



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: September 28, 2021
BOARD MEETING DATE: October 21, 2021
BOARD REPORT # 2110C06
Regular

TO: Vancouver Police Board Service and Policy Complaint Review Committee
FROM: Staff Sergeant Jason High, Operations Division / District 1
SUBJECT: Service or Policy Complaint #2021-013 re: VPD Non-Emergency Reporting and Noise

RECOMMENDATION:

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

SUMMARY:

On August 10, 2021, the Vancouver Police Board received a Service or Policy Complaint from the Office of the Police Complaint Commissioner (OPCC) about wait times on the Vancouver Police Department (VPD) non-emergency phone line and the lack of enforcement of excessive noise. The complaint's primary focus was on the noise coming from buskers, people with speakers, musical instruments, bars and restaurants, and transient sources, such as vehicle noise, people screaming, and sirens. The complainant believes that more needs to be done by police to reduce sustained noise in residential neighbourhoods. The issue regarding excessive wait times on the non-emergency line has been referred to Emergency Communications for British Columbia Incorporated ('E-Comm') that handles this service for the VPD.

In April 2021, despite COVID-19 related health restrictions, the VPD noted a significant increase in outdoor activity. To provide space for people to dine at restaurants, the City of Vancouver (CoV) approved hundreds of outdoor patios. The number of weekly protests and unsanctioned outdoor concerts increased, and vehicle traffic in Vancouver returned to pre-pandemic levels. Police calls for service (CFS) to outdoor public spaces went up substantially. The VPD implemented several strategies to effectively deal with these issues, including redeploying personnel, increasing traffic-related noise enforcement, forming an inter-agency working group, and pursuing changes to CoV by-laws to improve enforcement of unwanted noise in public spaces.

Based on the information detailed in this report, it is recommended that the Committee conclude its review of this complaint.

BACKGROUND:

On July 10, 2021, the complainant sent an email to the OPCC regarding excessive noise in their neighbourhood. The complainant was also concerned with the amount of time they had to wait on the VPD non-emergency phone line to report these incidents. As such, on August 10, 2021, the OPCC categorized the complaint as a Service or Policy Complaint.¹

The complainant lives in Vancouver's West End, near English Bay Beach. The complainant said: "More needs to be done to reduce noise, especially sustained noise that goes on for hours every sunny/warm day well into the night." The complainant identified specific areas of concern, including noise:

1. From buskers, people with loud speakers and loud instruments;
2. At bars, restaurants, people shouting, singing and loud music at all hours of the night;
3. From transient sources, such as motorcycles, muscle cars, people screaming, pedestrians, people with portable wireless loudspeakers, sirens, and noisy food delivery trucks.

The complainant recognized that it would be difficult for police to enforce sources of transient noise, but more should be done to enforce "sustained noisemakers." The complainant stated much of this could be dealt with by issuing fines and confiscating devices. In addition, the complainant recommended that a noise abatement squad be created to enforce unwanted noise.

The excessive wait on the VPD non-emergency line is not addressed in this report because E-Comm, a separate organization, provides emergency and non-emergency communication services for the VPD. A copy of this complaint has been forward to E-Comm for their review and VPD management continues to work with E-Comm to address this matter.

DISCUSSION:

This report:

- Discusses policing during the COVID-19 pandemic;
- Summarizes the VPD's policing strategies regarding noise abatement, disorder, disturbances and vehicle noise enforcement;
- Speaks to efforts to coordinate between the VPD and partner enforcement agencies;
- Examines the challenges the VPD encounters policing protests; and
- Outlines proposed by-law changes to improve noise related enforcement.

Policing During COVID-19

As a core city, Vancouver is the regional centre for business, tourism, nightlife, entertainment, protests and sporting events; as such, Vancouver's daily population is greater than the residential population. At the start of the COVID-19 pandemic, many businesses, shopping districts, major events and entertainment venues shut down. Commuters and tourists stayed home. The provincial government placed significant restrictions on restaurants and bars. Social gatherings in homes were limited to a maximum of six people. The VPD noted a marked decline in the functional population. This trend continued through 2020 and into 2021.

¹ The VPD has attempted to contact the complainant, but has not received a response.

In May 2020, the CoV approved the Temporary Patio Program to increase capacity and provide a safer environment for people to patronize bars and restaurants. During the summer of 2021, there were 523 authorized outdoor restaurant patio permits in the city². Although District 1 only comprises 7.7 percent of the land area in Vancouver, it has 30 percent of city-wide patios. In March 2021, the provincial government enacted a province-wide ban on indoor dining at restaurants and bars; this ban remained in place until the May long weekend.

In April 2021, the provincial government imposed further restrictions by limiting travel between provinces and health regions. The land border between the United States and Canada remained closed to non-essential travel.

As the weather improved in April 2021, the VPD saw a return to the core city effect – despite continued health restrictions. Activity at parks, beaches and other public spaces, including restaurant patios, increased significantly as citizens from Vancouver and the region sought outdoor recreation and places to socialize. The VPD experienced a 361 percent increase in CFS to the beaches in District 1 this year compared to the same period last year and a 383 percent increase compared to 2019.³ Most concerning were the increases seen in certain call types. In 2021, calls for disturbances increased by 387 percent, fights by 275 percent and weapons calls by 400 percent. The VPD saw similar increases to other areas where people gathered, including the Granville Entertainment District (GED), Yaletown, and the Vancouver Art Gallery. The VPD also noted significant increases in the open consumption of alcohol in unauthorized public spaces. These and other factors contributed to the overall rise in various sources of unwanted noise, disorder, and sustained pressure on police resources, in many cases requiring police to respond to serious in-progress incidents using lights and sirens.

Policing Strategies to Deter Noise, Disorder, and Disturbances

In April 2021, in response to the increase in CFS related to noise, disorder and disturbances, the VPD implemented an enhanced deployment initiative. This deployment consisted of the District 1 afternoon shift supervisors tasked with managing issues of concern related to public spaces. These supervisors would monitor public areas, including beaches and parks, deploy personnel to hotspots throughout District 1, and provide special attention to areas identified in the weekly crime control reports. On weekends the District 1 Lima deployment, typically deployed to deal with GED-related disorder, was staffed to pre-pandemic levels and re-tasked to work with the afternoon shift to focus on problem areas.

On weekends, each afternoon shift and Lima team conducted beach sweeps at 10:00 pm (In accordance with the 'hours posted' for the beaches, as per *Park By-Laws*⁴) to proactively discourage noise, disorder, and excessive alcohol consumption. These sweeps were an effective tactic to limit late-night noise and disorder on the beaches and adjacent areas. Starting on the May 2021 long weekend, District 1 and District 4 activated the Beach Patrol, deploying five members each afternoon dedicated to city beaches. Later in the summer, two members were added on the weekends to bolster this team.

Traffic noise has been a concern of citizens in Vancouver for many years. As the region becomes more populated and more people come to Vancouver, there are more private and commercial

² <https://vancouver.ca/doing-business/expedited-patio-program.aspx#approved-patios>

³ Date range: January 1 to September 1, 2021, 2020, 2019.

⁴ *Park By-Laws*, <https://parkboardmeetings.vancouver.ca/files/BYLAWS-ParksBylawsConsolidated-20210621.pdf>

vehicles on city streets. Inevitably this causes more road noise and annoyance for residents, particularly those who live downtown and in the West End. The VPD Traffic Section regularly conducts enforcement related to excessive noise from cars, trucks and motorcycles. Year to date, the VPD has written 28 percent more Violation Tickets and Notice and Orders related to vehicle noise compared to 2020.⁵

Inter-Agency Coordination

The VPD does not have any plans to form an internal team to specifically enforce noise-related issues. These CFS are categorized as low priority and subject to available police resources and higher priority calls waiting for police. The CoV and Vancouver Parks Board (VPB) typically enforces noise-related matters unless there is a safety concern beyond the mandate of Property Use Inspectors, Street Inspectors, or Park Rangers. However, in April 2021, the VPD formed an inter-agency working group to address areas of mutual concern arising from the pandemic. This group is comprised of operational leaders from the CoV, Vancouver Coastal Health (VCH), Liquor and Cannabis Regulation Branch (LCRB), VPB, and various sections from the VPD, including District 1, District 4, the Community Services Section (CSS) and Emergency Operations Planning Section (EOPS). Each week this group meets to share information and develop strategies to resolve noise, issues with restaurants and bars, patios, disorder, public health, liquor, permitting, protests, and parking complaints. The inter-agency working group has proven effective in collaboration between agencies and streamlining enforcement action.

Policing Protests

Sometimes protests, demonstrations and disturbances end up violating minor laws, including noise by-laws. Since the start of the COVID-19 pandemic, the VPD noted a significant increase in protests. Year to date, there have been 642 protests or an average of 17 per week in Vancouver; this is a notable increase compared to the previous two years, which saw an average of 11 per week.⁶ The vast majority of these occur in the downtown core of Vancouver. However, from the beginning of 2021 to September 15, 2021, 72 protests have occurred in the West End compared to only 21 in 2020. The VPD must always balance the protection of a person or a group's right to lawfully protest against the impact or inconvenience that protests have on the enjoyment of public spaces and the presence of excessive noise.⁷

Proposed Changes to the *Noise Control Bylaw 6555*

In August 2020, District 1 management and the CoV By-law Prosecutor's Office met to discuss the use of CoV by-laws to reduce amplified noise in public spaces. The meeting focused on a rash of illegal busking complaints and the increased presence of individuals using amplification devices. The CoV By-law Prosecutor's Office acknowledged that the existing enforcement powers in the *Noise Control By-law 6555* and *Street and Traffic By-law 2849* required updating to provide more enforcement options for by-law enforcement officers and police.^{8 9}

In the fall of 2020, the VPD and CoV staff worked together to improve the noise enforcement provisions under the *Noise Control By-law 6555* and the *Street and Traffic By-law 2849*. VPD and

⁵ Based on the combined weekly average for VTs under 7A.01 of the MVAR and Notice and Orders.

⁶ YTD is as of October 1, 2021. The total number of protests in Vancouver in 2020: 563, 2019: 589.

⁷ <https://vpd.ca/wp-content/uploads/2021/06/public-demonstration-guidelines.pdf>

⁸ <https://bylaws.vancouver.ca/6555c.PDF>

⁹ <https://bylaws.vancouver.ca/2849c.PDF>

CoV staff recommended a ticket offence be created for unauthorized use of amplification equipment on streets, with a fine of \$250.00, and authorize impounding sound amplification devices. On February 24, 2021, City Council reviewed the staff report and referred it back to staff for further work.^{10 11}

CONCLUSION:

As a result of health restrictions imposed by government in response to the COVID-19 pandemic, many businesses and venues shut down, leaving only outdoor public spaces for people to congregate and socialize. Hundreds of new patio spaces were created so people could safely go to restaurants. In April 2021, the VPD saw a significant increase in outdoor activity in the city and increases in CFS related to these outdoor spaces. Public protests also increased, putting further strain on the limited space in District 1 and police resources. These factors contributed to an unprecedented increase in some types of calls, including intoxication, disturbances, disorder and violence.

The complainant is concerned that not enough is being done to enforce noise caused by people in public spaces, at restaurants, bars, and from vehicles. The VPD acknowledges that excessive noise is undesirable in residential neighbourhoods. In response to the issues raised in this report, the VPD employed several strategies to deal with these concerns. These include redeploying personnel, increasing enforcement of traffic-related noise, forming an inter-agency working group to manage the mutual problems of concern, and pursuing changes to by-laws to more effectively deal with noise enforcement in public spaces.

Based on the information detailed in this report, it is recommended that the Committee conclude its review of this complaint.

Author: S/Sgt. Jason High Telephone: 604-717-2912 Date: September 28, 2021

Submitting Executive Member:

DCC Howard Chow Date: October 8, 2021

¹⁰ <https://council.vancouver.ca/20210224/documents/cfsc1.pdf>

¹¹ <https://council.vancouver.ca/20210224/documents/cfsc20210224min.pdf>