



Report

SPECIAL COMMITTEE TO APPOINT A POLICE COMPLAINT COMMISSIONER

February 2024



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Fourth Session, 42nd Parliament



February 21, 2024

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

We have the honour to present herewith the Report of the Special Committee to Appoint a Police Complaint Commissioner containing our unanimous recommendation.

Respectfully submitted on behalf of the Committee,

Garry Begg, MLA
Chair

Renee Merrifield, MLA
Deputy Chair

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Composition of the Committee

Members

Garry Begg, MLA, [Chair](#)
Surrey-Guildford

Renee Merrifield, MLA, [Deputy Chair](#)
Kelowna-Mission

Trevor Halford, MLA
Surrey-White Rock

Adam Olsen, MLA
Saanich North and the Islands

Kelli Paddon, MLA
Chilliwack-Kent

Aman Singh, MLA
Richmond-Queensborough

Committee Staff

Kate Ryan-Lloyd, Clerk of the Legislative Assembly

Jennifer Arril, Clerk of Committees

Darryl Hol, Committee Clerk

Jonathon Hamilton, Committee Researcher

Mary Newell, Parliamentary Committees Officer

Alexa Neufeld, Parliamentary Committees Coordinator

Terms of Reference

On May 11, 2023, the Legislative Assembly agreed that a Special Committee to Appoint a Police Complaint Commissioner be appointed to select and unanimously recommend to the Legislative Assembly the appointment of an individual as Police Complaint Commissioner for the province of British Columbia, pursuant to section 47 of the *Police Act* (R.S.B.C. 1996, c. 367).

That the Special Committee have all the powers of a Select Standing Committee and in addition be empowered to:

- a. appoint of its number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Special Committee and to delegate to the subcommittees all or any of its powers except the power to report directly to the House;
- b. sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. adjourn from place to place as may be convenient; and
- d. retain such personnel as required to assist the Special Committee.

That the Special Committee report to the House as soon as possible; and that during a period of adjournment, the Special Committee deposit its reports with the Clerk of the Legislative Assembly, and upon resumption of the sittings of the House, or in the next following Session, as the case may be, the Chair present all reports to the House.

Introduction

The Police Complaint Commissioner is an independent officer of the Legislature responsible for providing impartial civilian oversight of complaints and investigations regarding the conduct of municipal police officers as well as special municipal constables including jail guards, traffic authority and community safety members, and auxiliary/reserve constables in British Columbia.

Empowered by the *Police Act*, the Commissioner oversees the admissibility, administration, and investigation of complaints made against officers, including the discipline of officers and resolution of complaints. Other responsibilities of the Commissioner include developing and providing outreach programs and services to inform and educate the public on the police complaint process and making recommendations to police boards or to government regarding policies, practices, or systemic issues.

The position was established in 1998 under Part 9 of the *Police Act*, and initially provided for a six-year non-renewable term with the Commissioner appointed by the Lieutenant Governor in Council on the recommendation of the Legislative Assembly. In 2009, the Act was amended to provide for an initial term of five years and a second term of up to five years, and to provide for the direct appointment of the Commissioner by resolution of the Legislative Assembly following the unanimous recommendation of a Special Committee.

The Office of the Police Complaint Commissioner is headquartered in Victoria, with a second office under development in the Lower Mainland. The Office's operating budget for the 2023-24 fiscal year is \$7,420,000, which includes funding for 37 FTEs.

The Commissioner reports to the Legislative Assembly through the Speaker and its parliamentary committees. Oversight of the Commissioner and other statutory officers is currently assigned to the Select Standing Committee on Finance and Government Services. The Committee is responsible for considering and

making recommendations regarding the annual budget of the statutory officers, as well as considering their annual reports, service plans, and any other matters that may arise regarding the administration of their respective offices.

The current Police Complaint Commissioner, Clayton Pecknold, was appointed for a five-year term on February 14, 2019. On behalf of all Members of the Legislative Assembly, the Special Committee would like to thank Mr. Pecknold for his professionalism and dedication to serving British Columbia through his many years of public service and as Police Complaint Commissioner.

This report contains the Special Committee's unanimous recommendation to the Legislative Assembly regarding the appointment of the province's next Police Complaint Commissioner.

Meetings Schedule

During the fourth session of the 42nd Parliament, the Special Committee met on the following dates for the purposes described below:

| | |
|--------------------|------------------------------|
| August 18, 2023 | Organizational Meeting |
| September 13, 2023 | Deliberations |
| September 28, 2023 | Deliberations |
| November 20, 2023 | Deliberations |
| December 5, 2023 | Interviews and Deliberations |
| January 8, 2024 | Interviews and Deliberations |
| January 16, 2024 | Deliberations |
| February 12, 2024 | Adoption of Report |

More Information on the work of the Special Committee is available at: www.leg.bc.ca/cmt/pcc

Recruitment Process

The Special Committee began its work to appoint a Police Complaint Commissioner on August 18, 2023 with an organizational meeting. The Special Committee elected a Chair and Deputy Chair and adopted a motion to hold all meetings and deliberations on a confidential, *in camera* basis, in keeping with the usual practice of appointment committees. In subsequent meetings, the Special Committee held in-depth discussions on the profile and key competencies required for the position of Commissioner and reviewed a workplan for the Committee's activities.

On October 4, 2023, the Special Committee issued a call for applications. Advertisements (see Appendix A) were placed in selected provincial, national, and Indigenous media, posted on job boards, distributed to relevant professional associations and police oversight agencies, and shared on the Legislative Assembly's social media accounts. By the closing date of November 8, 2023, the Special Committee received 33 applications. Committee Members carefully reviewed all applicants for their experience in overseeing investigations, applying legal principles and provisions, and using mediation and conflict resolution processes. Committee Members also examined applicants for their background in leading organizations and delivering on key initiatives, experience working with Indigenous peoples and diverse communities, and personal suitability for an independent senior public service position.

On December 5, 2023 and January 8, 2024, the Special Committee conducted interviews with five applicants. The Special Committee carefully considered each applicant's knowledge of the roles, responsibilities, and activities of the Office; experience in leading impartial investigations and facilitating conflict resolution processes; and leadership and organizational management competencies including the ability to foster a positive workplace culture. The Special Committee also examined applicants' ability to develop positive working relationships with police departments, the news media, and the public; ability to engage and serve the province's diverse populations, including Indigenous peoples; personal suitability and commitment to key values; and ability to ensure public confidence in the work of the Office of the Police Complaint Commissioner and police complaint process.

In conducting its deliberations, the Special Committee was particularly impressed by Prabhu Rajan. Committee Members noted Mr. Rajan's relevant experience overseeing sensitive public inquests and investigations within the public service, as well as his extensive background in administrative and oversight law. Members identified Mr. Rajan as possessing strong leadership capabilities, including his demonstrated experience leading organizations through periods of change and his focus on prioritizing workplace wellness among staff to foster a positive working environment. Committee Members were also impressed with Mr. Rajan's high ethical standards and values, including his commitment to anti-discrimination and reconciliation within his professional work. Committee Members further noted Mr. Rajan's cultural awareness in developing relationships based on communication, understanding, and partnership with Indigenous and vulnerable communities.

Committee Members concluded that Mr. Rajan's extensive professional experience, strong leadership competencies, commitment to key values and ethics, and cultural awareness will ensure public confidence in the police complaint process and the work of the Office of the Police Complaint Commissioner.

Recommendation

The Special Committee unanimously recommends to the Legislative Assembly that Prabhu Rajan be appointed as Police Complaint Commissioner for a five-year term effective February 21, 2024, pursuant to section 47 of the *Police Act*, R.S.B.C. 1996, c.367.

Biographical Information

Prabhu Rajan is a seasoned lawyer and executive leader with over 25 years of experience in the Ontario public service. Throughout his career, he has demonstrated a strong commitment to fairness, accountability, and human rights.

Most recently, Mr. Rajan was Chief Counsel to Ontario's Chief Coroner and Chief Forensic Pathologist, and co-led the province's inquest system, which provides statutory oversight for police-involved and in-custody deaths. He was responsible for reviewing and transforming the inquest system with the objectives of enhancing the focus on systemic factors, streamlining inquest investigation and hearing processes, and strengthening engagement with inquest participants.

As part of this role, Mr. Rajan was lead counsel on several high-profile and contentious inquests, which included cases centred on use of force, domestic violence, and mental health in the justice system. In addition, he served as Chair of Ontario's Domestic Violence Death Review Committee.

Mr. Rajan developed a broad spectrum of legal and executive expertise through senior legal management roles with the Ministry of Education, the Ministry of Training, Colleges, and Universities, and the Ministry of Labour. As Deputy Legal Director at the Ministry of the Solicitor General, he provided legal and strategic advice to senior police service members in the Ontario Provincial Police on sensitive matters, including large-scale inquiries and the prosecution of police misconduct.

Earlier in his tenure in government, Mr. Rajan was counsel for the Ontario Human Rights Commission, litigating cases at all levels including the Supreme Court of Canada. He holds a B.A. in Criminology from the University of Manitoba and a law degree from Osgoode Hall Law School, York University.

Born in Winnipeg, Manitoba, Mr. Rajan's values and ethics were greatly influenced by his late parents, who came from humble beginnings in South India and immigrated to Canada where they achieved their goals to become university professors. Mr. Rajan is the proud father of two young men and a Goldendoodle.



Appendix A: Advertisement

The advertisement was placed in selected provincial, national, and Indigenous media, posted on job boards, distributed to relevant professional associations and police oversight agencies, and shared on the Legislative Assembly's social media accounts.

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

Special Committee to Appoint a Police Complaint Commissioner

Garry Begg, MLA, Surrey-Guildford, Chair | Renee Merrifield, MLA, Kelowna-Mission, Deputy Chair

POLICE COMPLAINT COMMISSIONER

The Police Complaint Commissioner is a non-partisan, independent statutory officer of the Legislature, with a mandate under the Police Act to provide impartial civilian oversight of complaints regarding the conduct of municipal police officers in British Columbia.

The Commissioner heads the Office of the Police Complaint Commissioner with headquarters in Victoria. The Office has an annual operating budget of \$7.2 million and approximately 40 full-time equivalents.

The successful applicant must have extensive experience in the application of legal principles and provisions, leading sensitive and complex investigations, upholding administrative and procedural fairness, and the use of mediation and conflict resolution processes. A law degree is an asset, as is previous adjudicative or analytical experience in objectively assessing facts, making observations, and identifying and reviewing solutions or remedies.

The position requires demonstrated leadership and a record of achievement in public or private sector administration, exceptional communication and interpersonal skills, and experience working with and meeting the needs of diverse communities including Indigenous peoples. The successful applicant should be outcome-oriented with a proven track record of establishing and delivering on key initiatives, as well as implementing effective change management initiatives.

The successful applicant should also have a good understanding of the police complaint process and the roles, responsibilities and activities of the Office of the Police Complaint Commissioner and its relationship to the Legislative Assembly of British Columbia, police boards and departments, and other investigative bodies.

The appointment is for a term of five years with the possibility of reappointment for one additional term of up to five years. The salary is equal to the salary paid to a Chief Judge of the Provincial Court of British Columbia. The Committee welcomes applications from members of racialized communities, Indigenous peoples, people of all genders and sexualities, and people with disabilities.

All applications (CV and Cover Letter) should be received by email at the address below no later than November 8, 2023. Although the Committee appreciates the interest of all applicants, only those who are invited for an interview will be contacted. All applications received will be held in confidence.

Full responsibilities of the Police Complaint Commissioner are outlined in the Police Act. For further information, please visit our website at www.leg.bc.ca/cmt/pcc or contact:

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Room 224, Parliament Buildings, Victoria, BC V8V 1X4
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