



Office of the Police  
Complaint Commissioner  
British Columbia, Canada

Fair Independent Principled

**NOTIFICATION OF INADMISSIBILITY OF COMPLAINT**

Pursuant to s.83(1) of the *Police Act*

OPCC File: 2015-10481

March 6, 2015

To: Mr. Greg Klein (Complainant)

And To: Chief Constable Jim Chu (Discipline Authority)  
c/o Vancouver Police Department  
Professional Standards Section

On January 27, 2014, the Office of the Police Complaint Commissioner (OPCC) received a copy of Mr. Klein's registered complaint describing his concerns with members of the Vancouver Police Department. Mr. Klein reported in part, the following:

*This is a formal complaint against the Vancouver police officers, or former VPD officers, who covered up VPD Constable Taylor Robinson's assault on a disabled woman, Sandy Davidsen.*

*The cover-up took place during June and July of 2010. However some key information was made public only last November, so this complaint should be admissible despite the delay. Moreover this is an extremely serious case of deceit among police who were responsible for investigating other police, so public interest requires an investigation.*

*The OPCC learned about Robinson's actions on June 28, 2010, but from the victim, not the police. At that point Lowe, Woods and their staff were legally required to order a Police Act investigation into Robinson's actions and another Police Act investigation into the VPD Professional Standards officers who covered up Robinson's actions. Additionally, Lowe, Woods and their staff were required to monitor the investigations while they were taking place and provide direction if the OPCC believed the investigations were handled inadequately. Lowe and his staff did none of those things. They colluded in the Vancouver police cover-up.*

*It was only after the extensive publicity that began on July 22, 2010, that the OPCC and VPD decided that Robinson should be investigated. No investigation has ever been ordered into the VPD cover-up, in which the OPCC colluded.*

*Further evidence of the OPCC's dishonest handling of this case comes from a letter by Rollie Woods that was posted on the Georgia Straight website on December 5, 2013. In the letter*

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*Woods falsely claims that Lowe has ordered a Public Hearing in particular to look into why the police did not notify this office of the pushing incident and instead undertook some type of informal resolution process that is outside of the Police Act.*

On February 7, 2014, Ms. Andrea Spindler, Investigative Analyst with the Office of the Police Complaint Commissioner, informed Mr. Klein, by way of letter, the following:

*The concerns expressed in your complaint will be reviewed in the upcoming Public Hearing into this incident. An investigation into the same issues would be redundant and contrary to the public interest at this time. As such, no further action will be taken by this Office with respect to your complaint.*

On February 23, 2015, Mr. Klein re-filed his complaint, stating that Ms. Spindler's reasons for not accepting his complaint in 2014:

*lacked credibility at the time and were proven false late last year when the Robinson hearing took place. Moreover public interest requires an investigation because the actions of the VPD Professional Standards officers constitute an extremely serious case of deceit among police who were responsible for investigating other police.*

*In their respective statements Woods and Spindler also claimed that Lowe dealt with the actions of VPD Professional Standards officers through statements Lowe made in his Notice of Public Hearing. But all Lowe expressed in that regard was a mild rebuke to unnamed officers.*

*Following the Robinson hearing, adjudicator Wally Oppal's decision echoed Lowe's mild rebuke. But Oppal's hearing didn't have the mandate to deal with those officers because contrary to the false statements from Woods and Spindler, Lowe called the hearing into Robinson and Robinson alone.*

*The mild rebuke, it should be needless to say, doesn't express the egregious nature of the VPD cover-up and violation of BC's Police Act. Lowe's collusion in the VPD cover-up, and Wood's and Spindler's dishonesty, demonstrate the OPCC's unsuitability to handle this formal complaint. Therefore I request you call on others to oversee an investigation. Preferably that would be done by people from outside the province and with the integrity of Ontario ombudsman Andre Marin.*

In British Columbia, a complaint against a municipal police officer or department must be reviewed by the Police Complaint Commissioner to determine whether it is admissible under Division 3 – Process Respecting Alleged Misconduct. If the allegations concern the policies or services provided by a police department, the complaint is then processed pursuant to Division 5 – Process Respecting Department Service and Policy Complaints. A complaint may contain elements of both.

A complaint, or a part of the complaint, is admissible under Division 3 if:

- i) The conduct alleged would, if substantiated, constitute misconduct by the member;
- ii) The complaint is submitted within 12 months of the date of the incident referred to; and

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iii) The complaint is not frivolous or vexatious.

Having carefully reviewed Mr. Klein's complaint and the relevant information, we have determined that his complaint is inadmissible. We are satisfied that the allegations contained in the complaint are both frivolous and vexatious and are therefore not admissible pursuant to the *Police Act*.

It is apparent that Mr. Klein has read and is familiar with the Notice of Public Hearing dated November 12, 2013, prior to making his complaint to this office. This Notice referenced the VPD delay in reporting the matter involving Ms. Sandy Davidsen to this office. While Mr. Klein is of the view that this office "colluded" with the VPD in a "cover-up" of this incident, the allegations contained in Mr. Klein's complaint are misguided and without merit.

In his complaint, Mr. Klein alleged that the VPD learned of the incident involving Constable Taylor Robinson and Ms. Davidsen by June 11, 2010, but engaged in a cover up during the months of June and July of 2010. Mr. Klein further alleged that the OPCC learned of the incident on June 28, 2010, but it was only after the BC Civil Liberties Association released video of the incident to the media on July 22, 2010, that the OPCC and the VPD decided that an investigation into Constable Robinson should be conducted.

A review of our records determined that Ms. Spindler informed Mr. Klein in her February 7, 2014, letter that the OPCC received Ms. Davidsen's complaint on June 28, 2010, and issued a notice directing the VPD to conduct an investigation on June 29, 2010. Further, the Notice of Public Hearing advised that the OPCC first received notice of this incident on June 28, 2010 and Ms. Davidsen's complaint was deemed admissible by our office. Therefore, it would appear that this part of Mr. Klein's complaint was not based on an evidentiary foundation and has an insufficient level of plausibility.

Mr. Klein further alleged that the OPCC colluded with the VPD during June and July of 2010.

As articulated in the Notice of Public Hearing, the VPD was aware of Ms. Davidsen's concerns for 19 days before the OPCC was made aware of the incident through receipt of Ms. Davidsen's registered complaint. The OPCC considered all of the available information, including the delay in the reporting of this matter, and helped facilitate the designation of the New Westminster Police Department to take conduct of the investigation as being in the public interest. Therefore, it would again appear that this part of Mr. Klein's complaint was not based on an evidentiary foundation and has an insufficient level of plausibility.

Mr. Klein reported that no investigation has ever been ordered into the VPD cover-up, and that the OPCC misled him when he was informed that his concerns regarding how the VPD initially handled Ms. Davidsen's complaint would be reviewed during the Public Hearing into the conduct of Constable Robinson.

A review of our records determined that Mr. Mike Tammen, in his role as Commission Counsel, made written submissions to the Adjudicator, the Honourable Wally Oppal at the Public Hearing. Included in these written submissions were the OPCC's concerns regarding how the VPD initially handled Ms. Davidsen's complaint. These submissions are posted on the OPCC's website, [www.opcc.bc.ca](http://www.opcc.bc.ca).

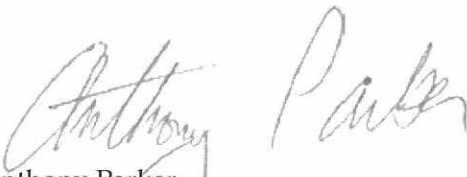
Pursuant to section 143(9) of the *Police Act*, an Adjudicator of a Public Hearing must make recommendations to the Chief Constable or Police Board regarding changes in policy or practices as the Adjudicator considers advisable in respect of the matter.

The allegations contained in Mr. Klein's complaint raise the same issues that were brought to the attention of the Adjudicator. In his decision, Adjudicator Oppal made note of how the VPD initially handled Ms. Davidsen's complaint but made no recommendations that he considered advisable in relation to that issue. Adjudicator Oppal's decision can be found on the OPCC's website.

Mr. Klein reported that due to his allegations related to the OPCC, the OPCC was not suited to determine the admissibility of his complaint. Pursuant to section 82(1) of the *Police Act*, all complaints made against members of municipal police departments in the Province of British Columbia are reviewed by this office to determine admissibility.

Accordingly, pursuant to section 83(1)(d) of the *Police Act*, and following careful and serious consideration of Mr. Klein's complaint, we direct that no further action under Division 3 of the *Police Act* is required or necessary.

We now consider this matter closed. Should Mr. Klein forward further correspondence in relation to these matters, it will be reviewed. Should there be no new information, it will be filed for administrative purposes but it will not receive a response.



Anthony Parker  
Admissibility Analyst