

PART 7— THE PROFESSIONAL STANDARDS INVESTIGATION OF POLICE-RELATED DEATHS

B. 1994 *Policing in British Columbia* (Oppal Report)¹

This report addressed a wide range of policing issues, including governance, community-based policing, regionalization of policing services, Aboriginal policing, and complaints and discipline.

The 81-page chapter dealing with complaints and discipline involved an exhaustive analysis of all aspects of these issues. Justice Oppal's fundamental decision was to recommend that the existing system whereby the police investigate themselves be continued, subject to a more robust form of external civilian oversight through a proposed new complaint commissioner. He reported that many stakeholders had stressed the need to find an appropriate balance between police self-regulation and external oversight, and then stated his own conclusion that:

There must be a strong element of civilian oversight in the public complaints process in order to safeguard the public perception that the process is legitimate (p. I-2).

Having made that fundamental decision, he then turned to the three civilian oversight models that had been discussed, ranging from strongest to weakest oversight:

- **Civilian oversight**—which places the authority to investigate, adjudicate and recommend discipline with an external agency,
- **Civilian input**—which places only reception and investigation of complaints with an external body, while adjudication and punishment remain with the police department, and
- **Civilian monitor**—which leaves investigation, adjudication and discipline with the police department, while civilians review the adequacy and impartiality of these procedures.

¹ The full title is *Closing the Gap: Policing and the Community, Policing in British Columbia*. It is variously known as *The Oppal Report* and *Policing in British Columbia*.

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After discussing the extent to which there should be police involvement in investigations,² Justice Oppal recommended a model that incorporated some elements of the second and third options. Although the police would continue to investigate themselves, his proposed complaint commissioner would have significant authority to intervene in police investigations of complaints, including the following:

- actively supervise investigations of complaints with cooperation from police investigators,
- conduct an investigation,
- require investigating officers to justify particular lines of questioning, interview additional witnesses, consult experts, gather other kinds of data or evidence, and account for their conclusions, and
- assume conduct of an investigation initially or while an investigation is in progress, using independent investigators or police from any agency, or both (p. I-28).

As I will discuss below, these proposals for an activist police complaint commissioner did not find their way into the 1998 *Police Act*.

² Ibid., pp. I-24 and I-25.