect detention facility staff including [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> | <p>Opportunity for Improvement:</p> <p>Consider amending the Policy Governing the Medical Care of Persons in Custody to make it more consistent with OG40 or include a cross reference to OG40 within the jail policy.</p> |
| E01.05.05 | <p>Written policy establishes procedures to be followed when a prisoner is of questionable consciousness.</p> <p><i>The intent of the standard is that prisoners receive appropriate medical attention. Policy must ensure that guards are trained in assessing the level of consciousness of prisoners, e.g., training in the use of the Glasgow Coma Scale.</i></p> | Standard met | <p>Victoria Police Department Jail Manual – Policy Governing the Medical Care of Persons in Custody (s. 4.0 Questionable Consciousness) states that if in doubt that prisoner is anything less than fully conscious or responsive to get medical attention.</p> <p>Jail guards are required to have Level 2 Occupational First Aid which includes training in assessing level of consciousness.</p> <p>As noted under standard E1.5.1, interviewees expressed concern that policy may be too restrictive and not in line with practical needs.</p> | <p>Recommendation:</p> <p>Review the Policy Governing the Medical Care of Persons in Custody to ensure it reflects operational needs.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.06.01 | Written policy requires that a prisoner's opportunity for lawful release from custody is not impeded. | Standard met | <p>Victoria Police Department Jail Manual – Prisoner Release Policy s. 1.0 and 2.0 indicate that prisoners are to be released in a manner and time in keeping with lawful authority and with due regard for process. The policy provides guidance with respect to the timing for release of persons held for SIPP or breach (including youth), but does not provide similar guidance for prisoners held for other reasons (e.g., arrest with or without warrant). However, this information is provided in s. 3.13 – 3.35 of OD80 Arrest.</p> <p>Policy requires the completion of appropriate release documentation and the Jail NCO is responsible for ensuring completion.</p> | <p>Recommendation:</p> <p>Amend the Prisoner Release Policy to include a cross reference to OD80.</p> |
| E01.06.02 | Written policy ensures confidential access to counsel. | Standard met | <p>Victoria Police Department Jail Manual – Policy Respecting Access to the Jail and Policy Respecting the Security of Prisoners in Cells govern access to lawyers, which are permitted at the discretion of the Jail NCO, and allow phone calls that must be made in private. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>There are adequate signs in the interview area and it is the member's responsibility to inform the prisoner.</p> <p>[Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> | |
| E01.06.03 | Written policy sets forth procedures for a prisoner's access to a telephone, telephone directory and legal aid assistance. | Standard met | Victoria Police Department Jail Manual – Policy Respecting the Security of Prisoners in Cells, Telephone Privileges (s. 4.45-4.57). | |
| E01.06.04 | Three meals are provided to all prisoners in the facility during each 24 hour period. | Standard met | <p>Victoria Police Department Jail Manual – Policy Governing the Medical Care of Persons in Custody outlines policy and procedures for providing food to prisoners.</p> <p>Food is provided daily through contract with QV. Accommodations can be made for special dietary considerations (e.g., allergies, religious restrictions, etc.). Three meals are provided at general meal times, with flexibility.</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.07.01 | Written policy requires the constant monitoring of prisoners by department staff. | Standard met | <p>Victoria Police Department Jail Manual – policy requires that jailers check the surveillance monitors at least once every 15 minutes.</p> <p>In practice, [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>In the 2002 Detention Facilities MPE the evaluation team recommended that the department clarify policy to ensure physical checks and monitor checks were not conducted at the same time.</p> | <p>Recommendation:</p> <p>Amend the Policy Respecting Security of the Jail Facility to clarify that video monitor checks and physical checks are not to be conducted at the same time.</p> |
| E01.07.02 | Written policy requires that each prisoner be physically visually checked at least every 20 minutes by department staff. Each prisoner is to be physically visually checked during the times that the prisoner may be alone in the facility (i.e., during the time lag between when a guard is called out and his/her arrival, during the guard coffee and lunch breaks). | Standard not met | <p>Victoria Police Department Jail Manual – Policy Respecting Security of the Jail Facility requires physical status checks every half hour (and includes definition of physical check). The policy also requires more frequent physical checks for SIPP or higher risk prisoners (Policy Governing Medical Care of Persons in Custody).</p> <p>Checks are documented in the Jail log, including PIN of jailer conducting the check.</p> <p>In practice, if the jailer has any difficulty conducting checks in the required timeframe, they notify the Jail NCO who makes arrangements to ensure checks are completed. However, this is not included in the policy. Each of the jail guards interviewed were aware of the time requirements for physical checks of prisoners and high-risk prisoners.</p> <p>In 2002, the provincial standards were revised to require physical checks of prisoners at least once every 20 minutes, as a result of Detention Facilities MPE findings and report. The rationale for this frequency was based on the common practice among most police agencies in BC as well as case law established in <i>Funk v. Clapp</i> in which duty of care to protect prisoners in police custody from foreseeable risks would be comprised of at least three checks per hour, 15 minutes apart. The standard explicitly excludes the use of video surveillance for the purpose of physical checks.</p> <p>The Victoria Police Department did not meet this standard in 2002 and as policy and practice still requires physical checks every half hour, this is not sufficient again to meet the standard in 2009, regardless of the presence of a good surveillance system.</p> | <p>Recommendation:</p> <p>Revise the Policy Respecting the Security of the Jail Facility to require physical checks at least once every 20 minutes.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation |
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| E01.07.03 | <p>Written policy specifies procedures when prisoners are supervised by a staff member of the opposite sex.</p> <p><i>Generally speaking, prisoners should be guarded by staff members of the same sex when possible. However, in situations when a same sex staff member is not available, written procedures should detail how the guarding and monitoring process is to occur.</i></p> | Standard not met | <p>S. 3.3 of the Policy Respecting the Security of Prisoners in Cells states that female jailers are generally responsible for female prisoners and male jailers are generally responsible for male prisoners. S. 3.4 states that “[c]ell checks may be conducted by any member of the jail staff or by the Jail NCO unless, in the opinion of the Jail NCO, the check should only be conducted by a jailer of the same sex.” However, there are no procedures for guarding and monitoring in these circumstances (i.e., staff member of opposite sex). This gap was also noted in the 2002 Detention Facilities MPE.</p> | <p>Recommendation:</p> <p>Amend the Policy Respecting the Security of Prisoners in Cells to include procedures that must be followed when a prisoner is supervised by a staff member of the opposite sex.</p> |
| E01.07.04 | <p>Written policy governs prisoners’ visitations and describes procedures for registering visitors to the facility and for searching visitors.</p> | Standard not met | <p>Victoria Police Department Jail Manual – Policy Respecting Access to the Jail governs prisoner visitation. Visitors are permitted at the discretion of the Jail NCO and are generally limited to prisoners on remand. The policy does not require that visitors be registered. This gap was also noted in the 2002 Detention Facilities MPE.</p> <p>In practice, prisoner visitations are rare but when they do occur, the visitor is not required to sign in or register the visit.</p> | <p>Recommendation:</p> <p>Amend the Policy Respecting Access to the Jail to require that visitors be registered.</p> |

R. PROPERTY MANAGEMENT (SEIZED AND FOUND)

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Seized and Found Property

SUMMARY OF ACTIVITY:

Ten standards were included in this inspection activity (E4.1.1 – E4.1.10). Inspection activity included a guided tour of all property storage and processing areas used by Exhibit Control and Purchasing, Forensic Services and Uniform Services Division. During the tour, Exhibit Control and Purchasing staff and Forensic Services personnel described packaging and labelling procedures, records systems and equipment. The audit team also examined a sample of records pertaining to narcotics exhibits and a sample of items of evidence from completed criminal cases to verify final disposition. In addition, the audit team conducted interviews with all Exhibit Control and Purchasing staff, a sample of Forensic Services members and an external stakeholder. Interviews conducted with a sample of patrol members and investigators as part of the broader inspection of the department included a series of questions relating to property and evidence. Information from these interviews was also utilized for this inspection activity.

Overall, Exhibit Control and Purchasing staff and Forensic Services personnel are managing property and evidence well. The audit team was impressed by the Exhibit Control Officers' capacity to track and retrieve items—a reflection not only of the record keeping system (i.e., the PRIME Property Module) but also the physical organization and layout of the storage areas. A number of interview respondents also shared this view.

While the majority of standards are being met, the audit team noted a number of areas that require further attention. These include: accountability for property prior to lodging with either Exhibit Control and Purchasing or Forensic Services; marking narcotics exhibits as destroyed when actual locations are unknown; lack of independent audits of the property management function; space shortages; hours of operation and the process for returning property to owners; and concerns with written policy and procedures governing seized and found property.

First, a considerable number of interview respondents observed that property is often left unaccounted for in patrol vehicles or the patrol report writing room. Potential causes included the workload of patrol members, lack of understanding of the importance of continuity, and inadequate supervision. Some respondents indicated that the problem typically involves items of little or no evidentiary value and that some improvements have been made recently to address the problem. However, the audit team was advised of one case where a key piece of evidence was lost. The potential impact on the administration of justice demands close monitoring of this situation. The audit team recommends that the Chief Constable ensure that patrol supervisors

emphasize the importance of continuity and hold members accountable for items left unattended.

Second, during an audit of the records pertaining to a sample of narcotics exhibits, the audit team observed that Exhibit Control Officers will mark an exhibit as destroyed when its actual whereabouts or outcome is unknown. The audit team noted this in three of the 22 records examined. In two cases, the records suggested that the exhibits were never received in Exhibit Control and Purchasing; another was missing from its location as described in PRIME. These items were entered in the Property Module as destroyed in order to prevent them from continuing to appear in queries for items ready for final disposition. This practice may prevent Exhibit Control and Purchasing from becoming aware of and identifying potentially larger or systemic problems for senior management's attention. The audit team recommends that the Chief Constable ensure that this practice is reviewed to identify alternative or additional steps that may be taken to promote accountability for narcotics exhibits while still meeting the needs of Exhibit Control and Purchasing with respect to purging.

Third, the standards require an annual documented audit of seized and found property. This is not occurring. As of February 2009, Exhibit Control Officers conduct monthly self audits to verify the location of a sample of items in the system with their actual physical location. They also complete an annual inventory check. These are good practices but they do not eliminate the need for an annual audit that is conducted by someone who is not immediately responsible for the property function. Self audits by Exhibit Control Officers may tend to focus on the day-to-day operational interests of the property room (e.g., ensuring that items are in the right location and not kept longer than required). Independent audits may help to identify larger concerns that involve other functions or are beyond the scope of Exhibit Control and Purchasing to address, such as that noted above with respect to narcotics exhibits. The audit team recommends that the Chief Constable ensure that an annual, independent audit of seized and found property is conducted.

Fourth, the space available to store seized and found property and evidence is inadequate to meet current and future needs. [Withheld as per s. 15 (1)(k)(l) of FOIPPA]. This has helped to accommodate items that do not need to be accessed as frequently such as evidence acquired as a result of the amalgamation with Esquimalt Police Department and DNA evidence from serious crimes. Space pressures are contributing to other concerns raised during interviews with respect to air quality and working conditions for both Exhibit Control and Purchasing and Forensic Services and a perception held by some investigators that there is pressure to dispose of items too soon, from an investigative standpoint. The audit team is aware that property represents only one of many areas of the department experiencing space challenges and there are competing priorities. The audit team recommends that the Chief Constable ensure that the need for

increased property storage space is given due consideration when addressing space concerns for the entire department.

Fifth, a number of patrol members and investigators interviewed were critical of the hours of operation maintained by Exhibit Control and Purchasing and the process for the public to retrieve property, which was perceived as onerous. This may weaken public satisfaction with the services provided by the department but may also lead to property being held by the department for longer periods of time, contributing to space challenges. The audit team recommends that the Chief Constable ensure that the hours of operation of Exhibit Control and Purchasing and the procedures for returning property to the public be reviewed to identify opportunities for improvement (e.g., staggering Exhibit Control Officers' shift start times to provide longer hours of service).

Finally, the audit team observed a number of minor gaps or inconsistencies in policies dealing with property management. This could lead to confusion regarding roles and responsibilities or discrepancies in the way procedures are carried out. The audit team recommends that that policies and procedures with respect to property management be reviewed and updated.

It should be noted that shortly after the audit team completed this inspection activity, the Chief Constable ordered an investigation into specific discrepancies, (including the three narcotics exhibits marked as destroyed despite uncertainty as to their whereabouts). As a result of this investigation, the three narcotics exhibits (or records of their destruction) were located.

Recommended steps to be taken to help prevent similar problems from reoccurring include:

- An annual audit of Exhibit Control and Purchasing be conducted;
- Significant self-audit findings be disclosed to the senior manager responsible for Exhibit Control and Purchasing;
- The practice of marking exhibits as disposed when they cannot be located be discontinued;
- A reminder and ongoing education be provided to members regarding their responsibility to ensure that property pages are fully and accurately completed; and
- A policy and procedure manual be developed for Exhibit Control and Purchasing.

Note: a comprehensive audit of Exhibit Control and Purchasing was underway at the time of writing.

REFERENCES:

- Inspection checklist 65620-20-9-1
- OF10 Evidence (Mail/Courier) Package Continuity
- OF20 Property Seized and Found
- OF25 Property & Supply Chemical or Hazardous Waste Spill Policy
- OF30 Digital Imaging
- OF35 Court Drug Exhibit Policy
- OF40 Protected Firearms Policy
- OF45 Departmental Use of Disposed Exhibits
- OA90 Clandestine Drug Laboratories Policy (s. 3.16)
- OB100 Marijuana Production Investigation (s. 3.9)
- OD10 Covert Operations (s. 3.16)
- OD30 Conditional Release Orders and Protection Orders (3.4, 3.5, 3.18, 3.32)
- OG40 Communicable Diseases (s. 3.9, 3.12, 3.25)
- OK90 Urine Analysis for Drugs (s. 3.10, 3.12, 3.16)
- OK100 Court Ordered DNA Samples (s. 4.11)
- AF30 Property Records (s.
- AF60 Building Security (s. 3.9)
- AD20 Accounting System (s. 3.8)

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| E04.01.01 | Written policy establishes a property management function. | Standard met | <p>While many aspects of the property management function are addressed in a series of adjacent policies (i.e., OF10 – OF50), other responsibilities are outlined in separate policies, including AF30 Property Records, AF60 Building Security, OA90 Clandestine Lab and OB100 Marijuana Production Investigation.</p> <p>The audit team noted some inconsistencies between these written policies and actual practice. For example, s. 3.35 of OF20 Property Seized and Found indicates that Property and Supply (now referred to as Exhibit Control and Purchasing) will notify the officer responsible for a court exhibit 90 days following notification of the conclusion of the court case. Similarly s. 3.1 of AF30 Property Records indicates that Property and Supply will browse PRIME for concluded court cases involving evidentiary property.</p> <p>These policy references contradict both current practice and other sections of policy. In practice, Exhibit Control and Purchasing staff indicated that the investigating officer is responsible for notifying Exhibit Control and Purchasing when a court case has been concluded to authorize final disposition of evidentiary items. Similarly, s. 3.2 of OF20 states that it is the responsibility of the investigating member and Records Section to notify Property and Supply (Exhibit Control and Purchasing) when property is ready for final disposition, normally at the conclusion of a court case.</p> <p>Overall, the policies dealing with property management have not been reviewed or updated in a number of years. OF20, the most substantive policy respecting seized and found property, has not been updated since 2004.</p> | <p>Recommendation:</p> <p>Review all policies relating to seized and found property to ensure consistency with current practice.</p> <p>Opportunity for Improvement:</p> <p>Consider re-organizing the policies to ensure that each party's responsibilities with respect to property management are clear and easily identifiable, or adding cross references to ensure that when changes are made to one policy, others are reviewed to determine the need for consequential amendments.</p> |
| E04.01.02 | All property stored by the department is within a designated secure area or areas, and conforms with all environmental requirements. | Standard met | <p><i>Exhibit Control and Purchasing</i></p> <p>The main property storage area is located [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>Access to the storage areas is restricted to the civilian staff members working in Exhibit Control and Purchasing. All others employees must be accompanied by Exhibit Control and Purchasing staff. [Withheld as per s. 15</p> | <p>Recommendations:</p> <p>Ensure that patrol supervisors emphasize the importance of continuity and hold members accountable for items left unattended.</p> <p>Ensure that the need for increased property storage space is considered when addressing space concerns for</p> |

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
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| | | <p>(1)(k)(l) of FOIPPA].</p> <p>While the main storage area [Withheld as per s. 15 (1)(k)(l) of FOIPPA] has an air exchange system, Exhibit Control and Purchasing staff voiced some concerns to the audit team regarding air quality and temperature fluctuations. In particular, the [Withheld as per s. 15 (1)(k)(l) of FOIPPA]—created to address space shortages in the main storage area [Withheld as per s. 15 (1)(k)(l) of FOIPPA]—are served only by the air exchange system designed for the parkade. Air quality in these areas is not adequate; staff attempt to limit the amount of time spent in these areas to 10 – 30 minutes maximum.</p> <p>Concern regarding the amount of space to store property and evidence was a common theme during interviews with patrol members, investigators and Exhibit Control and Purchasing Staff. A smaller number of investigators voiced concern that this creates pressure for Exhibit Control and Purchasing staff to dispose of items, in some cases sooner than desired for investigative purposes (see also Standard E4.1.9). Longer-term solutions will be needed to address current and future storage capacity concerns.</p> <p>Another common criticism during interviews with patrol members and investigators was the hours of operation for Exhibit Control and Purchasing. Many respondents stated that these hours should be extended to better accommodate the return of property to the public (see also Standard E4.1.9) and members who need to sign out exhibits for court.</p> <p><i>Forensic Services</i></p> <p>Items of evidentiary value requiring examination may also come into the care and custody of Forensic Services. [Withheld as per s. 15 (1)(k)(l) of FOIPPA] for members to submit items outside of the regular hours kept by Forensic Services. [Withheld as per s. 15 (1)(k)(l) of FOIPPA]. Similar to Exhibit Control and Purchasing, some concerns were expressed during interviews with Forensics personnel regarding air quality and storage space. Specifically, work spaces are in close proximity to testing and storage areas, increasing the exposure to potentially noxious substances and there is generally inadequate space to store items pending or during examination.</p> | the entire department. |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | <p><i>Patrol</i></p> <p>Until property is lodged with either Exhibit Control and Purchasing or Forensic Services, it is in the care and custody of the front line member who seized or found the item. During interviews, many respondents expressed concern regarding the accountability for items at this stage. Items are often left unaccounted for in police vehicles and the patrol report writing area. While this concern was typically made in reference to items of low evidentiary value, the audit team was informed of one example where an item of significant importance was lost. A smaller number of respondents acknowledged that there had been some recent improvement in this area. Others emphasized the need for supervisors to hold members accountable for properly tagging and labelling property.</p> | |
| E04.01.03 | The department conducts an annual documented audit of seized and found property. | Standard not met | <p>In February 2009, Exhibit Control and Purchasing staff began conducting monthly self-audits whereby they pick a shelf location (e.g., C6, L22) and verify consistency between the records and actual contents for that location. Discrepancies are noted and addressed. Exhibit Control and Purchasing also conducts a yearly inventory of all stored items. A list of discrepancies is not maintained but discrepancies are addressed where possible. Results of neither the monthly self-audits or annual inventory are shared outside of Exhibit Control and Purchasing.</p> <p>While these are good practices and should be continued, they do not replace the need for an annual audit conducted by someone who is not immediately responsible for the property management function.</p> | <p>Recommendation:</p> <p>Ensure that an annual audit of seized and found property is conducted by a person who is not immediately responsible for the property management function.</p> |
| E04.01.04 | Written policy requires that only authorized personnel have access to areas used by the department for storage of property. | Standard met | <p>S. 3.8 of AF60 Building Security states that department personnel may access the Exhibit Control and Purchasing Section during regular business hours but only if they are accompanied by Exhibit Control and Purchasing staff. This policy is consistent with procedures described to the audit team by Exhibit Control and Purchasing staff.</p> <p>In addition, s. 1.1 of OF20 Property Seized and Found states that the department will ensure the security of seized and found property by limiting access to storage areas to authorized personnel. However, the policy does not go on to define or identify authorized personnel.</p> <p>The audit team noted an inconsistency between written policy and practice in the event of an emergency when the property section is closed (e.g., a fire, plumbing or electrical event that could damage exhibits). AF60 Building Security states that in such circumstances the PRD Administrative NCO may</p> | <p>Recommendation:</p> <p>Review sections 3.9 – 3.12 of AF60 Building Security to ensure consistency with current practice.</p> <p>Opportunity for Improvement:</p> <p>Consider adding a similar description of access restrictions to OF20 Property</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | access the Exhibit Control and Purchasing Section [Withheld as per s. 15 (1)(k)(l) of FOIPPA]. | Seized and Found as appears in s. 3.8 of AF60 Building Security. |
| E04.01.05 | Items of property requiring added protection are stored in separate, locked, secure areas located within the department's property storage area or areas. | Standard met | <p>[Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The audit team also noted some discrepancies between policy and practice with respect to handling cash and ammunition. S. 3.11 of OF20 states that Property and Supplies Section staff (Exhibit Control and Purchasing) are to confirm large amounts of money as entered by the member in the Property Module. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> | <p>Recommendation:</p> <p>Review s. 3.11, 3.12 and 3.38 of OF20 and s. 3.26 of OF40 and corresponding practices to ensure consistency.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| E04.01.06 | Written policy requires the use of a detailed inventory relating to the acceptance, release, and destruction of narcotics and restricted drugs held by the department. | Standard met | <p>The department uses the PRIME Property Module, which tracks the movement of all exhibits by department personnel and final disposition.</p> <p>S. 1.1 of OF20 Property Seized and Found states that the department will ensure the security of seized and found property by providing for the use of a detailed inventory relating to the acceptance, release and destruction of narcotics and restricted drugs and s. 3.1 identifies the Property Module as the system to be used for tracking all seized and found property. The policy does not contain any specific procedures for receiving, releasing or destroying drug exhibits.</p> <p>The audit team reviewed the records pertaining to a sample of 22 drug exhibits handled by the department between March 1, 2008 and March 1, 2009. The audit team noted concerns with three cases where there was some question as to the item's receipt by Exhibit Control and Purchasing or the item's location yet the item was marked as having been destroyed in order to prevent it from continuing to show up on a list of items ready for purging. This practice may prevent Exhibit Control & Purchasing from becoming aware of or addressing potentially larger or systemic problems.</p> | <p>Recommendation:</p> <p>Ensure that the practice of marking an exhibit as destroyed despite questions as to its location or circumstances is reviewed. The review should identify alternative or additional steps that may be taken to promote accountability for narcotics exhibits while still meeting the needs of Exhibit Control and Purchasing with respect to purging.</p> |
| E04.01.07 | Secure refrigerated storage is available for perishable items. | Standard met | <p>There is a walk-in fridge [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>During times when Exhibit Control and Purchasing is closed, there is a fridge [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>After packaging and placing items in the fridge, members email Exhibit Control and Purchasing to advise that there are items to be retrieved.</p> <p>Secure refrigerated storage is also available within [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| E04.01.08 | Secure facilities are provided for storage of found, recovered, or evidentiary property during periods when the property room is closed. | Standard met | <p>A series of lockers is located [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>During interviews with patrol members and investigators, a number of respondents expressed concern that these lockers can become full on weekends. This was tied to concerns regarding the hours of operation kept by Exhibit Control and Purchasing. S. 3.22 – 3.23 of OF20 Property Seized and Found specify circumstances and procedures for call out of Property and Supplies Section staff (now referred to as Exhibit Control and Purchasing) but these do not include emptying the temporary storage lockers.</p> | <p>Opportunity for Improvement:</p> <p>Monitor the frequency of occasions where demand for temporary storage exceeds capacity and devise appropriate solution as required (e.g., develop procedures for call out of Exhibit Control and Purchasing staff or install additional storage lockers).</p> |
| E04.01.09 | Final disposition of found, recovered, and evidentiary property is accomplished within twelve months after legal requirements have been satisfied. | Standard met | <p>In practice, members are responsible for advising Exhibit Control and Purchasing that evidentiary items are ready for final disposition by populating the relevant fields in the Property Module in PRIME. Three to four times a week, Exhibit Control and Purchasing staff query the Property Module for all items ready for disposition and dispose of the items accordingly.</p> <p>This practice is consistent with s. 3.2 of OF20 Property Seized and Found. However, as noted under standard E4.1.1, other sections of policy provide conflicting direction by placing responsibility for monitoring the conclusion of court cases with Exhibit Control and Purchasing (s. 3.35 of OF20 Property Seized and Found and s. 3.1 of AF30 Property Records).</p> <p>The audit team reviewed a sample of 10 criminal cases that were concluded during calendar year 2007 to verify final disposition of evidentiary items. These cases included a combined total of 37 exhibits. Records associated with each exhibit were examined, noting the length of time between the conclusion of the court date and the authorization for disposition and verifying that final disposition had been accomplished. There were no concerns arising from this review.</p> | <p>Recommendations:</p> <p>Review s. 3.2 and 3.35 of OF20 and s. 3.1 of AF30 Property Records to address inconsistencies and clarify responsibilities.</p> <p>Ensure that the need for increased property storage space is considered when addressing space concerns for the entire department.</p> <p>Ensure that the process for returning property to owners and the hours of operation for Exhibit Control and Purchasing are examined. Considerations should include the feasibility of staggering shifts to provide longer hours</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | <p>During interviews, a small number of investigators expressed concern that, due to space challenges, Exhibit Control and Purchasing staff are under pressure to purge items from storage. In some cases, items may be removed in accordance with timelines dictated by policy but too soon from an investigative standpoint (e.g., potential links between an item and a crime had not yet been fully examined).</p> <p>An even greater criticism of the disposition process during interviews with patrol members and investigators was that it is onerous for the public to retrieve their property. This was attributed in part to the process itself (e.g., members are required to contact a person to advise that property may be picked up, which can take several days depending on the member's schedule) and in part because of the hours kept by Exhibit Control and Purchasing, which mirror most people's own work schedules. Exhibit Control and Purchasing staff acknowledged these frustrations during the audit team's tour of the area. They advised that the issue had been considered and direction obtained from senior management to prioritize service to members and the evidentiary process. The section does not have the resources to maintain service to members and the evidentiary process as well public counter service.</p> | of service. |
| E04.01.10 | Written policy governs the disposal of property held by the department. | Standard met | S. 3.5 – 3.10 of OF20 Property Seized and Found address the disposition of found or unclaimed property held by the department. | None. |

S. PROPERTY MANAGEMENT (DEPT OWNED)

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Department Owned Property

SUMMARY OF ACTIVITY:

Three standards were included in this inspection activity (E4.2.1 – E4.2.3). The inspection activity included reviewing written policies, procedures and inventories of department owned property and conducting interviews with key personnel responsible for property and equipment.

Overall, policies and practices with respect to the management of department owned property need attention to achieve full compliance with the standards. In particular, while inventories are being maintained for firearms, CEWs and other important types of equipment there are gaps and inconsistencies in the type of information included in those inventories, how often the information is updated, and responsibility for maintaining the inventories. In most cases, the inventories do not indicate the reason for issuing the equipment. There is no centralized oversight of the various lists maintained by specialized units or positions, for example to ensure compliance with policy (where it exists). The distribution of ammunition and CEW cartridges are not being tracked.

Rigorous inventory practices help to ensure and demonstrate accountability for property and equipment and prevent misuse and financial loss. The audit team was advised that the department recently acquired new software that will improve inventory practices. The audit team further recommends that the department develop policy concerning department owned property which clarifies the types of property and equipment that must be inventoried, how often the information must be updated, what information is to be included as well as the position(s) responsible for each type of property and equipment.

The audit team also noted that policy governing the allocation of equipment to members is fragmented and does not outline clear responsibilities for the distribution and return of equipment, such as circumstances or job functions justifying the need for an additional pistol. This may also weaken the department's ability to maintain control and accountability over equipment. The audit team recommends that the department develop policy regarding the distribution of equipment to members. The policy should identify procedures and responsibilities for both the assignment and return of equipment.

Lastly, the department is not conducting any regular analysis of police issue equipment. Various written policies refer to equipment analysis or audit but the policies are inconsistent and do not establish clear responsibilities or expectations. The intent of this

standard is to ensure officers are able to utilize the most effective equipment for productivity and safety. The audit team recommends that the department revise policy to clarify who is responsible for performing an analysis of police issue equipment, what is to be included in the analysis and how often it is to be performed.

REFERENCES:

- Inspection Checklist 65620-20-9-2
- AD50 Acquisition of Goods and Services
- AD60 Emergency Acquisition of Goods and Services
- Department Expenditures Policy (No. 07-01)
- Victoria Police Department Purchasing and Tendering Policy
- AE50 Administration of Departmental Firearms Policy
- AE60 Administration of Less Lethal Weapons Policy
- OH10 Firearms (s. 3.37 – 3.38)
- OH30 Conducted Energy Weapon Use of Force Policy (s. 3.3)
- OH40 12 Gauge Bean Bag Use of Force Policy (s. 3.2)
- OH50 Victoria Police Rifle (s. 3.1 – 3.2)
- OG10 Personal Protective Equipment (s. 3.1)
- OG20 Portable Radio Receivers (s. 1.1)
- OM80 Reserves (s. 3.78)
- AB325 Equipment Return Resignation, Retirement or Termination (s. 3.2)
- AA30 Role and Planning (s. 3.7 (i))
- AA70 Internal Audit (s. 1.1, 3.2)
- AE10 Administration and Operational Planning (s. 1.3 sub-para 4.)
- *Public Agents Firearms Regulation* (federal)
- Firearms Inventory – Current Locations
- Fleet Inventory
- Radio Inventory
- Quarter Master Lists – Asp Baton and OC Spray
- ASD list extracted from 2009 ASD log book
- Radar and laser inventory (Traffic)
- CMU Gas and Less Lethal Inventory

OBSERVATION SUMMARY SHEET

| Standard | Conclusion | Supporting Observations | Recommendation(s) |
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| E04.02.01 | Standard not met | <p>AD50 and AD60 address the acquisition and emergency acquisition of goods and services. Additional procedures are outlined in the Department Expenditures Policy and the Victoria Police Department Purchasing and Tendering Policy. The latter policies (approved in 2007) are much more recent than AD50 and AD60 (effective date 1994). AD50 refers to processes and threshold spending amounts that are inconsistent with the Expenditures Policy. Overall, the Expenditures Policy the Purchasing and Tendering Policy are far more comprehensive than AD50 and AD60.</p> <p>The distribution of [withheld as per s. 15 (1)(k)(l) of FOIPPA]</p> <p>are addressed in separate policies focused on each type of equipment. These policies identify equipment that all members are to receive [Withheld as per s. 15 (1)(k)(l) of FOIPPA] and, in the case of weapons, the criteria required to carry and use the weapon (e.g., successful training and qualification in the use of that weapon). In most cases, procedures and persons responsible for distribution are not specified.</p> <p>In the case of firearms, there appears to be an inconsistency between policy and practice or a need for more detailed policy. S. 3.19 of AE50 Administration of Departmental Firearms Policy indicates that each member is to receive one pistol. The firearms inventory provided to the audit team suggests that a number of members have both a [Withheld as per s. 15 (1)(k)(l) of FOIPPA]. Policy does not specify whether members are to retain their current pistol when assigned to a new function that requires a more discreet model and vice versa. Information from interviews found that sometimes when officers leave</p> | <p>Recommendations:</p> <p>Review AD50 and AD60 to determine continued need for these policies and ensure consistency with the Department Expenditures Policy and the Victoria Police Department Purchasing and Tendering Policy.</p> <p>Develop a centralized policy regarding the distribution of equipment to members. The policy should identify procedures and responsibilities for both the assignment and return of equipment.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | <p>specialty units the Firearm Coordinator must follow up, occasionally more than once, to ensure officers return the specialty firearm.</p> <p>There is no centralized policy that identifies equipment members are to receive, as there is regarding reserve officers (OM80). A centralized policy may be of interest to police board members.</p> | |
| E04.02.02 | Written policy requires a current inventory of department owned property. | Standard not met | <p>AE50 and AE60 require inventories be maintained of firearms and less lethal weapons. There is no centralized policy regarding department owned property identifying what property and equipment must be inventoried, what information must be included in the inventory, how often it is to be performed or who is responsible.</p> <p>In practice, inventories are being maintained for all of the types of equipment listed in the inspection checklist, with the exception of ammunition (note: the standard does not specify what types of equipment are to be included). In general, Purchasing is responsible for equipment that is issued to all members such as [Withheld as per s. 15 (1)(k)(l) of FOIPPA] whereas Divisional NCO's and other individuals are responsible for equipment specific to their section For example, Traffic is responsible for [Withheld as per s. 15 (1)(k)(l) of FOIPPA]. Similarly, the Control Tactics Coordinator is responsible for maintaining an inventory of certain less lethal weapons such as Tasers (though policy AE60 indicates this is the responsibility of the Firearms Coordinator). There is no standardization in the type of information included or the frequency of updating the information. Some of the inventories provided to the audit team were not current.</p> <p>Purchasing advised the audit team that the department had recently acquired software that, once up and running, will greatly improve its ability to track equipment and property. In</p> | <p>Recommendation:</p> <p>Develop centralized policy concerning department owned property which clarifies the types of property and equipment that must be inventoried, how often the information must be updated, what information is to be included and the positions responsible for each type of property and equipment.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | particular, the new database will record information about previously issued items that were expended, lost, broken, etc. This will improve accountability for equipment and property. | |
| E04.02.03 | Written policy requires an annual analysis of police issue equipment to all field personnel. | Standard met in policy; not met in practice | <p>AA30 s. 3.7 (i) lists a goal of the department that captures the intent of the standard (i.e. to ensure that officers are able to use the most effective equipment for productivity and safety). However, this policy does not identify how the goal will be achieved, who is responsible, what type of equipment is to be included in the analysis or how often it is to be performed.</p> <p>The intent of the standard is also partially addressed in AA70 s. 1.1 and 3.2 by including equipment in the scope of the internal audit function. However, the policy does not provide specific direction with respect to the audit or analysis of equipment.</p> <p>Policy AE10 s. 1.3 sub-para 4. suggests that an analysis of police issue equipment may be the responsibility of the Leadership Team. Again, the policy does not specify what type of equipment is to be included or how often an analysis is to be performed. There is no clear link between this policy and AA30 s. 3.7.</p> <p>In practice, Purchasing receives feedback from members regarding equipment but there is no formal analysis or recommendations to senior management regarding equipment. Ad hoc committees have been established on occasion to examine particular equipment considerations such as the Taser. There have not been any internal audits addressing equipment and there were no reports or other outputs regarding equipment from the Leadership Team referred to in policy. A Clothing and Equipment Committee was revived earlier this year which may provide an appropriate forum for the kind of analysis envisioned by both the provincial standard and the department's goals and policies.</p> | <p>Recommendation:</p> <p>Revise policy to clarify who is responsible for performing an analysis of police issue equipment, what is to be included in the analysis and how often it is to be performed.</p> |

T. AUTHORIZATION FOR THE CARRYING AND USING OF WEAPONS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Weapons Authorization

SUMMARY OF ACTIVITY:

Authorization for weapons for officers is regulated through the *Police Act Use of Force Regulation* [the *Regulation*] sections 3 and 9, and is also subject to one provincial standard of the *Provincial Standards for Municipal Police Departments in BC*.

The audit team examined departmental policies and procedures sections pertaining to issues related to the authorizations to carry certain weapons. Interviews were conducted with a several department members. Relevant documents were obtained or reviewed as required. Eight departmental policies and procedures were reviewed for this activity (see list at end of this section).

Overall, the department was found to be in compliance. However, recommendations are made to clarify existing policy and procedures.

The department's general duty firearms meet regulatory requirements, and the department ensures that officers to whom firearms are issued have received the necessary training and possess the necessary qualifications. When issuing firearms to officers, in practice, Property and Supply checks with the Firearm Coordinator to ensure that an officer is qualified before issuing the weapon; however, this practice is not delineated in policy.

Similarly, while a process exists for issuing and signing out other weapons (e.g., Conducted Energy Weapons, or CEW), the process is not clear in policy and some procedures could be strengthened. Although the department is considered in compliance, some gaps exist that could potentially result in inadvertent non-compliance with the regulation or standard.

In particular, concern was expressed by key interviewees regarding the current lack of appropriate software for computerized tracking of training and qualifications. The department historically had software which tracked firearms training and other qualifications; however, this software crashed numerous times in the last several years, and has been defunct for some time. Currently training and qualifications records are maintained in hard copy and documentation placed in each officer's physical file. Excel spreadsheets are also created from these hard copy records (e.g.,

firearm spreadsheet). The department recognizes this lack of overall computerized tracking of training and qualifications as a pressing issue and at the time of this audit was purchasing new software to rectify the situation.

Section 9 of the *Regulation* imposes on the department that an officer may be issued an intermediate weapon only if the weapon is approved by the Director of Police Services Division and the Chief Constable, and if the officer has trained, qualified, and re-qualified on that weapon. Departmental policy complies with the regulation and requires that officers not carry intermediate weapons other than those issued by the department. Departmental policy specifically prohibits officers from carrying weapons such as OC, Impact, and CEW other than those issued and requires that officers be trained and qualified on those weapons.

However, the process for issuing intermediate weapons is not so rigorous as to ensure an officer would not mistakenly carry a weapon while his/her qualification has expired. In particular, CEWs are issued through a pool of weapons from which officers sign out the weapon. In practice, the Watch Commander has a list of officers' qualifications for each shift. However, it is not always possible to check against the list to ensure an officer is qualified. In rare cases officers have forgotten to sign out the weapon. Recommendations are made to address these issues through strengthening policy and procedures.

- Inspection checklist (Weapon Authorization p.1-13) – includes the following:
 - Use of Force regulation section 3 (1) (2) (3) (5) (6)
 - Use of Force regulation section 9
 - Provincial Standard A01.02.08
- Victoria Police Department Policy & Procedures sections reviewed
 - AB 130 – Training (23 October 2001)
 - AE 50 – Administration of Departmental Firearm Policy (Handguns, Shotguns, Rifles) (26 November 2003)
 - AE 60 – Administration of Less Lethal Weapons Policy – Tasers, Arwens, Gas Guns (26 November 2003)
 - OH 10 – Firearms (21 November 2007)
 - OH 20 – Use of Force (July 2006)
 - OH 30 – Conducted Energy Weapons Use of Force Policy (20 May 2008)
 - OH 40 – 12 Gauge Bean Bag Use of Force Policy (July 2006)
 - OH 50 – Victoria Police Rifle Policy (July 2006)
- Firearm Coordinator Manual (Obtained Spring 2009)

OBSERVATION SUMMARY SHEET

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| <p>Reg. S 3(1) and (2)</p> <p>3 (1) Subject to subsection (3), if a chief constable carries a firearm or authorizes a member of his or her police force to carry a firearm, the firearm must be a semi-automatic pistol with the following specifications:</p> <p>(a) double/single or double action-only trigger mechanism;</p> <p>(b) single action trigger force of not less than 1.36 kg;</p> <p>(c) hammer/firing pin block safety mechanism;</p> <p>(d) barrel of not less than 76 mm and not more than 127 mm in length.</p> <p>3 (2) Subject to subsection (3), the ammunition used in a firearm described under subsection (1) must be 0.40 calibre Smith and Wesson factory loaded cartridges with the following specifications:</p> <p>(a) hollow point bullet design;</p> <p>(b) bullet weight no less than 9.523 grams (147 grain);</p> <p>(c) muzzle velocity between 290 m/second to 396 m/second, when</p> | <p>In compliance</p> | <p>Interview with the Firearm Coordinator confirmed that the specifications for the firearms used by officers for general duty in the department conform to these sections of the regulation.</p> | |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | fired in a firearm referred to in subsection (1). | | | |
| Reg. S 3(3) | <p>3 (3) The chief constable or a police officer designated in writing by the chief constable may authorize a member of his or her police force to carry, for a special purpose, a firearm and ammunition of a type other than that referred to in this section.</p> <p>3 (4) If an authorization is made under subsection (3), the chief constable must, on the request of the director, submit a report on all special firearms and ammunition issued and the reason for issuing them.</p> | In compliance | <p>Members of the ERT, K9, and Strike Force units are issued a different handgun than that issued to general duty members, due to the operational needs of these special units. The weapon's assignment is automatic once an officer is assigned to the unit.</p> <p>The Firearm Coordinator in coordination with Property and Supply issue the firearm. In addition, members of ERT are also issued specialty firearms and ammunition for these special purposes.</p> | |
| Reg. S 3(5) | 3 (5) Before a firearm or ammunition is issued under this section, the chief constable or a police officer designated by the chief constable must be satisfied that the officer to whom it is issued has completed a training course and been qualified or re-qualified on its use under section 10 (1). | In compliance in practice; Policy does not reflect the regulation | <p>All recruits are issued firearms at the JIBC (through the department Property and Supply) after qualifying. In practice, property and supply checks with firearm coordinator that an officer is qualified before issuing a firearm. The practice is not delineated in policy. One person in Property and Supply issues firearms. This person does not have immediate access to training and qualification records, other than through the Firearm Coordinator.</p> <p>The Firearm Coordinator also ensures that if a member has been assigned to a special unit</p> | <p>It is recommended that</p> <ul style="list-style-type: none"> - the department clarify in policy and procedures the process for issuing firearms and ammunition (general duty and special purpose) including the procedures to ensure that officers are up-to-date with their qualification. - those tasked with issuing firearms have access to |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | <p>which entails being allocated a different firearm than that of general duty, these members must qualify on the other model before it is issued.</p> <p>Concerns were expressed by key interviewees regarding the current lack of appropriate software to track training and qualifications.</p> <p>The department historically had software which tracked this; however, this software crashed numerous times in the last several years. Currently training and qualifications records are maintained in hard copy and documentation placed in each officer's physical file. Training policy requires that the training Sgt. be responsible for documenting training. Excel spreadsheets are also created from these hard copy records (e.g., firearm spreadsheet). The department recognizes this lack of overall computerized tracking of training and qualifications as a pressing issue and at the time of this audit was purchasing new software to rectify the situation.</p> <p>The department has written policy requiring members to attend and complete at least two scheduled, supervised training sessions per year.</p> | <p>the qualification status of officers to whom the weapon is to be issued.</p> |
| Reg. S 3(6) | 3 (6) A member of a police force must not carry a firearm or ammunition other than the firearm and ammunition issued by the chief | In compliance | <p>The department has policy that specifically requires that officers not carry firearms or ammunitions other than those issued by the department. Interviews confirmed that there</p> <p>That the department revise the policy stating that one firearm be issued at any point in time and clearly</p> |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | constable or police officer designated by the chief constable. | | <p>were no known incidents where an officer carried a firearm other than that which had been issued by the department. In the past training ammunition was issued to officers as well as duty ammunition, however this practice has ceased, and training ammunition is issued only at the range.</p> <p>Departmental policy currently requires that only one handgun be assigned to any officer at any given time. Examination of firearm audits showed that certain officers are issued more than one firearm. For example, Strike Force members are issued with two different models of handguns.</p> <p>Information from interviews found that sometimes when officers leave specialty units the Firearm Coordinator must follow up, occasionally more than once, to ensure officers return the specialty firearm.</p> | specify the conditions under which an officer can be issued more than one firearm. |
| Reg. S 9 | <p>9 A member of a police force may carry and use an intermediate weapon if</p> <p>(a) use of the intermediate weapon has been approved by the director and a chief constable, and</p> <p>(b) the member has completed a training course and been qualified or re-qualified on its use under section 10 (2).</p> | In compliance | <p>Departmental policy complies with the regulation. The department has policy that specifically requires that officers not carry intermediate weapons other than those issued by the department (policy specifically prohibits officers from carrying weapons such as OC spray and CEWs other than those issued). Departmental policy also requires that officers be trained and qualified on those weapons.</p> | <p>Develop policy on the process for signing out intermediate weapons, specifying:</p> <ul style="list-style-type: none"> - what information is to be included in sign-out - who ensures that the officer signs out properly - who ensures whether the officer is properly |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | Although the policy and generally the practice is in compliance with the regulation, the processes to ensure this are sometimes weak. For example, interviews revealed that while the Watch Commander has a list of officers' qualifications for each shifts, officers are sometimes signing out CEWs with no one checking the list to ensure they are qualified, and have not accidentally lapsed in qualifications. In rare cases officers have also forgotten to sign out when taking a CEW. | qualified on the weapons at the time of sign off. <i>Note: This issue was identified as an issue of concern in the Braidwood report; as such any recommendations made are for department attention pending regulatory reform or amendment to provincial standards.</i> |
| Standard A01.02.08 | Written policy requires that only firearms, ammunition, and other weapons authorized by the Chief Constable be used in the performance of duty. | Standard met | The department has a policy that specifically requires that officers not carry firearms, ammunition, and other weapons other than those issued by the department (policy specifically prohibits officers from carrying weapons such as OC, Impact, CEW other than those issued). Interview with the Firearm Coordinator and Control Tactic Coordinator confirmed that there was no instance that they were aware of where a member had carried or used a weapon other than one authorized by the department. | |

U. WEAPONS INSPECTIONS AND MAINTENANCE REQUIREMENTS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Weapons' Inspections and Maintenance

SUMMARY OF ACTIVITY:

Aspects of weapons inspection and maintenance are regulated through the *Police Act Use of Force Regulation* [the *Regulation*] section 4, and are subject to standard A01.02.05 of the *Provincial Standards for Municipal Police Departments in BC*.

The audit team examined departmental policies and procedures that addressed issues relating to the inspection and good working order maintenance of weapons. (The audit of inventories of weapons, as part of all department-owned equipment, is covered in a separate section.) Interviews were conducted with the key department staff. Relevant documents were obtained or reviewed as required. Five departmental policies and procedures were reviewed for this activity (see list at end of this section).

The department was in compliance with the *Regulation* which requires that firearms are maintained in good working order; however, there were gaps in policy and practice in meeting the provincial standard which requires a process for the inspection of weapons (not only firearms) and policy for the replacement of ammunition.

The department has written policy that requires periodic 'audits' of firearms (including Arwen and Gas Gun) and CEWs but not for OC Spray or other weapons. Audits are concerned with accounting for firearms (and compliance with the Federal *Firearms Act* and associated *Regulations*) but not necessarily with the assessment of proper functioning.

In policy and in practice, officers are responsible for the 'inspection' and 'maintenance' of the weapon(s) issued to them. The process for ensuring maintenance is not specified in policy. Recommendations were made to include in policy procedures for inspection of weapons (not only firearms) and the replacement of ammunition, CEW cartridges and OC spray.

Firearms

Departmental policy does not include procedures for firearms inspections. In practice this is conducted at the annual firearm qualification. The *Firearm*

Coordinator Manual, developed by the Firearm Coordinator, requires that all in-service firearms be inspected and serviced once per calendar year. The manual was developed by and to assist the Firearm Coordinator in tracking practices and does not constitute formal departmental policy. Departmental policy and procedures do not refer to the Firearm Coordinator Manual.

Even though a process exists in practice to replace ammunitions, departmental policy does not specify the procedures for duty or training firearm ammunition. The *Firearm Coordinator Manual* stipulates that duty ammunition is issued at the qualification course of fire and that practice ammunition is not issued to members but is rather provided at the range for practice.

Other weapons

The Department has written policy that requires periodic 'audits' of firearms (including Arwen and Gas Gun) and CEWs but not for OC Spray or other weapons. Interviewees advised that if officers have concerns about the proper functioning of a CEW, in practice, they are to contact the CEW coordinator. There are no processes described in policy.

The department does not have policies that specify procedures for the replacement of CEW cartridges. Interviews indicate that, in practice, when officers sign out CEWs, two cartridges are also taken. The serial numbers are not noted and the number of cartridges an officer takes is not noted. Extra cartridges may be taken from a storage facility.

The department does not have a policy specifying procedures for the periodic inspection of OC spray or policies specifying procedures for the replacement of OC spray. Interviews with officers indicated that in practice if officers had concerns about the functioning of their OC spray canister, they would replace the canister. However, interviews also revealed some instances where the OC spray canisters did not work in real life use-of-force encounters, apparently due to the nozzle clogging from previous use.

REFERENCES:

- Inspection checklist (Weapon Authorization p.1-13) – includes the following:
 - Use of Force regulation section 4 – Maintenance and inspection of firearms
 - Provincial Standard A01.02.05

- Review of Victoria Police Department Policy & Procedures sections:
 - AE 50 Administration – Firearms (26 November 2003)
 - AE 60 Administration – Less lethal weapons policy (26 November 2003)
 - OH 10 Firearms (21 November 2007)
 - OH20 Use of Force (July 2006)
 - OH 30 CEW (20 May 2008)

- Firearm Coordinator Manual

OBSERVATION SUMMARY SHEET

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| Reg. S. 4(1) | 4 (1) A chief constable must ensure that each firearm in the inventory of the chief constable's police force is maintained and in good working order. | In compliance | <p>The department has written policy that:</p> <ul style="list-style-type: none"> - requires an inventory of firearms - requires that each firearm be maintained and be in good working order - specifies the process of maintenance (it is the officer's responsibility) <p>Policy does not specify the process for assessing good working order. But in practice, a process exists for examining firearms during the firearms training and qualification.</p> <p>In practice the department aims to replace 20 of the oldest guns each year so that there is an additional process for ensuring that firearms are in good condition. There is no formal requirement for replacement based on age or number of rounds fired.</p> | None |
| Standard A01.02.05 | <p>A1.2.5 Written policy establishes the procedures for firearms and weapons inspections, and the replacement of ammunition.</p> <p><i>Notes: The intent of this standard is to ensure compliance with provincial legislation, which requires an inspection of each department's firearms every two years.</i></p> | Standard not met | <p>The department has written policy that requires periodic 'audits' of Firearms (including Arwen and Gas Gun) and CEWs, but not for OC Spray or other weapons.</p> <p>The department has written policy that specifies the procedures for how audits are to be conducted, but it is not specific as to the procedures for inspections of all weapons.</p> <p><i>Note: Audits are concerned with accounting for firearms (and compliance with the Federal Firearm Act) but not necessarily with the assessment of their proper functioning, nor weapons other than firearms.</i></p> <p><u>FIREARMS</u></p> <p>Departmental policy does not include procedures for firearms inspections. However, the <i>Firearm Coordinator Manual</i>, developed by the Firearm Coordinator requires that all in-service firearms be</p> | <p>Include in policy a process for inspection (for the purpose of assessing good working order) of all weapons (incl. CEWs, OC spray, Arwen/gas gun). The policy should include a time period for regular inspection and the process for record keeping.</p> <p>Include in policy a process that specifies how officers are to replace ammunition for firearms, CEW cartridges</p> |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | <p>inspected and serviced once per calendar year. Departmental policies do not refer to the Firearm Coordinator Manual.</p> <p>In practice, firearms are inspected for good functioning at the time of mandatory firearm re-qualification. Firearms are disassembled, cleaned, and checked at that time. The serial number is noted with the attendance sheet and is later checked against the audit inventory spreadsheet. However there is no formal record kept of the servicing of the firearm. This would be included in new software which the department is planning to purchase.</p> <p>If officers have concerns about the proper functioning of a firearm, policy indicates that they should contact the Firearm Instructor and see an armourer for maintenance or repair.</p> <p>The <i>Firearm Coordinator Manual</i> stipulates that out-of-service firearms being stored in Property and Supply must be serviced and inspected prior to being re-issued to an officer.</p> <p>The department does not have policy specifying the procedures for the replacement of firearm ammunition (duty and training ammunition). A process exists in practice but is not delineated in policy. The <i>Firearm Coordinator Manual</i> stipulates that duty ammunition is issued at the qualification course of fire and that practice ammunition is not issued to members but is rather provided at the range for practice.</p> <p><u>CEWs</u></p> <p>Departmental policy specifies the procedures for the inventory and audit of CEWs but not all practices outlined below are found in policy. As noted above for firearms, audits and inventories are not necessarily concerned with the good functioning of the weapon but with their accounting. Departmental policy states that it is the responsibility of the Firearm coordinator to conduct audits of CEWs. However, interviews confirmed that in practice, the responsibility to conduct</p> | <p>and OC spray canisters.</p> <p><i>Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | <p>audits of CEWs is that of the CEW coordinator.</p> <p>In practice CEW audits/inspections (including data download) are targeted for twice a year; however, this may not always be possible. CEWs that are dedicated to specialty units (e.g., ERT) may not get as much maintenance as patrol CEWs, however CEWs from specialty units are generally used less frequently and are better cared for. Patrol CEWs are part of a 'pool' of weapons that all trained officers can access. CEWs used in Patrol may be downloaded more frequently. If there is a public complaint re CEW use then this will result in a download and inspection of that CEW. Officers are instructed to conduct a 'spark test' before signing out a weapon and if the officer has concerns, a data download will be conducted before the weapon is further examined. Patrol officers report a problem with a CEW a number of times a year – most are relatively easily fixed by maintenance. There is only one person in the department qualified to conduct maintenance on CEWs. There are no processes described in policy.</p> <p>The department does not have policies that specify procedures for the replacement of CEW cartridges. Interviews indicate that, in practice, when officers sign out CEWs, two cartridges are also taken. The serial numbers are not noted and the number of cartridges an officer takes is not noted. Extra cartridges may be taken from a storage facility.</p> <p>Interviewees noted that, in practice, if officers have concerns about the proper functioning of a CEW, they are to contact the CEW coordinator. There are no processes described in policy.</p> <p><u>OC SPRAY</u></p> <p>The department does not have a policy specifying procedures for the periodic inspection of OC spray (or directing officers to inspect their own canisters). Interviews with officers indicated that they believe it is their responsibility to check their canister. Most officers interviewed said they periodically assess through a 'shake test' whether the canister</p> | |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | <p>contains enough and they check occasionally that the expiry date has not passed.</p> <p>Interviews also revealed some instances where the OC spray canisters did not work in real life use-of-force encounters, apparently due to the nozzle clogging from previous use.</p> <p>The department does not have policies specifying procedures for the replacement of OC spray. Interviews with officers indicated that in practice if officers had concerns about the functioning of their OC spray canister, they would replace the canister. There are no processes described in policy.</p> | |

V. USE OF FORCE QUALIFICATION AND TRAINING

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Use of force - Qualification and Training

SUMMARY OF ACTIVITY:

Use of force qualification and training is regulated through the *Police Act Use of Force Regulation* [the *Regulation*] section 10 and is subject to four *Provincial Standards for Municipal Police Departments in BC* [the standards].

The audit team examined departmental policies and procedures sections that addressed issues related to use of force qualification and training. Interviews were conducted with the key department staff and a sample of officers who had reported using force in the past year. Relevant documents were obtained or accessed as required. Six departmental policies and procedures were reviewed for this activity.

Overall the department was in compliance with all sections of the *Regulation*, and most of the standards. However, two general areas of concern were noted in the inspection and interviews, as well some gaps in policy. Recommendations are made to address gaps.

The first area of concern was the lack (at May 2009, when on-site inspection was conducted) of a computerized, overall tracking system which would allow immediate and easy access to records of who had been trained, in what, and when re-qualifications are due. This lack of an overall tracking system for all training and qualifications was of significant concern to key interviewees. The department had recognized this as a pressing issue and at the time of the audit was planning to purchase new software to rectify the situation.

Records of training exist but require manual multi-step processes to review from the original paper records. This indicates that the department's process for ensuring that officers have trained/re-qualified/recertified should be strengthened. Currently hand-written attendance sheets are maintained for all training courses. Hard copy records of training courses and qualifications are placed in the individual officers files. Accessing historical records would require manual searches through numerous hard copy files and lists. Generating reminders approaching lapses in qualifications and training requires a manual reminder/memory system.

In the past, specific software existed for tracking firearms training and qualification. This system crashed numerous times requiring the existing records to be recreated;

18 months prior to this audit, the system crashed for the last time and could not be resurrected.

A second issue raised in interviews was that there was some concern that the department could dedicate more resources to training. In particular, it was expressed in interviews that police use of force is a high-risk area and that dedicating more time and resources to training in this area could prevent some complaints and lawsuits. Currently neither the Firearms Coordinator nor the Control Tactics Coordinator work in these areas 100 per cent of their time.

In addition to these general areas there were some specific gaps with regard to provincial standards. Provincial standards require annual re-qualification in firearms and intermediate weapon use. While departmental policy and practice conforms to this standard for firearms qualifications, there is no policy requiring annual qualifications in intermediate weapons.

In practice, training involving intermediate weapons is conducted as part of the general control tactics training in the spring and fall. Re-qualification on use of force techniques is conducted through a scenario based assessment during this training. However, the process and criteria for qualifying are not in policy. Proficiency for intermediate weapons is determined by the control tactic trainer(s) through scenario in the control tactic training that includes the articulation of the decision to use a particular force option. The criteria for assessing what elements constitute performance failure is not stated in policy, is determined by the trainers, and is not in writing at the time of the audit.

Provincial standards require that officers using the lateral neck restraint should qualify at least annually in this technique. This is not required in practice or in policy by the Victoria Police Department.

Finally, in practice, the graphic use of force model used by the department is slightly different than that used at the JIBC. That is, the area representing intermediate weapon use is somewhat larger in the Victoria Police Department graphic.

REFERENCES:

- Inspection checklist (Use of force qualification and training p.1-18) – includes the following:
 - Use of Force regulation section 10 – Training and qualification on the use of force
 - Provincial Standards:
 - A01.02.06
 - A01.02.07
 - A01.02.12
 - A01.02.13
- Review of Victoria Police Department Policy & Procedures sections:
 - AB 130 Training (23 October 2001)
 - AE 50 Administration – Firearms (26 November 2003)
 - AE 60 Administration – Less lethal weapons policy (26 November 2003)
 - OH 10 Firearms (21 November 2007)
 - OH20 Use of Force(July 2006)
 - OH 30 CEW (20 May 2008)
- Firearm Coordinator Manual

OBSERVATION SUMMARY SHEET

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|--|---------------|--|--|
| Reg. S.10 (1) | 10 (1) Each member of a police force who is authorized to carry and use a firearm must complete a training course approved by the chief constable and qualify on the firearm and must, thereafter, re-qualify on the firearm within a period specified by the police force which must not be less than once each year. | In compliance | <p>In policy and practice officers are required to re-qualify annually on firearms. Policy also requires that officers should train at least twice per year (Spring and Fall increment).</p> <p>In practice, [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>There are some concerns with the process for tracking training and qualifications.</p> <p>Concerns were expressed by key interviewees</p> | See recommendation re tracking training and qualifications under Reg 10(4) |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | regarding the current lack of appropriate software to track training and qualifications. Currently the department relies on written hard copy records of attendance from which an Excel spreadsheet is created. Documentation is placed in each officer's physical file. The department recognizes this lack of overall computerized tracking of training and qualifications as a pressing issue and at the time of this audit was purchasing new software to rectify the situation. | |
| Reg. S.10 (2) | (2) Each member of a police force who is authorized to carry and use an intermediate weapon must complete a training course approved by the chief constable and qualify on the use of the intermediate weapon and must, thereafter, re-qualify on the use of the intermediate weapon within a period specified by the police force. | In compliance | <p>Policy exists that requires officers to be qualified on intermediate weapons they carry (OC spray, CEW, and impact weapons). However policy does not mention re-certification or re-qualification or the time period required. (also see Standard A1.2.6)</p> <p>All officers are initially qualified in use of OC spray and batons through recruit training at the Justice Institute. Only selected officers are trained and qualified in use of CEWs, Arwen, Bean bag shotgun rounds). 2007 was the last session for qualifying selected new officers on use of CEWs.</p> <p>In practice, retraining/recertification for intermediate weapon (OC spray, baton) use is considered to be met by successful completion of scenario based assessment, as part of general use of force training. This is now conducted annually, although has not been so in the past.</p> <p>As mentioned in Reg 10 (1) and (4) the process to track and ensure that officers have trained and re-qualified on firearm and intermediate weapons</p> | <p>State in policy that officers must train and recertify/re-qualify on intermediate weapons. This policy should specify the period for recertification/re-qualification for OC Spray, CEWs, and impact weapons. The period should be annually for all weapons (as per provincial standard A.01.02.07).</p> <p><i>Note: This issue as it relates to CEWs was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial</i></p> |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | should be strengthened. Currently it relies on manual lists and hard copy files. No formal process exists to ensure a follow up is triggered if officers did not attend training. The current lack of software to record, track and 'flag' training is of concern. | <i>standards.</i> |
| Reg. S.10 (3) | (3) Each member of a police force must complete a training course approved by the chief constable on the use of force model and techniques and qualify on the use of force model and techniques and must, thereafter, re-qualify in the use of force techniques within a period specified by the police force. | In compliance | <p>Departmental policy requires that officers be trained (this implicitly includes the use of force training from the JIBC). Policy does not require that officers re-qualify in use of force model specifically but requires officers re-qualify for 'use of force techniques' (i.e., weapons and tactics such as vascular neck restraint).</p> <p>Interviewees indicated that training on the use of force model occurs annually and that all training involving use of force involves the use of force model.</p> <p>In practice, the graphic use of force model used by the department is slightly different than that used at the JIBC. That is, the area representing intermediate weapon use is slightly larger in the Victoria Police Department graphic.</p> <p>The process for qualifying is not clearly described in policy or in practice – attendance at training is qualification unless there are serious flaws (a rare event) in scenario assessments.</p> <p>As previously mentioned, the process to track and ensure that officers have received the training for the use of force model and techniques is weak. See section on Reg 10(1) & (4). No formal process is specified to follow up if officers did not attend</p> | <p>Opportunity for improvement:</p> <p>That the department review its use of force model graphic and make it consistent with that taught at the JIBC, or clarify and explain the differences in both policy and training. The graphic should be included in policy OH20 Use of Force.</p> |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | training. | |
| Reg. S.10 (4) | (4) The police force must maintain written records of the training and re-qualification courses completed by each member of the police force under this section. [en. B.C. Reg. 211/2000, s. 10.] | <p>In compliance</p> <p>However the processes require strengthening</p> <p>Departmental training policy states that the OIC of HR division is responsible for training functions which includes maintaining training records and ensuring that required training programs are attended.</p> <p>Records of training exist but would require manual multi-step process to review. This indicates that the department's process for ensuring that officers have trained/re-qualified/recertified is weak.</p> <p>Currently hand-written attendance sheets are maintained for all training courses. Hard copy records of training courses and qualifications are placed in the individual officers files. If an officer does not attend training this is referred to the OIC HR. The Firearm Coordinator and Control Tactics Coordinator maintain hard copy lists of who is outstanding.</p> <p>There is a lack of a computerized, overall tracking system which would allow immediate and easy access to records of who has been trained, in what, and when re-qualifications are due. Currently any such information needs to be recreated from paper records and require multiple steps. Accessing any historical records would require manual searches through numerous hard copy files and lists. Generating reminders approaching lapses in qualifications and training requires a manual reminder/memory system.</p> <p>The current lack of software to record, track and</p> | <p>Purchase the necessary software and implement an overarching process to track all firearm and use of force training & qualifications. The process:</p> <ul style="list-style-type: none"> - track for each officer which training & qualification is completed, - track for each officer the date at which qualification will expire, - create general lists of officers whose qualification expiry date is approaching, or has passed. |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
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| | | ‘flag’ training is of significant concern to key interviewees. The department recognizes this as a pressing issue and at the time of this audit was purchasing new software to rectify the situation. | |
| Standard A01.02.06 | <p>Written policy requires that only officers trained and demonstrating proficiency in the use of department authorized firearms or weapons be allowed to carry and use such firearms or weapons.</p> <p><i>Notes: The intent of this standard is to cover the carrying and use of any firearm, including shotguns, automatic rifles, handguns, or tear gas guns; and other weapons, such as batons and aerosol sprays.</i></p> | <p>Standard met</p> <p>See also section on Reg 10 (2) above.</p> <p>Current policy does require that officers must be trained and have demonstrated proficiency in the use of firearms, CEW, OC spray, and impact weapons.</p> <p>The department offers orientation training to new recruits in addition to what has been conducted at the Justice Institute. This orientation includes firearms, CEW, OC spray, impact weapons, and includes related issues regarding use of force reporting and use of force model.</p> <p>The department has spring and fall training on control tactics (incl. weapon use) and firearms.</p> <p>See section above covering Reg 10(1) for details regarding firearm qualifications.</p> <p>Proficiency for intermediate weapons is determined by the control tactic trainer(s) through scenario in the control tactic training that includes the articulation of the decision to use force. Policy requires that a record of any failure is to be kept.</p> <p>The criteria for assessing what elements constitute performance failure are not stated in policy, are determined by the trainers, and were not in writing at the time of the audit.</p> | <p>Policy or training manual should describe proficiency assessment requirements (what elements are necessary to pass and what constitutes a pass). The policy should specify the process to be followed when an officer fails assessment for any weapons or tactic.</p> <p>Policy should specify what and how training records should be kept.</p> <p>If annual training & certification for intermediate weapons is conducted through scenarios, officers should be required to work through enough scenarios so as to ensure they are assessed for different force options.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of concern in the</i></p> |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | | | | <i>Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i> |
| Standard A1.02.07 | <p>Written policy requires each officer to qualify at least annually with any firearm or other weapon that the officer is authorized to use.</p> <p><i>Notes: The policy should describe the qualifications required.</i></p> | Standard met in practice; not met in policy | <p>Policy and practice requires that officers qualify annually with firearms.</p> <p>Policy does not require that officers qualify annually on intermediate weapons.</p> <p>In practice, in the last few years, training is done annually on intermediate weapons through scenario training (in the last few training increments). See previous standard.</p> | <p>Policy should require annual training and qualification in intermediate weapons use.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> <p>See also recommendations from Standard A1.02.06 above.</p> |
| Standard A1.02.12 | Written policy requires that only officers trained and demonstrating proficiency in applying the lateral neck restraint are | Standard met | Current policy requires that only officers trained and demonstrating proficiency in applying the lateral neck restraint are authorized to apply this technique. This technique is taught at the Justice | See recommendation for standard A01.02.13 below. |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
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| | <p>authorized to apply this technique.</p> <p><i>Notes: The intent of the standard is to ensure the proper use of this technique.</i></p> | | <p>Institute.</p> <p>The last refresher training offered was in Spring 2006 through increment training. All officers that participated in the increment training would have received this training. Officers were required to perform a demonstration of the technique. Training and demonstrated proficiency records for the lateral neck restraint technique are kept in each officer's file. No centralized records are currently kept. See observations on Reg 10(4).</p> | |
| Standard A1.02.13 | <p>Written policy requires each officer authorized to apply the lateral neck restraint, to qualify at least annually in applying this technique.</p> <p><i>Notes: The intent of the standard is to ensure that skill levels are maintained and officers are able to justify their use of this technique.</i></p> | Standard not met | <p>Policy does not require that officers train and demonstrate proficiency annually. The policy states only "officers who are trained and certified <u>regularly</u>" may use the technique. Regularly is not defined in policy.</p> <p>Training materials indicate that the last training offered was in Spring 2006 through increment training. All officers that participated in the increment training would have received this training. Officers that arrived in the department since that date, or who were on leave would not have received refresher training.</p> <p>This means that no officers in the department were trained in the last year.</p> | <p>Policy should be amended to state that officers should not use the technique unless they have been trained and certified on Lateral Neck Restraint in the last 12 months. Training should be offered annually.</p> <p>Establish a process to track the training and proficiency in the use of Lateral Neck Restraint.</p> |

W. OFFICERS' USE AND CONTROL OF WEAPONS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Officer Use and Control of Weapons

SUMMARY OF ACTIVITY:

Aspects of officers' use and control of weapons are regulated through the *Police Act Use of Force Regulation* [the *Regulation*] sections 5 and 11 and subject to four *Provincial Standards for Municipal Police Departments in BC* [the standards]. The standards and regulations refer to requirements regarding the carrying, use and control of weapons, the use of warning shots, the adoption of an appropriate use of force policy by the department and references in policy to s.25 of the *Criminal Code* (governing use of force).

The audit team examined departmental policies and procedures sections that addressed issues related to the officers' use and control of weapons. Interviews were conducted with the key department personnel. Seven departmental policies and procedures were reviewed for this activity (see list at end of this section).

The department is in compliance with the relevant sections of the *Regulation*. The department fully met standards A01.02.01 to A01.02.03 but only partially met the requirements in standard A01.02.04. One recommendation and some suggestions for improvement are made to address issues identified during the review.

Provincial standard A01.02.04 requires that the police department have written policy governing the use and control of weapons and ammunition issued by the department. Departmental policy provides clear directives with regard to the use and control of firearms and ammunition issued by the department including how weapons ought to be carried, loaded, unloaded, stored, carried for plainclothes while on duty, and transported to/from residence. However, departmental policy does not address the use and control of weapons, other than firearms, while on duty. A recommendation to address this policy gap was made.

All other requirements of the *Regulation* and standards were met. These included policy concerning the carrying of weapons off duty, the use of warning shots and an appropriate use of force model. Section 11 of the *Regulation* requires each police force to adopt a use of force model approved by the Director of Police Services Division and develop a written use of force policy that includes officer presence, communication, physical control, intermediate weapons, and lethal force. It was noted that the graphic of the use of force model used by the department differs slightly to the standard National Use of Force Framework graphic. The Victoria

Police Department graphic used contains a slightly larger area depicting the use of intermediate weapons.

REFERENCES:

- Inspection checklist (Officer use and control of weapons p.1-11) – includes the following Regulation / standards:
 - *Use of Force Regulation* section 5 –
 - *Use of Force Regulation* Section 11 –
 - *Provincial Standards for Municipal Police Departments*, sections:
 - A01.02.01
 - A01.02.02
 - A01.02.03
 - A01.02.04
- Review of Victoria Police Department Policy & Procedures sections:
 - AE 50 Administration – Firearms (26 November 2003)
 - AE 60 Administration – Less lethal weapons policy (26 November 2003)
 - OH 10 Firearms (21 November 2007)
 - OH20 Use of Force(July 2006)
 - OH 30 CEW (20 May 2008)
 - OH 40 12 Gauge Bean Bag Policy (July 2006)
 - OH 50 Victoria police rifle Policy (July 2006)
- Review of Firearm Coordinator Manual

OBSERVATION SUMMARY SHEET

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|---|---------------|--|---|
| Reg. S 5 | <p>5 A member of a police force who is authorized to use a firearm under section 3 may discharge that firearm if it is reasonable and necessary to do so and in accordance with the protections and authorizations provided by section 25 of the Criminal Code (Canada).</p> <p>[en. B.C. Reg. 211/2000, s. 7.]</p> | In compliance | <p>The department has written policy that refers to section 25 of the <i>Criminal Code of Canada</i>, namely that members may discharge their firearms if reasonable, necessary and in accordance with the protections and authorizations provided by section 25 of the code.</p> <p>Departmental policy also explains the Criminal Code sections and provides examples of case law.</p> | |
| Reg. S 11 | <p>11 Each police force must develop or adopt a use of force model approved by the director and develop a written use of force policy that includes at least the following force options:</p> <p>(a) officer presence; (b) communication; (c) physical control; (d) intermediate weapons; (e) lethal force.</p> <p>[en. B.C. Reg. 211/2000, s. 10.]</p> | In compliance | <p>The department has adopted a use of force model that includes the elements listed in section 11 of the regulation.</p> <p>The department's use of force policy refers to all the elements included in section 11 of the regulation ('a' through 'e').</p> <p>Departmental use of force policy refers to the Canadian Association of Chiefs of Police National Use of Force Framework (NUFF). However, the graphic representation used by the Victoria Police Department is slightly different to that of the NUFF (somewhat larger area depicting use of intermediate weapons). The graphic representation is not included in the department's use of force policy. In internal presentations (e.g., control tactic training) and presentations to external bodies (e.g., Braidwood Commission of</p> | <p>Opportunities for improvement:</p> <p>That the department review its use of force model graphic and make it consistent with that taught at the JIBC, or clarify and explain the differences in both policy and training. The graphic should be included in policy OH20 Use of Force</p> <p>Policy sections relevant to each force option could include provisions which delineate:</p> <ul style="list-style-type: none"> - threshold of use; - any circumstances when |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|---|--------------|---|--|
| | | | <p>Inquiry) the department presents a graphic slightly different to that of the standard NUFF.</p> <p>Good practice in use of force policy could include for each force options:</p> <ul style="list-style-type: none">- threshold of use;- circumstances when a force option may not be used;- procedures for after care / medical assistance; <p>The department has included some of these elements in policy for some force options. However not all these elements are specified for each force option (e.g., threshold of use for OC spray).</p> <p>There is no reference to the provincial <i>Police Act Use of Force Regulation</i>.</p> | <p>the force option may not be used (if relevant);</p> <ul style="list-style-type: none">- procedures for after care and medical assistance. <p>Policy OH20 could refer to the BC Police Act and associated regulations (<i>Use of Force Regulation, Code of Conduct Regulation</i>) for information for officers.</p> |
| Standard A01.02.01 | <p>Written policy recognizes that the authority for the use of force is found in the Criminal Code.</p> <p><i>Notes: These standards are not intended to abrogate the authority of the Criminal Code.</i></p> | Standard met | <p>Written policy states that the authority for the use of force is found in the <i>Criminal Code</i> and that departmental policy is not intended to abrogate the authority of the <i>Criminal Code</i>.</p> | |
| Standard A01.02.02 | <p>Written policy governs the discharge of warning shots.</p> <p><i>Notes: Warning shots may pose a danger to officers and citizens. The Police Act allows for warning shots in order to gain control of a situation in</i></p> | Standard met | <p>Departmental policy currently permits warning shots. The policy provides clear directives with regard to situations where officers may or may not discharge a firearm as a warning. The policy specifies that warning shots may pose a danger to officers and</p> | |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|---|------------------|---|---|
| | <i>which the police officer reasonably believes may result, if allowed to continue, in death or serious bodily harm to any person and there is no reasonably foreseeable likelihood of injury or death to an innocent person resulting from the warning shot. It may be appropriate for department policy to be more restrictive than the Police Act.</i> | | citizens, may only be used to gain control of a situation where the police officer reasonably believes may result, if allowed to continue, in death or serious bodily harm to any person, and may only be used when there is no reasonable foreseeable likelihood of injury or death to an innocent person resulting from the warning shot. | |
| Standard A01.02.03 | A1.2.3 Written policy governs the carrying of firearms, ammunition, and other weapons while off duty. <i>Notes: The policy should specify the circumstances under which an officer may carry a firearm, ammunition, and other weapons while off duty.</i> | Standard met | Departmental policy provides clear directives with regard to the circumstances under which an officer may carry a firearm, ammunition, and other weapons while off duty. Officers in the department are permitted to carry firearms and ammunition while off duty provided certain conditions are met. Policy does not permit officers in the department to carry CEWs, Batons, or OC spray while off duty. | |
| Standard A01.02.04 | A1.2.4 Written policy governs the use and control of weapons and ammunition issued by the department. <i>Notes: In addition to firearms, officers usually have other weapons at their disposal. The intent of this standard is to ensure proper use and control of such weapons.</i> | Standard not met | Departmental policy provides clear directives with regard to the use and control of firearms and ammunition issued by the department. This includes how firearms are to be carried, loaded, unloaded, stored, carried for plainclothes while on duty, and transported to/from residence. However, the policy reviewed did not address issues of use and control of weapons other | Recommendation: Departmental policy should provide clear directives to officers on the use and control of weapons (other than firearms) issued by the department. Suggestion for Improvement: |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|------------|--|---|
| | | than firearms while on duty. This issue may be addressed in training but could not be found in policy. | <p>Policy should include directives regarding how weapons (other than firearms) should be: carried/worn, loaded, unloaded, stored, carried/worn for plainclothes officers, and transported to residence if applicable.</p> <p><i>Note: This issue as it relates to CEWS was identified as an issue of concern in the Braidwood report; as such any recommendations made with respect to CEWs are for department attention pending regulatory reform or amendment to provincial standards.</i></p> |

X. REPORTING AND REVIEWING OF USE OF FORCE INCIDENTS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Use of Force Reporting and Review

SUMMARY OF ACTIVITY:

There are three provincial standards relevant to use of force reporting and review. The audit team examined departmental policies and procedures sections that addressed issues related to use of force reporting, reviews and other post-incidents issues. Interviews were carried out with key personnel.

In general, the Department has sound processes for the reporting of use of force. The Department has, in fact, been progressive regarding the standardized and computerized reporting of use of force for a number of years now. However, there are some requirements of the provincial standards that are not covered by departmental policy and processes (e.g., the review of use of force events and the reporting of use of force by employees other than police officers). Three recommendations are made to address gaps identified.

Standard A01.02.09 requires that departments have a written policy requiring that a written report be submitted whenever an officer or other employee takes an action that results in injury or death of a person, or applies force by any means, other than routine handcuffing. The department met this standard with respect to police officers. The department has for a number of years required that officers complete computerized and standardized use of force reports. Interviews with officers and a review of use of force reporting confirmed adherence to the provincial standard.

However, the requirements for other employees (such as jail guards) are not as clear. The *Victoria Police Department Jail Policy and Procedure Manual* requires that the use of any restraint device and the name of the jail guards be documented but the manual is not specific with regard to the use of force and the threshold for reporting when no restraint devices are used. Therefore it is recommended that the *Jail Manual* be updated to clarify use of force reporting procedures for jail guards consistent with the provincial standard.

Standard A01.02.10 requires that departments have a written policy requiring procedures for reviewing incidents in which an officer applies force. The department is not in compliance with this standard. It is unclear whether or by

whom use of force reports are reviewed. Recommendations are made to address this issue.

Standard A01.02.11 requires that departments have a written policy that establishes criteria concerning the assignment of an officer whose use of force resulted in death or grievous bodily harm. The department has not met this standard. However, departmental policy does establish a process for critical incident stress management and employee wellness.

REFERENCES:

- Inspection checklist (Use of Force Reporting and Review p.1-14) for compliance with the following Regulation and Standards:
 - Use of Force regulation:
 - section 6 – Discharge of firearm by member
 - section 7 – Discharge of firearm by chief constable
 - section 8 – Surrender of discharged firearm
 - Provincial Standard for Municipal Police Departments
 - A01.02.09
 - A01.02.10
 - A01.02.11
- Review of Victoria Police Department Policy & Procedures sections:
 - AB 170 Critical Incident Debriefing – High Risk assignment (January 2006)
 - AB 180 Critical Incident Stress Management (28 February 2006)
 - OH 10 Firearms (21 November 2007)
 - OH 20 Use of Force (July 2006)
 - OH 30 CEW (20 May 2008)
- Review of the *Victoria Police Department Jail Policy and Procedures Manual* (April 14th 2009)

OBSERVATION SUMMARY SHEET

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
|---|---------------------|--|--|
| <p>Standard A01.02.09</p> <p>Written policy requires a written report be submitted whenever an officer, or other employee:</p> <ul style="list-style-type: none"> - takes an action that results in (or is alleged to have resulted in) injury or death of another person, including the officer or any other officer; - applies force through the use of a weapon; - discharges a firearm, other than in training; and/or - applies force by any means, other than routine handcuffing or low levels of restraint. <p><i>Notes: The intent of this standard is to ensure accountability regarding the use of force, the use of a weapon, and/or the discharge of a firearm. The documentation of all instances of the use of force will provide statistics concerning the routine application of force where no injury or complaint occurs. Such information should be used for analyzing training needs, identifying appropriate tactics, and will provide a means of placing incidents where injuries occur into their proper perspective. This standard</i></p> | <p>Standard met</p> | <p>Departmental policy requires officers to complete and submit a written report (Subject Behaviour – Officer Response, or SBOR) whenever an officer uses force beyond compliant handcuffing, regardless of whether the subject was injured.</p> <p>This threshold of reporting meets the standard for reporting use of force.</p> <p>Interviews with officers who filled an SBOR use of force report in the last year indicated that this threshold is complied with in practice.</p> <p>Review of use of force reports further demonstrated that the reporting was at a threshold consistent with the provincial standard.</p> <p>However, the standard also requires that employees (other than police officers) complete use of force report at the same threshold. This includes the jail guards. Currently the <i>Victoria Police Department Jail Manual</i> is not clear on what the reporting rules for jail guards are. The <i>Jail Manual</i> requires that the use of any restraint device and the name of the jailers be documented but the manual is not specific with regard to use of force and the threshold for reporting when no restraint devices are used.</p> | <p><i>Victoria Police Department Jail Manual</i> and training should be updated to clarify the process and procedures for jail guards to report all instances where force was used (not just when restraint devices are used).</p> <p>The manual should be clear as to the</p> <ul style="list-style-type: none"> - threshold for reporting (beyond compliant handcuffing); - Who should fill the form - What forms is to be filled (SBOR in PRIME) - When and how the form is to be filled; - Who should be notified once the form is completed. |

| Standard or Regulation | | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|---|------------------|--|---|
| | <i>includes detention facility personnel.</i> | | <p>A review of training material for jail guards (from spring 2009) confirms that jail guards were taught to report the use of restraint (in PRIME). It is not clear whether they were taught to report all use of force.</p> <p>Interviews with jail guards and Jail Sergeants indicated that such incidents would be reported and that SBOR would be completed.</p> | |
| Standard A01.02.10 | <p>Written policy includes procedures for reviewing incidents in which an officer applies force by means of a weapon or firearm, lateral neck restraint, or the application of force, by any means, other than routine handcuffing or low levels of restraint and compliance.</p> <p><i>Notes: The review process may vary in accordance with the nature of the force applied, and the outcome.</i></p> | Standard not met | <p>There was no departmental policy that required a review of incidents where officers used force, nor could the audit team locate in policy procedures for reviewing such incidents.</p> <p>Interviews with officers who had completed a use of force report in the last year indicated that almost all officers assumed incidents were reviewed (most indicated they thought the supervising sergeant would review and others indicated that the control tactic coordinator would) but most officers stated they were not clear as to who would conduct the review and whether a review was done in their case. Almost all officers interviewed did not receive any feedback after filing their report. Supervisors are expected to review and approve use of force reports as part of the review of the General Occurrence report.</p> <p>The purpose of reviews is not delineated in policy.</p> | <p>Develop policies for reviewing incidents in which an officer applies force:</p> <p>The policy sections(s) should include provisions for:</p> <ul style="list-style-type: none"> - who is required to review report(s); - the purpose of the review or reviews if more than one person is to review an incident; - what reports are to be reviewed; - what circumstances or type of force used require a review; - when and how the review is to take place; - whether records are to be kept that a review was done and of the |

| Standard or Regulation | Conclusion | Supporting Observations | Recommendation(s) |
|------------------------|---|-------------------------|---|
| | | | conclusion of the review. |
| Standard A01.02.11 | <p>Written policy establishes criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm.</p> <p><i>Notes: The intent of the standard is to (1) provide appropriate psychological and emotional support for the officer; and (2) protect the officer from possible retaliation from the criminal element.</i></p> | <p>Standard not met</p> | <p>Departmental policy does not establish criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm.</p> <p>However, departmental policy exists that establishes a process for critical incident debriefing for officers assigned to high risk assignment and Critical incident stress management.</p> <p>Departmental policy also takes a proactive approach to critical incident management and employee wellness. Departmental policy maintains a Critical Incident Management Team to provide support in case of a critical incident.</p> <p>Develop a policy that establishes criteria concerning the assignment of an officer whose use of force results in a death or grievous bodily harm.</p> |

Y. CANINE UNIT

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: K9 Unit

SUMMARY OF ACTIVITY:

Three standards were included in this inspection of the K9 Unit. One of these (D02.01.05) specifically concerned police dogs, and the other two (A01.02.09 & A01.02.10) concerned the reporting and review of use of force incidents generally. The latter two standards were dealt with comprehensively elsewhere. However, these two standards were considered only in terms of police dog bites, as a use of force, for the inspection of the K9 Unit.

The inspection activity consisted of interviews, document reviews and observation of a weekly training session of the K9 Unit. Interviews were conducted with key personnel. The documents that were reviewed consisted of the K9 Unit policy, K9 Unit Annual Reports, deployment statistics, and the Field Validation document.

Overall, the inspection found that this unit is a high functioning, professional team staffed with dedicated and motivated individuals. The dogs are trained to a high level, and the members are continually seeking to improve in terms of training and experience. The documentation and accountability of the unit's performance was also to a high level. This included annual reports, summarizing the unit's activities and achievements during the year, ongoing deployment statistics and incident reports. The Sergeant in charge is in regular, almost daily contact with the Inspector for further accountability.

Some recommendations are made for improving certain aspects of the K9 policy with regard to police dog bites and use of force.

K9 Certification & Documentation

It is worthy of note that the mandatory annual certifications of the dogs are conducted by K9 officers external to the Victoria Police Department for increased independence and accountability. Written copies of all certifications and their results are maintained.

Up to date statistics are kept on the dogs' deployment by type of deployment (e.g., track, evidence search), month and municipality, as well as per handler.

All bite incidents and contact incidents are reported, recorded and reviewed for accountability. The K9 Unit policy (OK60) requires that bite incidents are to be recorded and supervisors notified, but it does not explicitly require a review of the incident, although in practice this does occur. All bites, in fact all incidents, are always reviewed by the Sergeant in Charge. As well, discussions of incidents are used as potential learning opportunities for all unit members.

It is recommended that policy OK60 be amended to specifically require a supervisor's review of bite incidents.

Training

Police dog training is a critical area for a K9 unit. A poorly trained dog (and/or handler) can be a significant liability, and police dogs must be under control of their handler in all circumstances.

This unit shows a strong emphasis on continuous improvement in all areas and particularly on training and control. There is organized weekly training for the unit as a whole, as well as the daily maintenance training conducted by the handlers. All handlers are actively encouraged to attend training courses and seminars each year.

The dogs' level of training was objectively confirmed by the training observation, in particular, in the demonstrations of the "out" and the "call off". These are the most likely scenarios to result in liability concerns. The training observation showed the dogs to be well under the control of the handler. (For the "out" the dog is commanded to let go while biting a suspect, without any additional physical influence from the handler. For the "call off" the dog is sent to bite the suspect, but in mid-flight is commanded to stop before coming in contact with the suspect.)

Policy

The K9 Unit policy (OK60) covers numerous areas such as what dogs are to be deployed for, when they can be deployed on or off line, and what the handlers responsibilities are, as well as certain areas of specialization (e.g., working with the Emergency Response Team).

However, there are some aspects of the K9 Unit policy that could be improved. The K9 policy avoids the concept of dogs as a use of force option and there is no reference to dogs biting. In fact, the K9 policy (OK60, s 26.4) states that dogs are not to be applied to any type of force continuum and they should only be viewed in terms of a tool. On the other hand, the *Victoria Police Department General Use of Force Policy* (OH20, dated July 2006) states that dogs are a specialized use of force option (s.3.12).

It seems clear that if a dog bites a suspect this is an application of force. In fact, dog bites have a higher potential for injury outcomes than some other force options. There will be times when dogs are deliberately directed to bite, as well as times when a dog will bite in response to the subject's behaviour.

Interviews with unit members showed that bites were considered serious and dogs must only engage suspects when they need to and it must be clearly justifiable. However this is not discussed in policy. This is a policy gap that should be addressed. The policy should explicitly discuss bites as a use of force and the responsibilities inherent in this.

Throughout the K9 policy there is only reference to dog 'contact' (defined as any type of physical touching between a dog and a person) but no reference to dogs biting. Clearly there is a significant difference between a dog biting a person or brushing against them or licking them. Yet according to the policy, these are all in the same category of 'contact'. It appears that 'contact' may be a euphemism for biting.

It is recommended that:

- the K9 policy be amended to include a consideration of police dogs as a use of force option, not just a searching tool, and the responsibilities inherent with this;
- this should also include additional clarifications on circumstances where dogs are, or are not, to be used to apprehend a suspect by biting (e.g., seriousness of offence, proportionality, young persons); and,
- the K9 policy not just refer to 'contact' generally, but also bites. Bites could be a subcategory of 'contact'.

Drug samples

In order to train dogs to detect drugs, the handlers are required to have access to drug samples with which to train their dogs.

In order to protect both the department and the individual handlers, it is recommended that occasional routine internal audits of these samples are conducted.

REFERENCES:

- Inspection checklist
- Policy OK60 - K9 Unit, dated 17 March 2008
- Policy OH20 – Use of Force, dated July 2006
- K9 Unit Annual Reports 2007 & 2008
- Deployment statistics 2008
- Integrated Canine Service Field Validation document (protocol for annual testing/certification of dog's performance)
- Email regarding bite statistics for 2007 & 2008

OBSERVATION SUMMARY SHEET

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|-----------------------|---|--------------|--|---|
| Standard D02.01.05 | <p>If the department uses horses or dogs, written policy specifies the criteria for their deployment.</p> <p><i>Notes: The purpose of this standard is to ensure that horses and dogs are deployed appropriately.</i></p> | Standard met | <p>The department has a policy (OK60) that applies to the K9 Unit. This policy addresses the deployment of dogs. Amongst other things, the policy specifies the types of incidents for which dogs are to be used (e.g., building searches, evidence searches, tracking suspects). This policy also specifies whether dogs are to be deployed on or off line depending on the situation.</p> <p>The policy does not have a discussion of dogs as a force option. There is no detailed discussion of when it is appropriate for a dog to bite a suspect, and what circumstances do not warrant a bite.</p> | <p>K9 policy:</p> <ul style="list-style-type: none"> - be amended to include a consideration of police dogs as a use of force option, not just a searching tool, and the responsibilities inherent with this designation; - should also include additional clarifications on circumstances where dogs are, or are not, to be used to apprehend a suspect by biting (e.g., seriousness of offence, proportionality, young persons); - not just refer to 'contact' generally, but also bites. Bites could be a subcategory of 'contact'. |
| Standard A01.02.09 | <p>Written policy requires a written report be submitted whenever an officer, or other employee:</p> <ul style="list-style-type: none"> - takes an action that results in (or is alleged to have resulted in) injury or death of another person, | Standard met | <p><i>NOTE: This particular inspection activity with regard to the K9 unit is only concerned with dog bites as a use-of-force. K9 officers are required to report in SBOR for non-K9 use of force.</i></p> <p>The policy (OK60) for the K9 Unit requires that all physical contact between a police dog and a</p> | <p>Opportunities for improvement:</p> <p>Include bite statistics in the K9 Unit annual report.</p> <p>Specify what forms are to be completed following a dog</p> |

| Standard | | Conclusion | Supporting Observations | Recommendation(s) |
|--------------------|--|--|---|---|
| | including the officer or any other officer; - applies force through the use of a weapon; - discharges a firearm, other than in training; and/or - applies force by any means, other than routine handcuffing or low levels of restraint. | | subject is reported and documented. Therefore any force applied by the dog (bite) would be captured by this requirement. According to the policy the handler is required to evaluate any injury, get medical attention if required, notify K9 NCO, Watch Commander, Uniform Services NCO, obtain medical reports and complete all reports as required. The type of report is not currently specified in the policy. Statistics are kept on all dog activities/ deployments by month /year /handler. | bite. |
| Standard A01.02.10 | Written policy includes procedures for reviewing incidents in which an officer applies force by means of a weapon or firearm, lateral neck restraint, or the application of force, by any means, other than routine handcuffing or low levels of restraint and compliance. | Standard met in practice not in policy | <i>NOTE: This particular inspection activity is only concerned with dog bites as a use-of-force option.</i> The K9 Unit policy (OK60) requires that all physical contact between a police dog and a subject is reported and documented. The policy also requires that the K9 NCO, the Watch Commander and the Uniform NCO are notified. There is no explicit requirement in policy that the report is reviewed as to the appropriateness of any action or other issues. However, in practice this does occur. The K9 Sgt I/C reviews each incident, requests more information if necessary and discusses the incident with the handler involved, as well as the Inspector. Discussions are also held with all members of the K9 unit to ensure that incidents are also used as learning moments for everyone in the unit. | K9 Unit policy (OK60) specifically require a supervisor's review of each bite incident. |

Z. EMERGENCY RESPONSE TEAM

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Emergency Response Team (ERT)

SUMMARY OF ACTIVITY:

13 standards were included in this inspection of the Emergency Response Team (ERT). The inspection activity consisted of interviews, document reviews and a tour of the ERT room, equipment, and van. Interviews were conducted with key personnel. The list of documents reviewed can be found at the end of this summary.

Overall the inspection found that this is a well equipped, professional, well trained, motivated and disciplined unit with a sound track record. However, there were a number of gaps noted in terms of written policy (including the lack of a single overarching ERT manual encompassing all aspects of ERT), even though missing policy aspects were generally covered by current practice.

A number of other issues were highlighted during interviews and the document reviews. The key ones were:

- outdated MOU
- divergent views by different area Chiefs on when ERT should be deployed
- the possible advantage of being a full time team
- some Commanders not attending required training days
- equipment

Policies

There were gaps noted in terms of written policy regarding certain aspects of the ERT, although in practice these aspects were generally being implemented. For example, there was no reference in policy to adherence to BCACP selection and training standards. In practice these standards appear to be met or exceeded. However, this needs to be formally referred to in policy to ensure that these are maintained. *The Victoria Police Department Policy OA20 – Critical Incident Response* (June 2001) has not been updated since the provincial review of ERT teams in 2003 which made a number of policy recommendations. OA20 should be updated to incorporate all the recommendations from the provincial review 2003.

No single overarching ERT manual

It was noted that although there was a detailed tactical ERT manual for tactical team members, there was no single overarching ERT manual that included all the key aspects of policy and procedures (not specific tactics) as required by provincial standard D13.1.2. This should be rectified. For example, during the audit a key

interviewee acknowledged that there was a current gap in written policy (although not in practice) regarding policy and procedures for the negotiators and negotiator team leader (e.g., appropriate documentation regarding training and reporting was being maintained in practice but there was no written policy specifying what was required to ensure the maintenance of standards).

Update MOU

The existing MOU between the Area Chiefs regarding ERT services is out-dated. The MOU should be re-examined and updated to ensure it meets the needs of current ERT services required. The audit team was advised that a review of ERT services and options for the Great Victoria area is currently being written by one of the area Deputy Chiefs.

Divergent views on when to use ERT

The Greater Victoria ERT is an integrated team servicing the jurisdictions of Victoria, Saanich, Central Saanich and Oak Bay. There are some differing views regarding ERT services among the different jurisdictions. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].

Even though the GVERT tactical manual describes the capabilities of the GVERT, there is no universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out. Some persons interviewed were of the view that the governance of GVERT is somewhat cumbersome and disjointed due to the conflicting values and priorities regarding when ERT should be used. A universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out may help to mitigate this issue.

Full time vs. part time team

Numerous interviewees discussed advantages of the ERT becoming a full-time unit, rather than the present part-time unit. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].

Many team members would appreciate the increased training time that would result from becoming a full-time unit. Members felt that the current two days per month (one on firearms, one on tactics) was not ideal.

Not all Commanders attend training

An issue that had previously been identified in the 2003 provincial ERT review, as being of concern to ERT members was that not all Commanders attend the mandatory tactical training (two days a year). Members expressed the view that it is not onerous to expect that Commanders attend two days of training, and that a live deployment should definitely not be when Commanders learn what the tactical unit

is, and is not, capable of. While some Commanders exceed their training requirements, others do not meet the minimum attendance.

REFERENCES:

- Inspection checklist (file #)
- MOU with RCMP (1979)
- MOU with greater Victoria area Chiefs (1983)
- ERT Standard Operating Procedures 2001
- ERT tactical guidelines manual 2009
- Call out manual
- Annual Training plans
- Firearms & Fitness qualification records
- CVs of tactical members
- Victoria Police Department Policy OA20: Critical Incident Response 20 June 2001
- After action reports
- 2008 ERT annual report
- Police Services Division, Ministry of Public Safety and Solicitor General. 2003. *Provincial Review of Emergency Response Teams*.
- BCACP ERT Sub-Committee. June 2006. *Emergency Response Team Standards*.

OBSERVATION SUMMARY TABLE

| Standard | | Conclusion | Supporting Observations | Recommendations |
|---|--|------------------------------------|--|--|
| Standard D13.01.01 proposed revision (2003) | <p>Written policy states that the Chief of Police has overall responsibility for ensuring his department has access to a special operations function for conducting deployment of the Emergency Response Team (ERT) which includes the tactical team, the negotiation team, and Commanders.</p> <p><i>The intent of this Standard is to require a continuing supervisory effort with respect to ERT usage and negotiation to ensure constant planning and operational readiness in view of the critical nature of these functions.</i></p> | Met in practice, not met in policy | <p>The statement of the Chief having overall responsibility for ensuring access to ERT functions, is not written in policy, nor is the definition of ERT as encompassing the tactical team, the negotiators and the commanders. However, in practice it is understood that ultimately responsibility rests with the Chief, even though the GV ERT team services four jurisdictions (Victoria, Saanich, Central Saanich, and Oak Bay).</p> <p>[Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>Victoria Department maintains the overall responsibility for administration of ERT records, training, and budget. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The GVERT tactical manual (see more details under standard D13.01.02) describes responsibilities of the tactical team, negotiators and commanders and provides a clear flow chart describing the reporting structure for the GVERT.</p> | Amend policy OA20 Critical Incident Response to ensure it covers all the requirements of provincial standards for ERT teams, as per the 2003 Provincial review of ERT. This will include but may not be limited to: a statement that Chief has overall responsibility as per standard D13.1.1 for ensuring access to ERT services. |

| Standard | | Conclusion | Supporting Observations | Recommendations |
|---|---|---|--|---|
| Standard D13.01.01-A proposed addition (2003) | <p>Written policy identifies the department's service level and delivery method for emergency response in accordance with the department's needs and capabilities. A department may choose to:</p> <ul style="list-style-type: none"> - use the department's own team(s); - enter into an agreement with other department(s) for joint delivery; or - contract with another department. <p><i>A department may choose a service level and/or delivery model that best meets its own needs. For example, a small-sized department may find it more feasible to maintain its own containment team only and contract with another larger department for functions beyond containment, such as those dealing with barricaded persons and hostage rescue.</i></p> | Standard met in practice; not met in policy | <p>There is no overarching written policy that outlines the delivery method for ERT services. However, Victoria participates in an integrated, part-time team providing ERT services to the jurisdictions of Victoria, Saanich, Central Saanich and Oak Bay. There is an existing Memorandum of Understanding (MOU) among the Chiefs from these jurisdictions, although this is dated from 1983.</p> <p>Victoria maintains administrative responsibility for maintaining the unit. The Greater Victoria ERT team is to a large extent made up of Victoria police officers. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>Victoria maintains the overall responsibility for ERT records, training, and budget. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The tactical team capabilities are specified in the Tactical Guidelines Manual (accessible to tactical team members), but are not detailed in policy OA20.</p> | See above recommendation regarding amending policy OA20. This will include but may not be limited to: the specification of ERT service as an integrated team, specifying personnel numbers required (tactical team, negotiators), as well as the capabilities and types of calls that the GVERT is qualified to handle, those it is not qualified to handle and how these services would otherwise be accessed. |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| Standard D13.01.02 proposed revision (2003) | <p>Where the department has established an ERT, written policy requires that an ERT Procedural Manual be developed that:</p> <ul style="list-style-type: none"> - clearly articulates the mandate of the ERT; - identifies the position responsible for authorizing the deployment of ERT (incl. authorization for partial deployments) and describes the deployment decision-making process; - describes the operational structure of ERT (incl. organization chart) and provides clear definitions of the accountabilities of each type of ERT member; - provides a detailed method of developing operational plans; - describes call out procedures with up-to-date pager and telephone numbers for all ERT members; - contains a shift schedule and vacation planner for tactical team members and negotiators to facilitate call out procedures and to ensure a minimum contingent of members is available for all calls. When a minimum number of members is not available, written policy describes the procedures for calling out a designated back up team and for calling out additional negotiators; - contains a current CV of ERT experience for all tactical team members and | Standard met in practice; not met in policy | <p>One ERT manual that contains all the information specified in this standard does not exist. Some aspects of this standard are kept in separate manuals or documents and other aspects have not been documented in policy at all (see highlighted aspects of the standard in column 1). For example, policy and procedures for negotiators has not been written down and while appropriate procedures are followed in practice these have not been committed to policy. In practice, the negotiators' CVs, shift schedules, training and deployment are maintained by the Negotiator Team Leader, but none of this is detailed in policy. Interviewees advised that this audit had highlighted that a policy gap exists and that this was being rectified and a negotiator policy/procedure manual was being written.</p> <p>There is an updated detailed Tactical Guideline Manual (that at the time of visiting the Victoria Department – May 2009 – had not yet been presented to the Joint Management Team) that contains much of the information specified in this standard. However this manual is specific to the Tactical team and is not currently available to other ERT members (commanders and negotiators) and does not contain all aspects referred to in this standard.</p> <p>This tactical manual supersedes the Standard Operating Procedure manual from 2001. The updated manual contains information not only regarding SOPs for the tactical team but also details of equipment, updated mandate and aspects of training. Some other details of ERT policies and procedure are kept</p> | Update existing ERT policy and procedures manuals to ensure that all aspects required by standard D13.1.2 are included (e.g. policy and procedures regarding negotiators, debriefing, and response to reports by police managers). |

| Standard | Conclusion | Supporting Observations | Recommendations |
|----------|--|---|-----------------|
| | <p>negotiators. Tactical team members and negotiators should be required to provide up-dates to their CVs semi-annually;</p> <ul style="list-style-type: none"> - contains copies of the Memorandum of Understanding between ERT jurisdictions identified for back up or relief capabilities; - describes the debriefing process which includes a requirement for police managers to respond to written debriefing reports; - describes the method by which ERT call outs will be recorded for statistical purposes; and - contains a specialized section for negotiators that provides: a list of equipment (including personal equipment such as vests, bad weather gear and helmets, and communications equipment) to be assigned to the negotiators; and - clearly articulates the specific role of negotiators in the tactical triangle. | <p>separately – e.g. CVs, training plan, MOUs. CVs are generally updated annually rather than semi-annually as specified in this standard.</p> <p>There is no policy specifying the debrief process, nor any requirement for police managers to respond to debrief reports, as specified in the standard. In practice there is a detailed multi-step debrief, which includes an overall debrief of everyone involved in the operation as well as a separate debrief specifically for the tactical team. All tactical team members interviewed said that the tactical debrief in particular is of great benefit, and a genuine learning situation where any potential shortcomings or improvements are covered.</p> <p>The team leader subsequently prepares a detailed after action report which is passed to the police managers. Responses to these, as required by the standard, are rare, even if the report contains some significant comments and recommendations.</p> <p>The manual does not describe how ERT call outs will be recorded for statistical purposes. However the tactical team leader provides a detailed annual report that summarizes every deployment, training completed and delivered, significant equipment acquisitions, number and type of operations by jurisdiction, and other significant events (firearms recovered, drugs recovered, and use of specialty equipment).</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| Standard D13.01.02-B proposed addition (2003) | <p>Where the department has entered into an agreement with other department(s) for joint delivery of ERT services, written policy requires that written Memorandums of Understanding between the participating departments be developed and ensures an ERT manual is developed and made available to each member providing ERT services.</p> <p><i>The ERT manual should contain all policies and procedures that are identified in D13.1.2.</i></p> | Standard met in practice; not met in policy | <p>There is no policy specifying that an MOU must be created. However an MOU does exist. The MOU covers high level jurisdictional issues, the administration of the budget, the ERT van, field commanders, the provision of negotiators and some other areas. This MOU is over 25 years old and is in need of updating. The MOU refers to a police department (Esquimalt) which no longer exists.</p> <p>There are some differing views regarding ERT services among the different jurisdictions. For example, [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>Some persons interviewed were of the view that the governance of GVERT is somewhat cumbersome and disjointed due to the conflicting values and priorities regarding when ERT should be used. A universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out would mitigate this issue.</p> <p>There is no policy specifying that an ERT manual must be created. As noted above, there is a detailed Tactical Guideline Manual, but this does not cover every area as required by standard D13.01.02, and is not accessible to all ERT members (e.g. not negotiators). It is made available to all tactical team</p> | <p>Review and update the existing MOU between participating departments in the GVERT. This should include a universally agreed upon policy by all the area Chiefs regarding when ERT is to be called out</p> <p>See above recommendation regarding amending policy OA20. This will include but may not be limited to: the requirement of an MOU and the creation and provision of an ERT manual to all ERT members.</p> |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | | | <p>members as a copy is kept in the ERT room.</p> <p>See the previous comments in the section for standard D13.01.02 where this issue is covered in more detail.</p> | |
| Standard D13.01.03 proposed revision (2003) | <p>Written policy requires that each department that has established an ERT have responsibility to ensure that an appropriate number of tactical team members and negotiators are available. Written policy identifies a position within the ERT chain of command responsible for determining the number of ERT members required for an incident. This position will have authority to call in back up and/or relief team members when appropriate.</p> <p><i>The intent of the Standard is to ensure the safety of ERT officers as well as the success of ERT operations.</i></p> | Standard met | <p>Policy OA20 Critical Incident Response specifies the basic procedure and position responsible for calling out ERT. OA20 specifies that the final resourcing for ERT is to be determined in consultation with the ERT Team Leader.</p> <p>This policy also refers to the more detailed call out manual [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The call out manual specifies detailed procedures for calling out the ERT, and includes [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> | |
| Standard D13.01.04 | <p>Written policy governs procedures for deploying ERT officers to supplement other operation components or functions.</p> <p><i>Guidelines should be established for the use of special operations officers to supplement other operations, such as patrol, as the need arises.</i></p> <p><i>The policy should specify supervisory arrangements and whether special operations officers are to be assigned as an integral unit.</i></p> | Standard not met | <p>[Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>This helps to ensure the fastest possible response to requests for tactical officers on limited call outs.</p> | <p>See above recommendation regarding amending policy OA20. This will include but may not be limited to: the inclusion of supervisory arrangements and whether special operations officers</p> |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | | | <p>Requests for ERT to assist, for example, patrol or K9 officers come through the normal channel of ERT activation. Final resourcing of ERT members is determined with the tactical Team Leader.</p> <p>Policy OA20 lists a numbers of situations where ERT officers could supplement existing functions. However the policy does not specifically describe supervisory arrangements and whether special operations officers are to be assigned as an integral unit.</p> | are to be assigned as an integral unit. |
| Standard D13.01.05 | <p>Written policy establishes procedures for cooperation and coordination between ERT and other operational components or functions.</p> <p><i>The intent of this standard is to establish procedures to alleviate potential misunderstandings among all components or functions, to provide for the safety of officers, and to ensure the success of the operation.</i></p> | Standard met | <p>Policy OA20 Critical Incident Response describes the responsibilities of the Field Commander, the administrative NCO and the primary response officers and road supervisor, as well as the detective division. However this policy is almost 9 years old, and has not been updated since the provincial review of ERT teams, therefore it would be of benefit to review and update this policy to ensure it meets current needs and best practices.</p> <p>The Tactical Guidelines Manual (available to tactical team members only) describes operational duties and responsibilities of the Duty Officer, patrol officers and media liaison, as well as describing responsibilities of the Commander, Team leader and negotiators.</p> | See above recommendation regarding amending policy OA20. |
| Standard D13.02.01 proposed revision | Written policy requires that each department that has established an ERT adopt the selection and recruitment criteria for Team Leaders, Tactical Liaison Officers, tactical | Standard met in practice; not met in policy | Written policy does not require adherence to the selection and recruitment standards of the BCACP. However in practice the selection and recruitment process is comparable to that of the BCACP. All the | See above recommendation regarding amending policy OA20. This |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| (2003) | <p>team members and negotiators established by the British Columbia Association of Chiefs of Police Training, Selection and Recruitment Working Committee.</p> <p><i>Until such time as the BCACP ERT selection and recruitment criteria are established, departments may wish to utilize current criteria.</i></p> | | <p>BCACP criteria (minimum years spent policing, background review, physical test, firearms test, interviews, pre-course screening and basic training) appear to be met in practice. The Victoria recruitment process for tactical officers consists of: [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>Not everyone who passes the course gets on the team, but on a reserve list.</p> <p>Victoria Police prides itself on running a basic training course for tactical officers that exceeds that of the BCACP Justice Institute program.</p> <p>Similarly, selection criteria for negotiators require a [withheld as per s. 15 (1)(k)(l) of FOIPPA]</p> <p>which they must pass. Subsequent to this they are given a departmental orientation.</p> | will include but may not be limited to: the requirement for adherence to BCACP ERT selection and recruitment criteria as a minimum. |
| Standard D13.02.02 proposed revision (2003) | Written policy requires that each department that has established an ERT adopt the testing criteria for ERT tactical team members and negotiators established by the British Columbia Association of Chiefs of Police Training, Selection and Recruitment Working | Standard met in practice; not met in policy | <p>Written policy does not require adherence to the testing standards of the BCACP. However in practice tactical team members are required to pass firearms testing and physical fitness testing every six months.</p> <p>For firearms testing GVERT tactical members</p> | See above recommendation regarding amending policy OA20. This will include but may not be limited to: the |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | <p>Committee.</p> <p><i>ERT firearms and physical re-qualifications should be conducted at least every six months. Until such time as the BCACP ERT testing criteria are established, departments may wish to utilize current criteria.</i></p> | | <p>[Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The most recent BCACP standards document adopted by the BCACP in June, 2006, however, recommends that [Withheld as per s. 15 (1)(k)(l) of FOIPPA] (p.14). This is not being conducted for GVERT.</p> | <p>requirement for adherence to BCACP ERT testing standards as a minimum.</p> |
| <p>Standard D13.2.2A – proposed addition (2003)</p> | <p>Written policy requires that each department that has established an ERT adopt the minimum training standards for tactical team members and negotiators established by the British Columbia Association of Chiefs of Police Training, Selection and Recruitment Working Committee.</p> <p><i>A training plan should be developed, including specified training times for cross training and joint training scenarios. The plan should be reviewed annually and revised as required. Until such time as the BCACP ERT minimum training criteria are established, departments may wish to utilize current criteria.</i></p> | <p>Standard met in practice; not met in policy</p> | <p>Written policy does not require adherence to the training standards of the BCACP. However in practice the Victoria training standards are comparable to that of the BCACP. However, currently these requirements and procedures are not documented in policy.</p> <p>BCACP training criteria require the following for the tactical team members:</p> <ul style="list-style-type: none"> - firearms training one day per month - The creation of an annual training plan - ensuring training time is allocated to all competencies required by the team to deliver the required level of service - required joint training and cross training (e.g. with K9 unit) | <p>See above recommendation regarding amending policy OA20. This will include but may not be limited to: the requirement for adherence to BCACP ERT training standards as a minimum.</p> |

| Standard | Conclusion | Supporting Observations | Recommendations |
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| | | <p><i>Tactical</i> [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The tactical team leader monitors and keeps records of all training days and attendance as well as additional training and courses that are attended by team members. All team members are highly motivated and it has never been an issue that members do not attend training.</p> <p>Interviews highlighted that the tactical team believed that increased training time was highly desirable. [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>GVERT is an elite and highly motivated unit that wants to train as much as possible for the varied, high risk scenarios that they are called to deal with. The issue of GVERT becoming a full-time team was also discussed especially within the context of increased training time, which was considered highly desirable.</p> <p><i>Negotiators</i> – The BCACP standards recommend participation in operational simulations twice a year as well as attending additional conferences or workshops. Victoria requires that negotiators participate in twice annual full-call out exercises. As well negotiators must attend annual seminars, after which they are required to debrief other negotiators on their return. In addition, every 4 years they are</p> | |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | | | <p>required to attend a refresher course at the Canadian Police College.</p> <p>The Negotiator Team Leader monitors and records attendance at all training days and courses.</p> <p><i>Commanders</i> – One item of concern was identified during the audit with regard to training for commanders. The MOU requires that all Incident Commanders are required to attend at least two days of tactical training a year in order to become familiar with tactical team members and their capabilities. The BCACP standards also require that Commanders attend simulated operational tactical training at least twice annually.</p> <p>Interviews revealed that some Incident Commanders are outstanding in their dedication to meeting and exceeding this requirement. However some Commanders consistently do not attend training as required. This is of concern as a real life operation should not become a training scenario where the Commanders learn what the tactical team is, and is not, capable of.</p> | |
| Standard D13.02.03 proposed revision (2003) | <p>Written policy requires that each department that has established an ERT maintains specialized equipment for its operations and a secure vehicle for the storage and transportation of its supplies and specialized equipment.</p> <p><i>Special equipment is needed to provide ERT officers with proper protection. Each department should identify a position within</i></p> | Standard met in practice; not met in policy | There is no overarching written policy regarding equipment and equipment maintenance. However, the Tactical Guidelines Manual provides an overview of the equipment that is kept and identifies that overall responsibility rests with the team leader. In practice the GVERT is well equipped for its budget, and there were no major concerns expressed regarding equipment. | See above recommendation regarding amending policy OA20. This will include but may not be limited to: minimum equipment requirements and |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | <i>ERT responsible for ensuring the maintenance and storage of the vehicle and other specialized equipment.</i> | | <p>[Withheld as per s. 13 of FOIPPA].</p> <p>All equipment is kept in the [Withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>The team leader keeps track of what equipment is in line for replacing to ensure that everything is in appropriate condition.</p> <p>Each member is responsible for maintaining their personal issue firearms/equipment. All members are meticulous in cleaning and maintaining firearms in excellent condition. A weapons log is kept on training rounds fired to ensure firearms are replaced when necessary. There is equipment rotation every 5 years.</p> <p>Two members are responsible for maintaining the [Withheld as per s. 15 (1)(c) of FOIPPA].</p> | the position(s) responsible for maintaining the equipment. |
| Standard D13.02.04 proposed revision (2003) | <p>Written policy requires that each department that has negotiators ensure that the negotiators are properly equipped.</p> <p><i>Special equipment is needed to provide negotiators with advanced communication capabilities and proper protection. Each department should identify a position responsible for ensuring the maintenance and storage of specialized equipment for</i></p> | Not met in policy, met in practice | <p>There is no written policy regarding equipment and equipment maintenance for negotiators. In fact, currently there is no written policy and procedures covering any aspects of the negotiators' role.</p> <p>It was acknowledged that this audit had highlighted this gap and that policy and procedures to cover all aspects of the negotiators was now being written.</p> <p>In practice, [Withheld as per s. 15 (1)(k)(l) of</p> | See above recommendation regarding amending policy OA20. This will include but may not be limited to: policy, procedures and minimum equipment and the position responsible |

| Standard | | Conclusion | Supporting Observations | Recommendations |
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| | <i>negotiators.</i> | | FOIPPA]. | for maintaining equipment for negotiators. |
| Standard D13.02.05 | <p>The department has a written plan for handling hostage and barricaded persons situations, and includes provisions for the following as applicable:</p> <ul style="list-style-type: none"> - notification of ERT personnel; - notification of appropriate persons within and outside the department, such as command officers, dog handlers, or helicopter pilots; - establishment of an inside and outside perimeter; - evacuation of injured victims; - evacuation of bystanders; - establishment of a command post and chain of command; | Standard met | <p>The GVERT Tactical Guideline Manual includes detailed standard operating procedures for handling hostage and barricaded person incidents, in terms of the tactical team. This manual focuses on tactics and responsibilities of the tactical unit, although it does describe responsibilities of first responders, commanders. However, as the tactical manual was written for the benefit of the tactical team, this manual is not accessible to general patrol officers. Therefore even though responsibilities such as those of first responders are covered, this is not accessible to anyone outside the tactical team. As well, therefore these guidelines are not “widely circulated and subject to annual review”.</p> <p>Some other aspects proscribed by the standard are</p> | Review current guidelines for hostage and barricaded persons and integrate any missing aspects (e.g. aspects of negotiators role and communication with barricaded person) required by the standard. Make integrated guidelines (not specific tactics) available to all |

| Standard | Conclusion | Supporting Observations | Recommendations |
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| <ul style="list-style-type: none"> - request for ambulance, rescue, or fire equipment; - authorization for news media access, and news media policy; - authorization for use of force and chemical agents; - communication with the barricaded person; - interaction between ERT and hostage negotiation personnel and responsibilities of each; - communications with other departments; - list of negotiable items and non-negotiable items; - provision of chaise/surveillance vehicles and control of travel routes; and - debriefing and documentation. <p><i>Guidelines for hostage and barricaded persons situations need to be developed and tested prior to use in a real situation. Once in effect, they should be widely circulated and subject to annual review and modification.</i></p> | | <p>not all covered (e.g., communication with barricaded person, list of negotiable and non-negotiable items, and evacuation of injured persons).</p> <p>Some aspects required by this standard (e.g., authorization for force and chemical agents) are covered in general terms in the tactical guideline manual, and some are not covered (e.g., debriefing) in policy although in practice.</p> | relevant personnel. |

AA. POLICE PURSUITS

INSPECTION ACTIVITY SUMMARY REPORT

Location: Victoria Police Department

Activity: Pursuit and forcible stopping techniques.

SUMMARY OF ACTIVITY:

One *Provincial Standard for Municipal Police Departments in BC* concerns police pursuits. The inspection activity consisted of interviews of patrol officers and document reviews. The documents that were reviewed consisted of departmental policy OA120 (Police Vehicle Emergency Operation), OA 130 (Handheld Tire Deflation Devices), and P70 Communication Policy Manual – Pursuit, and the pursuit report form.

The department's policy on pursuits meets and exceeds the standard in many respects. In fact the Victoria Police Department was progressive in implementing a pursuit policy which includes a threshold for pursuit initiation [withheld as per s. 15(1)(c) of FOIPPA].

However, the standard includes numerous sub-elements, one of which the department does not meet (officer's responsibilities when accompanied by passengers who are not officers). It is recommended that policy be amended to include a section on this requirement.

The deployment of forcible techniques which are permitted and not permitted in the department are described in policy (OA120 & OA130); however, the policy does not specifically limit the use of permitted techniques to those officers who have been trained in them. A suggestion for improvement is that this requirement be added into the policy.

REFERENCES:

- Inspection checklist (Pursuit p.1-9) for compliance with the Provincial Standard for Municipal Police Departments
 - D01.02.05 Written policy governing the pursuit of motor vehicles
- Review of Victoria Police Department Policy & Procedures sections:
 - OA 120 Police Vehicle Emergency Operation (18 February 2008)
 - OA 130 Handheld Tire deflation devices (18 May 2004)
 - P 70 Communication Policy Manual – Pursuit (May 2007)

OBSERVATION SUMMARY SHEET

| Standard or Reg | | Conclusion | Supporting Observations | Recommendation |
|--------------------|---|---|---|--|
| Standard D01.02.05 | <p>Written policy governs the pursuit of motor vehicles, and includes:</p> <ul style="list-style-type: none"> - evaluating the circumstances; - initiating officer's responsibilities; - secondary unit's responsibilities; - the number of police units involved; - dispatcher's responsibilities; - supervisor's responsibilities; - forcible stopping; - when to terminate pursuit; - inter and intra-jurisdictional pursuits; - the use of police aircraft; and - officers' responsibilities when accompanied by passengers who are not officers - of the department; and - reporting procedures. <p><i>Notes: The department must balance the necessity for pursuit or apprehension against the probability and severity of damage or injury that may result. When air units are available, they should be used to direct the movement of the initial pursuing units and any other ground units that may be involved. The field supervisor has the ultimate discretion in</i></p> | <p>Standard met</p> <p>(except for one sub-point – see recommendations)</p> | <p>The department's policy on pursuits meets and exceeds the standard in many respects. In fact the department [withheld as per s. 15 (1)(k)(l) of FOIPPA].</p> <p>However, one element from the standard is not met ("officer's responsibilities when accompanied by passengers who are not officers" could not be located in the pursuit policy). The departmental policy on police pursuits meets all other elements mentioned in this section of the standard.</p> <p>Of note, the pursuit policy (2008) is clear that the [withheld as per s. 15 (1)(k)(l)(c) of FOIPPA].</p> <p>The pursuit policy refers to the Emergency Vehicle Driving Regulation (EVDR) and exemptions under the Motor Vehicle Act (MVA). The policy defines pursuits in a manner that is consistent with the EVDR.</p> <p>The pursuit policy provides guidance or directives on evaluating the circumstances and covers the kinds of situations or circumstances for which officers are allowed, or not allowed to pursue, and for conditions for termination of pursuits. The policy establishes the procedures and responsibilities for officers involved in a pursuit, supervisors, and officers in charge with regard</p> | <p>Recommendation:</p> <p>Departmental policy on pursuit should provide guidance or directive with regard to pursuits for situations where officers are accompanied by passengers who are not officers.</p> <p>Opportunity for improvement:</p> <p>Departmental policy on pursuits, especially the section on forcible stopping techniques, should require that only officer trained in the use of forcible stopping techniques may use such techniques.</p> |

| Standard or Reg | | Conclusion | Supporting Observations | Recommendation |
|-----------------|---|------------|--|----------------|
| | <i>determining whether the pursuit should be continued.</i> | | <p>to communication, following directives, and reporting and/or reviewing procedures.</p> <p>Interviews with patrol officers demonstrated that the great majority have a reasonably clear understanding of departmental policy and procedures with regard to pursuits. All officers were able to articulate some aspects of policy on the threshold for initiating pursuits. Some officers thought pursuits were not authorized in the department.</p> | |

BB. USE OF FORCE IN THE VICTORIA POLICE DEPARTMENT 2007-2008

INTRODUCTION

As part of the 2009 audit of the Victoria Police Department, Police Services Division analyzed reported use of force events in the department, usually known as SBOR (Subject Behaviour Officer Response) reports from 2007 and 2008. This analysis was conducted to examine trends and patterns of use of force in the department.

The Victoria Police Department (as with most other police agencies in BC) has not comprehensively analyzed use of force data previously. Therefore, it is not possible to determine whether force is used differently or at a more frequent rate than in other agencies. However, the data presented here provide a sound baseline against which to compare future results in order to monitor or evaluate any changes in the department.

METHODOLOGY AND DATA LIMITATIONS

The Victoria Police Department was one of the first in BC to introduce mandatory standardized and computerized reporting for all use of force events approximately five years ago. This demonstrated a progressive approach toward accountability for use of force in the department.

Use of force reports in PRIME, or SBOR reports, are required to be completed by every officer who uses force on a subject beyond routine compliant handcuffing. Each officer who uses force on a subject is responsible for completing their own report. Consequently, there can be multiple use of force reports from one incident. These can be connected by an incident number. However the data being analyzed in this research is generally at the level of reports, not incidents.

This research is not an exhaustive analysis of Victoria Police Department's use of force. It is important to note that there is no way of determining whether all use of force incidents that occurred were actually reported. Therefore this analysis can only include those events that were reported by officers. As well, police dog bites or any Emergency Response Team deployments were not included. These events are reported in different formats.

In order to ensure all available reported use of force reports were included for analysis, multiple searches using keywords were conducted. Any ensuing duplicates were removed. If a narrative General Occurrence (GO) report included a use-of-force

incident that did not have a relevant SBOR, the narrative was used for coding for analysis.

During the data entry and analysis it was noted that there were a number of issues regarding the completion of the form itself. That is, many reports had very limited information of the event (e.g., one sentence describing what happened), and there was also confusion and miscoding by officers regarding the categorization of subject behaviours and officer response options. For example, officers miscategorized examples of physical control-hard techniques into physical control soft and vice versa. These were recoded when they were noted.

It is recommended that officers be given follow-up training regarding the detail required for SBOR reports, the categories of physical control-hard and physical control-soft and the categories of subject resistance.

VICTORIA POLICE DEPARTMENT

In order to place use of force reports into context it is useful to provide some background data on the Victoria Police Department, such as authorized strength, case load and dispatched calls for service.⁷

Victoria had an authorized strength of 222 officers in 2007 and 241 officers in 2008 (9% increase). Victoria dispatched approximately 44,000 calls for service in 2007 and 41,000 calls for service in 2008 (7% decrease). Victoria's criminal case load per officer decreased by 21% between 2007 and 2008 (from 70 cases per officer to 55 cases per officer). See Table 1.

| Table 1: Victoria Police Department | 2007 | 2008 | % change |
|--|-------------|-------------|-----------------|
| # officers (authorized strength) | 222 | 241 | +8.6% |
| # calls for service (dispatched) | 43,924 | 40,941 | -6.8% |
| # caseload/officer (CCC offences) | 70 | 55 | -21.4% |

USE OF FORCE REPORTS

Victoria Police Department had a total of 640 use of force reports for 2007 and 2008. As mentioned previously this did not include police dog bites and Emergency Response Team (ERT) deployments. These 640 reports were generated from 571

⁷ This information was obtained from the Police Services Divisions (PSD) website. The number of dispatched calls for service was obtained from Victoria Police Department.

incidents. Most (79%) incidents that resulted in use of force reports had only one report.

327 use of force reports were filed in 2007 and 313 in 2008 (4% decrease). Victoria Police Department's proportion of use of force reports to dispatched calls for service was 0.74% in 2007 and 0.76% in 2008. Victoria Police Department's rate of use of force per officer was 1.5 in 2007 and 1.3 in 2008. See Table 2.

Overall, less than one SBOR report was filed a day, or approximately one for every 133 dispatched calls for service. (Or 571 incidents resulted in use of force, which was one in every 149 dispatched calls for service).

| Table 2: Victoria Police Department- Use of Force (N=640) | 2007 | 2008 | % change |
|--|-------------|-------------|-----------------|
| # use of force reports | 327 | 313 | -4.3% |
| # use of force/officer | 1.5 | 1.3 | -13.3% |
| % use of force/dispatched calls for service | 0.74% | 0.76% | +2.7% |

Key points:

- There were 327 use of force reports in 2007 and 313 in 2008 (total 640).
- These reports were generated from 571 separate incidents.
- This translates to less than one SBOR report a day, or approximately one incident for every 149 dispatched calls for service.

OFFICERS INVOLVED

The majority of reported use of force was by male officers (93%), and by officers with 1 to 5 years of service (39%). The average years of service for officers filing use of force reports was 8 years.⁸ This profile of younger males may be attributable to the characteristics of patrol officers in general. Officers start out their career on patrol and may then move to specialized units or supervisory positions, which may result in less frequent use of force.

There were 145 different officers who submitted use of force reports in 2007 and 2008. The majority of these officers (91%) submitted between 1 and 9 reports of use of force during these 2 years. However, 9 officers (6%) each submitted between 10 and 19 use of force reports, and 4 officers (3%) each submitted over 20 use of force reports over the 2-year period. See Table 3.

⁸ This information was not available on all reports.

| Table 3: Frequency of use of force reporting by officers (N=145) | # officers |
|---|-------------------|
| 1 to 9 reports | 132 |
| 10 to 19 reports | 9 |
| 20 to 30 reports | 4 |

Therefore, 13 officers (or approximately 5% of the department) generated a third of all SBOR reports (216; 34%). It may be that these particular officers are very conscientious about reporting any type of physical interaction, or it may be that these officers work in particularly challenging environments.

Nevertheless, the department should proactively identify officers that generate many use-of-force reports and review these incidents to ensure that the high frequency of use of force reports is not highlighting any training or management issue that needs to be addressed. It is much more desirable to proactively manage any emerging issues than to wait for them to potentially develop into a problem, a complaint or even a lawsuit.

Key points:

- 13 individual officers (or 5% of the department) generated a third (34%) of all SBOR reports.

It is recommended that the department should proactively identify officers who are frequent users of force to address any training, managerial or other potential issues.

It is recommended that all use of force reports should be reviewed regularly by the Control Tactics Coordinator (or other appropriate position) in order to identify any potentially inappropriate force responses and for the department to take any remedial steps necessary.

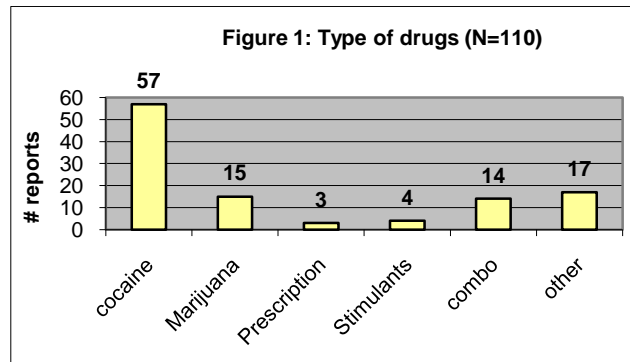
SUBJECT CHARACTERISTICS

Information on subjects at the time of the incident was noted in the SBOR report after the fact, based on the officer's perception. This included whether the subject was considered to be an emotionally disturbed person (EDP), under the influence of alcohol or drugs, or exhibiting signs of 'excited delirium'. These categories may be underestimated due to a lack of responses in SBOR reports.

In the vast majority (88%) of events there was only one subject involved. The subject was reported to be an emotionally disturbed person in 16% of cases.

Alcohol and Drugs

In the majority of reports the subject was intoxicated. 82% of reports indicated that the subject was under the influence of either drugs or alcohol, or both. The subject was under the influence of alcohol in 67% of cases and the subject was under influence of drugs in 29% of cases. When the subject was under the influence of drugs, cocaine or a combination of cocaine and other drugs was most often involved (64%). See Figure 1.



Excited Delirium

Excited Delirium (ED) is a term used in law enforcement to describe a subject in an excited state, exhibiting bizarre behaviour, hyperthermia, demonstrating extreme strength, impervious to pain, with an abnormally high temperature, and a rapid heart rate. Notably, there is some controversy around this concept.

The subject was perceived by the officer to be in a state of ED in 4% of cases or 22 incidents (out of 571)⁹. Of these, the subject was taken to hospital in 14 cases (64%). In none of the cases, whether or not the subject was taken to hospital, did the subject die, according to the use of force report.

All incidents of ED involved intoxication by either drugs or alcohol. 82% of all excited delirium cases involved drugs. Of these drug cases 67% involved cocaine, either on its own or in combination with another drug. It must be noted that the intoxication by drugs and alcohol was noted by the officer in the reports and subjects were not necessarily tested for the presence of drugs or alcohol.

⁹ However in many cases there was no response to this question either way. There were 25 reports on 22 incidents of excited delirium.

The subject was reported as both being an EDP and exhibiting ED in only 4 cases. This demonstrates that the concepts of EDP and ED are generally considered to be distinct by police officers.

Key points:

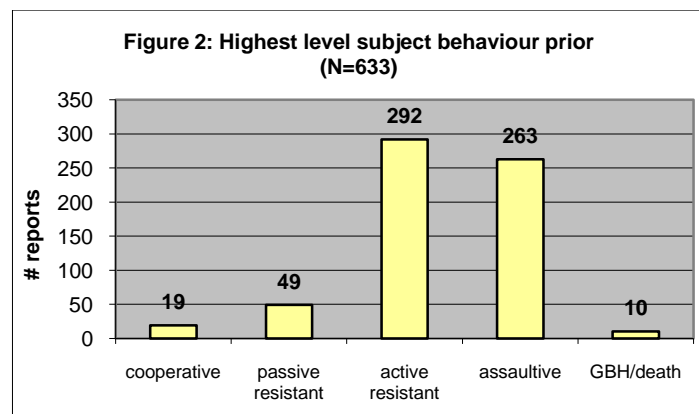
- The subject was under the influence of alcohol and/or drugs in 82% of all use of force reports.
- When the subject was under the influence of drugs, cocaine was involved in approximately two-thirds of cases.
- The subject was perceived to be in a state of ED by the officer in 4% of cases or 22 incidents.
- In 14 of these 22 incidents the subject was taken to hospital.
- No subject who was perceived to have ED died, whether or not they were taken to hospital.
- All incidents of ED involved intoxication by either drugs or alcohol.

INCIDENT CHARACTERISTICS

Subject Resistance

The subject's behaviour prior to the use of force was noted in the report by the officer, although multiple behaviours/level of resistance were often provided due to the escalation of the incident. According to the National Use of Force Framework (NUFF), subjects' behaviour can be grouped into the general categories of 1) co-operative, 2) passive resistant, 3) active resistant, 4) assaultive or 5) grievous bodily harm or death, in an increasing hierarchy of seriousness. Only the highest level of subject behaviour/resistance reported was used for analysis.

The highest level of subject behaviour was most frequently active resistance (46%) or assaultive behaviour (42%). See Figure 2 below. In 2% of cases the subject exhibited behaviour categorized as grievous bodily harm or death (GBH/death).



TYPE OF FORCE USED

Officers' force response options were categorized into one of the following general categories:

- *Physical control soft* – (PC soft) control-oriented physical techniques used to control the subject that do not include a weapon and have a lower probability of causing injury, e.g., restraining techniques, joint locks, hair pulling, arm bars, pressure points, leg sweeps.
- *Physical control hard* – (PC hard) techniques intended to stop a subject's behaviour or allow application of a control technique and have a higher probability of causing injury, e.g., empty hand strikes, punches, kicks.
- *Lateral neck restraint* – (LNR) or vascular neck restraint is a technique that applies lateral compression to the vascular structure of the subject's neck resulting in partial or complete occlusion of the carotid arteries as well as occlusion of the jugular veins.
- *Intermediate weapons* – (IW) less-lethal weapons whose use is not intended to cause grievous injury or death, e.g., OC (oleoresin capsicum) spray or pepper spray, conducted energy weapons (CEWs or Tasers), impact weapons.
- *Lethal force* – (LF) the use of weapons or techniques that are intended to or are reasonably likely to cause grievous bodily harm or death. Most commonly this will consist of firearm use.

Overall, the more severe use of force options were used less frequently than lower levels of force. The most common (65%) force option used was physical control soft followed by physical control hard (44%). Intermediate weapons were used in over a third of all reports (39%). This consisted of 231 reports; however, in some reports more than one type of intermediate weapon was used, leading to a total of 249 uses of intermediate weapons. These numbers include display-only uses as well as discharges (See Table 4).

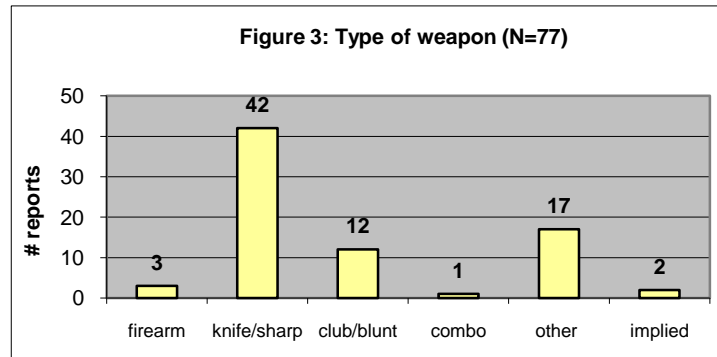
Lethal force was used in 2% of cases, however all these were display of a firearm only. Lateral neck restraint (LNR) was used in 46 cases or 7%. The LNR rendered the subject unconscious in 9% of these cases. See Table 4.

| Table 4: Use of Force (N=640) | Yes |
|---------------------------------|-----------|
| Physical control-soft (PC soft) | 65% (415) |
| Physical control-hard (PC hard) | 44% (285) |
| Intermediate weapon (IW) | 39% (249) |
| Lethal force (LF) –display only | 2% (14) |
| Lateral neck restraint (LNR) | 7% (46) |
| Other | 1% (7) |

Note: 'Other' included use of police vehicle door and crash bar, and apartment wall.

Subject Weapons and force responses

The subject had a weapon present at the scene in 77 cases (12%). More than half of these involved a knife or a sharp cutting/piercing object (55%). See Figure 3.



As would be expected, the presence of a weapon affected the officer's use of force options. If the subject had a weapon, the officer was less likely to use physical control soft and hard than if the subject did not have a weapon. The officer was more likely to use an intermediate weapon if the subject had a weapon than when the subject did not (48% vs 35%). In particular, CEWs were more likely to be used when the subject had a weapon than if they did not have a weapon (30% vs 19%). OC spray was less likely to be used when the subject had a weapon than if the subject did not have a weapon (12% vs 16%). See Table 5.

| Table 5: Subject weapon and force options | Weapon (yes=77) | Weapon (no=563) |
|---|-----------------|-----------------|
| Physical control-soft | 46.8% | 67.3% |
| Physical control-hard | 35.1% | 45.8% |
| Intermediate weapon | 48.1% | 34.6% |
| Lethal force | 10.4% | 1.1% |
| LNR | 9.1% | 6.9% |
| OC spray | 11.7% | 16.0% |
| CEW | 29.9% | 18.7% |
| Baton | 3.9% | 2.0% |
| Impact round | 5.2% | 0.5% |
| Other | 1.3% | 1.1% |

Key points:

- The highest categories of subject behaviour prior to an officer's use of force were most frequently active resistance (46%) or assaultive behaviour (42%).
- The most common force option used was physical control soft (65%) followed by physical control hard (44%).
- Intermediate weapons were used in over a third of all reports (39%).
- Lateral neck restraint (LNR) was used in 7% of cases.
- Lethal force was used in 2% of cases, however all these were display of a firearm only.
- If the subject had a weapon, the officer was less likely to use physical control soft and hard than if the subject did not have a weapon, and more likely to use intermediate weapons or lethal force.

INTERMEDIATE WEAPON USE

Of all the 231 reports of intermediate weapons, 17 reports included multiple types of intermediate weapons, leading to a total of 249 intermediate weapons uses (including display only). The most common type of intermediate weapon used was CEWs (51%), followed by OC spray (40%). Batons and extended range impact weapons were used relatively rarely (6% and 3% respectively). See Table 6.

| Table 6: Intermediate Weapons (N=249) | Y |
|--|-----------|
| CEW | 51% (128) |
| OC spray | 40% (99) |
| Baton | 6% (14) |
| Extended range impact weapon | 3% (8) |

Note: Extended range impact weapons include use of bean bag shot guns and Arwen guns.

Of all reports of intermediate weapon use, in 78% of cases the weapon was discharged, while the remaining 22% consisted of displays only or verbal warnings. The proportions of display to discharge varied by weapon type (See Table 7). This could also be due to variations in reporting (e.g., CEW display more likely to be reported than OC spray display).

OC spray was discharged in almost all (93%) cases where OC spray was used, whereas CEWs were discharged in two-thirds (67%) of cases where they were used. Similar to OC spray use, batons were applied in 93% of cases where they were used.¹⁰ Extended range impact weapons were the only type of intermediate weapon in which display/verbal warning was more common than discharge. Three of the total eight cases of use were discharges. See Table 7.

¹⁰ The leg was the most common area hit by the baton (31%), followed by the torso (23%), and arm (15%). In 31% of uses, multiple areas of the subject's body were hit.

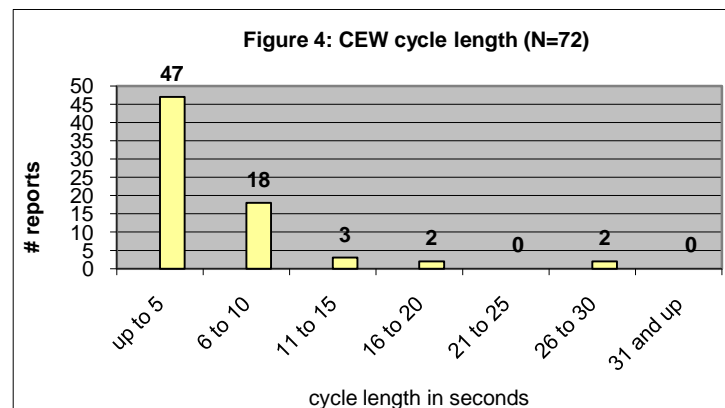
| Table 7: Intermediate weapons use (N=231) | | |
|---|-----------|-----------------|
| | Discharge | Display/warning |
| OC spray (n=99) | 93% | 7% |
| CEW (n=128) | 67% | 33% |
| Baton (n=14) | 93% | 7% |
| Extended range impact (n=8) | 38% | 62% |

CEW Discharges

Contact stun deployment and probe deployment were equally likely when a CEW was discharged. 46% of CEW discharges involved probe mode only, 47% involved contact stun only, and 7% involved both types of deployments.

In 65% of cases for which data was available the CEW was cycled once for a total of up to 5 seconds, and in 25% of cases the CEW was cycled twice or from 6 to 10 seconds. In 3 cases the CEW was cycled between 11 to 15 seconds and in 2 cases the CEW was cycled between 16 and 20 seconds. In 2 additional cases the CEW was cycled between 26 and 30 seconds. However, it is not always clear from reports whether there was contact with the subject for the full time that the CEW was cycled. As well, these numbers are from the officers' self-reports and not from a data download of the CEW. See Figure 4.

In more than half of all discharge cases the subject's skin was punctured (63%).



Note: not all reports contained information regarding the length of cycling, n=72

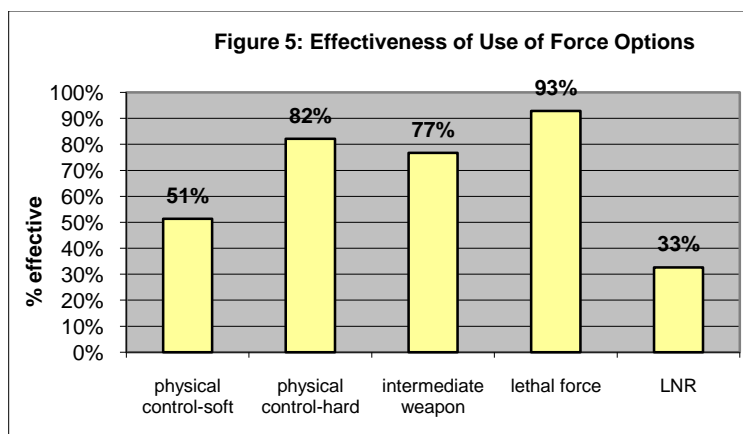
Key points:

- The most common type of intermediate weapon used was CEWs (51%), followed by OC spray (40%).
- Of all intermediate weapon uses, 78% were actually discharged/applied while 22% consisted of displays only or verbal warnings.

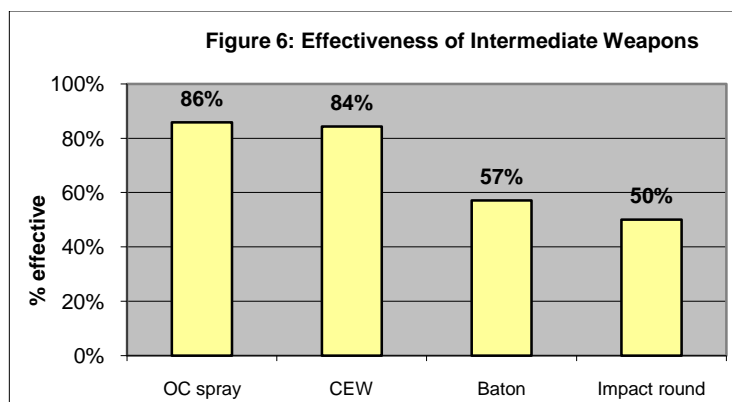
- OC spray was discharged in almost all (93%) cases where OC spray was used, whereas CEWs were discharged in two-thirds (67%) of cases where they were used.
- When a CEW was discharged, contact stun deployment and probe deployment were equally likely (46% probe only; 47% contact stun only; 7% both).
- In 65% of cases the CEW was cycled once for a total of up to 5 seconds. In 25% of cases the CEW was cycled twice or between 6 and 10 seconds.
- In 3 cases the CEW was cycled for between 11 and 15 seconds and in 2 cases the CEW was cycled between 16 and 20 seconds. In 2 additional cases the CEW was cycled between 26 and 30 seconds.

EFFECTIVENESS

Whether or not a force option was considered effective by the police officer was marked on the SBOR report. The most effective use of force option was found to be lethal force (display only) which was effective in 93% of reports, followed by physical control hard (82%) and intermediate weapons generally (77%; including both display and discharge). Physical control soft was considered effective in only half of the cases (51%). See Figure 5.



When considering both display and discharge of particular intermediate weapons, the most effective were OC spray (86%) and CEWs (84%), with batons and other impact weapons effective in approximately half of the cases. See Figure 6.



However when considering only discharges/applications (i.e., excluding displays) of intermediate weapons the most effective weapon was OC spray (90%), with the next most effective weapon being CEW (83%). It may however be that CEWs are used in situations where OC spray is not used (e.g., armed suspects). See Table 8.

| Table 8: Effectiveness of discharged intermediate weapons (% effective) | |
|---|-----|
| Intermediate weapons (n=231) | 67% |
| OC spray (n=92) | 90% |
| CEW (n=86) | 83% |
| Baton (n=14) | 57% |
| Impact round (n=8) | 13% |

Key points:

- The most effective use of force option was lethal force (display only), which was considered effective in 93% of reports, followed by intermediate weapons (84%) and physical control hard (82%). Physical control soft was effective in only half of the cases (51%).
- When considering both display and discharge of intermediate weapons, the most effective were OC spray (86%) and CEWs (84%), with batons effective in only 57% of cases.
- When only discharges (i.e. excluding displays) of intermediate weapons were considered, the most effective weapon was OC spray (90%), with the next most effective being CEW (83%).

INJURIES

Injuries were indicated by the officer in the report after the fact. It is important to note that although officer injury may be attributable to the incident (as it can be assumed officers would not arrive at the incident with an injury), subject injury cannot be attributed to the use of force or the interaction with the officer. For example, subjects may have been injured prior to officers arriving on the scene, or

as a result of self injury during the incident. Therefore, no causality can be attributed to subject injury.

The subject was reported injured in a quarter of use of all SBOR reports (162; 25%). The officer was reported injured in 8% of all SBOR reports (51 cases). Both the subject and the officer were injured in 27 reports (4%)¹¹.

USE OF FORCE PRE AND POST THE DEATH OF ROBERT DZIEKANSKI

On October 14, 2007 RCMP officers were called to attend an incident at the Vancouver International Airport (YVR). During this incident, the officers used a CEW against Robert Dziekanski who died within minutes. This event was captured on video by a bystander and created a great deal of public controversy and concern regarding police use of force generally, as well as police use of CEWs in particular. A number of public hearings, inquiries and investigations were held into both the incident itself and the use of CEWs generally.

In order to test for any changes in use of force options before and after the death of Robert Dziekanski, data from January to September 2007 was compared with data from January to September 2008.

Overall use of force reported by Victoria Police Department decreased by 10%, from 254 reports to 228. (This was consistent with decreases in dispatched calls for service and recorded CCC offences across the two full calendar years.) Intermediate weapon use decreased by 66%, with CEW use in particular decreasing by 85%. OC spray use decreased by 25%. There was no increase in lethal force use when intermediate weapon use decreased (in fact lethal force display also decreased). On the other hand, physical control soft increased by around 30%. See Tables 9 and 10.

| Table 9: Force options before and after YVR incident (N=482) | Jan-Sep 2007 | Jan-Sep 2008 | % change |
|---|---------------------|---------------------|-----------------|
| Physical control-soft | 137 | 177 | +29% |
| Physical control-hard | 101 | 101 | 0% |
| Intermediate weapon | 145 | 50 | -66% |
| Lethal force | 9 | 3 | -67% |
| LNR | 16 | 15 | -6% |
| Other | 3 | 1 | -67% |
| Use of force general | 254 | 228 | -10% |

¹¹ Officers did not always note whether or not a subject or police had been injured in a report, therefore missing cases may result in an underestimate in the number of injured subjects and officers.

| Table 10: Intermediate weapons before and after YVR incident (N=195) | Jan-Sep 2007 | Jan-Sep 2008 | % change |
|---|---------------------|---------------------|-----------------|
| OC spray | 44 | 33 | -25% |
| CEW | 88 | 13 | -85% |
| Baton | 6 | 4 | -33% |
| Impact round | 7 | 1 | -86% |

Another way to consider the data is to examine the proportions of different force options used within each year. Prior to the YVR incident, intermediate weapon use made up around half (57%) of all use of force events, whereas after the YVR incident this percentage was only 22%. At the same time there was a corresponding increase in the proportion of physical control soft. This went from around half (54%) of all events prior to YVR to three-quarters (78%) of all events post the YVR incident. See Table 11.

| Table 11: Proportion of Force options before and after Dziekanski | Jan-Sep 2007 (N=254) | Jan-Sep 2008 (N=228) |
|--|-----------------------------|-----------------------------|
| Physical control-soft | 54% | 78% |
| Physical control-hard | 40% | 44% |
| Intermediate weapon | 57% | 22% |
| Lethal force | 4% | 1% |
| LNR | 6% | 7% |
| Other | 1% | 0% |

CEW use, as a proportion of all intermediate weapon use, decreased from 61% prior to the death of Robert Dziekanski, to 26% after the death. OC spray use, alternately, increased from 30% of intermediate weapon use to 66%. See Table 12.

| Table 12: Proportion of Intermediate weapons before and after Dziekanski | Jan-Sep 2007 (N=145) | Jan-Sep 2008 (N=50) |
|---|-----------------------------|----------------------------|
| OC spray | 30% | 66% |
| CEW | 61% | 26% |
| Baton | 4% | 8% |
| Impact round | 5% | 2% |

In conclusion, there was a strong effect of the death of Robert Dziekanski and the subsequent media coverage on police use of force. Use of force overall decreased (-10%), with intermediate weapon use, especially CEWs decreasing substantially (66% and 85% respectively).

Injuries

There was no change in the number of officer injuries. In both time periods (January-September 2007 and January-September 2008) there were 21 reports where an officer was recorded as injured at the incident; or 8% and 9% respectively of all use of force reports.

There was some increase in reported subjects injured; from 55 to 62 reports, or from 22% of use of force reports in 2007 to 27% of use of force reports in 2008. See Table 13. However, as discussed previously in this report, subject injuries cannot be attributed to use of force (e.g., reported injuries may be due to events prior to police arrival or self-injury).

| Table 13: Injuries before and after Dziekanski | Jan-Sep 2007 (N=254) | Jan-Sep 2008 (N=228) |
|---|---------------------------------|---------------------------------|
| Officers injured | 8% (21) | 9% (21) |
| Subjects injured | 22% (55) | 27% (62) |

Key points:

- There was a strong effect of the death of Robert Dziekanski and subsequent media coverage on police use of force.
- Use of force overall decreased (-10%).
- Intermediate weapon use decreased substantially (-66%).
- CEW use in particular decreased by -85%.
- Physical control soft, on the other hand, increased by 29%.
- There was no change in reports of officer injuries.
- There was some increase in reported subjects injured; from 55 to 62 reports, or from 22% of use of force reports in 2007 to 27% of use of force reports in 2008.

However subject injuries cannot be attributed to use of force (e.g., injuries may be due to events prior to police arrival or self-injury).

CC. COMPLAINTS DATA REVIEW

INTRODUCTION

The Victoria Police Department has had some high-profile, publicized complaints and lawsuits regarding use of force. As part of the 2009 audit of the Victoria Police Department, complaints data from the Office of Police Complaint Commissioner (OPCC) was analyzed. This research did not review any individual complaints or incidents. It was conducted to provide an overview of data and identify any trends beyond the issue of individual cases.

OPCC staff identified some issues of concern during the interview process. One issue raised was use of force incidents that had occurred in the Victoria Police Department jail in the past. The audit team notes that the department has recently established jail sergeant positions in the cellblock to bring increased supervision and accountability to the facility. A review of complaints in the future by the OPCC should reveal whether this initiative has been successful.

METHODOLOGY

There are two police complaints agencies in BC: the OPCC which is responsible for complaints against independent municipal police departments in BC, and the Commission for Public Complaints against the RCMP (CPC) which is responsible for complaints against RCMP municipal and provincial police detachments in BC and the rest of Canada.

Data on complaints against the independent police departments from 2005 to 2008 were obtained from the OPCC. The data was current as of November 27, 2009. This data contained aggregate totals for each independent police department in BC on the following:

- complaints made against a department
- complaints containing at least one allegation of excessive force
- allegations made against a police department
- allegations of excessive force by type
- substantiated allegations for a police department, and
- substantiated excessive force allegations.

One complaint can contain numerous allegations. For example, one person could complain that at one incident they were 1) arrested for no reason and 2) during arrest they were pepper sprayed inappropriately, and 3) were punched by the

police officer. This would be one complaint with three different allegations, two of which are excessive force.

Information on the authorized strength of each police department as well as the caseload (Criminal Code offences per officer) is found on Police Services Division's website from Regional Profiles and Police Resources reports. These were used when making comparisons between Victoria's complaint rate and those of other independent police departments in BC.

The Victoria Police Department was compared to all other independent police departments in BC¹². Data for all other independent police departments in BC was calculated by subtracting Victoria numbers from the BC totals. OPCC totals do not contain complaints made against RCMP officers.

VICTORIA POLICE DEPARTMENT

From 2005 to 2008, Victoria Police Department's authorized strength has increased by 12%, from 215 officers in 2005 to 241 officers in 2008. The Victoria Police Department's case load (Criminal Code of Canada – CCC – offences per officer) decreased by 33% from 82 in 2005 to 55 in 2008. Overall, the Victoria Police Department has a higher CCC caseload per officer than the other BC independent police departments (See Table 1).

| Table 1: The Victoria Police Department vs. Other BC Independent Police Departments | | | | | |
|--|-------------|-------------|-------------|-------------|---------------------------------|
| | 2005 | 2006 | 2007 | 2008 | % change (2005-2008) |
| Authorized Police Strength | | | | | |
| Victoria PD | 215 | 221 | 222 | 241 | +12.1% |
| other BC PDs | 2,048 | 2,106 | 2,171 | 2,216 | +8.2% |
| Case load (CCC offences/officer) | | | | | |
| Victoria PD | 82 | 78 | 70 | 55 | -32.9% |
| other BC PDs | 53 | 50 | 45 | 42 | -20.8% |

¹² Other BC independent police departments is an aggregate total of all other independent police departments in BC (excluding Victoria) which includes Abbotsford, Central Saanich, Delta, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Vancouver, West Vancouver, Stl'Atl'Imx and SCBCTAPS. Stl'Atl'Imx Tribal Police and SCBCTAPS Transit police were not included in the other BC independent police department totals of the *Phase 2: Service Delivery Review*.

COMPLAINTS & ALLEGATIONS

Tables 2 and 3 present data on complaints and allegations against the Victoria Police Department as well as the aggregate total number of complaints and allegations made against all other independent police departments in BC (excluding Victoria).

There was a 12% decrease in the total number of complaints against the Victoria Police Department in the last four years (92 complaints in 2005; 81 complaints in 2008). At the same time, the number of complaints received against other BC independent police departments increased by 19% (from 334 to 399). It must be noted that while the total number of complaints and allegations of other departments has increased, this does not mean that all other departments showed an increase. Some departments had an increase and others had a decrease, but the total pattern was an overall increase.

There was a 10% decrease in the total number of allegations against the Victoria Police Department in the last four years (113 in 2005; 102 allegations in 2008). At the same time, the number of allegations against other BC independent police departments increased by 30% (from 525 to 685). See Table 2.

Rate Per Officer & Rate Per Caseload

The Victoria Police Department's rate of complaints per officer has been approximately double that of other independent police departments in BC (e.g., 0.36 in comparison to 0.18 in 2007). However, Victoria's complaint rate has decreased by 21 % in the past four years (0.43 in 2005 to 0.34 in 2008).

Victoria had a consistently higher rate of allegations per officer than the rest of the independent police departments in BC, although this rate has decreased over the last four years.

On the other hand, when considering complaints as a rate per CCC caseload, Victoria has a much lower rate of complaints than other BC independent police departments (1.47 in comparison to 9.44 in 2008). Both the Victoria Police Department and the rest of BC showed increases in complaints per caseload, with the Victoria Police Department showing an increase of 31% whereas other BC independent police departments increased by 50%.

Similarly, the Victoria Police Department had a much lower rate of allegations per CCC caseload than other BC independent police departments; and although both have increased, Victoria's increased by 34% while other BC independent police departments increased by 64%. See Table 2.

Key points:

- Total annual numbers of complaints and allegations against the Victoria Police Department have decreased in the last four years, whereas in other BC independent police departments these have increased.
- The rate of complaints per officer in Victoria Police Department is approximately double that of other independent police departments in BC.
- However the rate of complaints per CCC caseload is significantly lower in Victoria than other BC independent police departments (by approximately 7 times).

Excessive Force as Proportion of All Complaints/Allegations

In the last four years the Victoria Police Department had no overall change in the number of excessive force complaints (18 in 2005 and 17 in 2008), whereas the rest of BC by comparison showed a 25% increase in these types of complaints (76 in 2005 and 95 in 2008).

The number of excessive force complaints as a proportion of all complaints was around 19% for the Victoria Police Department across the years (although in 2007 it was only 14%). This was similar to the proportions for the rest of BC (approximately 23%).

Excessive force allegations made up around 30% of all allegations against Victoria. This is similar to the pattern for the rest of the BC independent police departments.

The number of allegations of excessive force against Victoria decreased (-29%) over the last four years. At same time the number of excessive force allegations for the rest of the BC independent police departments increased (+8%). See Table 3.

Overall, complaints and allegations of excessive force in Victoria have decreased since 2005 with a peak in 2006 and the lowest number of complaints and complaints of excessive force occurring in 2007. At the same time complaints and allegations of excessive force in other BC independent police departments have increased with the greatest increase seen in 2006 as well. See Tables 2 and 3.

| Table 2: Complaints (Victoria vs. Other BC Independent Police Departments) | | | | | |
|---|-------------|-------------|-------------|-------------|---------------------------------|
| | 2005 | 2006 | 2007 | 2008 | % change (2005-2008) |
| # complaints/year received | | | | | |
| Victoria PD | 92 | 98 | 80 | 81 | -12.0% |
| other BC PDs | 334 | 404 | 395 | 399 | +19.5% |
| # complaints – allegations excessive force | | | | | |
| Victoria PD | 18 | 18 | 11 | 17 | -5.6% |
| other BC PDs | 76 | 83 | 92 | 95 | +25.0% |
| % complaints – excessive force | | | | | |
| Victoria PD | 19.6% | 18.4% | 13.8% | 21.0% | N/A |
| other BC PDs | 22.8% | 20.5% | 23.3% | 23.8% | N/A |
| complaints/officer | | | | | |
| Victoria PD | 0.4 | 0.4 | 0.4 | 0.3 | -20.9% |
| other BC PDs | 0.2 | 0.2 | 0.2 | 0.2 | +12.5% |
| complaints/ caseload | | | | | |
| Victoria PD | 1.1 | 1.3 | 1.1 | 1.5 | +31.3% |
| other BC PDs | 6.3 | 8.0 | 8.8 | 9.4 | +49.6% |

| Table 3: Allegations (Victoria vs. Other BC Independent Police Departments) | | | | | |
|--|-------------|-------------|-------------|-------------|---------------------------------|
| | 2005 | 2006 | 2007 | 2008 | % change (2005-2008) |
| # allegations/year received | | | | | |
| Victoria PD | 113 | 137 | 115 | 102 | -9.7% |
| other BC PDs | 525 | 635 | 842 | 685 | +30.5% |
| # allegations – excessive force | | | | | |
| Victoria PD | 45 | 41 | 25 | 32 | -28.9% |
| other BC PDs | 182 | 190 | 217 | 196 | +7.7% |
| % allegations – excessive force | | | | | |
| Victoria PD | 39.8% | 29.9% | 21.7% | 31.4% | N/A |
| other BC PDs | 34.7% | 29.9% | 25.8% | 28.6% | N/A |
| allegations/officer | | | | | |
| Victoria PD | 0.5 | 0.6 | 0.5 | 0.4 | -20.8% |
| other BC PDs | 0.3 | 0.3 | 0.4 | 0.3 | +19.2% |
| allegations/caseload | | | | | |
| Victoria PD | 1.4 | 1.8 | 1.6 | 1.9 | +34.1% |
| other BC PDs | 9.9 | 12.6 | 18.7 | 16.2 | +63.6% |

TYPES OF EXCESSIVE FORCE ALLEGATIONS

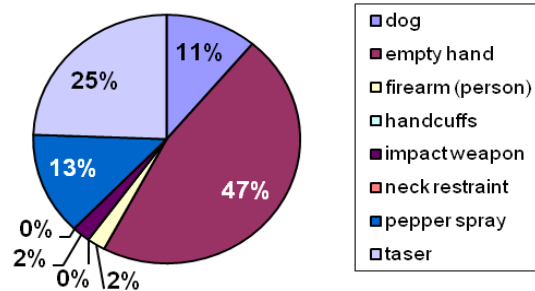
The most frequent type of excessive force allegations against the Victoria Police Department involved “empty hand control” (approximately 22 a year, or 63% of all excessive force allegations), followed by CEW use (approximately 6 per year or 17%) and pepper spray (approximately 4 per year, or 10%). See Table 4.

By comparison, other BC independent police departments had a larger proportion of empty hand allegations of excessive force than the Victoria Police Department and lower proportions of intermediate weapon use; empty hand made up an average of

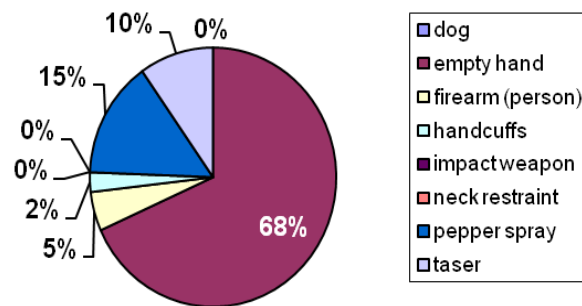
81% of all excessive force allegations (compared to 63% in Victoria); CEW use was approximately 6% (compared to 17% in Victoria), and pepper spray was approximately 1% (compared to 10% in Victoria). This may suggest that Victoria uses intermediate weapons at a higher rate than other independent departments in BC. See Table 4 and Figures 1 to 8.

| Table 4: Types of Excessive Force Allegations (Victoria vs. Other BC Independent Police Departments) | | | | | |
|---|-------------|-------------|-------------|-------------|---------------------------------|
| | 2005 | 2006 | 2007 | 2008 | % change (2005-2008) |
| Victoria PD | | | | | |
| dog | 5 | 0 | 0 | 0 | -100.0% |
| empty hand | 21 | 28 | 15 | 24 | +14.3% |
| firearm-person | 1 | 2 | 0 | 0 | -100.0% |
| handcuffs | 0 | 1 | 0 | 2 | N/A |
| impact weapon | 1 | 0 | 0 | 0 | -100.0% |
| neck restraint | 0 | 0 | 1 | 0 | 0.0% |
| pepper spray | 6 | 6 | 3 | 0 | -100.0% |
| Taser | 11 | 4 | 3 | 6 | -45.5% |
| Total | 45 | 41 | 22 | 32 | -28.9% |
| Other BC PDs | | | | | |
| dog | 4 | 11 | 8 | 7 | +75% |
| empty hand | 152 | 162 | 173 | 145 | -4.6% |
| firearm- person | 3 | 0 | 1 | 2 | -33.3% |
| handcuffs | 9 | 10 | 12 | 7 | -22.2% |
| impact weapon | 1 | 0 | 5 | 13 | +1200.0% |
| neck restraint | 1 | 0 | 0 | 5 | +400.0% |
| pepper spray | 0 | 2 | 5 | 1 | N/A |
| Taser | 12 | 5 | 7 | 19 | +58.3% |
| Total | 182 | 190 | 211 | 199 | +9.3% |

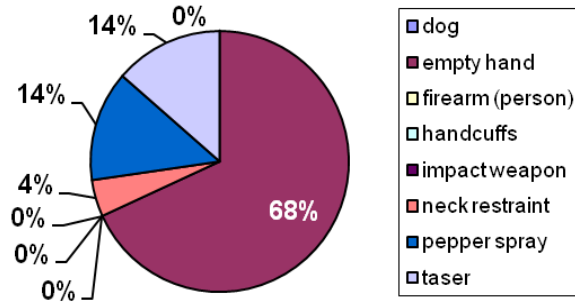
**Figure 1: Victoria PD 2005
excessive force allegations**



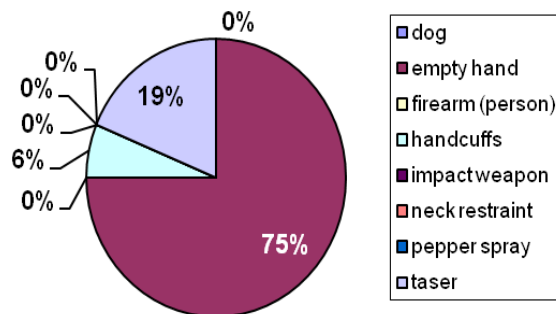
**Figure 2: Victoria PD 2006
excessive force allegations**

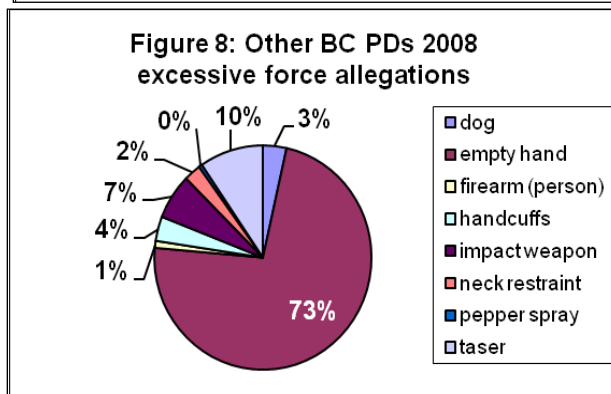
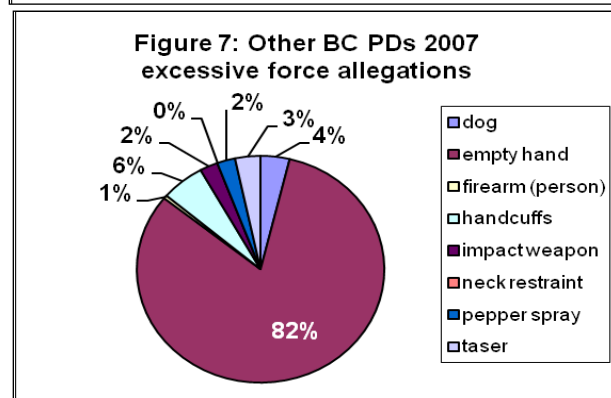
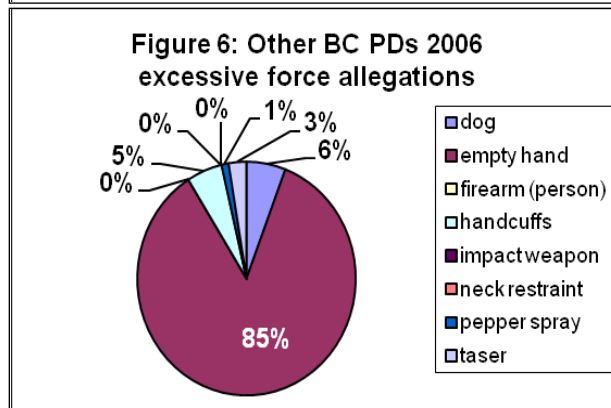
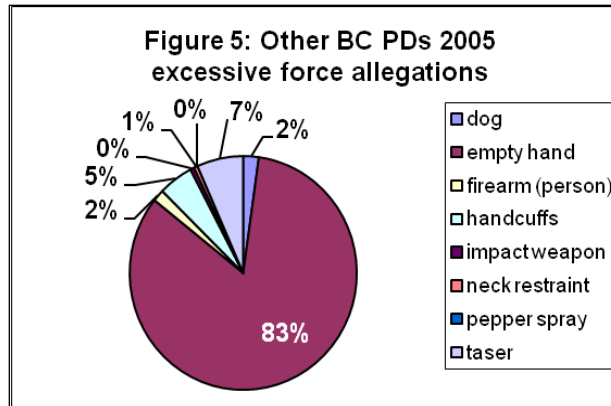


**Figure 3: Victoria PD 2007
excessive force allegations**



**Figure 4: Victoria PD 2008
excessive force allegations**





Key points:

- The proportion of excessive force allegations as a function of all allegations is approximately 30% in the Victoria Police Department. This is similar to that of other independent police departments in BC.
- Allegations of excessive force have decreased in the Victoria Police Department in the last four years (-29%), whereas they have increased somewhat in the other BC independent police departments (+8%).
- The most frequent type of excessive force allegations against the Victoria Police Department involved “empty hand control” (approximately 22 a year, or 63%), followed by CEW use (approximately 6 per year or 17%) and pepper spray (approximately 4 per year, or 10%).
- Compared to other BC independent police departments, the Victoria Police Department had a higher proportion of intermediate weapon allegations of excessive force.
- Other BC independent police departments had a larger proportion of empty hand allegations of excessive force than the Victoria Police Department .

SUBSTANTIATIONS

This section presents results of substantiation data (see Table 5). It must be remembered that the numbers regarding substantiations and excessive force allegations are small and therefore are more likely to vary from year to year. This must be taken into consideration when interpreting the results.

Between 2006 and 2007 there was an increase in total number of allegations substantiated against Victoria Police Department. This result was maintained into 2008. For other BC independent police departments, the number of substantiations for total allegations has decreased in the last three years.

In general, for all departments in BC including Victoria, the substantiation rate for non-excessive force allegations was significantly higher than the substantiation rate for excessive force allegations (e.g., 13.3% compared to 1.5% in 2008 for other BC departments). This may be due to the inherent difficulties in substantiating excessive force complaints (e.g., determining whether force was reasonable or excessive frequently depends on the officer’s word against the complainant’s word, with no other corroborating evidence).

Four excessive force allegations against the Victoria Police Department from 2008 were substantiated, whereas none had been substantiated in the previous two

years. In 2008 this represented a substantiation rate of approximately 12% compared to the 0% of previous two years.

In comparison to other BC independent police departments, in 2008 the Victoria Police Department substantiation rate for excessive force allegations was significantly higher (12% in comparison to 1.5%). However in previous years there were no substantiated excessive force allegations for the Victoria Police Department (as mentioned), and the substantiation rate of excessive force allegations for other BC independent police departments was on average 2%.

| Table 5: Substantiations (Victoria vs. Other BC Independent Police Departments) | | | | |
|--|-------------|-------------|-------------|---------------------------------|
| | 2006 | 2007 | 2008 | % change (2006-2008) |
| # substantiations/year allegation | | | | |
| Victoria PD | 4 | 13 | 12 | +200.0% |
| other BC PDs | 85 | 65 | 68 | -20.0% |
| # substantiations – excessive force | | | | |
| Victoria PD | 0 | 0 | 4 | N/A |
| other BC PDs | 2 | 8 | 3 | N/A |
| % substantiated allegations | | | | |
| Victoria PD | 2.9% | 11.3% | 11.8% | N/A |
| other BC PDs | 2.4% | 12.3% | 4.4% | N/A |
| % substantiated excessive force allegations | | | | |
| Victoria PD | 0 | 0 | 12.5 | N/A |
| other BC PDs | 1.1 | 3.7 | 1.5 | N/A |
| % substantiated non-excessive force allegations | | | | |
| Victoria PD | 4.2 | 14.4 | 11.4 | N/A |
| other BC PDs | 18.7 | 9.1 | 13.3 | N/A |

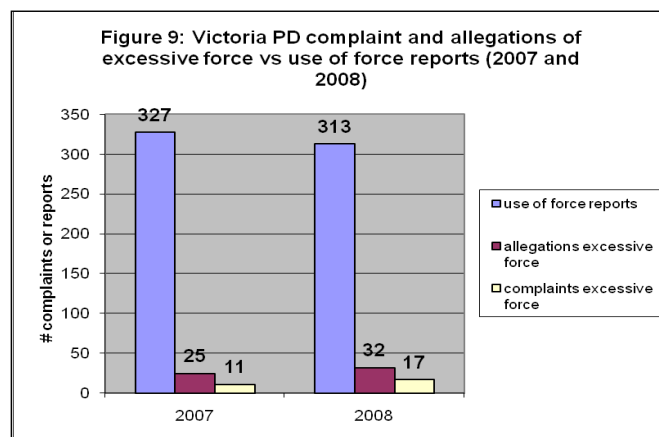
Key points:

- For all departments in BC, the substantiation rate for non-excessive force allegations was significantly higher than the substantiation rate for excessive force allegations (e.g. , 13.3% compared to 1.5% in 2008 for other BC departments).
- Four excessive force allegations against the Victoria Police Department from 2008 were substantiated, whereas none had been substantiated in the previous two years. In 2008 this represented a substantiation rate of approximately 12% compared to the 0% of the previous two years.

USE OF FORCE REPORTING AND COMPLAINTS OF EXCESSIVE FORCE

Data on police use of force reporting for Victoria Police Department were obtained from the Subject Behaviour Officer Response (SBOR) reports. As presented earlier in this report, there were 11 complaints of excessive force in 2007 (containing 25 allegations of excessive force) and 17 complaints in 2008 (containing 32 allegations of excessive force). This totals to 28 complaints containing 57 allegations of excessive force in 2007-2008. There were a total of 640 use of force reports filed in 2007 – 2008 (327 in 2007; 313 in 2008). See Figure 9 below. These reports resulted from 571 separate incidents. Therefore approximately 5% (28 of 571) of use of force incidents resulted in a complaint against the department. (This number is an estimate only as the use of force reports did not include police dog use and Emergency Response Team deployments, while these would be included in total number of complaints.)

CEW use was twice as likely to result in a complaint as OC spray use (7% of CEW use in comparison to 3% of OC spray use). See Table 6.



| Table 6: Use of CEW & OC spray and allegations of excessive force (2007 & 2008) | | |
|---|----------------|--------------|
| | # SBOR Reports | #Allegations |
| OC spray (pepper spray) | 99 | 3% (3) |
| Taser (CEW) | 128 | 7% (9) |

Key point:

- Approximately 5% of Victoria use of force incidents in 2007 and 2008 resulted in a complaint against the department.