



VANCOUVER POLICE BOARD

Service or Policy Complaint Review Committee Meeting Agenda

Date: Thursday November 23, 2023

Time: 2:05- 2:20 pm

		Time
1	Consent Agenda *1.1 Agenda for November 23, 2023 *1.2 Minutes of October 19, 2023 Meeting	
2	New Service or Policy Complaint- #2023-019 OPCC 2023-24468 Traffic Unit <ul style="list-style-type: none"> • *OPCC's intake Letter- October 25, 2023 • *Service or Policy Complaint from OPCC • *Complaint's Details • *Acknowledgement Letter • *Board Office memo with recommended disposition 	5
3	New Service or Policy Complaint- #2023-021 OPCC 2023-24859 Street Sweeps <ul style="list-style-type: none"> • *OPCC's intake Letter- November 6, 2023 • * Service or Policy Complaint from OPCC • *Acknowledgement Letter • *Board memo with recommended disposition 	5
4.	New Service or Policy Complaint- #2023-022 OPCC 2023-23673 Street Sweeps/Exclusion Zone <ul style="list-style-type: none"> • *OPCC's intake Letter- April 14, 2023 • * Service or Policy Complaint from OPCC • *Acknowledgement Letter • *Board memo with recommended disposition 	5
5.	For Information	
6.	Other Business	
ADJOURNMENT Service or Policy Complaint Review Committee Meeting		Total: 15



Service or Policy Complaints Review Committee Minutes

Date/Time: October 19, 2023 –1:45 pm- 1:52 pm

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

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

The Chair called the meeting to order at 1:45 pm.

1. *Adoption of Consent Agenda

1.1 Agenda for October 19, 2023, Service or Policy Complaints Review Committee meeting

1.2 Minutes of September 21, 2023, Service or Policy Complaints Review Committee Meeting

Motion: To adopt the consent agenda. Approved.

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

New Service or Policy Complaint- Board Report #2023-018

- *Incoming complaint email of September 22, 2023
- *Board Office correspondence with Service or Policy Complaint Sub-committee
- *Board Office memo with recommended disposition

The Chair providing the committee with a summary of a complaint received by the Board Office in which the complainant alleges a VPD officer kicked the feet and lower legs, and verbally berated, an unhoused man who was sleeping in an alcove of a business that was about to open for the day. The subcommittee recommended that the complaint was not a service or policy matter but appeared to be a public trust complaint, and further recommended

that the complaint be referred to the OPCC along with a request for it to be treated as if the complaint had been made to it directly.

Chief Constable Palmer stated that complaints such as this one may be referred to the VPD, which will in turn notify the OPCC, without awaiting a Service or Policy Complaint Review Committee meeting decision.

Motion: To refer the complaint to the OPCC and the Board to close its file for a lack of jurisdiction, and for the Board Office to notify the complainant accordingly. Approved

3. For Information

*Response to Complaint Regarding Bikes at Stops Signs (#2023-017) Inspector Ken Athans

The Chair updated the committee by confirming that the actions the committee contemplated at its previous meeting were complete and the Board could close its file for this matter.

*Update on response to OPCC File No. 2023-23490

The Chair updated the committee by advising that the City of Vancouver's audit of VPD's procurement policy is complete but, due to the late arrival of the report, VPD did not have an opportunity to prepare its cover memorandum in time for the meeting package. The memo and report will be on the agenda for the November meeting.

4. Other Business

Motion: To adjourn the meeting. Approved.

The meeting was adjourned at 1:52 pm.

TO BE APPROVED BY THE VANVOUVER POLICE BOARD ON NOVEMBER 23, 2023

October 25, 2023

VIA E-MAIL: jason.kuzminski@vanpoliceboard.ca; alaleh.shahali@vanpoliceboard.ca

His Worship Mayor Ken Sim
Chair, Vancouver Police Board
City Hall 3rd Floor – 453 West 12th Ave
Vancouver, BC V5Y 1V4

Dear Mayor Sim:

**Re: Service or Policy Complaint – Vancouver Police Department
OPCC File No. 2023-24468**

On August 29, 2023, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining their concerns related to the Vancouver Police Department's deliberate and indiscriminate targeting of motorcycles with an open-ended policy that requires no proof to issue infractions resulting in inspections and fines. A copy of the original complaint is attached.

As you are aware, a service or policy complaint may include a complaint regarding the general direction and management or operation of a municipal police department. It may also include a complaint about the inadequacy or inappropriateness of a municipal police department's policies or internal procedures, training programs or resources, staffing or resource allocation, or the department's ability to respond to requests for assistance.

Upon receiving a copy of the complaint, pursuant to section 171(1) of the *Police Act*, the board, having authority over the municipal police department to which the complaint relates, must promptly do one or more of the following:

- (a) Request that the chief constable of that municipal police department 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.

Pursuant to section 171(3) of the Act, within 20 business days after doing any of the things described in subsection (1)(a) to (e), the board must notify the Complainant, the Director of Police Services and the Police Complaint Commissioner regarding the course of action being taken. The Police Complaint Commissioner may request a status report from the board regarding the progress of an investigation or a study concerning a complaint under Division 5.

The police board must send an explanation for actions taken by the board under section 171 (1) and if applicable, a detailed summary of the results of any investigation or study initiated to the Complainant, the Director of Police Services and the Police Complaint Commissioner. If the Complainant is dissatisfied with the board's actions, explanations, or results from the investigation or the summary of those results, that person may, within 20 business days of receiving the explanation or summary, request the Police Complaint Commissioner to review the matter.

Should you have any questions regarding the above or with respect to the *Police Act* process, please do not hesitate to contact me [REDACTED] or by email at info@opcc.bc.ca.

Yours truly,



Tom Steenvoorden
Executive Director, Oversight Operations

Enclosure

cc: Chief Constable Adam Palmer, Vancouver Police Department
[REDACTED]

Complaint Form

How we can help

The British Columbia Office of the Police Complaint Commissioner (OPCC) is an impartial agency— independent of police and government. We take complaints about municipal police and monitor their investigations. We are here to inform, advise, and assist everyone involved in the police complaints process.

Note: We are **not** responsible for Royal Canadian Mounted Police (RCMP) complaints. If you wish to file a complaint against an RCMP officer, contact the Civilian Review and Complaints Commission (CRCC).

Toll free: **1 (800) 665-6878** or www.crcc-ccetp.gc.ca

Support and Assistance

There are a wide variety of supports available to assist you through the complaint process, including translation and interpretation services. For help finding the right support for your needs, please call our office at **1 (877) 999-8707** and ask for the Outreach and Accessibility Coordinator.

Making your complaint

The more complete your Complaint Form is, the easier it can be processed.

- **Before you begin** Review the Complaint Form below and gather all the information needed to describe your complaint.
- **Choose the type of complaint you are filing.**
- **Complete and submit your Complaint Form** You may submit your completed Complaint Form on our website, by email, by mail or fax, or drop it off at a municipal police station. You can also make a complaint over the phone with OPCC staff, by calling **1-877-999-8707** (no cost), or at our office.

The Office of the Police Complaint Commissioner

2nd Floor, 947 Fort Street, PO Box 9895 Stn Prov Govt, Victoria, BC V8W 9T8

Tel: **(250) 356-7458** Fax: **(250) 356-6503** Email: info@opcc.bc.ca Website: opcc.bc.ca

Submitting a complaint will start the complaint process. The OPCC reviews all complaints and you may be contacted if more information is needed. If you do not wish to participate in the formal complaint process, you may contact a police department directly to report a Question or Concern. Police departments are required to record questions or concerns and tell the OPCC how they were resolved. The OPCC will review the record to ensure that it was handled appropriately.

Choose the type of complaint you are filing

Police Complaints

Is your complaint about the **conduct** (behaviour, words, or actions) of a police officer?

If yes, this is a Police Complaint. Every Police complaint is processed and reviewed by the OPCC to decide if it will go for investigation. You will receive a letter outlining the OPCC's decision. If your complaint goes for investigation, you will have certain rights.

Your rights under the BC Police Act include:

- participating in a Complaint Resolution process or Mediation.
- being kept informed of the progress of your complaint investigation.
- receiving a final report.
- providing input on what discipline or correction you feel the officer should receive.
- requesting a review of the decision if you are not satisfied with the results.

Service or Policy Complaints

Is your complaint about the **services or policies** of a police department?

If yes, this is a Service or Policy Complaint. These complaints are reviewed by the police board of the municipal police department. The Police Complaint Commissioner may make recommendations to a Police Board or the Director of Police Services as a result of a Service or Policy Complaint.

Service or Policy complaints can include concerns about a police department's:

- policies (rules and standards that guide how police deliver their service).
- training in particular areas.
- services (how effective or efficient the police respond to requests for assistance).

Choose the type of complaint you are filing

Police Complaint

Service or Policy

Unknown

Your Contact Details

Please provide contact details so we may reach you. Your email address and phone numbers will help us contact you directly.

When you see the star symbol * the information is required so your complaint can be processed.

Title (Ms., Mx., Mr.): _____

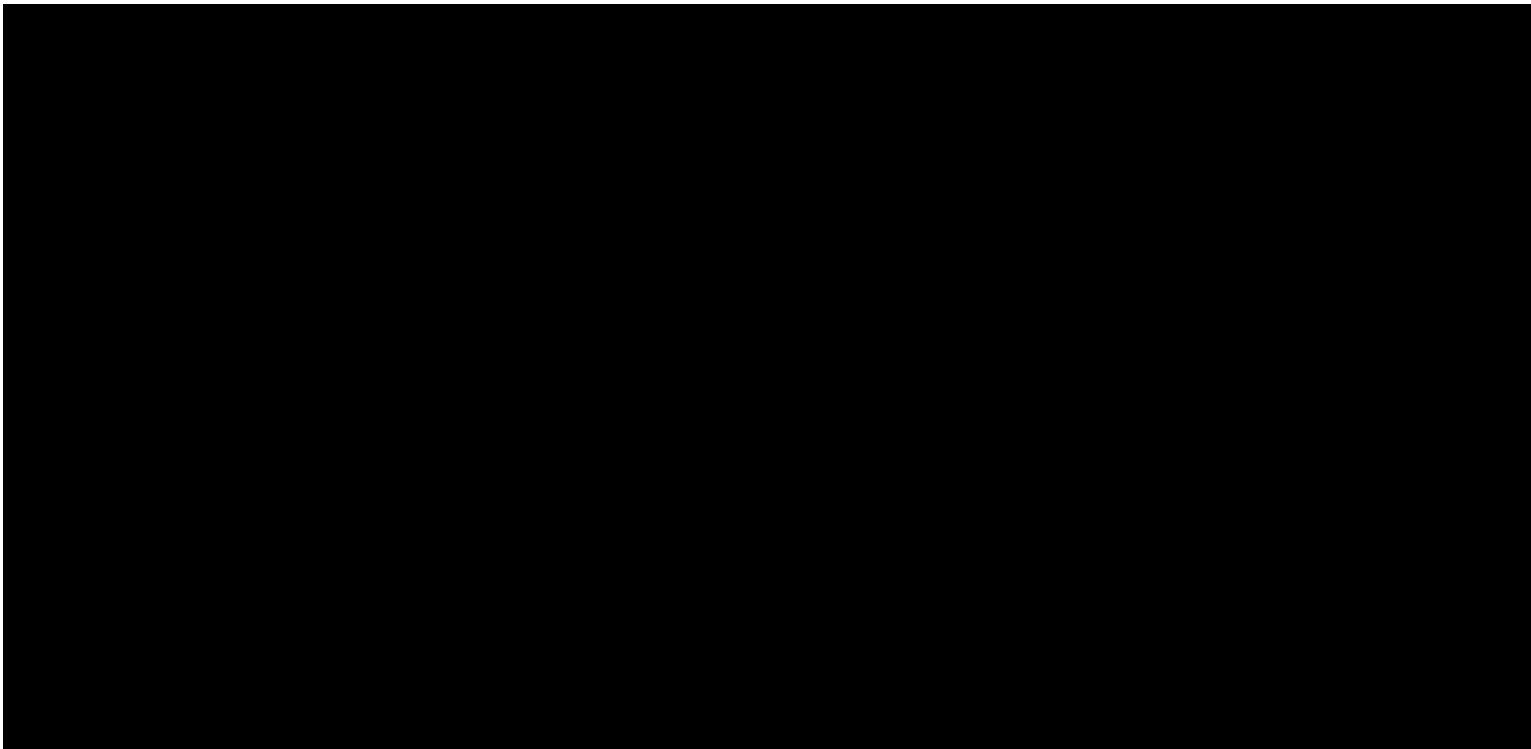
If you have a disability, accommodations are available. Please indicate how we may accommodate your needs:

OPTIONAL: Demographic (Background) Information

Answering questions about your gender and ethnicity or cultural background is **your choice**. It will not affect any service we provide or decision we make if you choose not to answer the questions.

We find the information very helpful in delivering our services. We collect information about people submitting complaints and review it to ensure that we are meeting the needs of groups and individuals who may not be well-represented in the complaints process. This personal information will be kept **confidential** and will not be shared with police departments or police boards.

We are required to report to the public on the information collected, but it is grouped together so no individual person can be identified. This includes statistical demographics such as age, gender, and ethnicity (following section 177(2)(e)(i) of the BC Police Act (2010)). These reports will not contain any information that could identify you. If you have questions about how we collect demographic information, please contact us at info@opcc.bc.ca.



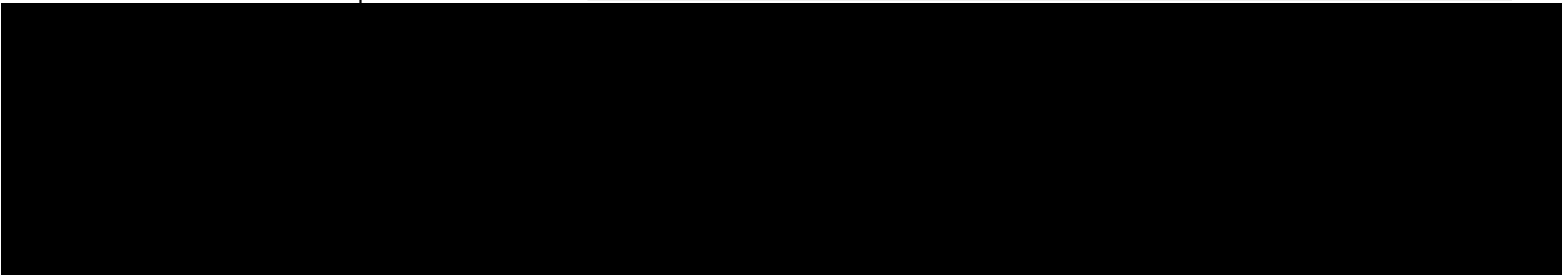
Complaint Information

Please fill in as much information as you can. Attach additional documents or pages as needed.

*When did the incident happen? (Example: 02/07/2019 for July 2, 2019) _____ What time did it occur? _____
Day / Month / Year

Where did the incident happen? Please provide location details, if known: _____

*Name of the Police Department involved: _____



Describe your injuries (if any): _____

If you received treatment for your injuries, please indicate when and where you received it:

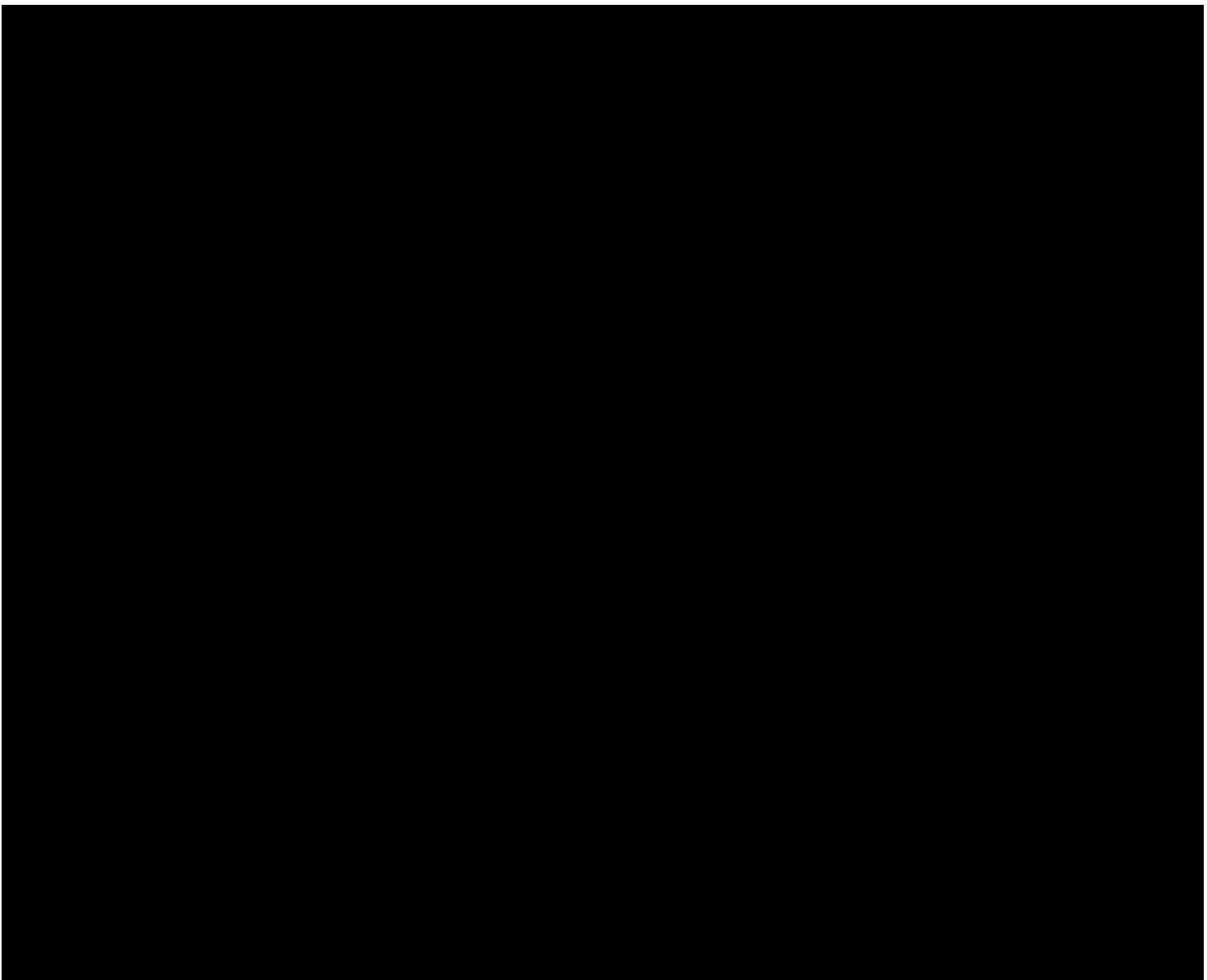
When: _____ Where: _____
Day / Month / Year

Complaint Description

Describe in detail what specifically caused you to make a complaint. Use the space below and attach more pages if needed. Consider describing:

- what the officer(s) said, did, or did not do.
- what you think the officer(s) should have done or said.
- any injury or damage as a result of what the officer(s) did or did not do.
- evidence of the incident(s) you have, such as photos, audio, video, or medical records.
- the police department's policy that you may have a concern about.

If this happened to someone else and you are a witness to the incident, include the name and contact information of the person this happened to (if known).



Complaint Resolution

There may be an opportunity for you to work with the police department and resolve the complaint together through an alternative dispute resolution process called Complaint Resolution. Complaint Resolution is different from a Formal Investigation. The main goal is to give you a chance to share your views and hear the officer's views about the incident. You do not have to meet the officer to participate in Complaint Resolution. If the process is successful, a formal resolution agreement between you and the officer is prepared, which is kept confidential.

Are you interested in participating in Complaint Resolution?

Yes No

My Statement

I certify that this information is true to the best of my knowledge. I understand:

- that this complaint may be investigated by the Professional Standards Unit of the department I am complaining about, and will be monitored by the OPCC.
- this complaint will be given to the Chief Constable of the department I am complaining about, by someone from their Professional Standards Unit or Police Board.
- a Professional Standards Investigator or an OPCC Investigative Analyst may contact me for more information and may request my participation in the investigation, including providing an additional statement.

*Date signed

Freedom of Information and Protection of Privacy

The personal information that you have provided on this Complaint Form is collected by the OPCC under the *Police Act* and in accordance with the *BC Freedom of Information and Protection of Privacy Act* (FOIPPA). The information will be used to investigate your complaint.

If you have any questions about privacy protection, please contact the Office of the Information and Privacy Commissioner for BC at **(250) 387-5629**, **info@oipc.bc.ca**, or visit **www.oipc.bc.ca**.

For Staff to Complete

Receipt of a Complaint Form. To be completed by the person receiving this complaint:

I _____ from (agency) _____

acknowledge receiving this complaint on _____ Date/ _____ Month/ _____ Year at/ _____ am/pm

If you recorded the complaint, did the originator confirm their complaint's contents when it was read back to them?

Yes. If not, what was done? _____

Was a copy of the complaint receipt given to originator? Yes

Forwarded to OPCC? Yes on _____ Date/ _____ Month/ _____ Year

This Complaint form and additional information provided by the complainant is to be sent to the OPCC for processing within the next business day of its receipt.

At approximately 3:30 PM on August 26th, 2023, I was on my way home from the dealership where I had purchased a pre-owned motorcycle roughly one-and-a-half months prior. I had taken my bike to the dealership that day to have new tires installed and to receive an inspection report that they had promised me upon purchasing the vehicle, but which had been delayed due to a scheduling error. However, the service technicians at my dealership had confirmed for me the condition and road-worthiness of the bike—which they described as a "bone-stock", "barely broken in" 2014 Triumph Rocket III Roadster.

While passing the PNE in the Westbound lane on Hastings Street in Vancouver, I was waved out of stop-and-go traffic by Officer [REDACTED] and his partner, who asked for my license and registration after directing me to pull over to the side of the road. When I provided these documents, Officer [REDACTED] proceeded to tell me that I had an "illegally modified exhaust system" on my motorcycle. Having just come from the dealership where I had purchased the bike and spoken to a service technician who had confirmed its condition, I politely responded that this could not be true, as the bike I was riding was recently purchased and was confirmed by the dealer to have only stock components.

Officer [REDACTED] then asked me for the model year of the vehicle. When I told him that it was from 2014, he responded "So you're riding a 10-year-old motorcycle—you don't know what's been done to it".

Incidentally, Officer [REDACTED] was unaware at this time that I am a former editor-at-large (and current freelance contributor) for a major powersports publication (A07 Online Media, which owns the subsidiaries webBikeWorld, Best Beginner Motorcycles, and others. It was my job to research, ride, and write about motorcycles for over a year and a half. I researched this motorcycle carefully before purchasing it, in addition to confirming its condition with my dealer. However, one need not possess this level of experience to identify stock Triumph pipes, which have a distinctive appearance. A cursory Google Image search of the promotional photos for this motorcycle, or a simple glance at the manufacturer's label on the bottom of the exhaust system, would have confirmed for Officer [REDACTED] that these were the bike's original pipes.

Regrettably, the officer did neither of these things. Instead, he directed me to put the motorcycle in neutral and rev the engine to 3500 RPM while holding an over-the-counter dB meter less than a foot away from the end of the muffler. He then told me that my exhaust system had been measured at a volume of 106 dB, and that this proved the bike's pipes were illegal. This assessment was incorrect for several reasons, which are as follows:

Any mechanic (and I work with several) will confirm for you that a dB meter held in such close proximity to any exhaust system will show volume levels higher than the limits specified in the Motor Vehicle Act, which is 91 dB-A for motorcycles. Because of this, the MVA also states clearly that these tests must be performed at a specific distance in controlled conditions to provide accurate readings. However, Officer

█████ conducted his "test" on the side of a busy highway with horns honking and trucks going by mere meters away from where I had been pulled over.

I remained polite and respectful throughout this encounter—I did not mention to Officer █████ that I had specific professional knowledge of motorcycles, and was not belligerent when he issued me a mandatory vehicle inspection notice (a Box 2 suspension on a Notice & Order slip). However, I did ask him several clarifying questions during the exchange.

At one point, I asked him how the bike could be made quieter so I could avoid having to deal with this inconvenience again. His answer was that the only way I could comply with the law was to put the stock pipes back on the bike. When I reiterated that the current pipes on the bike were the stock pipes, he told me he didn't care how I made the bike quieter, only that I did. As someone who specifically bought a factory-stock bike (in part to avoid problems like this), I felt that this response placed me in an impossible situation—to the best of my knowledge, I was already running the quietest pipes available for the bike.

Officer █████ also told me that the bike might pass inspection as-is—but that if it did, he would simply send me back for another inspection next time he saw or heard me riding. This was both confounding and unnerving—surely, if an ICBC-approved shop confirmed what I already knew (that my bike had street-legal pipes), I should be free from continued harassment? However, these comments seemed to imply exactly the opposite—that in spite of objectively proving my motorcycle's legality, I would continue to be hounded by Officer █████ and the VPD unless I found a solution that, as far as I was aware, did not exist.

When the circuitous nature of Officer █████ logic became apparent to me, I began to record our conversation on my phone. I have supplied a copy of this recording along with this complaint for you to review.

Before I pulled back into traffic, I also saw Officer █████ and his partner spot another motorcyclist coming up behind me. They were too far away for my recording to pick up what they said, but I heard Officer █████ say to his partner something to the effect of "Here comes another motorcyclist—let's get him".

This disturbed me greatly. It appeared to me that Officer █████ and his partner were indiscriminately targeting motorcyclists to issue these Notice & Order slips, regardless of the facts in each case.

Later, upon sharing this story with other members of the Vancouver riding community, several others came forward to share similar experiences with the same officer. One rider described being pulled over immediately after purchasing a brand new Ducati with less than 30km on the odometer. According to this rider, Officer [REDACTED] made a similar claim (that the bike was illegally modified), and actually slapped the paperwork out of the rider's hands when they attempted to show him that it was a brand new vehicle fresh from the dealership.

Screenshots of this anecdote have also been included in the email along with this complaint. Please review them.

As a powersports journalist, I decided to do some research to see whether I could find out any details about the policy that allowed Officer [REDACTED] to behave in this manner. In the course of this research, I uncovered an email chain between Officer [REDACTED], other members of the VPD, and members of the Ministry of Transportation and Infrastructure. I have created a copy of this email chain, wherein I have highlighted and annotated pertinent sections for your consideration. However, here is a summary of the salient points:

- At several points, it appears that the VPD eschews objective testing standards due to their potential to lead the police "down an accountability path". Instead, they seem to reach the conclusion that any officer with "reasonable experience" can make the call about whether a bike is too loud to be street legal. Officer [REDACTED] clearly does not possess "reasonable experience", as he was unable to recognize the stock pipes on a popular brand of motorcycle and incorrectly conducted a dB test under non-standard conditions. If you listen to the recording of our encounter, you will also hear him struggle to identify the model of motorcycle he claims to have ridden as a VPD member for over 30 years.
- In another section, Officer [REDACTED] himself suggests that the VPD's policy regarding motorcycle noise be based on a section of the MVA with "subjective language" in order to reduce the police's burden of proof.
- Other parts of the document confirm what is also in the MVA: that any exhaust system manufactured for a stock vehicle must be street legal in order for that vehicle to be imported into Canada and sold here. Which is to say that by definition, a stock motorcycle is a street-legal motorcycle.

There is a good deal more—I urge you to review the documents I have provided in detail, as it has required a significant amount of time and effort to collect and analyze this information.

Interestingly, I also discovered that even a bike with a modified exhaust system is not necessarily illegal, as long as it is under the specified dB limit. Several of Officer [REDACTED] statements during our encounter directly contradict this, further demonstrating that he lacks the knowledge, experience, or integrity to make such decisions.

To conclude, here is the primary point of my complaint: it appears that Officer [REDACTED] is deliberately and indiscriminately targeting motorcycles with a policy that is so open-ended it requires no burden of proof on his part. It also appears that he was instrumental in designing this policy, which may in fact contravene key sections of the Motor Vehicle Act (i.e. federal law).

I formally request that this policy be revisited and revised to prevent law abiding citizens such as myself from being unduly harassed. The law allows us to purchase these vehicles. The law requires that we pay taxes on these vehicles. If the law does not allow us to then ride these vehicles without fear of being pestered, badgered, and condescended to by civil servants, the law is unjust and those who created it are irresponsible.

Finally, be aware that as a practicing journalist, I believe there is a potential story here about police overreach and the risks of allowing public policy to be implemented so haphazardly. I have already reached out to contacts at Daily Hive and CBC to examine this issue further. The way in which your department receives and responds to these concerns may be an important part of any narrative that eventually reaches the public.

Yours very sincerely,

[REDACTED]

P.S. I complied with the Notice & Order and took my bike to be inspected at a designated ICBC inspection facility. They measured the noise from my pipes at 87.5 dB-A—which is below the 91 dB-A limit. I have attached a photograph of the inspection report as well.



Date: October 26, 2023

[REDACTED]

Dear [REDACTED]

RE: Service or Policy Complaint #2023-019 / OPCC File #2023-24468

This letter acknowledges that your complaint about the Vancouver Police Department targeting motorcyclists with an open-ended policy was referred from the Office of the Police Complaint Commissioner and has been received by the Vancouver Police Board. **The Board's Service or Policy Complaint Review Committee will consider the complaint at its next meeting in November.** Please note that a Service or Policy Complaint is considered with respect to:

- a) The general direction and management or operation of a municipal police department; or,
- b) The inadequacy or inappropriateness of any of the following in respect of a municipal police department:
 - a. Its staffing or resource allocation;
 - b. Its training programs or resources;
 - c. Its standing orders or policies;
 - d. Its ability to respond to requests for assistance;
 - e. Its internal procedures.

Upon investigating a complaint, the Service or Policy Complaint Review Committee can decide to take any of the following actions in accordance to the *Police Act*, section 171(1):

- (a) request a chief constable of that municipal police department to 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;
- (e) take any other course of action the board considers necessary to respond adequately to the complaint.

The Service or Policy Complaint Review Committee next meets on November 23, 2023. The meeting will immediately follow the Board's regular meeting, which starts at 1:00 p.m. The meetings are live-webcast on the Board's website: www.vancouverpoliceboard.ca.

The agendas and reports for both meetings will also be available online on our website prior to the meeting. I will advise you in writing of any decision made by the Committee with respect to this complaint following the meeting.

Yours sincerely,

Office of Vancouver Police Board

CC:

Chief Constable Adam Palmer;
Office of the Police Complaint Commissioner;
Ministry of Public Safety and Solicitor General



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: November 10, 2023
Subject: Complaint #2023-019 Alleging VPD's deliberate targeting of motorcycles

On October 25, 2023, the Board Office received an email from OPCC regarding an individual who alleges VPD's deliberate and indiscriminate targeting of motorcycles with an open-ended policy that requires no proof to issue infractions resulting in inspections and fines.

SPCR-Sub-committee Recommendation

The sub-committee reviewed the complaint and recommends that the committee move that the Chief Constable investigate the allegation and report back to the committee pursuant to subsection (a). The sub-committee further recommends that the investigation and the report back include the relevant VPD policies that address the concerns raised in the complaint as well as the reasons why the policies may or may not be relevant.

The Sub-committee further recommends that the Board advise the complainant that it has initiated an investigation into their complaint and will respond more fully when it has the results of the investigation. The Board appreciated that they are willing to consider some form of informal resolution.

November 10, 2023

VIA E-MAIL: Jason.kuzminski@vanpoliceboard.ca; alaleh.shahali@vanpoliceboard.ca

His Worship Mayor Ken Sim
Chair, Vancouver Police Board
City Hall 3rd Floor – 453 West 12th Avenue
Vancouver, BC V5Y 1V4

Dear Mayor Sim:

**Re: Service or Policy Complaint – Vancouver Police Department
OPCC File No. 2023-24859**

On November 6, 2023, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining their concerns related to the Vancouver Police Department overreaching its jurisdiction to displace vulnerable members of the community during the “street sweeps” on the Downtown East Side, in contradiction to section 6 of the *British Columbia Provincial Police Standards*. A copy of the original complaint is attached.

As you are aware, a service or policy complaint may include a complaint regarding the general direction and management or operation of a municipal police department. It may also include a complaint about the inadequacy or inappropriateness of a municipal police department’s policies or internal procedures, training programs or resources, staffing or resource allocation, or the department’s ability to respond to requests for assistance.

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- (c) Initiate an investigation into the complaint;
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- (e) Take any other course of action the board considers necessary to respond adequately to the complaint.

Pursuant to section 171(3) of the Act, within 20 business days after doing any of the things described in subsection (1)(a) to (e), the board must notify the Complainant, the Director of Police Services and the Police Complaint Commissioner regarding the course of action being taken. The Police Complaint Commissioner may request a status report from the board regarding the progress of an investigation or a study concerning a complaint under Division 5.

The police board must send an explanation for actions taken by the board under section 171 (1) and if applicable, a detailed summary of the results of any investigation or study initiated to the Complainant, the Director of Police Services and the Police Complaint Commissioner. If the Complainant is dissatisfied with the board's actions, explanations, or results from the investigation or the summary of those results, that person may, within 20 business days of receiving the explanation or summary, request the Police Complaint Commissioner to review the matter.

Should you have any questions regarding the above or with respect to the *Police Act* process, please do not hesitate to contact me at (250) 356-7458 or by email at info@opcc.bc.ca.

Yours truly,



Tom Steenvoorden
Executive Director, Oversight Operations

Enclosure

cc: Chief Constable Adam Palmer, Vancouver Police Department
[REDACTED]

From: [REDACTED]
Sent: Monday, November 6, 2023 11:57 AM
To: Web Submissions
Subject: Complaint Form - [REDACTED]

Categories:

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Your Contact Details
Title [REDACTED]
First Name [REDACTED]
Last Name [REDACTED]
Contact Phone Number [REDACTED]
Email Address [REDACTED]
Date of Birth [REDACTED]
Complaint Information
When did the incident happen? 05/04/2023
Where did the incident happen? East Hastings St
Name of the police department involved, if known. Choose from this menu Vancouver
Choose the type of complaint you are filing
Choose the type of complaint you are filing <ul style="list-style-type: none">• Service or Policy
Complaint Description
Complaint Details <p>Officers of the VPD not only allowed but actively supported the forced displacement of unhoused people along a stretch of Hastings Street in the Downtown East Side. This neighbourhood is disproportionately inhabited by individuals from marginalized groups, including but not limited to Indigenous folks, especially Indigenous women, other racialized minorities, and folks with</p>

disabilities. This sweep was conducted without community consultation, and directly contravenes BCPPS section 6, by ignoring both the demographics of the population affected, and by ignoring the historic displacement of peoples within Vancouver which created the Downtown Eastside as we know it today. This gross overreach of power from the VPD, perhaps in conjunction with the Vancouver City Council and Mayor Ken Sim (who, I might add, received an endorsement from the VPD during the municipal campaigning).

Evidence can be found freely on the internet as many activists, journalists, and community members documented: CF <https://www.cbc.ca/news/canada/british-columbia/vpd-encampment-removal-1.6802439>.

This is but one case of the VPD using its power inequitably and overreaching its jurisdiction to displace vulnerable members of the community. The VPD requires a thorough investigation of all operations, and the need for better community oversight moving forward.

Complaint Resolution

Are you interested in participating in Complaint Resolution?

No

My Statement

Please write first and last name here

██████████

Date Signed

06/11/2023



Date: November 14, 2023

Sent via email to: [REDACTED]

RE: Service or Policy Complaint #2023-021 / OPCC File #2023-24859

This letter acknowledges that your complaint alleging the Vancouver Police Department has overreached its jurisdiction during "street sweeps" in Downtown Eastside was referred from the Office of the Police Complaint Commissioner and has been received by the Vancouver Police Board. **The Board's Service or Policy Complaint Review Committee will consider the complaint at its next meeting in November.** Please note that a Service or Policy Complaint is considered with respect to:

- a) The general direction and management or operation of a municipal police department; or,
- b) The inadequacy or inappropriateness of any of the following in respect of a municipal police department:
 - a. Its staffing or resource allocation;
 - b. Its training programs or resources;
 - c. Its standing orders or policies;
 - d. Its ability to respond to requests for assistance;
 - e. Its internal procedures.

Upon investigating a complaint, the Service or Policy Complaint Review Committee can decide to take any of the following actions in accordance to the *Police Act*, section 171(1):

- (a) request a chief constable of that municipal police department to 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;
- (e) take any other course of action the board considers necessary to respond adequately to the complaint.

The Service or Policy Complaint Review Committee next meets on November 23, 2023. The meeting will immediately follow the Board's regular meeting, which starts at 1:00 p.m. The meetings are live-webcast on the Board's website: www.vancouverpoliceboard.ca.

The agendas and reports for both meetings will also be available online on our website prior to the meeting. The Board office will advise you in writing of any decision made by the Committee with respect to this complaint following the meeting.

Yours sincerely,

Office of Vancouver Police Board

CC:

Chief Constable Adam Palmer;
Office of the Police Complaint Commissioner;
Ministry of Public Safety and Solicitor General



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: November 14, 2023
Subject: Complaint #2023-021-OPCC 2023-24859 Alleging VPD has overreached its Jurisdiction during Street Sweeps

On November 10, 2023, the Board Office received an email from OPCC regarding an individual who alleges VPD has overreached its jurisdiction to displace vulnerable members of the community during the "street sweeps" on the Downtown East Side contrary to section 6 of the *British Columbia Provincial Police Standards* re "Promotion of Unbiased Policing".

SPCR-Sub-committee Recommendation

The sub-committee reviewed the complaint and considered that the allegations are similar to an earlier complaint and questions asked by a member of the public during the regular meeting on April 20, 2023. The information provided to the Board is that decampments are at the direction of Vancouver's Fire Chief, and removal of tents is done by City of Vancouver employees. The role of VPD is to stand by and keep the peace in order to maintain public safety.

Since these responses, Provincial Policing Standard 6 "Promotion of Unbiased Policing" came into effect. The sub-committee recommends to the committee that it approve a motion to request the Chief Constable investigate any potential breach of Provincial Policing Standard 6 that may have occurred by a member of VPD while supporting the Vancouver Fire Chief or City of Vancouver employees during a decampment, and that the Chief Constable report back to the sub-committee which may consider any further actions that may be required



Office of the
Police Complaint Commissioner

British Columbia, Canada

April 14, 2023

VIA E-MAIL: jason.kuzminski@vancouverpoliceboard.ca

Faye Wightman, Vice-Chair
Vancouver Police Board
City Hall 3rd Floor – 453 West 12th Avenue
Vancouver, BC V5Y 1V4

Dear Vice-Chair:

**Re: Service or Policy Complaint – Vancouver Police Department
OPCC File No. 2023-23673**

On April 5, 2023, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining [REDACTED] concerns related to the Vancouver Police Department's (VPD) actions regarding the "Street Sweep" in the Downtown Eastside (DTES) on April 5, 2023. Among the concerns raised, [REDACTED] advised that "preventing journalists from entering the site today was an infringement upon journalistic freedom and freedom of the press...". A copy of the original complaint is attached. For clarity, the portion of the complainant's letter that is the subject of this referral relates solely to the issue related to the use of an "exclusion zone" by the VPD.

After review of the concerns raised in the complaint and the public statements of the VPD, it appears that an "exclusion zone" was created by the VPD for the purpose of excluding the public and the media from a specific section of the city for a defined period of time. It is unclear what lawful authority was relied upon in the creation and enforcement of this "exclusion zone". The matter of the legality of "exclusion zones" has been the subject of consideration by the Courts most notably in the context of civil disobedience.

As you are aware, a service or policy complaint may include a complaint regarding the general direction and management or operation of a municipal police department. It may also include a complaint about the inadequacy or inappropriateness of a municipal police department's policies or internal procedures, training programs or resources, staffing or resource allocation, or the department's ability to respond to requests for assistance.

Upon receiving a copy of the complaint, pursuant to section 171(1) of the *Police Act*, the board, having authority over the municipal police department to which the complaint relates, must promptly do one or more of the following:

Clayton Pecknold
Police Complaint Commissioner

5th Floor, 947 Fort Street
PO Box 9895 Stn Prov Govt
Victoria, British Columbia V8W 9T8
Tel: (250) 356-7458 Fax: (250) 356-6503

Toll Free 1 877-999-8707 # Website: www.opcc.bc.ca

- (a) Request that the chief constable of that municipal police department 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.

Pursuant to section 171(3) of the Act, within 20 business days after doing any of the things described in subsection (1)(a) to (e), the board must notify the Complainant, the Director of Police Services and the Police Complaint Commissioner regarding the course of action being taken. The Police Complaint Commissioner may request a status report from the board regarding the progress of an investigation or a study concerning a complaint under Division 5.

The police board must send an explanation for actions taken by the board under section 171 (1) and if applicable, a detailed summary of the results of any investigation or study initiated to the Complainant, the Director of Police Services and the Police Complaint Commissioner. If the Complainant is dissatisfied with the board's actions, explanations, or results from the investigation or the summary of those results, that person may, within 20 business days of receiving the explanation or summary, request the Police Complaint Commissioner to review the matter.

In addition to the forgoing, as the public record demonstrates that both the Chair of the Police Board and the Chief Constable were directly involved in the circumstances which give rise to this complaint, it is my recommendation that the Vancouver Police Board obtain independent advice in addressing this complaint distinct from the VPD.

Please be advised that given the public interest considerations in this matter, the board response may be reported publicly. Should you have any questions regarding the above or with respect to the *Police Act* process, please do not hesitate to contact my office at (250) 356-7458 or by email at info@opcc.bc.ca.

Sincerely,



Clayton Pecknold
Police Complaint Commissioner

From: [REDACTED]
Sent: Wednesday, April 5, 2023 3:17 PM
Subject: REGARDING THE STREET SWEEP IN THE DTES TODAY, APRIL 5, 2023

CAUTION: This email came from an external source. Only open attachments or links that you are expecting from a known sender.

To whom it may concern,

I am reaching out with deep concern, anger, and disgust at the recent actions by the VPD today on Hastings Street in Vancouver. The actions carried out by VPD members were cruel and inhumane, and constitute human rights violations against a highly vulnerable and marginalized population.

Where will these forcibly displaced people go? Where will they find housing, in a landscape of emergency shelters that do not have the capacity to house them? By doing this with no alternate housing solutions, these actions by the VPD are putting residents of the DTES at risk for environmental exposure, psychological and bodily harm, and traumatization. Further, this is blatant theft on behalf of the VPD. Taking away individuals' personal belongings, especially given that these residents are facing homelessness, poverty, and psychiatric issues, is beyond my comprehension.

Similarly, preventing journalists from entering the site today was an infringement upon journalistic freedom and freedom of press, a constitutionally protected right in Canada.

[REDACTED] reported [REDACTED] that shelter space would be available to residents displaced by the street sweep. This is a blatant lie. This morning's 211 Shelter Update reported one available bed in Vancouver that has since been occupied. What has been done today will only further escalate tensions between protesters and residents of the DTES and police. This will harm or sever relationships between non-profits, service organizations and police, built on trust and respect. These actions are further disenfranchising people experiencing housing insecurity and poverty. It is unconstitutional, and it goes against what the purpose of police SHOULD be. This is not keeping people safe, this is victimization and harm.

Signed,



Date: November 14, 2023

Sent via email to: [REDACTED]

RE: Service or Policy Complaint #2023-022 / OPCC File #2023-23673

On behalf of the Vancouver Police Board, I write to acknowledge receipt of your April 5, 2023 complaint regarding the Vancouver Police Department's actions during a "street sweep" in the Downtown Eastside, including allegedly preventing journalists from entering the area. I regret the delay in responding to you. The complaint, which was referred by the Office of the Police Complaint Commissioner, had been misaddressed and was only received by the Board Office today.

The Board's Service or Policy Complaint Review Committee will consider the complaint at its next meeting in November. Please note that a Service or Policy Complaint is considered with respect to:

- a) The general direction and management or operation of a municipal police department; or,
- b) The inadequacy or inappropriateness of any of the following in respect of a municipal police department:
 - a. Its staffing or resource allocation;
 - b. Its training programs or resources;
 - c. Its standing orders or policies;
 - d. Its ability to respond to requests for assistance;
 - e. Its internal procedures.

Upon investigating a complaint, the Service or Policy Complaint Review Committee can decide to take any of the following actions in accordance to the *Police Act*, section 171(1):

- (a) request a chief constable of that municipal police department to 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;
- (e) take any other course of action the board considers necessary to respond adequately to the complaint.

The Service or Policy Complaint Review Committee next meets on November 23, 2023. The meeting will immediately follow the Board's regular meeting, which starts at 1:00 p.m. The meetings are live-webcast on the Board's website: www.vancouverpoliceboard.ca.

The agendas and reports for both meetings will also be available online on our website prior to the meeting. The Board office will advise you in writing of any decision made by the Committee with respect to this complaint following the meeting.

Yours sincerely,

Office of Vancouver Police Board

CC:

Chief Constable Adam Palmer;
Office of the Police Complaint Commissioner;
Ministry of Public Safety and Solicitor General



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To: **Service or Policy Complaint Review Committee**
From: Board Office
Date: November 14, 2023
Subject: Complaint #2023-022-OPCC 2023-23673 Alleging VPD prevented journalists from entering the area during "street sweeps"

On November 14, 2023, the Board Office received an email from OPCC regarding an individual who alleges VPD prevented journalists from entering the area during the "street sweeps" in Downtown Eastside. OPCC has reviewed the concerns raised in the complaint and the public statements of the VPD and stated "It appears that an "exclusion zone" was created by the VPD for the purpose of excluding the public and the media from a specific section of the city for a defined period of time. It is unclear what lawful authority was relied upon in the creation and enforcement of this "exclusion zone". The matter of the legality of "exclusion zones" has been the subject of consideration by the Courts most notably in the context of civil disobedience."

SPCR-Sub-committee Recommendation

The sub-committee reviewed the complaint and considered that the allegations are similar to an earlier complaint and questions asked by a member of the public during the regular meeting on April 20, 2023. The information provided to the Board is that decampments are at the direction of Vancouver's Fire Chief, and removal of tents is done by City of Vancouver employees. The role of VPD is to stand by and keep the peace in order to maintain public safety.

The sub-committee recommends that the committee ask Chief Constable to investigate if any exclusion zone was established and, if so, the involvement of any PVD member in regard to the exclusion zone, and that the Chief Constable report back to the sub-committee who may consider any further action to recommend to the committee.