

Operational Policy Change

Risk Management

Governance

Litigation

CACOLE

Halifax

October 2007

Speaker Profile

- Presently appointed as Discipline Authority for the external investigations regarding the West Vancouver Police Department. (2006-7)
- Chief External Investigator for the Examination of the use of TASERS® by police. (2005)
- Chair of the RCMP Forensic Laboratory Services Review Committee. (2000)
- ERT sniper, assaulter, team leader and commander for 10 years.
- Chief Constable since 1999. (sole survivor ?)
- Former national police union official, 1980's.
- Member of the Justice Oppal Royal Commission of Inquiry into Policing. (1993)

Risk Management

- Risk is inherent in policing BUT systemic review of our policies and practices to reduce risk is a much needed “flavour” now really catching fire, particularly at a governance level.
- Activities which are LOW in frequency but HIGH in potential injury are the ones to focus on.

Case Studies

- Pursuit Policies
- Police Conflict of Interest
- Code 3 operation of a police vehicle. (pending)
- State of intoxication arrests. (pending)

Pursuit Litigation

- Two BC police pursuit litigation cases have finally reached BCCA in 2007 and have resonated.
- Officers found negligent in both cases. (not gross negligence)
- Resonating because both pursuits had relatively common features, occurring daily in BC. Very short pursuits.
- Generalities in the facts apply to most pursuits we engage in.

Judicial Oversight 1: Police Pursuit Policies

- SLIDE FROM IA ROUNDTABLE IN EDMONTON MARCH 2007
- Sullivan citation.
- Civil rulings on police liability relating to pursuits is changing, and our policies are not consistent with the civil law now in many jurisdiction. Not a place to be. Somebody is going to have a problem.
- Chase only for very serious offences, clearly defined. Stolen car is not serious “enough”.
- Supervision throughout, very clear policy the road boss is responsible, radio tapes to prove it was supervised.
- Clean cut off of the pursuit including turn off...
- Training and skills are perishable to some extent.

Radke vs M.S.

2007 BCCA 216

- 46 second pursuit of a suspected stolen vehicle.
- Urban area of Greater Vancouver.
- Fairly “routine” pursuit speeds, driver conduct, etc.
- Stolen vehicle...“...not a serious offence...”
- Competing concerns : apprehending a young person driving a stolen car versus the dangers of a pursuit on city streets. (interesting how an officer assesses these concerns in seconds...)
- Pursuing officer negligent.

Burbank vs R.T.B.

2007 BCCA 215

- 5 block, 60 second pursuit of a suspected impaired driver.
- Urban, residential area of Greater Vancouver.
- Relatively routine, speeds probably on the high side...
- ...”this pursuit should never have started...”
- Pursuing officer negligent.

Technology Reality

- GPS and black boxes are eliminating any chance of “approximation” or “long eye”.
- The technology is still a bit bleeding edge but is almost there.
- Some of our most contentious events are going to have a detailed data trail...

Policy Changes

June 2007

- Pursuit will only be for an “imminent threat” to the public or police officers. Clear samples provided :

Policy Changes

June 2007

- Clear supervisory role.
- Turning off in plain view when a pursuit is ended.
- Stronger rules allowing more cars and collisions as it is an imminent threat.
- Empirical results since June 2007 : “ZERO”

Pursuits Instead of Chasing

- Stronger bait car program.
- ID and get them later.
- Forensics of dropped stolens increased.
- US : the auto theft rate doesn't go up if you stop chasing...

Conflict of Interest



Conflict of Interest

We are Very Vulnerable

- Fiduciary conflict of interest.
- More than ever, police products and expertise are becoming big \$ items.
- Encouraging purchase of a product by your agency when you have a financial interest.
- Publicly funded training immediately transferred to personal gain. (computer forensics, use of force...)
- Policies, ethics review committees, signed agreements.

Judicial Oversight 2

- SLIDE FROM IA ROUNDTABLE EDMONTON MARCH 2007
- “Our” use of force experts.
- Judicial (and Crown now) skepticism.
- “Damn near anything could be justified using the models, where’s the common sense ?”
- “Do police use of force experts give evidence against officers very often ?”

Recent Trends 2 : Deep Throat

- Every agency has a discipline history.
- Long road, no garbage cans
- If you aren't transparent or play around it can bite for 20 years.
- Lighter punishment for friends.
- Retired bitter, denied a promotion or fired.

Triple trouble for Canucks



Taylor Pyatt,
Sami Salo
and Rick
Rypien lost
to injury

SPORTS A50

The Province

VANCOUVER, BRITISH COLUMBIA

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THREE NEW PROBES INTO WEST VAN POLICE

EMBATTLED DEPARTMENT:

Officers accused of
misappropriating funds,
improperly using
a towing company
for personal benefit
and setting off
confiscated fireworks

NEWS A3



New allegations in West Vancouver come just a day after the police board revealed that the contract of Chief Scott Armstrong is being terminated. NICK PROCATO FILE PHOTO — THE PROVINCE

EDUCATION: School closures, mergers studied in response to declining enrolment **NEWS A7**

WEDNESDAY, DECEMBER 6, 2006

West Van Police Chief Scott Armstrong: fired

See ARMSTRONG'S A.

Letter carrier David Mills makes his way cautiously along icy streets on Tuesday.

"There were butterflies in my stomach" when the eyes of MP's in the House of Commons followed Prentice's gaze as he spoke directly to the students, said Peggy Kotchea, 18, a Grade II student who has two boys, aged three and one.

"It was very intense. It was, 'omigod, we're finally doing it.' It was pretty amazing and a great experience. It's going to be a

See WE ACTUALLY A2

Critics have complained that ads could be offensive to the poor and homeless who can't afford to buy sweet treats.

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Fresh allegations surface against cops

WEST VAN: Claims of missing funds, using tow service for personal gain and setting off fireworks

BY IAN AUSTIN
STAFF REPORTER

The wacky West Vancouver police situation got even crazier yesterday with three fresh allegations against its officers.

Just a day after the announcement that Chief Scott Armstrong will leave his job Jan. 31, new allegations surfaced about officers misappropriating funds, using a tow-truck firm for personal benefit and setting off confiscated Halloween fireworks.

The allegations follow the unexplained departure of Armstrong, who recommended the promotion of Const. Lisa Alford. When it was revealed last month that Alford had been busted for drunk driving after drinking with fellow officers at the West Van police station, Armstrong defended her and called her one of his best constables.

SEE EDITORIAL, PAGE A18

Two of the new allegations are contained in a news release from Vancouver police Insp. Rollie Woods and Victoria police Chief Paul Battershill, who reported:

■ "An allegation that a member of the department misappropriated funds, which were intended for restitution."

■ "An allegation that members of the department improperly utilized the services of a towing company employed by the municipality for personal benefit."

The two investigators said that "the decision to make this release today was done in consultation with the mayor, in her role as chair of the police board, to ensure that there is appropriate transparency in terms of the current situation."

That statement perhaps alludes to the fact that the West Vancouver Police Department was publicly criticized by Police Complaints Commissioner Dirk Ryneveld for its handling of the Alford affair.

Ryneveld criticized the force for not disclosing that Alford had been



The West Vancouver Police Department building yesterday. NICK PROCATO — THE PROVINCE

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drinking at the police station before crashing her car and blowing more than twice the legal limit.

The third allegation refers to officers who allegedly discharged confiscated fireworks this Halloween. The West Vancouver Police Professional Standards Section is conducting an internal investigation.

West Vancouver police Sgt. Paul Skelton could not explain the rash of investigations.

"Who knows?" said Skelton. "It's Murphy's law. Sometimes bad news comes in bunches."

Skelton said West Van's 82 cops make 15,000 service calls a year, and said the number of officers investigated in 2006 is in the usual range of 12 to 15 per year.

"We take our good days along with the bad," he said.

"It's disappointing, but it has to be taken in context. Day after day we're out there."

According to Armstrong's lawyer,

the police chief was hired for five years at the beginning of this year.

Armstrong was earning \$140,000 a year.

Bruce Brown, the deputy police complaint commissioner, said his office is investigating the Alford affair, the alleged misappropriation of funds and the alleged improper use of the towing firm.

"They're all in their infancy," said Brown. "Under the Police Act they [investigators] have six months, but Chief Battershill hopes they'll be done within two months."

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WEST VAN SGT. PAUL SKELTON



WEST VAN RESIDENT JESS LINDSAY

Fireworks OK, but not drunk-driving: Citizens

BY DAVID CARRIGG
STAFF REPORTER

West Vancouver residents are willing to accept that some of their police officers may have used confiscated fireworks for a bit of Halloween fun, but the actions of drunk-driving cop Lisa Alford are unforgivable.

"The fireworks stuff, whatever, sounds like fun," said Pat Ardley of West Van. "But there's no excuse for drinking and driving, especially when they're coming to schools and telling kids not to do it, then sneaking around

and doing it themselves."

Ardley said she is happy that West Vancouver mayor and police board chairwoman Pamela Goldsmith-Jones brought the allegations to light.

"It's pretty messy. I think she's doing the right thing making sure they [cops] open up to what's going on."

Jess Lindsay of West Vancouver said she tries to respect the police.

But the drunk driving was hard to take. "I haven't lost faith completely but the whole drinking thing is ridiculous," she said. "It's a

pretty tough job that they do and I would hope there's not a culture of corruption there."

West Vancouver police Sgt. Paul Skelton said Alford is working a desk job in the records section.

He was not sure whether the anonymous tip that led to police Chief Scott Armstrong's admission that Alford got drunk at work before her crash, and that she was in line for promotion, came from within the department.

"I don't think the force is divided," he said. dcarrigg@png.canwest.com

Recent Trends 3: Early Intervention

- Spreading now
- Most are using a combination of sick time, observed borderline behavior and discipline complaints with the front-line supervisor as point person.
- Human resource referral. Confidentiality is key.
- Transition to discipline if it continues...going directly to discipline needs to be defined.

Recent Trends 6 : Stop Sticks

- Heresy BUT beginning to question this product, particularly in light of pending pursuit policy changes.
- In an urban centre they are damn near useless anyway.
- VERY VERY dangerous for the officer deploying.
- We may not be chasing a lot anyway.
- A lot of cars keep right on going...



Police chase 'not worth the risk'

Lighthouse crumbling despite heritage status



JACK KNOX: The historic light station at Race Rocks is falling apart. Salt and water have worked through the sandstone and old paint is peeling off in sheets. Built by the Royal Navy in 1860, and used now as an ecological classroom by Pearson College, the lighthouse is an important part of our marine history and holds heritage status, but that doesn't guarantee its upkeep. Senator Pat Carney hopes to change that with her heritage-lighthouse bill, expected to get first reading in the House of Commons tomorrow. Story, A3

Debra Brash/TIC

Harper plans to ignore new pro-Kyoto motion

The three opposition parties teamed up yesterday to adopt motion that calls for Canada to respect its commitments to reduce greenhouse gas emissions.

But Prime Minister Stephen Harper dismissed Canada's Kyoto commitment as "fantasy."

Story, A6

Faithful want answers

Angry parishioners gathered at a Quaden Road church last night to confront Bishop Richard O'Connell over the firing of a popular priest.

Story, B2

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Spirit of Christmas does a vanishing act

Famous store forced to close, owes more than \$70,000 in rent

By Andrew A. Dunn

Times Colonist staff

The Spirit of Christmas is dead. On there will be jungle bells, gongs, rattles and plenty of over-the-top music. But there's nothing to be any such celebration at the Spirit of Christmas store at the corner of Government and Fort streets.

The lights are off, the doors are locked and real estate firm Pemberton Holmes is looking for a new tenant for the landmark heritage building after the owners of the store shut it down some time in January.

The store, one of the largest and most famous on Government Street, has failed to pay its rent for January or February, putting it more than \$70,000 in arrears.

And other creditors are now calling. "It seems they got behind in their bills," said Dan Byr of Victoria Real Estate.

The store is being through a process of inventory to see what can be recovered to pay creditors.

That the building has any value items to go through may be something of a Christmas miracle as Byr said a truck had been loaded on site with boxes



The Spirit of Christmas Store failed to pay its \$35,000 monthly rent for January and February. Debra Brash/TIC

of inventory, although it hadn't been done away.

The store is now back inside the building, but on first blush the receiver doubts there will be enough to cover the debt owed.

The whole situation has been rather quiet since, as the building's owner and management company didn't know the business was shutting down until they

aw the closed doors.

At this point, the owners of the store, who took over the store in early 2005, have not decided on the business's future. They could not be reached for comment, and Byr said it was understood they are in talks with the bank.

Despite the absence of bankruptcy proceedings, creditors are lining up at Byr's door. Byr said it is too early to know when or how any kind of liquidation of assets will be handled.

However, Pemberton Holmes had already had the highly sought-after corner property listed for a week, and is finding calls from businesses interested in taking over the 8,532 square foot space.

Despite the hefty \$35,000 a month rent, Steve Thornley of Pemberton Holmes says it won't be hard to find a new tenant for the striking heritage building which was built in 1895 at the Bank of British Columbia.

"It's a premium location, an exceptional corner. It's usually the best retail corner in the city."

Tuesday said the space is "ready to go" for occupancy.

The Spirit of Christmas was opened at 1022 Government St. in 1989 by Connie Kowalevich and her husband Bob, who started the original store in Bendin 1987.

adeffy@ic.comwest.com

Cops should pursue violent criminals only, police tactics expert says

By Bob Shaw

Times Colonist staff

The Victoria Police Department faced violent criminals yesterday about how a high-speed chase through a residential neighborhood on the weekend ended with gunfire and a fatality.

A U.S. expert in police tactics, who helped the RCMP develop its policy on police pursuits, said Victoria should follow the trend of other police departments and only chase criminals suspected of violent crimes.

"About 30 to 40 per cent of chase incidents result in a fatality," said Geoffrey Alpert, a professor in the criminology and criminal justice department at the University of South Carolina, who has published studies on police pursuits.

"Most progressive police chiefs have realized it's just not worth the risk of the public, and my family your family and their families, to go chase someone who is wanted for running a red light or creating a car."

Shooting is exactly what started a Victoria chase Saturday night. Police noticed a stolen 1991 white GMC Jimmy SUV on Thapa Avenue, west of Quadra Street. They watched 37-year-old John Seguin enter the vehicle and tried to block his way with their cruisers. But he crashed through police, leading officers in a chase through nine city blocks at speeds exceeding 70 kilometres an hour.

Seguin apparently wanted to try to hit three officers standing near the cars at a block at Hillside Avenue and Blackwood Street. The officers started shooting at the vehicle.

Police said Seguin drove the SUV past the blockade, spun around, and sped back toward the officers who started firing again.

Seguin was fatally hit and died later in hospital. It is the first time in the force's history that officers have shot and killed a person.

The entire chase took fewer than two minutes. Typically, police in Victoria and other jurisdictions call off a chase at unsafe speeds or when it seems a neighborhood where it could endanger the public. But this chase was too fast for that, said Victoria's Police Chief Paul Butterfield.

"When a chase starts, there has to be an explicit made of what's taking place," he said yesterday. "But that generally takes a minute or two to do and this was over in 90 seconds."

That should have been enough time, Alpert said, adding that perhaps the outcome will spur Victoria to set a more restrictive policy on pursuits.

"They will bring your chase to its right mind to avoid these things later on," Alpert said. "The problem is, you can't predict what the guy thinks is going to do. If he's going to stop, at what cost? Why would you chase him into a residential neighborhood?"

Three officers fired approximately 12 shots from their service pistols to kill Seguin. Some of the bullets hit his vehicle. But they also struck a bystander, a parked car, and a moving car.

Butterfield said it is a sad and difficult decision for the city.

"It's arguable that vehicle handling down Hillside Avenue would pose an even greater risk to the public," he said. "You have to balance that out. Had he continued he could have very likely run down members of the public or killed someone in a fatal crash."

An independent investigation of the shooting will be led by Supt. Brad Parker of the Delta police.

• MORE ON THE SHOOTING, A2

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Recent Trends 10 : Complainant with a Communications Plan

- Generally a press conference in the “low end” lawyer’s office.
- Message can be well developed, injuries are documented and displayed.
- Be prepared to get your message out professionally, high road and immediately. Complainants often don’t do themselves any favors when interviewed.
- Be wary if they actually have a cohesive, long term strategy or there is a wider agenda. (quite rare)