



OFFICE OF THE  
POLICE COMPLAINT COMMISSIONER

---

British Columbia, Canada

**The Police Shooting Range Target Issue**

**Background:**

On July 10<sup>th</sup> 2006 our office was contacted by the Chair of the Vancouver Police Board, Mayor Sam Sullivan, concerning an incident that had been reported to him by the Vancouver City Manager. That incident involved Vancouver Police Chief Jamie Graham leaving a bullet-riddled police shooting-range target on the desk of Vancouver City Manager Judy Rogers with the notation "a bad day at the range is better than the best day at work". Mayor Sullivan made it clear that he was seeking advice as to process only, respecting his role as the Chair of the Police Board, and in his legislated role under the *Police Act* as Discipline Authority involving any complaints concerning the Chief of Police. He indicated that he was contacting me on advice of others to do so and sought to be assured that it was appropriate to contact me in these circumstances. After having had the circumstances related to me I assured him that pursuant to the various provisions in s. 50 of the *Police Act*, it was appropriate for him to contact me to seek advice with respect to process, and in particular, options available to him relating to his role under the *Police Act*.

I explained that the circumstances as related to me could be dealt with by him in the context of employer – employee relationships without involvement of the *Police Act* process. I also indicated that if a formal Form 1 complaint was lodged respecting the Chief's conduct, then he, in his capacity as the Mayor and the Chair of the Vancouver Police Board would become the statutorily designated Discipline Authority who would have to arrange for an investigation into the matter. A third alternative would be that in the absence of either the matter being dealt with internally by the Police Board, or absent a Form 1 complaint being lodged under the *Police Act*, it was also technically possible for the Police Complaint Commissioner pursuant to the provisions of s 55(3) to order an investigation into the conduct of a police officer whether or not a record of complaint (Form 1) had been lodged. The discretion to do so would depend on a number of factors, including the context in which the conduct had occurred and a determination as to whether it was in the public interest to order the investigation. Mayor Sullivan thanked me for providing him with that information

and indicated that he would need some time to determine what course of action he would be following. I suggested he obtain further details, seek appropriate legal advice before proceeding and invited him to let me know what he had decided in due course. I am led to understand that subsequently Mayor Sullivan advised members of the Vancouver Police Board about this incident.

On July 26<sup>th</sup> a newspaper story concerning this incident was released by the Courier newspaper, authored by Alan Garr. Subsequent coverage of this incident was extensive in both the written and electronic media for the ensuing three or four days. During that time, various editorial comments, speculations and opinions were published on the issue. Some of the headlines and comments did not always accurately portray the characterization of the incident by the parties. The media has referred to the incident as a joke, or a prank or gag. It was reported that the former Vancouver Mayor, Larry Campbell had been advised by Chief Graham that he did not think that "the joke would have been taken seriously". According to media reports, Chief Graham told Campbell that the notation on the target was akin to the expression that "the worst day on a golf course is better than the best day in the office". Reportedly, according to Campbell, Graham said that he did not think the joke would have been taken seriously. He also indicated that he had since apologized and "felt bad about it". In an earlier public statement, Graham had indicated that the saying was similar to the "I'd rather be fishing bumper sticker". He claimed that the "original gesture was made with only the most positive of intentions and I regret any confusion it may have caused".

The matter was complicated by the fact that apparently Chief Graham had sent an e-mail to various parties on July 24, prior to this incident becoming a public media event, wherein he indicated that leaving the target on the City Manager's desk "was never intended as a gag or a joke in any way". He instead characterized it as "a motivator, a silent reminder that this job is not always office meetings and budget discussions". He indicated his deep regret if his actions had insulted or hurt Ms. Rogers, admitted that he was wrong, and that he had apologized to her personally. He concluded with expressions of respect for Ms. Rogers and indicated that he considered her to be a committed professional and a truly outstanding city manager.

The public controversy raised by this unfortunate incident prompted numerous calls by both members of the media and the public to our office. We determined that this matter had become a matter of sufficient public interest as to require our involvement in a fact-finding exercise to determine whether I should exercise my discretion as Police Complaint Commissioner to order a formal investigation. It must be remembered that our office has not, at any time, received a formal complaint from any party respecting this matter. Ms. Rogers had not filed a Form 1 complaint, and Mayor Sullivan's telephone contact was merely to obtain advice as to process. However, if I receive information from any source, that

raises concerns about the conduct of any police officer, even absent a formal complaint, I have a duty to consider whether it is in the public interest to order an investigation.

I requested Deputy Police Complaint Commissioner Bruce Brown to gather the necessary information by speaking to the relevant parties and obtain statements where he deemed it to be appropriate. Mr. Brown has conducted that exercise and has now provided me with his report, notes, and recorded interviews.

### **Analysis:**

There is no apparent discrepancy as to what actually occurred – the facts are straight-forward and are not complicated. Chief Graham admits that on June 30 he attended the City Manager's office and left one of his shooting range targets with the notation, "the worst day at the range is better than the best day at work" in his handwriting and addressed to "Judy", and bearing his initials. He left it with Ms. Rogers' assistant with the request that it be given to Ms. Rogers. That much is clear. What is not clear is why he did so. Only Chief Graham knows what prompted him to leave the target for Ms. Rogers. Only Chief Graham therefore can shed light on his reasons or intentions for doing so. Others may only speculate as to the reasons, and may attempt to infer intention by examining the surrounding circumstances and context. Admittedly, context is very significant in attempting to examine this incident. Fuelling the speculative fires was the fact that coincidentally, this incident occurred on the same date that the announcement of the new appointments to the Vancouver police board was made known publicly. The fact remains, that although speculation as to what prompted Chief Graham to leave the target on the city manager's desk may range in interpretation from the purely benign to a more disconcerting message, Chief Graham is the only one who knows what motivated him to do so. Absent any evidence to the contrary, his explanations are what we have to consider.

I have already indicated that we have not received a formally lodged complaint under the *Police Act* from Ms. Rogers or anyone else concerning this matter. Ms. Rogers has made it clear to our office that she never intended to make a formal complaint, and although she understands that she is permitted by the statute to make a formal complaint, she has no interest in so doing. We have been advised that her only purpose in bringing this to the Mayor's attention was in his capacity as Chair of the Vancouver Police Board. Whatever concerns she may have had about the propriety of his conduct or the judgment displayed in all of the circumstances, she did not intend this matter to escalate beyond the consideration of the Vancouver Police Board. Her bringing the matter to the attention of Mayor Sullivan was solely in the context of his role as Chair of the Police Board. She did not envisage this matter as anything other than an internal employer-employee issue.

In those circumstances, I accept that there is no formal complaint under the *Police Act*, nor is there likely to be one from Ms. Rogers in the future. I must now therefore, consider whether it is in the public interest for me to order a formal investigation into the matter on my own initiative. I have concluded that it is not in the public interest to do so.

Chief Graham has apologized personally and publicly to Ms. Rogers for his actions. He has given explanations to her and to the media for his conduct. He has expressed deep regret for his actions. He has cooperated fully with Mr. Brown in his fact-gathering exercise and has provided information consistent with his public statements concerning the matter. I am satisfied that a formal investigation would not likely shed any further light on this matter. Given the extensive media coverage of this incident, I cannot imagine that a formal investigation into the matter is required to satisfy the public interest.

**Decision:**

Accordingly, I shall not be ordering an investigation under the *Police Act* unless further information comes to light that may require me to reconsider the matter. I will leave this matter in the capable hands of the Vancouver Police Board to resolve as the Chief's employer.

Dirk Ryneveld, QC  
Police Complaint Commissioner  
Victoria, BC  
August 4, 2006