



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

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

FROM: Chief Danny G. Smyth

SUBJECT: 2017 Bias Free Policing and Professional Standards Report

DATE: April 17, 2018

RECOMMENDATION:

It is recommended that this report be received as information by the Winnipeg Police Board.

FINANCIAL IMPLICATIONS:

There are no financial implications relating to the recommendation within this report.

BACKGROUND:

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

DISCUSSION:

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

The standards to which police members are held are required to be both clear and thorough to ensure police officers maintain the continued trust of the citizens of Winnipeg. The [Winnipeg Police Service Regulation By-law 7610/2000](#), the Criminal Code of Canada, the Law Enforcement Review Act, the

Service's procedure manual, the Police Officer's Code of Ethics and the City of Winnipeg Code of Conduct outline the expectations for the behaviour of sworn members.

Topics covered in these documents forbid discrimination, harassment, conflicts of interest, corrupt practice, discreditable conduct, abuse of authority, improper use or mishandling of a firearm, neglect of duty, the unauthorized release of information and unlawful conduct. The Regulation By-law lays out how investigations into service defaults will proceed as well as the potential penalties of breaching conduct regulations.

In order to ensure the conduct of all members is representative of the high standards the Service sets, a thorough and comprehensive system is in place to investigate and address all complaints that come from the public and from within the organization. The confidence of the public in the integrity of the Service must be maintained by the knowledge that a full and unprejudiced investigation will be conducted, and if the complaint is substantiated, action will follow.

Complaints filed with the Service, whether by internal or external sources, are addressed by the Professional Standards Unit. The Unit's mandate is to maintain the integrity of the Winnipeg Police Service. It is staffed with one Inspector, one Staff Sergeant, two Sergeants, eight Detective Sergeants, and two civilian Administrative Assistants. The primary function of the Professional Standards Unit is to conduct investigations into public complaints as well as allegations stemming from internal sources.

Every complaint is examined thoroughly to determine whether a formal investigation is warranted. Formal investigations stemming from complaints and allegations take an average of four to six months to conclude. The Unit's officers are committed to ensuring an exhaustive investigation of allegations happen in a fair and impartial manner. The Professional Standards Unit also facilitates investigations by external agencies regarding the Winnipeg Police Service; including complaints made to the Law Enforcement Review Agency of Manitoba (LERA) and investigations assumed by the Independent Investigations Unit of Manitoba (IIU).

RESULTS

In 2017, the Service conducted 33,752 Traffic Stops and 1,228 Subject stops. There were 225,129 calls for service for the year in which officers or communications operators came into contact with the public. The Professional Standards Unit received 86 complaints for 2017, 34 of these complaints led to investigations. 78% of allegations came from external sources and 22% came from internal sources.

In Table 1, below, all investigations for the past four years are categorized by type. Many of these allegations may include more than one element from the list below but for the sake of clarity, the most serious allegation in each complaint is listed. Two of these complaints included an allegation related to bias-based profiling. The Professional Standards Unit fully investigated the complaints and found one member who admitted inappropriate verbal behaviour while off-duty but denied making racial slurs. An admonition for Discreditable Conduct was issued. The second issue that was investigated found that four witnesses did not substantiate the concern of the complainant and the incident was handled informally by the off-duty member's commanding officer.

It should be noted that PSU investigated one allegation of impaired driving by an off-duty member, while there were four other instances of such allegations in 2017 that are under investigation elsewhere. When PSU is not the primary investigator, the regulatory conduct investigation is on hold until any criminal proceedings have completed.

Allegations	2014	2015	2016	2017
Abuse of Authority		1	3	1
Assault	14	13	6	3
Breach of any Other Order	5	2	3	4
Corrupt Practice	1			1
Criminal Association/Activity	1	1	3	3
Discreditable Conduct	11	7	6	12
Harassment	1			
Impaired		2		1
Miscellaneous *	9	10	8	5
Neglect of Duty	3	5	2	
Theft	2		2	
Threats		1		1
Unauthorized Release of Info	4	2	5	3
Total Investigations	51	44	38	34
(External Source)	27	26	27	15
(Internal Source)	24	18	11	19
Non-investigable Public Complaints (Not Categorized)	91	44	57	52

Table 1

* Miscellaneous includes:

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

In Table 1 above, the category 'Non-investigable Public Complaints' appears. This statistic represents a number of circumstances where formal investigations were not required. There are three primary categories these complaints fall under: (1) clarification of policy and procedure, (2) explanation of laws and exemptions and (3) complaints or incidents that may appear to involve officers but when investigated do not actually involve officers. The process of engaging in dialogue with citizens with these types of valid concerns is an important engagement tool provided by the Unit and can help bring some much needed context to legal interactions. After these interactions, citizens are still able to file an official complaint if they are unsatisfied.

In 2017, 40% of all complaints received resulted in investigations and 17.4% of all public complaints received by the Service resulted in investigations. The five year average of public complaints related to bias-based profiling is 2 per year. None of the complaints of bias-based profiling made to the Service in the last five years have been found to be substantiated.

The Service recognizes that the low number of complaints regarding bias based profiling made directly to the agency is not reflective of the entire scope of policing in Winnipeg. The continuing ability to build trust with historically under represented communities is a key factor in addressing this issue. One alternative is placing a formal complaint with LERA who investigates independently of the Winnipeg Police Service. LERA's 2017 results will be released independently.

Bias-Free Policing procedure and initiatives for 2017

In 2017 the Service continued promoting bias-free policing by requiring all members (sworn and civilian) conform to the standards articulated in the City of Winnipeg Code of Conduct, the Police Officer's Code of Ethics and the Service's conduct procedure manual. The membership is subject to a number of organizational communications outlining their responsibilities and the Service's expectations annually.

The Service's conduct procedure further addresses the requirements for bias free policing. It mandates that all investigations, detention and searching of individuals shall be based upon the law and reasonable grounds. Officers are reminded that biased policing is detrimental to proper law enforcement and leads to a violation of a person's rights and an imbalance of justice. All members of the Service are required to be up to date on Service procedure and adhere to it at all times.

The training provided by the Service on these matters includes units on bias based profiling and bias free policing that recruits attend while in the Training Academy. The foundation of the training syllabus is ethical decision making based on adherence to law, policy and procedure, including Charter rights. Additional training is provided to police members on community diversity and Indigenous cultural awareness through the Service and further opportunities exist for police members to attend City of Winnipeg bias free and diversity training courses.

Beginning in 2016, the Service required that members attend Fair and Impartial Policing training, a one day course that aims to help individuals acknowledge the role that implicit and explicit biases have on our behaviour, attitudes and decision making. This course seeks to make members aware of how biases can be problematic and even detrimental to their roles in law enforcement. The Service also required that all members, sworn and civilian, complete an online training module on Ethics through the Canadian Police Knowledge Network and attend a half day training course through the City of Winnipeg called 'W'daeb Awaewe- The Truth as We Know It' as part of Winnipeg's steps towards reconciliation with the Indigenous community. More than 1200 sworn and civilian members attended this training in 2017.

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

Danny G. Smyth
Chief of Police