



VANCOUVER POLICE BOARD

Service or Policy Complaint Review Committee Meeting Agenda

Date: Thursday April 25, 2024

Time: 2:00- 2:20 pm

1	Consent Agenda *1.1 Agenda for April 25, 2024 *1.2 Minutes of February 29, 2024 Meeting *1.3 OPCC File# 2022-22917- and 2020-17401- Concluding Letter *1.4 OPCC File # 2024-25270- Concluding Letter *1.5 OPCC File # 2023-24232- Concluding Letter *1.6 OPCC File # 2024-002- Concluding Correspondence *1.7 OPCC File # 2023-023- Follow up Email- File in Abeyance *1.8 OPCC File # 2023-23673- Follow up Email- File in Abeyance *1.9 OPCC File # 2022-22265- Response to OPCC's Follow up and Recommendation
2	*2.1 OPCC File # 2023-24859 • Service or Policy Complaint • Intake Letter to the Police Board • Board Acknowledgement Letter • Board Concluding Letter • OPCC recommendations to follow up • Memo- Service or Policy Complaint Review Committee- Supt. Don Chapman *2.2 OPCC File # 2024-25248 • Update *2.3 OPCC File # 2024-25508 • Service or Policy Complaint • Intake Letter to the Police Board • Board Acknowledgement Letter • Memo- Service or Policy Complaint Review Committee *2.4 OPCC File # 2024-25239 • Service or Policy Complaint • Intake Letter to the Police Board

	• Board Acknowledgement Letter • Memo- Service or Policy Complaint Review Committee
3.	For Information
4.	Other Business
	ADJOURNMENT Service or Policy Complaint Review Committee Meeting



Service or Policy Complaints Review Committee Minutes

Date/Time: February 29, 2024 –2:08pm-2:30pm

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

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

The Chair Mr. Allan Black called the meeting to order at 2:08pm

1. *Adoption of:

*1.1 Agenda for February 29, 2024

*1.2 Minutes of January 18, 2024 Meeting

*1.3 OPCC File# 2023-24999- Concluding Letter

*1.4 OPCC File #2023-24853- Follow up Email

The Chair reviewed item 1.4 a complaint dealing with an HR policy and will be addressed In camera and update to advise the matter will be addressed as a result of the further complaint.

Motion: To approve the agenda for February 29, 2024 and the minutes from January 18, 2024. Passed

Ken Sim entered meeting at 2:10pm

2. *New Service or Policy Complaints

*2.1 OPCC File # 2023-23490 - Concluding Letter

The Board reviewed the concluding letter for a complaint regarding sole source procurement policies and contract management that it requested be sent to the OPCC.
*2.2 OPCC File # 2022-22917 and 2020-17401- Concluding Letter
The Board reviewed the concluding letter to the OPCC confirming that all matters involving the Marine Unit have been dealt with and addressed, and no further action is anticipated.
2.3 File # 2024-002 – Verbal Update
The Board considered a complaint that was received by the Board Office in January that is in relation to a personnel matter and HR policies. The HR Committee was briefed, and the Board will be briefed more fully <i>in camera</i> . Any decisions will be reported publicly at the appropriate time.
*2.4 OPCC File # 21-19359 and 2120873
The Board reviewed a concluding letter with respect to a complaint involving sudden death notification.
*2.5 OPCC File # 2024-25248- Acknowledgement Letter
The Board reviewed a complaint that was recently made about a death that occurred in July 2020, where the daughter of the deceased alleges that she is the only individual who is legally considered to be the next-of-kin, but VPD failed to notify her and notified a third-party instead.
Motion: To direct the chief constable to investigate and report: (a) What policy or policies were in place at the time and now and ensure that they comply with the legal definition of “next-of-kin” and “Appropriate Person”; and (b) Whether any further changes in training may be required to prepare members and supervisors in making notifications in accordance with the amended policy. Approved.
*2.6 OPCC File # 2023-23673- Follow up email
The Board reviewed correspondence sent by the OPCC regarding a BC Human Rights Commissioner inquiry into exclusion zones, including one that was alleged in a complaint the Board dismissed with reasons. The OPCC recommended the Board re-open its file and put it into abeyance, pending the outcome of the inquiry.
Motion: To accept the OPCC recommendation as set out in its correspondence; to hold the complaint in abeyance pending the Human Rights Tribunal inquiry; and to communicate these decisions to the complainant and the OPCC. Approved.
*2.7 VPB File # 2023-023 – Verbal Update
The Board received a verbal update about a complaint that will be reviewed <i>in camera</i> in order to protect the integrity of an ongoing investigation by an external justice agency. The Board accepted the subcommittee’s recommendation to hold the complaint in abeyance pending the outcome of the external investigation and that any decisions will be reported publicly at the appropriate time.
Motion: To hold the complaint in abeyance pending the outcome of the external investigation, and to notify the complainant and the complainant’s MP and MLA of this decision. Approved.
*2.8 OPCC File # 2024-25270
The Board considered a complaint alleging the VPD forcibly evicted unhoused and unsheltered individuals living in Oppenheimer Park. The Board noted that the allegations are similar to those made in OPCC File #2023-24859 which were dismissed on July 20, 2023. After careful consideration of the facts and circumstances, the Board dismissed the complaint for reasons that the decampment operation in Oppenheimer Park was an initiative of the Park’s Board, City of Vancouver and the Attorney General and Minister Responsible for Housing, with City employees removing housing and unhoused people. The VPD’s role and presence was to keep the peace and ensure safety.
Motion: To dismiss the complaint with reasons as indicated above. Approved.
*2.9 OPCC File # 2023-24232

The Executive Director spoke to a delay in the complaint coming before the Board. It was received by the Board Office in July 2023. The ED acknowledged his administrative error in bringing it forward and committed to provide an explanation to the complainant. The Board considered the complaint, which contains two separate allegations about lack of enforcement. The first is regarding public consumption of illicit substances. The second is regarding open sale of stolen merchandise in the Downtown Eastside market. The Board noted that the allegation regarding public consumption is the same as OPCC-2023-24044 which were dismissed on July 20, 2023. The Board considered that the rationale for dismissing that complaint has not changed and, in fact, a recent decision of the BC Court of Appeal upholding an injunction against enforcement action imposed by the Chief Justice of the BC Supreme Court clarifies the limits of a policing response.

The Board also considered a briefing about the DTES market that it received from Deputy Chief Chow on July 20, 2023, where it was explained that the market was a City-supported initiative, but the City would be withdrawing its support in August 2023. During the times relevant to the complaint, there were no bylaw infractions to enforce and the VPD could only take enforcement action pursuant to the *Criminal Code* and legal tests for seizure of property. The VPD explained that where it was clearly evident that the goods being sold were contraband or stolen merchandise the VPD would confiscate them. The VPD also informed the Board that it was asking for clarification from the City about whether street vending will be subject to a bylaw, which would be easier to enforce.

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

3. For Information

N/A

4. Other Business

N/A

Motion: To Adjourn. Approved

The meeting was adjourned at 2:30pm.

TO BE APPROVED BY THE VANVOUVER POLICE BOARD on April 25, 2024



Date: March 12, 2024



Sent via email to: [REDACTED]

Dear [REDACTED],

RE: Concluding letter re OPCC recommendations #2022-22917; OPCC File #2020-17401

At its February 29, 2024 meeting, the Vancouver Police Board's Service or Policy Complaint Review Committee reviewed your Office's recommendation that it consider whether issues relating to the culture within the Vancouver Police Department have been sufficiently addressed. The Committee received information about an independent investigation into the workplace culture that was guided by the Vancouver Police Department's Respectful Workplace policy. The investigator has experience in workplace restoration and, after looking into the allegation, determined there were no breaches of the Respectful Workplace policy and concluded that the matters which gave rise to the complaints have been addressed.

Since that time, in September 2023, the Board approved a revised Respectful Workplace policy that has a number of updates that reflect the recommendations of the BC Coroners Service and best practices. As well, in September the Board asked its Human Resources Committee to review workplace culture, policies, programs and procedures and to report its recommendations. At this point in time, the HR Committee is examining information internally, including decisions and recommendations of the OPCC before considering external expertise to assist with advancing the work.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Kiri".

**Executive Director
Vancouver Police Board**

CC:

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



March 12, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

RE: Service or Policy Complaint -OPCC File #2024-25270

On February 29, 2024, the Service or Policy Complaint Review Committee of the Vancouver Police Board met and considered your complaint alleging that VPD officers forcibly evicted unhoused persons sheltering in Oppenheimer Park and that the individuals were made to dismantle their dwellings and leave the park during an extreme weather warning without alternative shelter provided.

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.

The Committee noted that your complaint raises similar allegations as OPCC File #2023-24859 which it considered and dismissed with reasons on November 23, 2023. In that instance, the allegations were made in relation to a decampment operation on Hastings Street, while this complaint is in relation to a decampment operation in Oppenheimer Park. The evidence and information the Committee reviewed demonstrates that decampments are an initiative of the City of Vancouver and Ministry of Attorney General and Ministry Responsible for Housing, which conduct the actual decampment and physical removal of dwellings. The VPD's presence during the City's and Province's decampment operations is to maintain order and keep the peace.

After careful consideration of your complaint and the information before it, the Committee has decided to dismiss the complaint pursuant to section 171 (1) (a) of the *Police Act* for reasons that the Oppenheimer Park decampment was an initiative of the Vancouver Parks Board and was conducted by City staff. VPD did not dismantle dwellings and acted within its lawful authority to enforce bylaws, support enforcement of the Fire Chief's order and maintain public safety. VPD's presence is required to protect public safety and to provide assurance to people involved.

If you are dissatisfied with the Committee's decision, you have twenty business days from receipt of this letter to request a review by contacting the Police Complaint Commissioner at:

Office of the Police Complaint Commissioner
#501, 947 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8

Yours sincerely,

Jason Kuzminski
**Executive Director
Vancouver Police Board**

cc:

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



March 12, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

RE: Service or Policy Complaint -OPCC File #2023-24232

I write on behalf of the Vancouver Police Board in response to your complaint alleging Vancouver Police Department's lack of enforcement in relation to public consumption of illicit substances and the sale of illegal merchandise in the Downtown Eastside market. I acknowledge that your complaint was received by the Board Office in July 2023 and there has been a significant delay in responding to you. The administrative error is mine, and I apologize for the oversight.

Your complaint was placed on the agenda of the most recent Service or Policy Complaint Review Committee meeting that was held on February 29, 2024. 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.

With regard to your complaint of a lack of enforcement of public consumption of illicit substances, the allegations are similar to OPCC File #2023-24044 which the Board considered on July 20, 2023. At that time, the Board dismissed the complaint for the reason that a federal-provincial pilot to decriminalize public consumption prevents a policing response to public consumption, including enforcement action, except in narrowly defined and specific locations. Since then, the British Columbia Court of Appeal has upheld a decision of Chief Justice Hinkson in *Harm Reduction Nurses Association v. British Columbia* that imposes an interim injunction against enforcement measures. As a consequence of the pilot and court decisions, the Board has dismissed this part of your complaint.

The Board was briefed about policing the Downtown East Side market at its meeting on July 20, 2023. The VPD advised the Board that at that time the market was a City-supported initiative but that the City would be withdrawing its support in August 2023. During the period that the market had City support, there were no bylaw infractions to enforce and the VPD could only take enforcement action pursuant to the *Criminal Code* and the legal tests it requires be met. Where it was clearly evident that goods being sold were contraband or stolen merchandise, the VPD confiscated it. The VPD also informed the Board that it was seeking clarification from the City about street vending and whether it would be considered a bylaw infraction, which is easier to enforce.



After careful consideration, the Board dismissed the second part of your complaint for the reason that the VPD did take enforcement action to confiscate contraband and stolen goods in the DTES market where it had legal authority and grounds to do so.

Pursuant to s. 172 (2) of the *Police Act*, if you are dissatisfied with the actions of the Vancouver Police Board in this matter, you may ask the Police Complaint Commissioner to review them. You have twenty business days from receipt of this letter to request a review, and you can contact the Commissioner at:

Office of the Police Complaint Commissioner
#501, 947 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Kuzminski".

Jason Kuzminski
Executive Director
Vancouver Police Board

CC:

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



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

March 12, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

RE: File #2024-002

The Vancouver Police Board has asked me to reply to your recent correspondence on its behalf. At its meeting on February 29, 2024, the Board considered your complaint regarding the secondment of a VPD member to the Metro Vancouver Transit Police, including allegations of favoritism and discrimination in the selection of the individual who was seconded.

In reviewing the facts and circumstances, the Board noted that the choice of the individual was made by Metro Vancouver Transit Police (MVTP) which identified and selected the candidate they wanted for the vacant position in their organization. After deciding on their preferred candidate, MVTP requested the VPD to take the steps necessary to facilitate the secondment. The Board examined the relevant policies regarding secondments and is satisfied that [REDACTED] and the VPD adhered to policies and procedure for approving the secondment.

The Board considers this matter closed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Kuzminski".

Jason Kuzminski
Executive Director
Vancouver Police Board

CC:

Chief Constable Adam Palmer



March 12, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

RE: File #2023-023

I write on behalf of the Vancouver Police Board which considered your complaint at a meeting of the Service or Policy Complaint Review Committee on February 29, 2024.

The Board has been notified that the Independent Investigations Office is currently investigating allegations that are central to the complaint before the Board. After careful consideration, the Board determined to place this complaint in abeyance, pending the conclusion of the IIO investigation, in order to protect the integrity of the IIO's investigation and processes.

The Board file remains open, and the matter will come back before the Board in due course. Our office will notify you in advance of the next meeting where the complaint will be considered further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. K.", is placed above the typed name of the Executive Director.

**Executive Director
Vancouver Police Board**

CC:

Chief Constable Adam Palmer;
Office of the Police Complaint Commissioner;
Ministry of Public Safety and Solicitor General Hon. Mike Farnworth
Member of Parliament for Vancouver East Jenny Kwan
Member of Parliament for Vancouver- Hastings Niki Sharma



March 12, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

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

I write further to the January 31, 2024 correspondence sent by the Police Complaint Commissioner to the Vancouver Police Board, in which the Commissioner recommended that the Board:

- 1. Hold the conclusion of this complaint in abeyance pending the conclusion of the Human Rights Commissioner's inquiry; and*
- 2. At the conclusion of the inquiry, consider any findings and recommendations from the inquiry in the context of further action that the Board may wish to take in relation to this complaint.*

On February 29, 2024, the Board's Service or Policy Complaint Review Committee met to consider the recommendations and adopted the following resolutions:

1. To accept the Police Complaint Commissioner's recommendations;
2. To hold Complaint #2023-022/OPCC File #2023-23673 in abeyance pending the conclusion of the BC Human Rights Commissioner's inquiry; and
3. Consider any further action as needed following the conclusion of the inquiry.

Our office will keep you informed of the next time that the Board will be considering your complaint.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Kim", written over a light blue horizontal line.

**Executive Director
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."

April 16, 2024

Prabhu Rajan
Police Complaint Commissioner
#501, 947 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8

Dear Commissioner Rajan,

RE: OPCC Recommendations in OPCC File #2022-22265

I write on behalf the Vancouver Police Board in response to correspondence sent by your predecessor following the Board's dismissal of the service or policy complaint with reasons that were communicated to the complainant and your office. Following the period when the complainant could request a review, the commissioner wrote and recommended the Board *"Ensure any VPD written policies/protocols specify the legal authorities available to members to enter private property, without consent, for the purposes of conducting surveillance training."*

The Board reviewed the VPD's surveillance training policies and practices, as well as carefully considered the authorities set out in the *Trespass Act* and s. 177 of the *Criminal Code*. It also considered the rationale for the training and is satisfied of the public interest in Emergency Response Team members being trained in an environment and conditions that simulate what they are likely to encounter during actual surveillance operations. The Board also recognizes that legal authorities constrain training to certain times of day and place certain limits on accessing private property. As residents of Vancouver appointed as directors and who are independent from the VPD, the Board is satisfied from its review that the VPD's policies and practices strike an appropriate balance between the public interest in the training and the rights and interests of property owners.

In reaching its decision, the Board was presented with updates to the VPD's Surveillance Training Manual. The Manual now clearly reference the relevant legislative authorities in which surveillance training exercises are to be conducted. The VPD has clarified that it will discontinue entering private property for training exercises after 9:00 p.m. and before 6:00 a.m. without the prior, express consent of the property owners and/or occupiers. The Manual also has added the following guidance which reflects limits set out in the *Trespass Act* has been added to the VPD Intranet, accessible to all employees, and is re-posted prior to training exercises:

When conducting surveillance training, members are asked to make every effort to notify property owners or residents prior to using private property, particularly if the surveillance training is occurring at night.

All members are encouraged to familiarize themselves with Section 177 of the Criminal Code and the BC Trespass Act prior to using private property for covert observations.

Trainers reinforce expectations to assess the viability and appropriateness of entering private property, in order to ensure compliance with legal authorities. Those receiving the training are instructed to avoid entering enclosed yards. Any entry on private property, with or without express permission of the owner or occupants, is minimal and fleeting.

The Board is satisfied the VPD's surveillance training strikes is consistent with legal authorities and strikes an appropriate balance between the public interest in preparing police for active surveillance operations and the rights and interests of owners and occupants of private property in Vancouver.

Yours sincerely,



Jason Kuzminski
Executive Director
Vancouver Police Board

CC:

Chief Constable Adam Palmer
Ministry of Public Safety and Solicitor General

From: [REDACTED] <opccomplaints@opcc.bc.ca>
Sent: Monday, November 6, 2023 11:57 AM
To: Web Submissions
Subject: Complaint Form - [REDACTED] - 05/04/2023

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

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

- Service or Policy

Complaint Description

Complaint Details

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

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 [REDACTED] (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

[REDACTED]

Date Signed

06/11/2023



Integrity
Independence
Fairness

November 10, 2023

VIA E-MAIL: [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 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.

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,



Tom Steenvoorden
Executive Director, Oversight Operations

Enclosure

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



Date: November 14, 2023

Sent via email to: [REDACTED]

Dear [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



Date: December 6, 2023

Sent via email to: [REDACTED]

Dear [REDACTED],

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

I am writing on behalf of the Vancouver Police Board regarding your complaint alleging the Vancouver Police Department overreached its jurisdiction and acted contrary BC Provincial Police Standard 6 of promotion of unbiased policing during the decampment operation in the Downtown Eastside. The complaint was considered by the Service or Policy Complaint Review Committee at the Board's most recent meeting on November 23, 2023. 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.

The evidence and information before the Committee was that the decampment operation is a City of Vancouver initiative which came about from a direction from the Vancouver Fire Chief and involved City staff and VPD. City staff conducted the decampment and were accompanied by VPD to maintain order and keep the peace. VPD followed the guidance of the Ministry of Attorney General and the Ministry Responsible for Housing. VPD acted within its lawful authority to enforce traffic bylaws, support enforcement of the Fire Chief's order and maintain public safety.

The Committee also considered information about the phased approach to the City-led operation, which started with Phase 1 where the community itself attempted decampment but was unsuccessful. In Phase 2, the City collaborated with the community to attempt decampment but again was unsuccessful. The City went on to ask VPD to assist with security for City staff when it commenced its decampment operation on April 5th and 6th and on an ongoing basis since then.

The City of Vancouver and VPD consulted with provincial and municipal government organizations, as well as community organizations including the Aboriginal Community Policing Centre, DTES Women's center, VANDUE, Overdose Prevention Society, Evelyn Saller, Aboriginal Front Door Society, Squamish Nations Outreach Team, Mission Possible and Pender Community Health Center.

The Committee inquired into VPD's compliance with expectations and requirements set out in Provincial Policing Standard 6, even though the Standard was not yet in force at the time of the complaint. The Committee was satisfied by the information provided to it that VPD delivered services during the decampment operation impartially, equitably and in culturally safe and trauma-informed manner. VPD officers are trained in Anti-Racism Awareness, Homelessness Awareness, Indigenous Awareness, as well as Respectful and Inclusive Workplace policies.

After careful consideration of the evidence and information it received, the Committee dismissed the complaint for the foregoing reasons. Based on this decision, the Vancouver Police Board has concluded its review of the matter and closed the file. Pursuant to Section 172 (2) of the *Police Act*, if you are dissatisfied with the actions of the Vancouver Police Board in this matter, you may ask the Police Complaint Commissioner to review them. You have twenty business days from receipt of this letter to request a review, and you can contact the Commissioner at:

Office of the Police Complaint Commissioner
#501, 947 Fort Street
PO Box 9895, Stn Prov Govt
Victoria, BC V8W 9T8

Yours sincerely,



Jason Kuzminski
Executive Director
Vancouver Police Board

CC:

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



Office of the
Police Complaint Commissioner

British Columbia, Canada

February 5, 2024

VIA E-MAIL: [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 Department
OPCC File No. 2023-24859**

On December 6, 2023, the Office of the Police Complaint Commissioner (OPCC) received a copy of your concluding letter to [REDACTED], dated December 6, 2023. Your letter detailed the steps taken with respect to the complaint submitted by [REDACTED] and provided reasons for your decision.

As well, you advised [REDACTED] of their right to request a review of the matter by our office if they disagreed with your decision.

Subsequent to the filing of this complaint, the *Provincial Policing Standard Section 6 (Promotion of Unbiased Policing)*, came into effect on July 30, 2023, which places a duty on police boards to promote equitable policing. In addition, the board must ensure there is written policy which governs responses to Service or Policy complaints which requires consideration of whether the complaint includes allegations of discriminatory policies or practices when determining an appropriate course of action in responding to a complaint.

Having had the opportunity to examine the Board's decision and in listening to [REDACTED] verbal update at the board meeting in relation to this complaint, this office recommends, pursuant to section 173 of the *Police Act* that the Board undertake further courses of action to adequately respond to this complaint. Specifically, the OPCC recommends the following:

1. In light of the *Provincial Policing Standard Section 6 (Promotion of Unbiased Policing)* which was referenced by the complainant, consult with the Vancouver Police Department to identify specific actions or steps being taken as it relates to the establishment of written

Clayton Pecknold
Police Complaint Commissioner

2nd 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

policy or guidance governing police interactions with persons in vulnerable circumstances, including persons living in public spaces as enumerated in *Provincial Policing Standard Section 6.1.1(8)*, with specific attention to (f) – persons living in public spaces (e.g., persons relying on, or sleeping in public spaces);

2. Provide written correspondence to the complainant outlining the specific actions identified that are being undertaken to establish written procedure or guidance that is in accordance with *Provincial Policing Standard Section 6.1.1(8)* and their concerns relating to police interactions with unhoused persons in the DTES who, as described by the complainant, are disproportionately individuals from marginalized groups, including Indigenous women, racialized minorities, and persons with disabilities; and,
3. When available, to advise the OPCC of the board's written policy as it relates to Division 5, Service or Policy complaints where allegations of discriminatory practices or policies are at issue.

Sincerely,



Andrea Spindler
Deputy Police Complaint Commissioner

cc: Chief Constable Adam Palmer, Vancouver Police Department
Sarah Derasp



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: April 10, 2024
 Subject: OPCC recommendations- File # 2023-24859

This is a complaint in regard to the VPD's involvement in the Hastings decampment operation which came before the Board at its meeting on November 23, 2023. The complaint was investigated and at the November meeting the Board resolved to dismiss it with reasons. A concluding letter was sent to the complainant on December 6, 2023.

Since then, the Office of the Police Complaint Commissioner wrote the Vancouver Police Board and recommended that the Board undertake further courses of action to respond to the complaint, specifically:

1. In light of *Provincial Policing Standard Section 6 (Promotion of Unbiased Policing)* referenced by the complainant, consult with the VPD to identify specific actions or steps being taken as it relates to the establishment of written policy or guidance governing police interactions with persons in vulnerable circumstances, including persons living in public spaces as enumerated in *Provincial Policing Standard Section 6.1.1 (8)*, with specific attention to persons living in public spaces (e.g., persons relying on, or sleeping in public spaces);
2. Provide written correspondence to the complainant outlining specific actions being undertaken to establish written procedure or guidance that is in accordance with *Provincial Policing Standard Section 6.1.1 (8)* and her concerns relating to police interactions with unhoused persons in the DTES who, as described by the complainant, are disproportionately individuals from marginalized groups, including Indigenous women, racialized minorities, and person with disabilities; and,
3. After doing so, advise the OPCC of the Board's written policy as it related to Division 5, Service or Policy complaints where allegations of discriminatory practices or policies are at issue.

SPCR-Sub-committee Recommendation re concluding letter

The sub-committee reviewed the recommendations and has requested the VPD report to the Board what steps are being taken to implement the OPCC recommendations.

The VPD has advised that Supt. Don Chapman will provide a verbal report on April 25th and the VPD will submit a written report for the June 20th Board meeting.

2.2 File # 2024-25248

UPDATE

From: [REDACTED]
Sent: Monday, February 26, 2024 8:44 AM
To: Web Submissions
Subject: Complaint Form - [REDACTED] - 23/02/2024

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]

Contact Phone Number

[REDACTED]

Email Address

[REDACTED]

Date of Birth

[REDACTED]

Complaint Information

When did the incident happen?

23/02/2024

What time did it occur?

03:00 pm

Where did the incident happen?

Keefer & Main

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

- Service or Policy

Complaint Description

Complaint Details

I'm really tired of hearing how our elected officials want to address the opioid epidemic on our streets, and yet people continue to die at an alarming rate. My son was walking in the vicinity of Keefer and Main street on Friday at approximately 3 pm. He witnessed a man crossing the street whose legs gave out from under him. The man toppled forward but instead of hitting his

head, the brunt of the fall was absorbed by his chest. My son and another female bystander went to help him. In an impressive response time a VPD officer showed up. The woman who was older than my son, asked the officer if he could administer Narcan to the guy on the ground. With a cold smirk on his face he responded he didn't have any Narcan. Both her and my son were astounded. How is it that you work on the DTES and don't carry Narcan in your vehicle? She asked him if she should run to get some and as he shrugged his shoulders with apathy, he replied "if you want to". She insisted they turn him over in which the officer asked them to help...again an unexpected request. They turned him over to see his face and lips were blue. A second officer arrived in another cruiser and again no Narcan. We are being led to believe that our men and women in blue want to help people on the streets when the mayor and our provincial ministers of health and housing don't offer clean housing, food to eat or life saving drugs. Come on people...this is completely deplorable and unacceptable!!! Put your [REDACTED] money where your mouth is and do something. It's time for [REDACTED] to put their bright brains together, bring in their teams and start creating policies and processes that work. Put supplies in the hands of the people who have the quickest response time...the VPD. There is no excuse...Narcan is readily available and needs to be supplied to officers as a mandatory part of their toolkit. Thankfully in this particular instance, paramedics arrived and resuscitated the man. Every life has value and it's time for politicians to treat people with dignity and respect. Sorry, but we don't need a revitalized Chinatown nearly as much as we need proper, clean housing and food security for people living on our streets. I can't believe people intentionally end up on the streets strung out on drugs...mental health issues or life traumas in the majority of cases have led them there. We need to treat every citizen of BC with respect and dignity. I'm thoroughly disgusted with the experience my son had to witness when all he wanted to do was help his fellow citizen. To the cops that attended, I want to say you should have just kept driving because really what did you do to help in this situation?

Complaint Resolution

Are you interested in participating in Complaint Resolution?

No

My Statement

Please write first and last name here

[REDACTED]

Date Signed

26/02/2024



Integrity
Independence
Fairness

March 27, 2024

VIA E-MAIL: [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 Department
OPCC File No. 2024-25508**

On March 1, 2024, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining their concerns related to how patrol officers of the Vancouver Police Department are not properly supplied with Narcan while on-duty. 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
A/Executive Director, Oversight Operations

Enclosure

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



Date: March 28, 2024

Sent via email to: [REDACTED]

[REDACTED]

RE: Service or Policy Complaint OPCC File #2024-25508

This letter acknowledges the receipt of your complaint outlining your concerns related to Vancouver Police Department alleging patrol officers are not properly supplied with Narcan while on-duty. The Board's Service or Policy Complaint Review Committee intends to consider the complaint at its next meeting in April. 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 April 25, 2024. 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: April 2, 2024
Subject: OPCC File # 2024-25508

On March 27, 2024, the Board Office received a complaint from OPCC outlining the complainant's concerns alleging the VPD patrol officers were not properly supplied with Narcan while on-duty.

The complainant was not present at the scene but complained based on information provided by her son who witnessed the incident. The complaint alleges that, on February 23, 2024, two officers arrived at the scene of an apparent overdose and, when asked if they were able to administer Narcan, replied they did not have it on them. Paramedics arrived shortly after and resuscitated the individual. The complainant alleges that the officers should have been equipped with Narcan.

SPCR-Sub-committee Recommendation

The Sub-committee reviewed the complaint and recommends the Board request the Chief Constable investigate and report specifically on:

- a) The policy or the practice of front-line officers of the VPD requiring carrying and be trained to administer Narcan/Naloxone while on duty; and
- b) Any further related information in response to the complaint.

The Board Office staff advised the Chief Constable of the recommendation, and he stated that VPD will provide a report at the April board meeting.

Record of Question or Concern from the Public



- All municipal police departments are to make record of reports not resulting in registered complaints (**Section 85 of the Police Act**).
- The police complaint commissioner has directed that **this** form be used to record any oral or written report received from a member of the public or any other person that raises a question or concern about the conduct of a member of a municipal police department but that does not result in the making and registration of a complaint under section 78 *[how complaints are made]* (**Section 85(1) of the Police Act**).
- Every person who reports a question or concern is to be provided the information or advice required under the guidelines prepared by the Police Complaint Commissioner (**Section 85(1)(b)(1) of the Police Act**).
- Filing a question or concern about the conduct of a member for former member does not prevent that person from making a complaint about the same matter under **section 78** *[how complaints are made]*. There is, however, a time limit for making a registered complaint (**Section 79**); and registered complaints made are subject to an admissibility assessment by the OPCC (**section 82**).

What you should know:

The member of the municipal police department who receives the question or concern from a member of the public or any other person must complete this form and forward it to the Professional Standards Section of the involved municipal police department.

The Professional Standards Section must record the question or concern and forward a copy of this document, along with how the question or concern was resolved, to the Office of the Police Complaint Commissioner for review.

Person's Contact Details:

* Indicates this information is required for processing purposes. Please be as precise as possible.

Last Name: * [REDACTED] First Name: * [REDACTED] Title (eg. Mr):

Mailing Address (or where you'd like to be contacted): Date of Birth: 1973-Jan-17
(Year / Month / Day)

Home telephone: [REDACTED]

Work telephone:

*Prefers to be contacted by email or text

Cell phone:

Email Address: [REDACTED]

* Please provide at least 1 contact option *

Details of the Question or Concern:

When did the incident happen? * 2023-Sep-23 (Year / Mont h / Day)
Where did the incident happen? * 1st Avenue (Eastbound)

Time it occurred? *

4:30pm

2.4

Name of the Police Department involved: *

Vancouver Police Departme

Police File # (if known):

Name or badge number of Officer(s) – if known:

[REDACTED]

Were there any witnesses? If so, please list their names and contact information (if known):

www.opcc.bc.ca

Office of the Police Complaint Commissioner

1 877-999-8707

Details of Question or Concern

If required, you may attach additional pages:

** Summary of [REDACTED] Question or Concern **

[REDACTED] reports on September 23rd, 2023, she was rear ended by a Telsa driver on 1st Avenue driving Eastbound. [REDACTED] is concerned police officers attending did not take any notes or conduct a proper investigation into the incident. At the scene officers did not ask her any questions. [REDACTED] states she recently received an FOI and in it there is no documentation that officers took notes, written in the FOI is "officers confirmed that they didn't take any notes". [REDACTED] wishes to understand more about these processes and Motor Vehicle investigations.

_____ of _____

Freedom of Information and Protection of Privacy – The personal information that you have provided on this question or concern form is collected by the OPCC under the *Police Act*. The information will be used to investigate your complaint. The OPCC is required to adhere to the *Freedom of Information and Protection of Privacy Act* (FOIPPA). If you have any questions about privacy protection, please contact the Office of the Information and Privacy Commissioner for B.C. at (250) 387-5629, info@oipc.bc.ca or visit their website at <https://www.oipc.bc.ca>.

To be completed by the person receiving the question or concern:

I hereby acknowledge receipt of the above-noted question or concern

Received on 2024-Jan-15 at 10:24am OPCC Intake
(Year/Month/Day) (Time) (Name of person receiving question or concern)

Municipal Police Department receiving question or concern: Vancouver Police Department

How was it received? In person ☐ By mail ☐ By phone ☒ By webmail ☐ On Line ☐

If received orally, was it read back to the person who reported the matter to ensure accuracy? ☒ Yes ☐ No

Forwarded to PSS: Y Date sent: 2024-Jan-15

Copied to the Office of the Police Complaint Commissioner ☐ Date sent:

OPCC 2024-25239
Additional Information

My concern with regard to the BC Motor Vehicle Act and it's application to my accident has not been addressed. I am not sure if it really is a complaint. The BC MVA is very clear with regard to when a report must be submitted to ICBC. The MVA uses NON-discretionary language meaning that a report MUST be submitted when damages exceed a prescribed amount. The VPD Procedure Manual directly undermines this regulatory requirement.

██████████ basically decided that there was not further discussion warranted. I am of the position that there has been a misinterpretation of the Provincial legislation and I want to escalate my concern.



Integrity
Independence
Fairness

April 9, 2024

VIA E-MAIL: [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 Department
OPCC File No. 2024-25239**

On January 15, 2024, the Office of the Police Complaint Commissioner (OPCC) received a complaint from [REDACTED] outlining their concerns related to the Vancouver Police Department's *Procedure Manual* directly undermining the regulatory requirement in relation to the *BC Motor Vehicle Act* surrounding reporting requirements to ICBC when the damage exceeds a prescribed amount. 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.

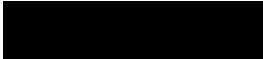
Yours truly,



Cameron Loveless
A/Executive Director, Oversight Operations

Enclosure

cc: Chief Constable Adam Palmer, Vancouver Police Department





Date: April 9, 2024

Sent via email to: [REDACTED]

Dear [REDACTED],

RE: Service or Policy Complaint OPCC File #2024-25239

This letter acknowledges the receipt of your complaint outlining your concerns related to Vancouver Police Department alleging VPD's *Procedural Manual* undermining the regulatory requirement in relation to the *BC Motor Vehicle Act*. The Board's Service or Policy Complaint Review Committee intends to consider the complaint at its next meeting in April. 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 April 25, 2024. 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



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: April 10, 2024
 Subject: OPCC File # 2024-25239

On April 9, 2024, the OPCC referred a service or policy complaint in which the complainant, who had been in a motor vehicle accident, alleges that two VPD officers who attended the scene of the accident did not follow regulatory requirements under the *Motor Vehicle Act* to take notes and conduct a proper investigation, including that the officers did not ask the complainant any questions. Her *Freedom of Information* request confirmed that the officers did not take notes. The complainant says that the VPD's *Procedure Manual* conflicts with the *Motor Vehicle Act*.

The relevant provision of the *Motor Vehicle Act* is section 249, which states:

- (1) If
 - a) a vehicle driven or operated on a highway directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount, or
 - b) an accident involving the presence or operation of a cycle on a highway or a sidewalk directly or indirectly causes death or injury to a person or damage to property causing aggregate damage apparently exceeding a prescribed amount,
 a police officer who attends the accident must complete a written report of the accident in the form established by the Insurance Corporation of British Columbia and forward it to the corporation within 10 days of the accident.

The relevant part of the VPD's *Procedure Manual* is section 1.10, which states:

1. Members attending at motor vehicle collisions where there are no injuries and/or property damage may advise the involved parties to exchange information and file their own reports.
2. Members shall investigate and report all motor vehicle collisions in the following circumstances:
 - a. All serious collisions including fatalities;
 - b. All collisions where the nature of injuries requires the victim to be transported to hospital via ambulance; or
 - c. When there is evidence to support a charge.

SPCR-Sub-committee Recommendation re concluding letter

The Service or Policy Complaint Review sub-committee reviewed the complaint and pursuant to Section 171 (a) of the Police Act recommends requesting the Chief Constable to investigate and report on the complaint, including the following:

- a. What is the "prescribed amount" referred to in Section 249(1) (a) of the *Motor Vehicle Act*;

- b. Identify the provision or provisions contained in the VPD's *Procedure Manual* respecting the obligation of the VPD to report motor vehicle accident reports to ICBC that they attend;
- c. Any other relevant factor with respect to the relationship between the *Motor Vehicle Act* and the VPD's *Procedure Manual*; and
- d. Is the responsibility to report an accident to ICBC the police's or drivers who were involved in the collision?