

CHAPTER 5: BOARD COMMITTEES

**SECTION 6: SERVICE OR POLICY COMPLAINTS REVIEW
COMMITTEE TERMS OF REFERENCE**

6.1 PURPOSE

- 6.1.1 The purpose of the Vancouver Police Board Service and Policy Complaint Review Committee (the “Committee”, or “SPCRC”) is to fulfil the Board’s statutory responsibilities with regard to Service or Policy complaints made about the Vancouver Police Department as set out in Division 5 of the *Police Act*.
- 6.1.2 Service or policy complaints are not complaints regarding actions by individual officers (public trust/conduct complaints); these are under the jurisdiction of the Office of the Police Complaint Commissioner (OPCC).
- 6.1.3 The Board’s oversight role pertains to complaints about the general direction, management and operation of the VPD, or about the adequacy or appropriateness of the Police Department's performance in the following areas as set out in s.168 of the *Act*:
- a. the general direction and management or operation of a municipal police department; or,
 - b. the inadequacy or inappropriateness of any of the following in respect of a municipal police department:
 - i. Its staffing or resource allocation
 - ii. Its training programs or resources
 - iii. Its standing orders or policies
 - iv. Its ability to respond to requests for assistance
 - v. Its internal procedures
- 6.1.4 Pursuant to Section 171(1) of the Police Act, when the Board receives a copy, record or s.83(1)(a)(iii) notification of a service or policy complaint under Part 11 Division 5 of the *Police Act*, the Board must promptly do one of the following:
- a. request that the Chief Constable investigate and report on the complaint
 - b. initiate a study concerning the complaint
 - c. initiate an investigation into the complaint
 - d. dismiss the complaint with reasons
 - e. take any other action the Committee considers necessary to respond adequately to the complaint

CHAPTER 5: BOARD COMMITTEES

6.2 COMPOSITION

- 6.2.1 The Committee shall be composed of all Directors of the Board, with one Director designated as Committee Chair.
- 6.2.2 The quorum of the Committee shall be equal to the quorum of the Board.
- 6.2.3 The Chief Constable and/or delegate may attend and support the Committee as needed.

6.3 OPERATIONS

- 6.3.1 The Committee shall operate in a manner consistent with policies set out in the *Police Act*, provisions of the *Vancouver Police Board Governance Manual*, and the Provincial Policing Standards on the Promotion of Unbiased Policing (Subject 6.1.1 (21) Promoting Unbiased Policing - *Policies to guide a police board's response to Service or Policy complaints*).
- 6.3.2 The Committee shall meet at the call of the Chair, or by agreement of the Committee, typically following the Regular public portion of Board meetings.
- 6.3.3 The Committee shall meet in public, except to discuss matters permitted to be discussed in private under s. 69(2) of the *Police Act* and relevant sections of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), and privileged matters subject to legal counsel.
- 6.3.4 The Board Executive Director shall consult with the Chair on the agenda development, be responsible for preparation and distribution of the agenda package and shall maintain a record of the meetings.
- 6.3.5 Once approved by the Committee, minutes of Committee meetings shall be posted on the Board's website.
- 6.3.6 To ensure utmost transparency, Service or Policy reports, agendas and redacted complaints are posted to the Board's website two days in advance of the meetings. This is not a requirement of the *Police Act*, and is the process of the Board.

CHAPTER 5: BOARD COMMITTEES

6.3.7 The Committee may invite such Board Directors and outside parties, and in consultation with the Chief Constable such employees, as may be deemed desirable to attend meetings and assist in the discussion and consideration of the business of the Committee.

6.4 SPCRC SUB-COMMITTEE

6.4.1 A SPCRC sub-Committee was established by the Board via resolution in November 2021 to electronically review new Service or Policy complaints or OPCC recommendations, to make recommendations to the Board on how to proceed, and to monitor the progress of all external Service or Policy Complaint reviews.

6.4.2 The sub-Committee is comprised of the SPCRC Committee Chair, along with the Chairs of the Governance, Finance and HR Committees.

6.4.3 The sub-Committee conducts its business electronically, unless the Committee determines a meeting is necessary.

6.4.4 Any recommendations made by the sub-Committee and subsequent Board deliberations shall be made public via the SPCRC meetings, with the exception of matters covered by s.69 of the *Police Act*, privileged legal counsel, or relevant sections of the *Freedom of Information and Protection of Privacy Act*.

6.4.5 The sub-Committee has the authority to:

- a. Determine if a complaint may be frivolous or vexatious, include allegations of discriminatory policies or practices, or contain a nexus to a human rights issue.
- b. Determine if a complaint meets the criteria to be directly sent to the Chief Constable for an investigation pursuant to s.171(1)(a) of the *Act*, and subsequently send the complaint to the Chief Constable for investigation and report back to the Board OR if another course of action under s.171(1) should be recommended to the Board, including but not limited to an external study or engaging with an external consultant, or dismissal of the complaint if frivolous or vexatious.
- c. Direct the Executive Director to seek external counsel if required, to assist in forming a recommended course of action to the Board.
- d. Request further information from the Department with respect to the incident surrounding the complaint, to assist in forming a recommended course of action to the Board.

CHAPTER 5: BOARD COMMITTEES

- e. Direct the Department to begin immediate remedial action to resolve the complaint, if appropriate, including but not limited to contacting the complainant.
 - f. Recommend any course of action to the Board that the sub-Committee deems adequate in responding to the complaint, including but not limited to remedial action that may have already been undertaken at the request of the sub-Committee.
- 6.4.6 The sub-Committee does not have the authority to determine whether or not sufficient action has been taken in order to conclude service or policy complaints.
- 6.4.7 Complaints shall only be concluded via a Board resolution, as determined by the full Board.
- 6.4.8 If the Board has moved to conduct an external study, or engage with an external consultant or legal counsel, the sub-Committee shall oversee this work and provide update reports to the full Board as required.

6.5 PROCESS FOR HANDLING SERVICE OR POLICY COMPLAINTS

- 6.5.1 Pursuant to Section 171(1) of the Police Act, when the Board receives a copy, record or s.83(1)(a)(iii) notification of a service or policy complaint under Part 11 Division 5 of the *Police Act*, the Board must promptly do one of the following:
- f. request that the Chief Constable investigate and report on the complaint
 - g. initiate a study concerning the complaint
 - h. initiate an investigation into the complaint
 - i. dismiss the complaint with reasons
 - j. take any other action the Committee considers necessary to respond adequately to the complaint
- 6.5.2 The SPCRC sub-Committee has been delegated the authority to determine whether a complaint should be sent directly to the Chief Constable for investigation pursuant to s.171(1)(a) of the *Act*, or whether another course of action under s.171(1) of the *Act* should be recommended to the Board.
- 6.5.3 Once the sub-Committee has determined a recommended course of action, the complainant will be sent acknowledgement correspondence, outlining whether or not a complaint has been sent to the Chief Constable for investigation s.171(1)(a) of the *Act*, or whether the matter will be deliberated by the Board at the following SPCRC meeting to determine a course of action.

CHAPTER 5: BOARD COMMITTEES

- 6.5.4 The Board may take any action deemed appropriate by the Board, in addition to action recommended by or taken by the sub-Committee, and any additional action required pending the results of a previously requested investigation or study prior to concluding the complaint.
- 6.5.4 Pursuant to s.171 (3) of the *Act*, the complainant is advised of any course of action the Board has determined would be taken in response to the complaint
- 6.5.5 The Board shall conclude the complaint only once it has determined that sufficient action has been taken in response to adequately address the service or policy issues therein.
- 6.5.6 Pursuant to s.172(1) of the *Act* the complainant is advised of the conclusion of the Board's review of a complaint.
- 6.5.7 Any correspondence sent to the complainants on behalf of the Board shall be via the Executive Director, and copies of the correspondence will be sent to the Chief Constable, the Director of Police Services, and the OPCC.
- 6.5.8 Pursuant to s. 173(1) of the *Act*, the Police Complaint Commissioner reviews the actions of the Board with respect to the complaint, and may recommend an additional course of action for the Board's consideration. The sub-Committee reviews OPCC recommendations to determine whether or not to recommend to the Board that additional action be taken.
- 6.5.9 An explanation of the Board's actions in response to a recommendation made by the OPCC shall be provided to the Police Complaint Commissioner, with a copy sent to the Director of Police Services and the Chief Constable.

6.5 ACCOUNTABILITY

- 6.5.1 The Committee shall review the terms of reference for the Committee annually and make recommendations to the Board as required.
- 6.5.3 The Committee shall keep a record of its meetings and the Chair shall provide oral reports to the Board, or other reports to the Board as requested, on the Committee's work.