



VANCOUVER POLICE BOARD

Service or Policy Complaint Review Committee Meeting Agenda

Date: Thursday October 19, 2023

Time: 1:45- 2:00 pm

		Time
1	Consent Agenda *1.1 Agenda for October 19, 2023 *1.2 Minutes of September 21, 2023 Regular Meeting	
2	New Service or Policy Complaint- Board Report #2023-018 <ul style="list-style-type: none">*Incoming complaint email of September 22, 2023*Board Office correspondence with Service or Policy Complaint Sub-committee*Board Office memo with recommended disposition	15
3	For Information <ul style="list-style-type: none">*Response to Complaint Regarding Bikes at Stops Signs (#2023-017) Inspector Ken Athans	
4	Other Business	
ADJOURNMENT Service or Policy Complaint Review Committee Meeting		Total: 15



Service or Policy Complaints Review Committee Minutes

Date/Time: September 21, 2023 –2:34 pm- 2:46 pm

Location: 7th Floor Boardroom- 2120 Cambie St. Vancouver BC

Attendees		
Vancouver Police Board Members/Staff	Vancouver Police Department	Guests
Ken Sim (Chair)	Chief Constable Adam Palmer	
Faye Wightman (Vice Chair)	Deputy Chief Constable Howard Chow	
Patricia Barnes (Director)	Deputy Chief Constable Fiona Wilson	
Allan Black (Director)	Deputy Chief Constable Steve Rai	
Comfort Sakoma- Fadugba (Director)Online	Superintendent Andrew Chan	
Frank Chong (Director) Online	Inspector Ken Athens	
Lorraine Lowe (Director)		
Jason Kuzminski (Executive Director)		
Alaleh Shah Ali: (Board Staff)		
Absent: NA		

Chair Mr. Allan Black called the meeting to order at 2:34 pm.

1. *Adoption of Consent Agenda

1.1 Agenda for September 21, 2023, Service or Policy Complaints Review Committee meeting
1.2 Minutes of July 20, 2023, Service or Policy Complaints Review Committee Meeting
Motion: To approve the consent agenda (M/S/C)

2. *New Service or Policy Complaint- OPCC File No. 2023-24388

<ul style="list-style-type: none"> *Registered Noise Complaint- 2023-08-12 *Service or Policy Complaint Intake Letter *Service or Policy Complaint Acknowledgment Letter- 2023-08-23 Noise Complaint During Celebrations & Events -Verbal Updates 	DCC Howard Chow
<p>The Chair called the first item on the agenda, which is a complaint about the lack of enforcement of noise bylaws on several occasions during a number of large community celebrations in the West End of the city. The complainant expressed concern that without enforcement action people will start policing the neighborhood themselves. The Service or Policy Sub-committee reviewed the complaint, determined it was a matter for the City of Vancouver bylaw</p>	

enforcement, and recommended the Committee request the Chief Constable to investigate and provide a written report on steps taken to liaise with bylaw enforcement to ensure a response to the complainant.

DCC Chow provided a verbal briefing to clarify that the complaint was directed at the VPD but the City of Vancouver and the organizers, and that the complainant did not call the police on any of the days she identified as extreme disturbance except for one occasion where the police responded within 4 minutes of her call. By the time VPD arrived, the band responsible for the noise was packing already. DCC Chow also explained the general approach if to triage complaints and assess whether resources are required for higher priority problems or available to respond.

Action: VPD will bring a written report to the Board in October meeting.

Motion: BIRT the Committee dismiss the complaint for the reasons provided and that the ED to prepare a response and send it to the complainant. Approved

3. Follow Up Actions on Service or Policy Complaint- OPCC File No. 2023-23730

- *Registered Complaint- Lack of Traffic Enforcement- 2023-04-18
- *Service or Policy Complaint Intake Letter
- *Lack of Traffic Violation Enforcement throughout Granville Street Corridor (#2309V09) Supt. Andrew Chan

The Chair called the next two matters, one of which is a complaint that was considered in a previous meeting. The complainant is a Vancouver resident and taxi operator who alleges a lack of enforcement against motorists in downtown Vancouver who disregarded do not enter or no left turn signs. No officer misconduct was alleged. The OPCC asked the Board to consider whether there is any action taken to address the complainant's concerns. The second matter is a complaint for a similar allegation about cyclists disregarding stop signs and risking the safety of pedestrians.

Supt. Chan briefed the board on traffic analysis and where data metrics identify primary locations for traffic enforcement. The data shows that the downtown Vancouver area referenced in the first complaint is among the top traffic ticketing areas in the city and has one of the lowest motor vehicle records in the city. In response to the complaint, VPD's Traffic Enforcement Section has increased enforcement in the area. Two attempts have been made to reach the complainant via email but without success. VPD recommends the Board consider this complaint to be concluded.

With regard to the second complaint, VPD will increase enforcement in the area, resources permitting. The Traffic Section has two assigned officers who are deployed on bicycles and motorcycles and mandated to enforce rules for cyclists who disobey stop signs. VPD's Public Affairs has also launched a social media campaign to remind cyclists that traffic safety laws do apply to them. VPD recommends the Board determine the complaint to be concluded with an explanation letter to the complainant regarding their concern.

Motion: For both complaints to be dismissed based on the information provided. Carried

4. For Information

No reports

5. Other Business

Motion : To adjourn the meeting. Carried

The meeting was adjourned at 2:46 pm

TO BE APPROVED BY THE VANVOUVER POLICE BOARD ON OCTOBER 19, 2023

Good day,

I am the manager at a retail location that had an unhoused individual camped out in the alcove at the entrance of [REDACTED] last Saturday, September 16th, at 5890 Cambie Street. He was responsive by way of a thumbs up when we interacted. He was trying to sleep in the shelter he had made. He was not causing a disturbance in any way. While I wish I could have simply let him stay there, unfortunately it was impossible as the store was open.

After suggesting several times that he might be more comfortable at the back of the building, away from traffic and sun, we made the difficult decision to call police for assistance.

When police arrived, as I peered through the window, I was shocked at the aggressive stance the officer took IMMEDIATELY. The officer repeatedly kicked at the man's feet and lower legs and immediately started yelling at him to get up or he was going to jail in five minutes, continued to berate him and insult him, telling him to get a job, to quit being so lazy and entitled, etc. This man hadn't yet said a word to the officer when this behaviour started and was laying down as he had been trying to sleep. The man was completely calm.

As the officer continued to insult him, the man began crying and said "don't you think I want to get better, I want to get healthy but I don't have a home. I am just trying to get some sleep". That did not evoke compassion at all in the officer so I came out and said "we don't need to be disrespectful to this man, we can have compassion for this man. I am not mad at him and he is not a bad person". I again offered for him to go to the back of the building. The officer backed off a bit but continued the barrage of threats until the man got up and gathered his things.

Honestly the whole incident was disturbing. Upsetting me for the entire evening and ever since.

There was absolutely no reason the situation couldn't have been approached with compassion for this human being.

My best friend is an officer. I know how much they deal with. But perhaps their day would also be less stressful if they chose compassion over aggression in the situations that allow it.

This attending officer should be ashamed of himself as a human and as a public servant. Honestly I don't think he should have his badge until he goes for some anger management training. And this email should be brought to his attention so he knows his behaviour was uncalled for and unacceptable.

How am I ever to feel comfortable calling police for anything again with such an inappropriate and sickening response?

[REDACTED]

From: Alaleh SHAH ALI [REDACTED]

September 29, 2023 3:04:42 PM

To: Allan BLACK [REDACTED]; Frank CHONG <[REDACTED]>;
Faye WIGHTMAN [REDACTED]; Patricia BARNES

[REDACTED]; Jason KUZMINSKI <[REDACTED]>

Subject: New Complaint- Unnecessary Aggression by Police

Hi dear Chair and members of the Service or Policy Sub-Committee,

Please find enclosed a new complaint that was received by the Board Office on September 22, 2023. Our office responded to the complainant on Sep 26, 2023 acknowledging the receipt of their complaint. In their email, they mentioned their concerns regarding ensuring the wellbeing of an unhoused individual who was treated in with “unnecessary aggression by police”. Date, time and location of the incident is provided. However the complainant did not get officer’s name and badge number. This information can be found , if needed, by the VPD.

As you well know, upon receiving a copy of the complaint, the Board must promptly do one or more 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; and/or
- (e) Take any other course of action the board considers necessary to respond adequately to the complaint.

Please advise the next steps in response to this complaint.

Kind regards,

Alaleh Shah Ali (She/Her)

Office of Vancouver Police Board

From: Allan BLACK [REDACTED]

Sent: Friday, September 29, 2023 6:26:58 PM

To: Alaleh SHAH ALI <[REDACTED]>; Frank CHONG

<[REDACTED]>; Faye WIGHTMAN <[REDACTED]>; Patricia
BARNES [REDACTED]; Jason KUZMINSKI [REDACTED]

Subject: Re: New Complaint- Unnecessary Aggression by Police

While the allegations, if substantiated, are indeed troubling, I believe that this complaint is probably not a Service and Policy Complaint, pursuant to Division 5 of the Police Act. It more likely falls under Division 3 of the Act, “ Process Respecting Alleged Member Misconduct” i.e. Section 78 of the Act and the subsequent sections.

That said, rather that suggest to the Complainant that she re-file her Complaint under section 78, can we advise the Police Complaint Commissioner and Chief Palmer that we received this complaint and that it be addressed as if it was filed under Section 78, and request that appropriate action to investigate and deal with it be undertaken .

If so we, would advise the Complainant of what we have done with her Complaint

I welcome your thoughts on this matter.

Allan



VANCOUVER POLICE BOARD

PROVIDING INDEPENDENT CIVILIAN OVERSIGHT, GOVERNANCE, AND STRATEGIC LEADERSHIP TO THE VANCOUVER POLICE DEPARTMENT, REFLECTING THE NEEDS, VALUES AND DIVERSITY OF VANCOUVER'S COMMUNITIES.

To: **Service or Policy Complaint Review Committee**
From: Board Office
Date: October 5, 2023
Subject: Complaint #2023-018 Alleging Unnecessary Aggression by VPD Member

On September 22, 2023, the Board Office received an email complaint from an individual who alleges she witnessed a VPD member kicking and verbally abusing an unhoused man who was camped in the alcove at the entrance of the retail business she manages near Cambie and 41st. The complainant stated that the man was not causing a disturbance but had to move in order to open the business. When VPD arrived, she alleges the officer repeatedly kicked the man's feet and lower legs, yelled at him, threatened him with jail, berated and insulted him. She says that the man remained calm but eventually began crying. The complainant says she is upset and now feels uncomfortable calling the police for assistance.

SPCR-Sub-committee Consideration

The sub-committee reviewed the complaint and determined that the allegations, if substantiated, are troubling, but the complaint does not appear to be within the ambit of a Service or Policy Complaint pursuant to Division 5 of the *Police Act*. The sub-committee believes it falls under Division 3, "Process Respecting Alleged Member Misconduct" which is within the jurisdiction and authority of the Police Complaint Commissioner.

Recommendation

The Sub-committee recommends that the Police Complaint Commissioner and Chief Palmer be advised that the Board received this complaint, ask that it be addressed as if it was filed under Section 78, and recommend that appropriate action to investigate and deal with it be undertaken .

The Sub-committee further recommends that the Board provide the complainant with an explanation of the legislation and criteria for the different processes for investigating and addressing complaints.

From: ATHANS, Ken <[REDACTED]>
Sent: Friday, September 22, 2023 12:17 PM
To: [REDACTED]
Cc: CHAN, Andrew [REDACTED] <[REDACTED]>
Subject: Bikes at stops signs email to the Vancouver Police Board

Hello [REDACTED]

Thank you for your email and bringing this issue to the attention of the Vancouver Police Board. Your matter was discussed during the September 21st Police Board meeting and Supt. Chan has requested I contact you.

We appreciate your concern for the safety of the road users and the enforcement of the traffic rules. We understand that you have witnessed some incidents of bicyclists not stopping at stop signs and drivers speeding on busy streets. We assure you that we are doing our best to monitor and regulate these situations, and we welcome any reports or evidence that you can provide to help us identify and address the offenders. Furthermore, our Public Affairs Section recently did an Instagram awareness feature reminding Cyclist the rules of the road apply to all road users. (link to the clip created by Constable Jason Doucette: <https://www.instagram.com/p/Ctj0TNXALGZ/?hl=en>)

So far this year Traffic Section has responded to 123 various driving safety complaints by providing focus to the issue through enforcement and education. In some cases posting our electronic message boards for extended periods to raise awareness to a community concern.

I have requested our dedicated two member Bicycle Team as well as our Traffic Enforcement officers to increase patrols in the area and give the locations you specified special attention over the coming weeks.

Also, I assure you our Traffic Enforcement officers set up radar daily throughout the City of Vancouver to catch unsafe drivers that exceed the legal speed limits on our streets. If you check our VPD Traffic social media account on X (@vpdtrafficunit) you will see many posts on our speed enforcement and impoundment of vehicles operated by excessive speeders.

We value your cooperation and support in making our city a better place for everyone.

Please do not hesitate to call me if you wish to discuss the concerns you have raised or any other traffic safety issue you feel appropriate,

Best regards,

Ken

Inspector Ken Athans [REDACTED]
OPERATIONS DIVISION | TRAFFIC SECTION

VANCOUVER POLICE DEPARTMENT | *Beyond the Call*

[REDACTED]

[Redacted]

[Redacted]

[Redacted]