



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: February 4, 2020
BOARD MEETING DATE: February 18, 2020
BOARD REPORT # 2102G02

Regular

TO: Vancouver Police Board
FROM: Drazen Manojlovic, Director, Planning, Research and Audit Section
SUBJECT: Proposed Resolutions for the British Columbia Association of Police Boards and Canadian Association of Police Governance

RECOMMENDATION:

That the Vancouver Police Board approve the proposed resolutions and submits it to the British Columbia Association of Police Boards and Canadian Association of Police Governance.

SUMMARY:

The Vancouver Police Board (VPB) requested that the Vancouver Police Department (VPD) propose a draft resolution(s) that the VPB, if approved, could submit to the British Columbia Association of Police Boards (BCAPB) and/or Canadian Association of Police Governance (CAPG).

DISCUSSION:

The VPD recommends the following proposed resolutions to the BCAPB (all three resolutions) and the CAPG (only the third resolution). Supporting material for each resolution is provided beginning on page 3:

- 1) That the Government of British Columbia increase the fine and include an impoundment provision for motorists who fail to stop for police when directed to do so;
- 2) That the Government of British Columbia amend the *Metal Dealers and Recycler Act* to include catalytic converters as a regulated item; and
- 3) That the Governments of Canada and British Columbia amend their respective *Firearms Act* and/or *Firearm Act* to restrict the places imitation firearms can be possessed and specifically prohibit possession of an imitation firearm in schools, community centres, public venues, public institutions, parks, roadways, public transit, and taxis.

CONCLUSION:

The VPD recommends that the VPB approve all three resolutions and submit them to the BCAPB and CAPG for their consideration.

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Submitting Executive Member:

DCC Steve Rai Date: February 8, 2021

Resolution

Submitted by the Vancouver Police Department to the Vancouver Police Board for their consideration as proposed resolution to the British Columbia Association of Police Boards

THAT THE GOVERNMENT OF BRITISH COLUMBIA INCREASE THE FINE AND INCLUDE AN IMPOUNDMENT PROVISION FOR MOTORISTS WHO FAIL TO STOP FOR POLICE WHEN DIRECTED TO DO SO.

- WHEREAS** Police agencies have identified a marked increase in incidences of motorists who fail to stop for police when directed to do so in the lawful execution of their duties.
- WHEREAS** Motorists who fail to stop for police present significant risks to the motorist, police, and the public at large.
- WHEREAS** In accordance with the Provincial *Emergency Vehicle Driving Regulation*, evading police is not to be considered a determining factor in pursuing a motorist who fails to stop.
- WHEREAS** Provincial vehicle impoundment legislation has proven to be an effective deterrent against impaired and prohibited driving offences, excessive speeding, and street racing.
- WHEREAS** Increased penalties have proven to be a deterrent in relation to excessive speeding and other serious *Motor Vehicle Act* offences.

THEREFORE, BE IT RESOLVED: that the British Columbia Association of Police Boards recommends that the Government of British Columbia increase the fine for fail stop for police under Section 73(1) of the *Motor Vehicle Act*; and

Section 251 of the *Motor Vehicle Act* be amended to include vehicle impoundment for drivers and registered owners of motor vehicles that commit an offence under section 73(1) of said Act.

Supplementary Information

There has been a marked increase in incidences of fail to stop for police in the City of Vancouver. The yearly average since 2015 is 72. In 2020, there were 119 fail to stop for police incidents, compared to 69 incidents in 2019.

The current fine for failing to stop for police in BC is \$138. This fine amount is slightly lower than failing to stop for a red light (\$167) and significantly lower than failing to stop for a school bus (\$368) or driving with no insurance (\$598). A scan of fines and penalties across Canada for failing to stop for police revealed that BC is one of the most lenient. For example, the fines in Alberta

and Ontario for similar offence are \$405 and \$1000, up to \$10,000, respectively. In fact, offenders in Ontario face imprisonment of up to 6 months.

It is believed that an increase in fines and provision for vehicle impoundment in BC for failure to stop for police will support road user behavioural changes and be a general deterrent for would be offenders. Additional Provincial support, for deterring motorists from failing to stop for police, could reduce road safety risks for everyone in the City of Vancouver. The VPD recommends that the Vancouver Police Board approve this resolution and submit it to the British Columbia Association of Police Boards for their consideration to support the aforementioned amendments to the *Motor Vehicle Act*.

Resolution

Submitted by the Vancouver Police Department to the Vancouver Police Board for their consideration as proposed resolution to the British Columbia Association of Police Boards

THAT THE GOVERNMENT OF BRITISH COLUMBIA AMEND THE METAL DEALERS AND RECYCLER ACT TO INCLUDE CATALYTIC CONVERTERS AS A REGULATED ITEM.

WHEREAS Police agencies have identified marked increases in incidences of theft of catalytic converters in the Lower Mainland and surrounding jurisdictions.

WHEREAS In 2020, 2154 catalytic converters were reported stolen in the Lower Mainland, 203 of these in Vancouver. The Insurance Corporation of British Columbia (ICBC) reports losses in excess of \$1 million. At the current rate, insurance claims would near \$2 million for 2020.

WHEREAS Catalytic converters contain precious metals such as platinum, rhodium and palladium. The prices of these metals have increased significantly and the ease of converting this item into money is fuelling this spike. The stolen converters are typically sold to metal recyclers or through online sales.

WHEREAS Under the British Columbia *Metal Dealers and Recyclers Act*, metal dealers and recyclers who purchase regulated metal must register with the Province. The Act prohibits anyone from selling regulated metal unless they provide their driver's license, BC Identification Card or BC Service Card to the dealer or recycler and prove ownership of the metal. The business must also report the purchase to police on the day it was made.

WHEREAS Catalytic converters are currently categorized as a non-regulated item and therefore do not require collection and reporting of their sale and purchase.

THEREFORE BE IT RESOLVED: that the British Columbia Association of Police Boards recommends that the Government of British Columbia amend the *Metal Dealers and Recyclers Act* to make catalytic converters a regulated item.

Supplementary Information

There are two metal recycle dealers in Vancouver who are both cooperative and compliant with police investigations, but there is still no requirement for reporting on catalytic converter transactions. There is a metal recycle dealer in the greater Vancouver area who is believed to be instructing individuals to bring him catalytic converters. This makes Vancouver Police Department (VPD) investigations more challenging because suspected offenders leave the City of Vancouver with the stolen converter. Identification is not required to sell catalytic converters, which complicates suspect identification. The metal recyclers pay approximately \$200 per converter. Provincially standardizing catalytic converters as a regulated metal under the *Metal Dealers and*

Recyclers Act could assist the VPD in identifying suspected offenders in these property crime investigations.

The VPD is part of a working group consisting of police, business, and community stakeholders with the goal of addressing identified shortcomings within the BC *Metal Dealers and Recyclers Act*. The working group has solicited assistance from the Calgary Police Service who has had success in making legislative changes to assist in the investigation of metal thefts and enforcement of metal dealers and recyclers in the Province of Alberta. The VPD recommends that the Vancouver Police Board approve this resolution and submit it to the British Columbia Association of Police Boards for their consideration to support the aforementioned amendments to the *Metal Dealers and Recyclers Act*.

Resolution

Submitted by the Vancouver Police Department to the Vancouver Police Board for their consideration as a proposed resolution to both the British Columbia Association of Police Boards and Canadian Association of Police Governance

THAT THE FIREARMS ACT (CANADA) AND/OR THE FIREARM ACT (BC) BE AMENDED TO RESTRICT THE PLACES IN WHICH IMITATION FIREARMS CAN BE POSSESSED AND SPECIFICALLY TO PROHIBIT POSSESSION OF AN IMITATION FIREARM IN SCHOOLS, COMMUNITY CENTERS, PUBLIC VENUES, PUBLIC INSTITUTIONS, PARKS, ROADWAYS, PUBLIC TRANSIT, AND TAXIS.

WHEREAS The Vancouver Police have seen a marked increase in reports of and subsequent seizures of imitation firearms.

WHEREAS Imitation firearms are increasingly used in the commission of offences against persons and in the furtherance of other criminal activities such as drug trafficking.

WHEREAS Police enforcement with respect to imitation firearms requires the imitation firearm to be used in the commission of a Criminal Offence.

WHEREAS Simple possession of imitation firearms is not illegal and criminals openly carry them, carry them in a concealed fashion, and keep them at the ready for anticipated use in criminal offences (examples include robbery, assault, threatening, and possession of a weapon for a dangerous purpose).

WHEREAS Crown counsel has advised that mere possession of an imitation firearm is not enough to lay a charge of possession of a weapon for a dangerous purpose.

WHEREAS Limiting the possession of imitation firearms in certain places such as roadways, sidewalks, public parks, and public transit would limit the ability of criminals to keep them nearby their person such that they can readily be available for planned crimes or crimes of opportunity.

WHEREAS Limiting the possession of imitation firearms will increase the safety of the public and the police. Imitation firearms are not distinguishable from real firearms in most cases and can often be mistaken by victims and the police to be a real firearm. All imitation firearms are treated as real firearms until proven otherwise and result in large police responses.

WHEREAS The places for consideration do not include private property and rural areas where the lawful use of imitation firearms occurs (examples include the deterrence of vermin such as rats and pigeons on private property).

THEREFORE, BE IT RESOLVED: that the British Columbia Association of Police Boards recommends that the Government of British Columbia amend the *Firearm Act* to prohibit possession of imitation firearms in specific places; and/or

The Canadian Association of Police Governance recommend that the Government of Canada amend the *Firearms Act* to prohibit possession of imitation firearms in specific places.

Supplementary Information

The basis for this resolution stems from the increase in the possession of imitation firearms and the increased use of imitation firearms in the commission of criminal offences. A brief analysis of Vancouver Police Department (VPD) reports from June 2020 indicated that 89% of persons found in possession of imitation firearms were known offenders with a criminal record. Imitation firearms include weapons with a muzzle velocity below 152.4m/s and are deemed not to be firearms as defined in the *Criminal Code*. Examples include BB, pellet, and virtually all airsoft guns.

The Vancouver Charter limits only the discharge of firearms within the City of Vancouver (COV). The actual discharge of these weapons often carries a criminal charge with it when it occurs. Discharge of the firearms is not present in the vast majority of the incidents that the VPD responds to. An amendment to the COV bylaw is achievable, however will not assist in solving the broader problem of possession of imitation firearms.

Imitation firearms look and feel exactly like real firearms. Many of them are manufactured in the same factories by the same companies. For example, “Glock” imitation firearms have many of the same parts as a real Glock firearm. The main difference is the internal working mechanisms including the magazine and barrel. Because of these similarities, replica firearms can easily be converted to functioning firearms with the replacement of certain parts. “Conversion Kits” are sold on the internet and can be easily obtained. Therefore, the VPD recommends that the Vancouver Police Board approve this resolution and submit it to the British Columbia Association of Police Boards and/or Canadian Association of Police Governance for their consideration to support the aforementioned amendments to the both Governments of Canada *Firearms Act* and/or British Columbia *Firearm Act* .