

**VANCOUVER POLICE BOARD
SERVICE & POLICY COMPLAINT REVIEW COMMITTEE**

Meeting minutes

January 21, 2021, 2:03pm to 2:33pm

7TH Floor Boardroom 2120 Cambie, Vancouver & via VIDEO CONFERENCE

Board Members Present

Allan E. Black (Committee Chair)
Mayor Kennedy Stewart (Board Chair)
Patricia Barnes
Frank Chong
Merrilee Robson
Barj Dhahan
Faye Wightman

Staff Present

Acting Chief Constable Steve Rai
DCC Howard Chow
DCC Laurence Rankin
Acting DCC Martin Bruce

Stephanie Johanssen, Executive Director
Minutes by Ali Huculak, Executive Assistant

Absent:

Rachel Roy
Wendy John

Absent:

Chief Constable Adam Palmer

1. Agenda

The Chair called the meeting to order.

MOVED / SECONDED

THAT the Vancouver Police Board approve the Service and Policy meeting Agenda for January 21, 2021.

CARRIED

2. Minutes

MOVED / SECONDED:

THAT the Vancouver Police Board approve the Service and Policy meeting Minutes of November 30, 2020

CARRIED

3. New Service or Policy Complaint & Investigation Report

3.1 Complaint 2020-018: Street Preachers

3.2 Report # 2101C01: VPD Report on S&P #2020-018 & 2020-019

Inspector James Flewelling provided a brief summary of the report and acknowledged that the report contains sensitive material that is offensive to the community, specifically the 2SLGBTQ+ community, noting the VPD does not support words or actions of a discriminatory or divisive nature.

Insp. Flewelling stated the span of this complaint is from June 1, 2020 to October 1, 2020, and the VPD investigated the material including a thorough look at both complaints and allegations

and material supplied by the complainants. There was an examination of the relevant laws that came into play when the VPD was examining these complaints. Inspector Flewelling stated there were six individual complaints that the VPD was able to discern from all the material, and the common themes were lack of action by the VPD, lack of enforcement and lack of understanding of relevant criminal offences and city by-laws.

The VPD found through the investigation that the VPD did in fact respond, investigate and deal with the situation when lawfully appropriate. In other allegations, the complaint perceived lack of understanding by the VPD with respect to hate laws, section 319(1) and section 319(2) which speak to inciting hate or promoting hate. All of this material as it was received goes through a review of the VPD Hate Crimes Unit. No evidence was found that the hate laws had been breached, the threshold for charging has been reached in those cases.

Inspector Flewelling stated in all the allegations the VPD members did respond in every case, and acted to provide the best options for keeping the peace and dealing with the situation. In conclusion, the VPD resources several hundred demonstrations every year, and in every one of them there is tension between the right to facilitate free speech and the need to enforce minor laws. In any case, whatever laws come into play, there is decisions and discretion that have to be exercised by the VPD, and like all police in Canada the VPD are expected to enforce the law in a fair, consistent, and impartial fashion and with particular observance of the Charter.

Inspector Flewelling clarified for the Board that the provision of the Breach of the Peace is a part of the criminal code that allows police to prevent disturbances and issues from getting out of hand and erupting with violence, it does not carry with it a provision to charge.

Inspector Flewelling spoke to the Chair's reference to protesters being charged with causing a disturbance in Toronto under similar circumstances, and Insp. Flewelling stated those charges were in fact thrown out as they were not appropriate charges for incidents of this nature as the threshold is very high.

Motion to conclude the review of the complaint, based on the information outlined in the report.

MOVED/SECONDED

CARRIED

4. New Service or Policy Complaint & Investigation Report
4.1 Complaint #2020-020: Public Health Order and Protests
4.2 Report # 2101C02: Report on S&P #2020-020

Mr. Manojlovic spoke to this complaint noting this is in response to a specific protest that was held on September 13, 2020 about the Public Health Orders (PHO) that were in effect as a result of the pandemic. The VPD polices protests and demonstrations including those that involve civil disobedience, and their guidelines have a primary focus to facilitate a peaceful event that protects the protesters, counter-protesters, members of the public and officers. Mr. Manojlovic stated the complainant was misinformed, as the VPD did not assure the organizers that the VPD would not fine anyone that was in contravention of the PHO.

DCC Chow stated the VPD handles protests case by case as they attends 200+ demonstrations, and many of those involve people not wearing masks, the VPD needs to acknowledge and respect the threshold. If the VPD chooses to shut down a demonstration, it has to be done equitably.

Motion to conclude the review of the complaint, based on the information outlined in the report.

MOVED/SECONDED

CARRIED

5. OPCC Correspondence

5.1 Concluding Correspondence SP File 2020-013: VPD Response

5.2 Concluding Correspondence SP File 2020-010: Protests and Racism

5.3 Concluding Correspondence SP File 2020-014: Policy on reporting crime

Motion to receive the correspondence from the OPCC.

MOVED/SECONDED

CARRIED

The meeting was adjourned at 2:33pm.