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**PERSONAL & CONFIDENTIAL**

Vancouver Police Board  
312 Main Street  
Vancouver, B.C. V6A 2T2

Annual Report for the Period 26 March 2008 to 21 May 2009

**Introduction**

This is my second annual report as Ethics Advisor on activities associated with my office during the period in question.

**Nature of Duties**

The Ethics Advisor is accessible to Board Members, Chair, and the Chief Constable to provide external informed and objective advice. The Ethics Advisor is independent of the Chair, the Chair of the Governance's Committee, and the Chief Constable but will at all times (subject to confidentiality where appropriate) work collaboratively with some or all of those individuals in furtherance of his or her responsibilities.

The Ethics Advisor has the responsibility to

1. report to the Board at least annually on activities associated with the position;
2. on request assist the Governance Committee in monitoring, recommending

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- amendments to and annually reviewing a code of conduct and conflict of interest guidelines;
3. advise on matters related by Board Members and the Chief Constable;
  4. Counsel, with appropriate confidentiality protections, board members and the Chief Constable seeking guidance in relation to the ethics, code of conduct or conflict considerations;
  5. provide if requested with appropriate protections written opinions;
  6. be accessible to Board Members and the Chief Constable in relation to ethical and conflict issues.

As Ethics Advisor I continue to hold myself available to all parties concerned at all times in or outside of normal office hours for consultation and advice on an informal, prompt and totally confidential basis - as well as for the preparation of formal written opinions when required. The effectiveness of my office depends largely on mutual trust and on total confidentiality.

It follows that I must restrict myself in reporting on problems upon which I have been consulted or in which I have given individual advice to a very general summary except in cases where I have provided formal written opinions intended to serve as precedents for future conduct.

### **Ethics Advisor's Activities to date**

In addition to familiarizing myself to the best of my ability with the Vancouver Police Board Policy and Procedure Manual, the current Vancouver Police Department Conflict of Interest Policy, the Vancouver Police Union Collective Agreement, the Vancouver Police Officers' Association Collective Agreement, and other appropriate background material I have endeavored on a regular basis to keep myself informed on developments in the field of law enforcement ethics in other jurisdictions and continue on a regular weekly basis to follow police ethical developments on both sides of the 49<sup>th</sup> parallel. I have met repeatedly with the Vancouver Police Board, the Governance Committee, the Chairman of the Police Board, the Chief Constable and with certain senior officers as well as the Inspector in charge of the Professional Standard section. I have provided advice to individual members of the Board, to the Chief Constable to a Deputy Chief, and to two senior officers on ethical or potential conflict of interest problems and have also given consideration to the possibility of a perceived conflict of interest arising from the commercial and professional activities of an applicant's relative.

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### The Role of the Ethics Advisor

In my last annual report I said the following:

"The Ethics Advisor's job is a strangely sensitive one. He is not there to weigh the lawful versus the unlawful but rather to weigh right from wrong, one right versus another right, one wrong versus another wrong; he may be required to consider courses of action which are legal and ethical, illegal and ethical, legal and unethical, or illegal and unethical. Police officers may be faced with situations where there are no good options but only bad options and worse options".

I point out again that my role is that of an Advisor- not of a Supervisor and that the Ethics Advisor should generally confine himself to tendering advice when it is sought and should refrain from putting forward proposals of courses of action which might appear to constitute intervention in the primary responsibility of the Vancouver Police Board or in the duty of day to day management and operation of the Vancouver Police Department which constitute the function of the Chief Constable. That does not mean that the Ethics Advisor should not be prepared to wave a cautionary yellow flag to invite attention to a potential risk ahead which others might not yet have perceived.

### Law Enforcement Ethics

What are the broad questions a police ethics advisor should address?:

- How does personal virtue figure in the fulfillment of the mission of police?
- How should problems of infidelity to the public trust - whether in corruption or an abuse of authority, power or discretion - be addressed?
- What basic principles of morality apply to police acceptance of gratuities or favours to uses of deception or force, to treatment of informants or to selective enforcement of the law?
- What principles of morality apply to the preparation of reports and testimony?
- What should decent people do about hard cases where moral ideals seem to be or actually are in unresolvable conflict?

in my view the Ethics Advisor must bear in mind the ethical obligation of the Chief Officer to uphold the respect of the community for the force which he commands and for the morale of the members of that force.

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### Comments and Recommendations

I welcome the growing practice of consulting the Ethics Advisor before embarking on some potentially questionable course of conduct. There have been no instances in the past year where my advice was disregarded and no breaches of ethics have come to my attention.

The Code of Conduct for Board Members appears adequate for its purpose.

Proposed amendments to the *Police Act* died on the Order Paper on the dissolution of the last Parliament in Victoria.

I am conscious of the fact that the use by police officers of conducted energy weapons raises ethical as well as legal issues I have followed the proceedings of the Braidwood commission with interest. Considerable public attention has been focused on the written reports and oral evidence of the police officers at the scene (members of another police force) who were clearly unaware of the fact that the incident they purported to describe was being filmed on a video camera as it occurred.

Dr. John R. Jones in his book *A Reputable Conduct - Ethical Issues in Policing and Corrections* asks whether it might not be wise for police officers in the course of their duties to conduct themselves as though their actions were being filmed on an imaginary video camera. The same suggestion might be applied not only to police but to all eye witnesses of incidents involving interaction between civilians and police.

The effectiveness of a police force in a democratic and civil society depends very largely on the respect in which its members are held by the public at large. That respect can be severely damaged and the reputation of the force largely destroyed in the eyes of the public where it is shown or reasonably suspected that a number of police witnesses have conferred after the incident but before reporting or testifying with a view to producing a sanitized version of the incident in question.

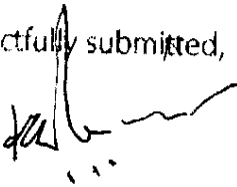
This problem is recognized in the Davies commission report. I express no opinion on the desirability or extent of civilian oversight but note that the Commissioner deals with the importance of segregation of and non-communication between witnesses in Recommendation 8 of his Report. Pending any possible legislative action to give effect to the Davies recommendations in whole or in part I respectfully suggest the desirability from an ethical point of view of placing appropriate emphasis on those recommendations in the training of police officers.

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**Closing Remarks**

I am pleased to be able to report that the matters on which I have been asked to advise during the past year disclose a clear understanding on the part of the officers and Board Members in question of potential ethical pitfalls and the advice tendered was always accepted - sometimes without question and always without argument. I appreciate the continued opportunity of being of service to the Vancouver Police Board the Chief Constable and the people of Vancouver.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H.A.D. Oliver', with a stylized flourish extending to the right.

H.A.D. Oliver, Q.C.,  
Ethics Advisor