



## VANCOUVER POLICE DEPARTMENT REPORT TO THE VANCOUVER POLICE BOARD

**REPORT DATE:** June 30, 2021  
**BOARD MEETING:** July 22, 2021  
**BOARD REPORT #** 2107R01

*Regular*

**TO:** Vancouver Police Board  
**FROM:** Drazen Manojlovic, Director, Planning, Research and Audit Section  
**SUBJECT:** Office of the Police Complaint Commissioner Recommendations on Policy  
Relating to Complaints against Members of the Department

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### **RECOMMENDATION:**

**THAT the Vancouver Police Board (VPB) approve this report as its response to the Office of the Police Complaint Commissioner (OPCC).**

### **SUMMARY:**

On February 10, 2020, a complainant attended the Public Service Counter (PSC) at the Vancouver Police Department's (VPD)'s office located at 2120 Cambie Street to file a complaint with the OPCC in relation to a police incident they witnessed. The complainant spoke with civilian staff at the PSC, who are trained and equipped to receive such complaints, but asked to speak with a police supervisor. The complainant spoke with a patrol sergeant, who reportedly refused to accept the complaint, speak to the complainant in private, or receive the video recording the complainant presented. The sergeant instead directed the complainant to OPCC information brochures and advised them to seek the information they required on the OPCC website.

The complainant was dissatisfied with the sergeant's response and filed a complaint with the OPCC regarding their conduct. A *Police Act* investigation ensued that resulted in a decision finding the allegation of misconduct was unsubstantiated. On December 23, 2020, the OPCC issued a Conclusion of Proceedings, concurring with the decision and closing the investigation. The OPCC noted that although the sergeant's actions fell short of the level of assistance required to assist the complainant, other circumstances including deficiencies in the Regulations and Procedures Manual (RPM) relating to handling complaints against members, supported the decision that the sergeant's conduct did not amount to a breach of trust.

The OPCC wrote that they believed the issue would be more appropriately dealt with by a recommendation to the Vancouver Police Board (VPB) to examine policy and the discrepancies between the RPM and the OPCC's guidelines. The OPCC sent a second letter of correspondence to the VPB where they made three recommendations:

1. Review existing policy with respect to receiving and handling complaints from the public;
2. Consider clarifying in policy the person assigned to receive and register complaints under Division 3 of the *Police Act*, including situations where Professional Standards Section (PSS) staff are unavailable; and
3. Create a policy that sets out the responsibilities of the person or persons in item 2.

The VPD has adopted the OPCC's recommendations and revised the policy on *Complaints Against Members of the Department* under section 4.1.3 of the RPM to address a VPD member's obligations in receiving complaints. The VPD recommends the VPB forward this report to the OPCC as the VPB's response to their correspondence.

## DISCUSSION

The VPD's Professional Standards Section (PSS) reviewed the VPD's current practice in receiving and registering complaints against police officers and found the practice meets the standards set out in the *Police Act*.

The Public Service Unit (PSU) manages the PSCs at the 2120 Cambie Street and 3585 Graveley Street locations. The PSU trains each PSC staff member to assist complainants who wish to file a complaint, and maintains a manual at the PSC available for staff reference. Both PSCs are stocked with OPCC pamphlets that outline the process to file a complaint, and the PSC has hardcopies of all related complaint forms readily available. When a complainant attends a PSC to make a complaint against a member, PSC staff provide information to the complainant regarding the various methods of filing a complaint. Staff will also assist them with completing the complaint forms or making a phone call if required, and if the complainant wishes, the PSC will connect them with PSS staff to receive and register the complaint and provide further information and resources.

PSS receives queries by phone and email regarding the complaint process, and they respond to all of these to determine how to assist the complainant. PSS also sends complainants a standardized email explaining the complaint process and attaches resource information, complaint forms, and support groups (which has been provided by the OPCC). This current practice in receiving complaints from the public meets the obligations set out by the *Police Act* and recommendations by the OPCC.

The following are the VPD's responses to each OPCC recommendation:

1. *Review existing policy relating to receiving and handling complaints from the public,*

PSS and the Planning, Research and Audit (PR&A) Section conducted a thorough examination of the existing policy. The policy addressing *Complaints Against Members of the Department* required revisions to reflect the current practice, as well as clarification on the obligations set out in the *Police Act*. VPD members will benefit from a clear and fulsome procedure to guide them in receiving complaints and assist them in providing information and resources to members of the public. To accomplish this the VPD made the following revisions to the policy (summarized):

Members shall make reasonable efforts in receiving a complaint from a complainant regarding the conduct of another member of the department, including:

1. During business hours:
  - i. direct the complainant to the staff and resources at the PSCs who are prepared to assist them in making the complaint; and/or,
  - ii. refer the complainant to PSS (email and phone numbers provided in the policy); and/or,
  - iii. provide information about online reporting options on the OPCC and VPD's PSS websites.
  
2. Outside of business hours:
  - i. refer the complainant to online reporting options on the OPCC and VPD's PSS websites; and/or,
  - ii. advise the complainant they may contact PSS (email address and phone numbers provided in the policy); and/or,
  - iii. if the complainant is unable or unwilling to contact PSS, they shall refer them to an on-duty supervisor, who will obtain the complainant's contact information and provide this to PSS on their behalf. PSS will follow up with them the next business day to receive and register the complaint.
  
3. PSC or PSS personnel shall assist a complainant in completing the OPCC complaint form if the complainant requests or requires that level of assistance.

2. *Consider clarifying in policy the person assigned to receive and register Police Act Division 3 complaints, including situations where PSS staff are unavailable.*

The staff assigned this role are the PSS Administrative Assistant and PSC staff members. This recommendation has been addressed in the revised policy.

3. *Create a policy that sets out the responsibilities of the person or persons in item 2.*

The revisions to the policy to address 1 and 2 (see above) have addressed this recommendation and a separate policy is not necessary.

**CONCLUSION:**

The VPD agrees that policy revisions to address members' obligations under the *Police Act* on receiving and handling complaints will be helpful and will assist members in better serving the public. The revised policy will meet the OPCC's recommendations, and the VPD recommends the VPB forward this report to the OPCC as the VPB's response to their correspondence.

Author: Sergeant Erin Holtz

Date: June 30, 2021

Submitting Executive Member:

DCC Steve Rai

Date: July 6, 2021

## Professional Standards

### 4.1.3 Complaints Against Members of the Department

1. Public complaints against police members of the Vancouver Police Department (VPD) and internal discipline will be dealt with under the *BC Police Act* (1998) and Discipline Regulations made under the *Act*.
2. A member who receives a complaint from a complainant regarding conduct of another member of the VPD shall make reasonable efforts to assist in receiving the complaint by directing the complainant to the Professional Standards Section (PSS), who is designated to receive complaints, or to the Public Service Counter (PSC) staff, who are trained to assist in receiving complaints.
  - a. During business hours, the member shall:
    - I. direct the complainant to PSC staff and to the resources (such as the Office of the Police Complaint Commissioner (OPCC) brochure) available at the PSCs; and/or,
    - II. refer the complainant to contact the Professional Standards Section (PSS) via email to [pss@vpd.ca](mailto:pss@vpd.ca) or by calling 604-717-2670; and/or,
    - III. refer the complainant to the online reporting options available on both the OPCC and VPD PSS websites; and/or,
  - b. Outside of business hours, the member shall:
    - I. refer the complainant to the online reporting options available on both the OPCC and VPD PSS websites; and/or,
    - II. refer the complainant to contact PSS via email at [pss@vpd.ca](mailto:pss@vpd.ca) or by leaving a voicemail with PSS by calling 604-717-2670; and/or,
    - III. if the complainant is unable or unwilling to email/call PSS, the member shall refer them to an on-duty NCO, who shall obtain contact information and general details of the complaint, and advise the complainant that PSS will contact them the next business day. The NCO shall forward the contact information and general details to the Inspector in charge of PSS.
3. PSC or PSS personnel shall assist a complainant in completing the OPCC complaint form if the complainant requests or requires that level of assistance.
4. The foregoing does not prevent a police member or NCO from attempting to informally resolve the complaint with the complainant at the time it is received,

unless the incident involves a breach of law, death, serious harm or a reportable injury, or the allegation is serious in nature.

See <LINK> [Section 1.16.7 BC Police Act – Reportable Incidents – Injuries or Death.](#)

See <LINK> [Section 4.1.1 Breach of Law by Members](#)