

Davidson v Robinson: **A case study in police accountability in BC**

The case of Davidson v Robinson is a clear example of a lack of accountability, independence, and timeliness in the disciplining of police officers in British Columbia.

Had video footage not been available for this incident, it can be reasonably assumed that there would have been no consequences for the officers involved. Even with strong video evidence, a complainant who had the support of pro bono counsel, and a competent investigation carried out by the New Westminster Police Department, accountability has been eluded in this case.

This is not a case where the victim suffered grievous bodily harm or death after an interaction with police, but it is a serious case nonetheless. There is clear footage of a member of the police casually assaulting a disabled woman on Hastings Street. He not only shoved her to the ground, but he also made no effort to see if she was hurt or to help her up. Nor did his fellow officers.

Sandy Davidson was neither protected nor served. She was treated as if she did not matter.

There are several important lessons to be learned from both the incident and the way that the investigation and discipline process has been handled. There are four clear steps that need to be taken to prevent future incidents of this nature, to increase accountability and justice for victims where police misconduct does occur, and to rebuild relationships between police and marginalized communities.

RECOMMENDATIONS

Establish an independent disciplinary process

Currently, investigations that do not fall within the mandate of the Independent Investigations Office (IIO) are investigated internally by the police department or by another external police department.

In Davidson's case, the New Westminster Police Department was responsible for the investigation. However, once the investigation was complete, the disciplinary process was handed back over to the Vancouver Police Department -- standard practice in British Columbia.

The VPD overturned the findings of the final investigative report and twice issued recommendations for discipline that the Office of the Police Complaints Commissioner (OPCC) considered to be too lenient.

Both the investigation and the disciplinary process must be independent and external if the process is to be fair and transparent.

Within the current framework, we recommend that at the very least the disciplinary process should also be conducted by the outside police department. Ideally, British Columbia should do away with the practice of allowing police to investigate themselves entirely.

Enact new policies for Crown counsel when dealing with police officers

It is important that Crown counsel hold police to the same, if not higher, standards as the general public when it comes to the alleged commission of a criminal act.

In this case, one charge of assault was laid against Cst. Taylor Robinson. However, for unknown reasons, Cst. Robinson's case was assigned to the Downtown Community Court and a stay of criminal proceedings was approved by B.C.'s criminal justice branch on the basis that he had completed certain alternative measures. These included the completion of a course in conflict resolution and a written apology to Davidsen. In fact, Davidsen received two almost identical letters – one unsigned and the other signed.

Though Robinson expresses remorse for not having helped her up once he had pushed her, he defends his use of force by saying he thought she was reaching for his gun. His letter presents a defence of his actions rather than an apology, a defence that was rejected by Ms. Davidsen, and found to be deceitful by the New Westminster department in their investigation.

It is critical that policies be drafted for Crown counsel to ensure that police officers being investigated for a crime do not receive special consideration from Crown in both charge approval and the decision to grant alternative measures. It must also be recognized that assigning charges against police officers to a community court is inappropriate.

Adhere to timelines for resolving disputes

This incident occurred in 2010. It has taken more than four years to bring the investigation to a point where a public hearing has been deemed necessary in order to restore public confidence in the police complaint system.

During this investigation there have been many delays and a lot of informal investigation. While the VPD opened up an investigation into Cst. Robinson within days of the incident occurring, they did not notify the Office of the Police Complaint Commissioner, which is in violation of the Police Act.

There was also a delay of eleven months to conduct a one day Discipline Proceeding, and a further three months to issue a decision on discipline. These delays are entirely unnecessary and unacceptable.

Compliance with timelines for investigating and resolving cases of alleged police misconduct that written into the Police Act must be strictly enforced.

Initiate training and mentorship programs for officers working with marginalized communities

Cst. Robinson was a newly trained officer working in an impoverished neighbourhood and heavily influenced by a mentor, Cst. Erik Kerasiotis, who was known to patrol the neighbourhood with a wooden bat.

According to the final investigative report, Kerasiotis makes no apology for his "outlandish" beliefs and "old school" attitudes. Robinson's mentorship under Kerasiotis during his block two training was no doubt in our minds a contributing factor in this incident, as Kerasiotis stated when interviewed that Cst. Robinson was performing a practice called "drilling", where officers are trained to knock over anyone who attempts to walk in-between them.

Furthermore, Robinson was the most junior member of the three police officers who walked down Hastings Street that day. He acted inappropriately while partnered with two senior members of the police department, but it was all three members who walked away from Davidsen with him, leaving her on the ground.

It is clear that the training for new officers needs to be improved and that appropriate mentorship relationships need to be put in place to ensure that officers are taught to police marginalized communities with sensitivity and compassion. In many ways the Davidsen case is also indicative of a problem with police culture, not just police behaviour.