



# VANCOUVER POLICE DEPARTMENT

## REPORT TO THE VANCOUVER POLICE BOARD

**REPORT DATE:** September 2, 2021  
**COMMITTEE MEETING DATE:** September 23, 2021  
**BOARD REPORT #** 2109C01  
*Regular*

**TO:** Vancouver Police Board Service and Policy Complaint Review Committee  
**FROM:** Drazen Manojlovic, Director, Planning, Research and Audit Section  
**SUBJECT:** Service or Policy Complaint #2021-003: Cameras at Construction Site

### RECOMMENDATION:

**THAT the Vancouver Police Board (VPB) Service and Policy Complaint Review Committee (Committee) conclude its review of the complaint based on information outlined in this report.**

### SUMMARY:

In November 2020, there were multiple incidents where a high-powered pellet gun was used to shoot at a multi-level building under construction in Vancouver (the "Target Building"). Consequently, thick window panes were destroyed close to where construction workers were standing. In the ensuing police investigations, a nearby building, where the complainant lives, was canvassed and he was interviewed as part of the investigative canvass. A month later, the complainant noticed video cameras set up on top of the Target Building. The complainant believed those cameras were installed by the Vancouver Police Department (VPD) and took issue with their installation. Accordingly, the complainant pursued the matter with the VPD, City of Vancouver, the Office of the Police Complaint Commissioner (OPCC), and through a Freedom of Information (FOI) request pertaining to the police investigation.

In May 2021, upon receiving and reviewing the service or policy complaint, the VPD determined that those particular cameras were installed by the construction company and did not belong to the VPD. Of note, although the cameras identified by the complainant which prompted his complaint are not VPD placed cameras, the VPD did utilize other cameras as an investigative tool while investigating these incidents and the complainant was notified.

When appropriate, the VPD uses video cameras as an investigative tool. The VPD recognizes the privacy implications and deploys video cameras in compliance with the law, obtaining judicial authorization if necessary, and in accordance with VPD policy (Regulation and Procedures Manual (RPM) Section 1.6.43(ii) *Search Warrants and Production Orders*). In this case the cameras that the complainant identified as cameras of concern were not installed by the VPD. Whereas, the VPD cameras were lawfully installed for investigative reasons and do not view inside the complainant's residence or any residence in his building. As such, the VPD

recommends that the Committee conclude its review of the complaint based on the information outlined in this report.

## **BACKGROUND:**

In late November 2020, multiple incidents involved a high-powered pellet gun being fired at the Target Building resulting in some thick tempered glass window panes (estimated to be worth \$10,000) being destroyed. These dangerous public safety incidents occurred during daytime hours with construction staff working close by the windows. Construction was temporarily halted due to the safety concerns for the workers, whom may have been the intended targets, and workplace hazard protocols were enacted including notification of WorkSafe BC. VPD officers attended the scene to investigate the incidents, to provide safety advice, and to conduct a neighbourhood canvass.

The police investigation identified a building where the suspect may have been located at the time of the incident and that building was canvassed as part of the investigation. The complainant lives in that building and was interviewed as part of the investigative canvass. As such, the complainant was aware of some basic details regarding the incident. Public safety concerns were so paramount that the strata at the canvassed building was told that security cameras would be installed at the construction site in order to deter the dangerous behaviour.

In December 2020, the complainant noticed two video cameras on top of the Target Building. The complainant wrote in his letter of complaint that he felt those cameras were “*aligned*” towards his unit. According to the complainant, he approached the construction site and was advised, in error, by construction staff that those cameras belonged to the VPD and that he should speak to the VPD (it was later determined that information was erroneous and those were not VPD cameras).

In January 2021, the Complainant attended VPD headquarters at 2120 Cambie Street and used the VPD lobby phone (which is connected to the VPD non-emergency line at E-Comm) to make a complaint about the alleged VPD cameras and filed his complaint with a VPD officer over the phone. Regrettably, the officer mistakenly acknowledged the cameras identified by the complainant as belonging to the VPD and advised the complainant of such.

Over the next few months, operating under the mistaken belief that cameras belonged to the VPD; the complainant continued to pursue the matter with the City of Vancouver (in relation to whether permits were required) and filed an FOI request for details of the police investigation. The complainant was subsequently denied the FOI request as he was not sufficiently connected to the incident. In March 2021, the complainant filed a service or policy complaint with the OPCC regarding the VPD’s use, or authorization for others to use, surveillance cameras that he believes amount to an invasion of privacy.

In April 2021, the OPCC advised the VPD of the service or policy complaint, which included a disclosure package. The package included a photo of the cameras from the complainant. The photo depicted two dome cameras positioned on the roof of the Target Building. As part of the investigation into this complaint, it was determined that the cameras in the photo did not belong to the VPD. The complainant was advised by phone and it was during this conversation that it became apparent there was a series of events that led to the complainant’s erroneous conclusions that the cameras belonged to the VPD.

**DISCUSSION:**

The video cameras in the photo provided by the complainant do not belong to the VPD. Those cameras were installed by the construction company as a security measure to improve safety and protect its staff and property from further crimes. If a private company installs cameras, legislative requirements (i.e., *Personal Information Protection Act*) are applicable; however, adhering to private sector legislative requirements is a matter for each private sector agency to address.

In this incident, the cameras identified by the complainant were two dome security cameras attached to a tall pole and positioned on the roof of the Target Building. Dome cameras are manufactured to conceal which direction the camera lens is pointing and there are likely hundreds of similar cameras throughout the city. The complainant was recently advised that the cameras complained of were in fact removed in April 2021.

When appropriate the VPD uses video cameras as an investigative tool, particularly involving serious public safety incidents. The VPD considers the privacy implications and only deploys video cameras in compliance with the law and obtains judicial authorization when necessary (in accordance with VPD policy RPM Section 1.6.43(ii) *Search Warrants and Production Orders*). Deploying cameras in areas that affect privacy interests requires judicial authorization in the form of a General Warrant which can only be ordered by a Supreme Court judge who weighs the necessity of the investigative technique against the affected privacy interests. Cameras deployed by the VPD are installed by officers within a specialized unit. Officers in this unit have subject matter expertise and regularly consult with both Crown Counsel on up-to-date relevant case law and other police agencies on emerging issues in this field.

While VPD cameras were used as an investigative tool in the investigation pertaining to this incident, they are lawfully installed and do not view inside individual suites in the complainant's building. The cameras identified by the complainant were not installed by the VPD and have since been removed and he has been advised accordingly.

**CONCLUSION:**

The VPD acknowledges the complainant's concern in this matter. Upon determining that the cameras identified by the complainant did not belong to the VPD, the complainant was notified and provided an explanation. The complainant was also advised that any usage of video cameras in a VPD investigation are carefully considered and may even require judicial authorization.

It is therefore recommended that the Committee conclude its review of the complaint based on the information outlined in the report.

Author: Sergeant Alvin Shum

Date: September 2, 2021

Submitting Executive Member:

Deputy Chief Howard Chow

Date: September 7, 2021