



VANCOUVER POLICE BOARD

Service or Policy Complaint Review Committee Meeting Agenda

Date: Thursday January 18, 2023

Time: 2:00- 2:20 pm

1	Consent Agenda *1.1 Agenda for January 18, 2024 *1.2 Minutes of November 23, 2023 Meeting
2	New Service or Policy Complaint- (OPCC File# 2023-24999) • *Service or Policy Complaint • *Intake Letter to the Police Board • *Acknowledgement Letter • *Memo- Service or Policy Complaint Review Committee
3	3.1 Board Recommendations re Contract Management- OPCC File# 2023-23490 -Verbal Update
4.	4.1 Response to OPCC Recommendations- OPCC File# 2021-19359 and 2021-20873- Verbal Update (#2401V08)
5.	5.1 OPCC 2023-24853- Service or Policy Complaint Review Committee- Verbal Update • *Follow up correspondence sent to the complainant
6.	For Information
7.	Other Business
ADJOURNMENT Service or Policy Complaint Review Committee Meeting	



Service or Policy Complaints Review Committee Minutes- Public Portion

Date/Time: November 23, 2023 –2:05-2:14 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	
Ken Sim (Chair) Online	Deputy Chief DCC Howard Chow	
Allan Black (Director)	Deputy Chief Constable Fiona Wilson	
Comfort Sakoma- Fadugba (Director)	Deputy Chief Constable Steve Rai	
Frank Chong (Director) Online	Superintendent Shelley Horne	
Patricia Barnes (Director)	Superintendent Don Chapman	
Lorraine Lowe (Director)	Superintendent Trevor Burmachuk	
Jason Kuzminski (Executive Director)		
Alaleh Shah Ali (Board Staff)		
Alysha Bortolussi (Administrative Assistant)		
Absent: NA		

The Chair called the meeting to order at 2:05 pm.

1. *Adoption of Consent Agenda

1.1 Agenda for November 23, 2023, Service or Policy Complaints Review Committee meeting

1.2 Minutes of October 19, 2023, Service or Policy Complaints Review Committee Meeting

Motion: To adopt the consent agenda. Approved.

2. *New Service or Policy Complaints

New Service or Policy Complaint- #2023-019 OPCC 2023-24468 Traffic Unit

- *OPCC's intake Letter- October 25, 2023
- *Service or Policy Complaint from OPCC
- *Complaint's Details
- *Acknowledgement Letter
- *Board Office memo with recommended disposition

The Chair summarized a complaint received by the Board Office in which the complainant alleges a VPD officer pulled them over due to noise levels of his motorcycle. The sub-committee reviewed the complaint and recommended a motion that the Chief Constable investigate the allegation and report back to the Committee, and that the report include relevant VPD policies that address the concerns raised in the complaint.

Supt. Don Chapman spoke to the complaint, stating that VPD has no policy that directs members to target motorcycles or any vehicles on the road. There is a VPD policy with respect to the issuance of notice and orders with respect to unsafe vehicles, which is found in the VPD Regulations Procedural Manual Section 110.13. If a VPD member has reasonable or probable grounds to believe a vehicle has either mechanical, structural or other defect or is not in compliance with the Motor Vehicle Act, the member can inspect the vehicle. The relevant legislation does not require the VPD to observe an offence and provides broad authority to inspect a vehicle and to pull a vehicle over, remove it from the highway and require the owner/driver to seek repairs for the vehicle. Supt. Chapman stated that in circumstances like those raised by the complainant, a driver issued with a notice of order can leave the scene without a fine issued must take their vehicle to a designated facility within 30 days to get their vehicle assessed. In this case it was in response to a loud exhaust pipe.

The Board asked questions regarding the discretion exercised when pulling motorcyclist over. Supt. Chapman stated that the Traffic Enforcement Unit heard a loud motorcycle approaching them and flagged the driver to pull over. While the officer recorded the noise level using a decibel meter, he was not required to do so and was authorized to rely on his own judgment. DCC Chow stated that this was a very experience officer. Road Safety and Traffic Safety VPD has statutory authority to make subjective decisions to pull unsafe vehicles off the road.

Action: The Board office will address the complaint based on the report received. The Board office will contact the complainant to identify if there are any additional questions, given the complainant's expression of willingness for alternative dispute resolution.

Motion: To approve the motion proposed. Approved.

New Service or Policy Complaint- #2023-021 OPCC 2023-24859 Street Sweeps

- *OPCC's intake Letter- November 6, 2023
- * Service or Policy Complaint from OPCC
- *Acknowledgement Letter
- *Board memo with recommended disposition

The Chair summarized the complaint, which alleges the VPD overreached its jurisdiction during the Hastings decampment initiative of the City of Vancouver and acted contrary to Standard 6 of the BC Provincial Police Standards of promotion of unbiased policing. The sub-committee reviewed the complaint and that it is similar to an earlier complaint that the Committee had dismissed for the reasons that VPD's role during the decampments is to stand by and keep the peace while City employees and Vancouver Fire conduct the operation. The sub-committee recognized that the earlier complaint was considered prior Provincial Policing Standard 6 coming into effect and therefore recommends a motion that the Chief Constable investigate any potential breach of Standard 6 that may have occurred by a member of VPD while supporting the Vancouver Fire Chief and CoV staff.

Supt. Don Chapman spoke to the complaint and the sub-committee recommendation, beginning with an overview of the role that VPD had in the decampment. VPD was not a lead agency for the initiative and worked

under the guidance of BC Ministry of Attorney General and Ministry Responsible for Housing to support a city-led initiative. VPD does not employ random or arbitrary street sweeps and its objective was to support the Province and City with their decampment by keeping the peace and maintaining safety. VPD remains neutral and acts within their lawful authority. In this instance, the VPD was required to ensure compliance with traffic bylaws, the city Chief's Fire order and common law duties. VPD recognizes that Standard 6 is in effect and is delivering services impartially and equitably, in a culturally safe and trauma-informed manner. Supt. Chapman clarified that no street sweeps were conducted. Robust community consultation was employed taking into account equity and partiality practices that are safe and informed.

Motion: To dismiss the complaint for reasons as set out above. Approved.

New Service or Policy Complaint- #2023-022 OPCC 2023-23673 Street Sweeps/Exclusion Zone

- *OPCC's intake Letter- April 14, 2023
- * Service or Policy Complaint from OPCC
- *Acknowledgement Letter
- *Board memo with recommended disposition

The Chair summarized the complaint that was referred by the OPCC on April 5th but received by the Board office on Nov 14th some 7 months later, due to it being misaddressed by the OPCC. The complainant raises several allegations in relation to the Hastings decampment, among them that VPD prevented the public and journalists from entering the decampment area. In its referral letter, the OPCC characterized the allegation as VPD creating "an exclusion zone" and questions the constitutionality of VPD excluding the public and media from specific sections of the City for a defined period of time. The PCC also stated that because the Chief Constable and the Mayor, who is also Chair of the Police Board, had oversight of the decampment operation in which the allegation is made, he recommended the Board initiate an independent investigation.

The sub-committee reviewed the complaint and considered that the complainant made a bare assertion and did not offer first-hand evidence to support the allegation or showed that if anyone's movement was prevented it was because of VPD and not Fire or City employees who were also in the same area. The sub-committee proposed that the initial question of whether there was an exclusion zone at all can be answered without a full investigation, and if the answer is that there was one then the sub-committee was prepared to recommend an investigation to determine whether it was the result of the VPD.

Supt. Chapman spoke to the complaint and sub-committee's proposal and stated that media and journalists were not prevented from entering the Hastings Street encampment zone by anyone, including the VPD. At the beginning of the operation, in the early hours of April 5th and 6th, VPD did host a media briefing at a staging area and provided media who attended with a police liaison who would facilitate responses to media queries. During the operation, access to some areas was temporarily limited to keep the peace, protect specific spots where Fire and City employees were conducting the operation, and to ensure public safety when large trucks and moving trucks were active in the area.

Motion: To dismiss the complaint for reasons as set out above. Approved.

3. Other Business

The Committee moved in camera.

The public portion of the meeting was adjourned at 2:14 pm.

TO BE APPROVED BY THE VANCOUVER POLICE BOARD ON JANUARY 18, 2024

From: [REDACTED] <opcccomplaints@opcc.bc.ca>
Sent: Tuesday, October 17, 2023 8:12 AM
To: Web Submissions
Subject: Complaint Form - [REDACTED] - 20/07/2023

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

First Name

[REDACTED]

Last Name

[REDACTED]

Mailing Address

[REDACTED]

City/Town

[REDACTED]

Province

[REDACTED]

Postal Code

[REDACTED]

Contact Phone Number

[REDACTED]

Email Address

[REDACTED]

Date of Birth

[REDACTED]

If you would like to, please let us know how you wish to be addressed (she/her, they/them, he/him):

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Complaint Information

When did the incident happen?

20/07/2023

What time did it occur?
01:30 pm
Where did the incident happen?
Vancouver Police Board meeting
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
• Police Complaint • Service or Policy
Complaint Description
Complaint Details
At the Vancouver Police Board meeting, during the Regular Agenda, the agenda was altered without communication and Chair of the board [REDACTED] and other sitting board members did not request inquiries from the public. As the only member of the public who attended, I was forced to ask why the agenda had been altered. This is highly unethical and is a frequent happening at the board meetings. Slightly altering meeting agendas, not discussing specific reports of the Agenda, and worst of all, censoring the public while discussing issues that are relevant to the agenda. At the September 21 meeting, the agenda was again altered and inquiries from the public were spontaneously asked out of order of the agenda, and when I had asked my questions, I was not offered a microphone. There is now no recording of any of my questions or discussions with the board, which is highly unethical. The Vancouver Police Board is not welcoming to the public, not working with community and does not have the "strong, positive relationships" neither the "open and accessible" components that they tout to have on their website. Please advise.
Complaint Resolution
Are you interested in participating in Complaint Resolution?
No
My Statement
Please write first and last name here
[REDACTED]
Date Signed
17/10/2023

January 4, 2024

VIA E-MAIL: Jason.kuzminski@vanpoliceboard.ca; [REDACTED]

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 Board
OPCC File No. 2023-24999**

On October 17, 2023, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining their concerns related to how the Vancouver Police Board has altered meeting agendas, not discussing specific reports of the agenda, and censoring the public while discussing issues relevant to the agenda. 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 at (250) 356-7458 or by email at info@opcc.bc.ca.

Yours truly,



Anthony Parker
Acting Executive Director, Oversight Operations

Enclosure

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



Date: January 18, 2024

Sent via email to [REDACTED]

RE: Service or Policy Complaint #2024-001 / OPCC File #2023-24999

This letter acknowledges that your complaint outlining concerns related to the procedures within the Vancouver Police Board's meeting in October 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 intends to consider the complaint at its next meeting in January. 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 January 18, 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: January 18, 2024
Subject: Complaint #2023-24999

On January 4, 2024, the Board Office received an email from OPCC referring a complaint from an individual who alleges the Board altered meeting agendas, did not discuss specific reports on the agenda and censored the public while discussing issues relevant to the agenda.

SPCR-Sub-committee Recommendation

The sub-committee reviewed the complaint and recommended the complaint be dismissed for the following reasons:

- The complaint does not fall within the scope of the *Police Act* and as such is not a service or policy complaint.
- There was in fact no meeting on the date referred to in the complaint. The complainant is likely referring to the July 20, 2023 meeting that she attended. The primary purpose for the meeting was to consider service or policy matters, and the agenda for the regular meeting was limited to approval of minutes of the June meeting and two items on the consent agenda.
- The consent agenda was approved without discussion, and it is correct that the regular meeting adjourned without inviting questions from the public. This was an error due to the fact that no business was in fact discussed.
- When the complainant drew attention to the mistake, the Board immediately acknowledged it and communicated it would resume the regular meeting at the conclusion of the service or policy complaint review meeting, in order for the complainant to ask questions.
- The complainant was not denied access as alleged. In fact, when the regular meeting resumed, they were able to ask several questions. The questions were unrelated to the business discussed or even considered at the meeting, did not relate to policing priorities or oversight, and were about broader social and public policies. As such, they were ruled out of order.
- As set out in the Board's Governance Manual, the complainant was invited to speak to the Executive Director, and they met the same afternoon. The Executive Director clarified that the Vancouver Police Board is unique in offering the opportunity for the public questions, but it places a reasonable limit on questions related to business discussed at the meeting and questions asking for speculation or comment on matters where the Board has not formed its opinion is unfair. The complainant acknowledged that their questions were about the social and public policy issues outside the mandate and jurisdiction of the Board but stated that if they could not ask their questions at the meeting, there was no other public forum where they could be asked.
- The Board is under no obligation to provide microphones, yet it endeavors to make the meetings as accessible as possible both virtually and in person for the public.

A copy of the minutes of the July Board meeting is attached here for your reference.

8. Opportunities for Enquiries from the Public

NOTE: Due to an inadvertent error in advice of Board Office staff, the opportunity for enquiries from the public took place after the Regular Meeting went into recess for the Board to consider Service or Policy Complaint Review Committee business.

A member of the public asked about a broken hyperlink to OPCC correspondence in relation to an item on the Service or Policy Complaint Review agenda package. Executive Director Jason Kuzminski explained that documents are redacted for privacy of information, and he committed to reviewing whether this was the case or an administrative error, and whether the document can be made publicly available.

The same individual commented on the community in the Downtown East Side and requested a moment of silence to acknowledge the number of people who died of toxic drugs in Vancouver and the province. The Chair acknowledged the crisis that is occurring in Vancouver and, after clarifying that according to section 4.11.6 of the Board Governance Manual public enquiries must relate to business discussed at the meeting, ruled the question out of order.

The individual asked additional questions which were ruled out of order, and the Chair invited a follow up meeting with the Executive Director.

Action: The Board office will provide the hyperlink for the agenda item 2 regarding OPCC correspondence.

Motion: To Adjourn the Meeting(M/S/C)

The Regular Meeting was adjourned at 1:46 pm.





Date: January 10, 2024

Sent via email to: [REDACTED]

[REDACTED]

RE: Service or Policy Complaint #2023-020 / OPCC File #2023-24853

This letter is to update you that the Service or Policy Complaint Review Committee met *in camera* on November 23, 2023, to consider your service or policy complaint that was referred by the Office of the Police Complaint Commissioner. At that time, the Committee resolved to hold the complaint in abeyance pending the conclusion of external investigations that are underway, in order to protect the integrity of those processes.

Your file remains open and a verbal update of the Service or Policy Complaint Review Committee's decision will be provided at the next Board meeting on January 18, 2024. The meeting immediately follows 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.

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