



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: September 10, 2019
COMMITTEE MEETING DATE: October 17, 2019
BOARD REPORT # 1910C03

Regular

TO: **Vancouver Police Board Service and Policy Complaint Review Committee**

FROM: Drazen Manojlovic, Director, Planning, Research and Audit Section

SUBJECT: Service or Policy Complaint #2019-012, Police Interaction at Jonathan Rogers Park

RECOMMENDATION:

THAT the Vancouver Police Board Service and Policy Complaint Review Committee (Committee) concludes its review of the complaint based on information outlined in the report.

SUMMARY:

On June 23, 2019, members of the Vancouver Police Department (VPD) attended Jonathan Rogers Park in Vancouver after receiving a report of a possible child luring incident. Upon arrival, officers learned that the male subject apparently was also in breach of court-imposed conditions. When police approached the male, he was immediately uncooperative both physically and verbally. The male was detained with handcuffs after a brief struggle. The male was ultimately determined to be related to some of the children in the area; the allegations of child luring and breach of court conditions were determined to be unfounded. A member of the public, a third party complainant, observed the incident from a distance and filed a complaint with the Office of the Police Complaint Commissioner (OPCC) regarding the police use of force. In addition, the complainant stated that the VPD would benefit from additional training.

The training suggested by the complainant has been in place for many years in the VPD. It is important to remember that officers must routinely make decisions and react quickly based on limited information. The officers that attended the scene had reasonable grounds to detain the male. It was unfortunate that the situation escalated but the male chose to be neither physically or verbally cooperative with the officers. The allegations against the male were serious and the officers, acting within their lawful authority, had a duty to investigate. It is acknowledged that any physical confrontation involving the police may be upsetting to the public and the complainant may not have been fully aware of the details involved in this incident.

As such, it is recommended that the Committee concludes its review of the complaint based on information outlined in the report.

BACKGROUND:

On June 23, 2019, at Jonathan Rogers Park located in Vancouver at 110 W 7th Avenue, officers attended a 911 call for service involving a male. People in the area observed the male interacting with some small children and were concerned about the appropriateness of the interaction. Some of the people's children were approached by the male, which concerned the people enough to call 911. VPD officers attended and spoke to the 911 caller. Officers received information of possible child luring and, further, were advised that the male was in breach of court-imposed conditions.

Officers spoke to the male who was immediately profane, uncooperative and refused to identify himself or explain his relation to any of the people in the park. The male then tried to walk away from the scene and the officers had to restrain him with handcuffs to prevent him from leaving. The male was briefly taken to the ground; no injuries resulted from this use of force. Eventually, it was determined that the male was related to some of the children and there was no evidence that a crime had occurred. Accordingly, the male was then released at the scene.

The incident occurred in a public park and the complainant, who was also one of the concerned people at the park, observed the interaction, although admittedly, she did not hear what was said between the officers and the male. As a result, she filed a Service or Policy Complaint with the OPCC, which was accepted as a third party complaint. The complainant took issue with the police interaction and the physical escalation. The complainant stated that "*I think the outcome of this investigation might have been very different for the children, the man investigated and those of us watching if the officers had had greater training in the following areas:*

1. *Trauma informed communication, ...*
2. *Cultural competency, ...*
3. *Violence Prevention training, ...*

DISCUSSION:

As the complainant in this matter is a third party, and due to the protection of privacy and personal information, the information within this report does not include details from the police report that may infringe on the privacy of the parties that were directly involved in the incident.

The complainant's description of the incident is mostly consistent with the police report. The complainant was not directly involved in the police incident and admittedly "*was not close enough to hear what was said...*", therefore, it is understandable that the complainant may not have been aware of the following:

- The initial 911 emergency call for service.
- There were allegations that the male was a "dangerous guy" and had court conditions to not be around children.
- The male was pointed out by the 911 complainant to be the suspect possibly involved in luring children.
- There were reasonable grounds for the male to be detained under an investigative detention¹.
- Immediately, the male was profanely uncooperative with the officers and did not provide any information to explain that he was related to some of the children.

¹ <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2167/index.do> R. v. Mann

- The male would not provide his identification so the officers could not determine if he was breaching any court conditions.
- The male attempted to leave the scene before officers could verify that no crime had, in fact, occurred.
- In an attempt to prevent the male from leaving, the officers grabbed his arms.
- The male physically resisted the officers by pulling away and had to be restrained with handcuffs.

The police have a duty to ensure public safety and investigate allegations of criminal activity - in this case, breaches of court conditions and a very serious allegation involving potential child luring. As such, the officers could not simply allow the male to walk away when they have not conclusively determined that no crime had occurred. In fact, it could be considered a neglect of duty misconduct on the part of the officers if they allowed a potential suspect in such an incident to just walk away. The officers acted in good faith based on the information they had received.

Immediately from the start of the interaction, the male was uncooperative with officers and, as a result, the situation escalated. Ideally, officers prefer to resolve matters through communication. However, circumstances may not present an officer with such an opportunity, especially when the subject is physically and verbally uncooperative and attempting to leave the scene.

As the Supreme Court of Canada has stated:

[35] Police actions should not be judged against a standard of perfection. It must be remembered that the police engage in dangerous and demanding work and often have to react quickly to emergencies. Their actions should be judged in light of these exigent circumstances.²

With respect to the training suggested by the complainant, since 2015, the VPD has provided:

- Aboriginal Cultural Competency training
- The Aboriginal and First Nations e-Learning Course that is required learning for all newly hired exempt officers
- The BC Fair and Impartial Policing training course which is a mandatory course

The VPD has conducted critical incident de-escalation training since 2000. Also, the VPD has implemented scenario-based training programs, through its Force Options Training Unit, to address high stress and potentially lethal situations. The current policing standards in British Columbia require front line officers be trained and qualified in crisis intervention and de-escalation (CID) techniques. These techniques are taught to all new police recruits during their training at the Justice Institute of British Columbia. In addition, CID techniques are taught to all serving frontline officers via in-service training. Initial CID training involves multi-modal instruction, employing a combination of online and self-directed study, followed-up by a lecture component and culminating with scenarios. Officers must meet the required standards in all aspects of the training and must continue to successfully complete online training every three years.

Furthermore, the VPD has been proactively incorporating CID techniques into all other use of force training including physical control, intermediate weapons, and firearms. Front line officers attend use of force training at least once a year. In this respect, the VPD well exceeds provincial standards. Trauma Informed Policing/Interviewing is planned for delivery in 2020. The VPD Force Options Training Unit (FOTU) has been recognized internationally for their expertise and training

² <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7845/index.do> R. v. Nasogaluak

advancements in police use of force practices. FOTU has presented regularly at national and international levels including a recent presentation on the topic of *“Using Research to Drive Use of Forcing Training”* at the International Association of Chiefs of Police Conference in 2018.

CONCLUSION:

The VPD acknowledges the complainant’s concern in this matter and that any form of physical confrontation involving the police may be upsetting to the public. However, the complainant was not fully aware of all the details which led to the investigative detention of the male. Also, it is important to remember that officers must routinely make decisions and react quickly based on limited information. In this particular incident, the male was immediately uncooperative and attempted to leave the scene. The information received, up to that point, was that the male was the subject of a child luring complaint and in breach of court conditions. The officers, acting within their lawful authority, could not allow the male to leave the scene and had no choice but to take him into custody.

With respect to the training suggested by the complainant, many of the training concepts have already been provided by the VPD. In conclusion, it is recommended that the Committee concludes its review of the complaint based on the information outlined in the report.

Author: Sergeant Alvin Shum Telephone 604-717-2688 Date: Sept.10, 2019

Submitting Executive Member:

A/DCC Martin Bruce Date: October 1, 2019