

DELTA POLICE BOARD

Regular Meeting Agenda

Wednesday, November 24, 2021 at 09:00 a.m.

North Delta Centre for the Arts

11425 84th Avenue

Delta, BC V4C 2L9



Call Meeting to Order

Indigenous Land Acknowledgement

A. Adoption of Agenda

1. **Adoption of the Regular Agenda of November 24, 2021**

B. Approval of the Minutes/ Business Arising Out of Minutes

1. ***Approval of Minutes** ●
 - a. Approval of Minutes of the Regular Meeting of October 20, 2021
2. ***Action Document** ●
3. **Business Arising Out of Minutes**

C. Consent Items

1. ***Crime Statistics & Maps of October 2021** ●
2. ***Financial Reports of September 2021** ●
3. ***Correspondence** – no items
4. ***For Information**
 - a. Compliments from the Public ●
 - b. Final Report by Mr. David Loukidelis on Review of Vancouver Police Board's Response to Street Checks Complaint Process ●
 - c. Police Board Training Updates from Policing & Security Branch ●
 - d. IIO reaches Decision on October 2020 Officer-Involved Shooting in Langley (2020-250) ●
 - e. Blueline Article: B.C. applies to remove criminal penalties for possession of small amounts of drugs ●
 - f. Correspondence & Copy of Presentation – Cathy Peters, BC Anti-Human Trafficking Educator/Speaker/Advocate ●
 - g. Provincial Update on Surrey Policing Transition to UBCM (Union of BC Municipalities) ●
 - h. Victoria Police offering \$20,000 Incentive to Recruit Experienced Officers ●
 - i. CAPG Report: The Police Governance Regime in Canada ●
5. ***Events Calendar** ●

D. Delegations/Presentations

1. ***Public Delegations**
2. ***Delta Police Association**
3. **Active Bystandership for Law Enforcement (ABLE) Training for DPD** ●
Presentation by Inspector Mo Parry

E. Priority Items

1. *Chief's Report
2. Community Safety Officers (CSO) Program ●

F. Reports

1. Police Board Education/Training Updates ●
2. Online Crime Reporting Updates ●
3. Times of Canada Honours Cst. Jessy Sahota at Diwali Gala ●
4. JIBC Graduating Class of 164 – The Journey to Graduation ●

G. Other/New Business

As requested by the Board.

Resolution to Terminate the Meeting.

Next Meeting: Wednesday, December 15, 2021
9:00 a.m. North Delta Centre for the Arts

DELTA POLICE BOARD

Regular Meeting Minutes

Wednesday, October 20, 2021 at 9:00 a.m.

North Delta Centre for the Arts

11425 84th Avenue

Delta, BC V4C 2L9

Minutes of the REGULAR MEETING held Thursday October 20, 2021 at 9:00 a.m. at the North Delta Centre for the Arts, Delta, British Columbia.

Present

Angela Kaiser, Vice-Chair
Dr. Karen Hossack
Gurleen S. Sahota
Lara Victoria
*Annette Garm

Neil Dubord, Chief Constable
Harj Sidhu, Deputy Chief Constable
Michelle Davey, Deputy Chief Constable
Jassie Ram, Corporate Planning Manager
Volker Helmuth, Risk Management Manager
Sharon Sparrow, Board Secretary

*Via Zoom

Regrets

Mayor George V Harvie, Chief Ken Baird, Firth Bateman

Call Meeting to Order – Meeting called to order at 09:04a.m.

Indigenous Land Acknowledgement

Vice-Chair began meeting with Indigenous Land Acknowledgement

A. Adoption of Agenda

1. Adoption of the Regular Agenda of October 20, 2021

MOVED / SECONDED

THAT the Delta Police Board approve the Regular agenda of October 20, 2021 with following amendments:

- *Addition: Delta Police Foundation – New Member H.1*

CARRIED UNANIMOUSLY

B. Approval of the Minutes

1. *Approval of Minutes

- a. Approval of Minutes of the Regular Meeting of September 16, 2021

MOVED/SECONDED

That the minutes of September 16, 2021 be adopted as presented.

CARRIED UNANIMOUSLY

C. Consent Items

1. ***Crime Statistics & Maps of September 2021**
2. ***Financial Reports of August 2021**
3. **Community Safety Plan (CSP) Key Performance Indicators (KPIs)**
4. **Wreath Purchase – RCL #61 Remembrance Day Ceremony**
5. **Correspondence – no items**
6. **For Information**

- a. Compliments from the Public
- b. Chief Dubord's Election to Executive Committee of International Association of Chiefs of Police's (IACP) Midsize Agencies Division

7. Events Calendar

MOVED / SECONDED

THAT the Delta Police Board approve receive Consent Agenda Items C.1 to C.7 for information.

CARRIED UNANIMOUSLY

D. Delegations/Presentations

- 1. ****Public Delegations**
No Delegations
- 2. ***Delta Police Association (DPA)**
Regrets sent by DPA

MOVED / SECONDED

THAT the Delta Police Board approve receive Items D.1 and D.2 for information.

CARRIED UNANIMOUSLY

E. Business Arising out of Minutes

- 1. **Action Document**

MOVED / SECONDED

THAT the Delta Police Board receive Item E.1 for information.

CARRIED UNANIMOUSLY

F. Priority Items

- 1. ***Chief's Report**
 - On September 30, the Delta Police Department participated in the walk for National Day for Truth and Reconciliation at TFN.
 - Cybercrime awareness month, 43% of frauds are on-line.
 - Body Worn Camera pilot project was very successful
 - Road Safety continues to be a priority with the community and is being responded to accordingly by the DPD

MOVED / SECONDED

THAT the Delta Police Board receive the Chief's Report for information.

CARRIED UNANIMOUSLY

- 2. **E-Comm Services Updates**
Chief Dubord gave an update. Discussions ongoing with E-Comm on maintaining Delta's no call too small philosophy.

- 3. **Indigenous Land Acknowledgement – Email Signatures**

MOVED / SECONDED

THAT the Delta Police Board approve the use of Indigenous Land Acknowledgement for Board member e-mail signatures.

CARRIED UNANIMOUSLY

G. Reports

- 1. **Alexa's Team - 2020 Recipients**

Chief Dubord supplied a brief background on the Alexa's team awards and the importance of this initiative in the community of Delta and to the DPD.

2. THIS is Where You Belong Calendar Contest

Contest submission deadline has been extended to October 28th.

3. Understanding the Use of Personal Pronouns – Being Inclusive

DC Michelle Davey spoke on the use of personal pronouns for acceptance and respect when addressing the public as well as written correspondence.

4. Online Reporting Updates

- Online reporting has averaged 23 reports online per month.
- Online reporting does not replace a Police Officer attendance, this is merely an option of reporting the complaint as opposed to telephone.

Action: Staff to look into the success and convenience of online reporting and report back.

MOVED / SECONDED

THAT the Delta Police Board receive ItemS G.1 to G4 for information.

CARRIED UNANIMOUSLY

H. Other/New Business**1. Delta Police Foundation**

- Mr. Garry Shearer is the newest member of the Delta Police Foundation.
- Delta Police Foundation will attend a Board meeting in early 2022.

MOVED / SECONDED

THAT the Delta Police Board receive Item H.1 for information.

CARRIED UNANIMOUSLY

Resolution to Terminate the Meeting at 9:51a.m.***MOVED/SECONDED***

THAT this meeting now terminate.

CARRIED UNANIMOUSLY

Next Meeting: The next regular meeting of the Delta Police Board will be scheduled on Wednesday, November 24, 2021 at 09:00 a.m. at the North Delta Centre for the Arts.

The meeting terminated at 9:51a.m.

Angela Kaiser
Vice-Chair

Sharon Sparrow
Recording Secretary

Date

Date

DELTA POLICE BOARD**REGULAR - Action Document***Note: shaded items will be removed after one circulation*

ACTION ITEM	Meeting Date	Assigned to	Status
E.6 E-COMM Request Finance Director (as E-Comm rep) report to Police Board on a quarterly basis	September 26, 2021	Staff	Complete. Added to Board report calendar to request beginning 2022.
Staff to report back on how online reporting system can be encouraged and expanded.	October 20, 2021	Staff	Complete. Memo provided in Nov 2021 agenda pkg.

Police Board Statistics Report

October 2021

Crime Type	Sep-21	Oct-21	Oct 3YR AVG	YTD 2020	YTD 2021	YTD 3YR AVG	Trend	YTD % Change 3YR Avg	Comments
Persons Offences									
Homicide	0	0	0	0	1	0	▶	0%	
Attempted Homicide	0	0	0	3	1	1	▶	0%	
Sexual Assault (Level I)	3	4	2	30	45	43	▲	5%	
Sexual Assault (Level II, Level III)	1	5	2	25	14	26	▼	-46%	
Total Assaults (Common, Weapon, Aggravated)	25	30	27	313	268	321	▼	-17%	
Robbery	1	3	3	19	13	24	▼	-46%	
Total Person Offences	48	75	57	614	614	674	▼	-9%	
Domestic Violence									
Intimate Partner Violence	10	10	13	118	91	113	▼	-19%	
Family Violence	6	4	4	67	51	63	▼	-19%	
Property Offences									
Break & Enter - Commercial	11	10	13	112	104	112	▼	-7%	
Break & Enter - Residential	11	14	15	126	111	153	▼	-27%	
Theft of Vehicle	19	8	11	110	80	109	▼	-27%	
Theft from Vehicle	62	60	60	659	646	619	▲	4%	
Theft Over/Under \$5000	72	76	87	869	734	972	▼	-24%	
Mischief to Property Over/Under \$5000	39	40	55	462	478	472	▶	1%	
Total Property Offences	261	230	288	2715	2541	2842	▼	-11%	
Traffic Offences									
Fatal MVI	0	3	1	2	3	3	▶	0%	deaths = 3
Injury MVI	36	32	27	198	254	241	▲	5%	injured = 39
Collisions (All)	127	121	108	725	954	877	▲	9%	
Roadside Suspensions - 215 Alcohol 24 hrs	2	7	3	47	33	31	▲	6%	
Roadside Suspensions - 215 Drugs 24 hrs	7	9	8	58	81	56	▲	45%	
Immediate Roadside Prohibitions (Alcohol)	24	34	35	417	276	380	▼	-27%	
Total	196	206	182	1447	1601	1588	▶	1%	
Drug Offences									
Possession	2	3	9	80	82	135	▼	-39%	
Trafficking	1	1	1	22	21	23	▼	-9%	
Total	3	4	10	102	103	158	▼	-35%	
Other Offences									
Youth (*Excludes Traffic Offences)	4	3	7	60	58	66	▼	-12%	
Total Weapons Violations	5	4	6	45	102	58	▲	76%	
Cybercrime	33	29	28	310	427	232	▲	84%	
Bylaws	84	66	107	962	704	871	▼	-19%	
False Alarms (Dispatched)	49	47	78	580	548	813	▼	-33%	
TOTAL CALLS FOR SERVICE	2,122	2,152	2,318	22,568	22,359	22,931	▼	-2%	

Note - Stats include all calls for service relative to the crime type, whether or not charges were recommended.

TFN (Zone 3) Statistics Report

October 2021

Crime Type	Sep-21	Oct-21	Oct 3YR AVG	YTD 2020	YTD 2021	YTD 3YR AVG	Trend	YTD % Change	Comments
Persons Offences									
Homicide	0	0	0	0	0	0	▶	0%	
Attempted Homicide	0	0	0	0	0	0	▶	0%	
Sexual Assault (Level I)	0	1	0	2	2	3	▶	0%	
Sexual Assault (Level II, Level III)	0	0	0	1	0	1	▼	-100%	
Total Assaults (Common, Weapon, Aggravated)	2	2	1	12	13	9	▲	8%	
Robbery	0	1	0	0	1	1	▲	100%	
Total Person Offences	5	4	2	25	33	22	▲	32%	
Domestic Violence									
Domestic Violence (Includes Criminal Harassment, Utter Threats)	0	0	1	2	4	3	▲	100%	
Property Offences									
Break & Enter - Commercial	0	0	1	3	4	3	▲	33%	
Break & Enter - Residential	0	1	1	5	9	5	▲	80%	
Theft of Vehicle	2	0	0	2	3	2	▲	50%	
Theft from Vehicle	3	4	4	23	27	19	▲	17%	
Theft Over/Under \$5000	14	13	10	124	118	139	▼	-5%	
Mischief to Property Over/Under \$5000	1	3	1	16	18	15	▲	13%	
Total Property Offences	22	24	18	184	192	201	▲	4%	
Traffic Offences									
Fatal MVI	0	0	0	0	0	0	▶	0%	deaths = 0
Injury MVI	0	0	1	5	6	6	▲	20%	injured = 0
Roadside Suspensions - 215 Alcohol 24 hrs	0	0	0	4	0	2	▼	-100%	
Roadside Suspensions - 215 Drugs 24 hrs	0	0	0	2	1	1	▼	-50%	
Immediate Roadside Prohibitions (Alcohol)	2	0	1	14	14	9	▶	0%	
Total	2	0	2	25	21	18	▼	-16%	
Drug Offences									
Possession	0	0	1	7	1	10	▼	-86%	
Trafficking	0	0	0	0	0	1	▶	0%	
Total	0	0	1	7	1	11	▼	-86%	
Other Offences									
Youth (Charged/Suspect Chargeable/ Recommended Charges)*Excludes Traffic Offences	0	1	1	5	5	5	▶	0%	
Total Weapons Violations	1	0	0	1	5	2	▲	400%	
Cybercrime	1	1	1	11	14	9	▲	27%	
Bylaws	4	3	1	18	21	14	▲	17%	
False Alarms (Dispatched)	3	3	5	52	62	110	▲	19%	
TOTAL CALLS FOR SERVICE	121	97	91	941	1,118	941	▲	19%	

Note - Stats include all calls for service relative to the crime type, whether or not charges were recommended.

The screenshot displays a crime map interface. On the left, a sidebar lists crime categories and their counts:

- Res B&E: 3
- Bus B&E: 2
- Other B&E: 1
- Theft of Auto: 2
- Theft from Auto: 17
- Recovered Stolen: 0
- Assault: 5
- Sex Assault: 2
- Robbery: 2
- Bike Theft: 3
- Mail Theft: 2
- 2021-10-01: 39
- 2021-10-31: 39
- View Results

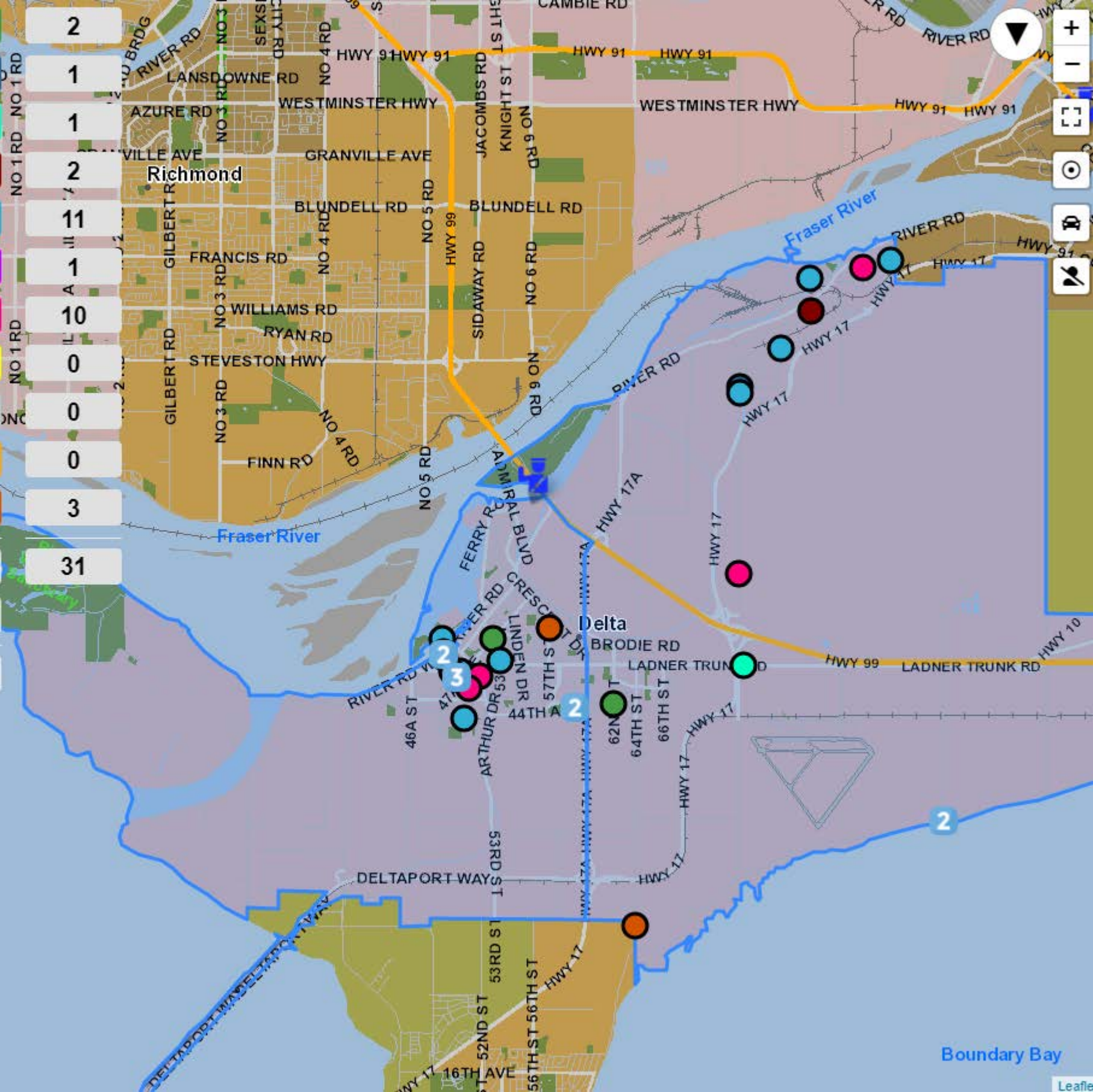
The map shows a coastal area with streets like DELTAPORT WAY, SALISH SEA WAY, and ISAWWASSEN DR. Crime incidents are marked with colored dots (red, yellow, green, blue, orange, pink, black). A sidebar on the left lists crime categories and counts. The top bar shows filters for date and view. The bottom bar shows a date range from 2021-10-01 to 2021-10-31 and a 'View Results' button.



Res B&E	2
RG C.1	
Bus B&E	1
Other B&E	1
Theft of Auto	2
Theft from Auto	11
Recovered Stolen	1
Assault	10
Sex Assault	0
Robbery	0
Bike Theft	0
Mail Theft	3
2021-10-01	31
2021-10-31	
View Results	

D2

Y
M
D
H



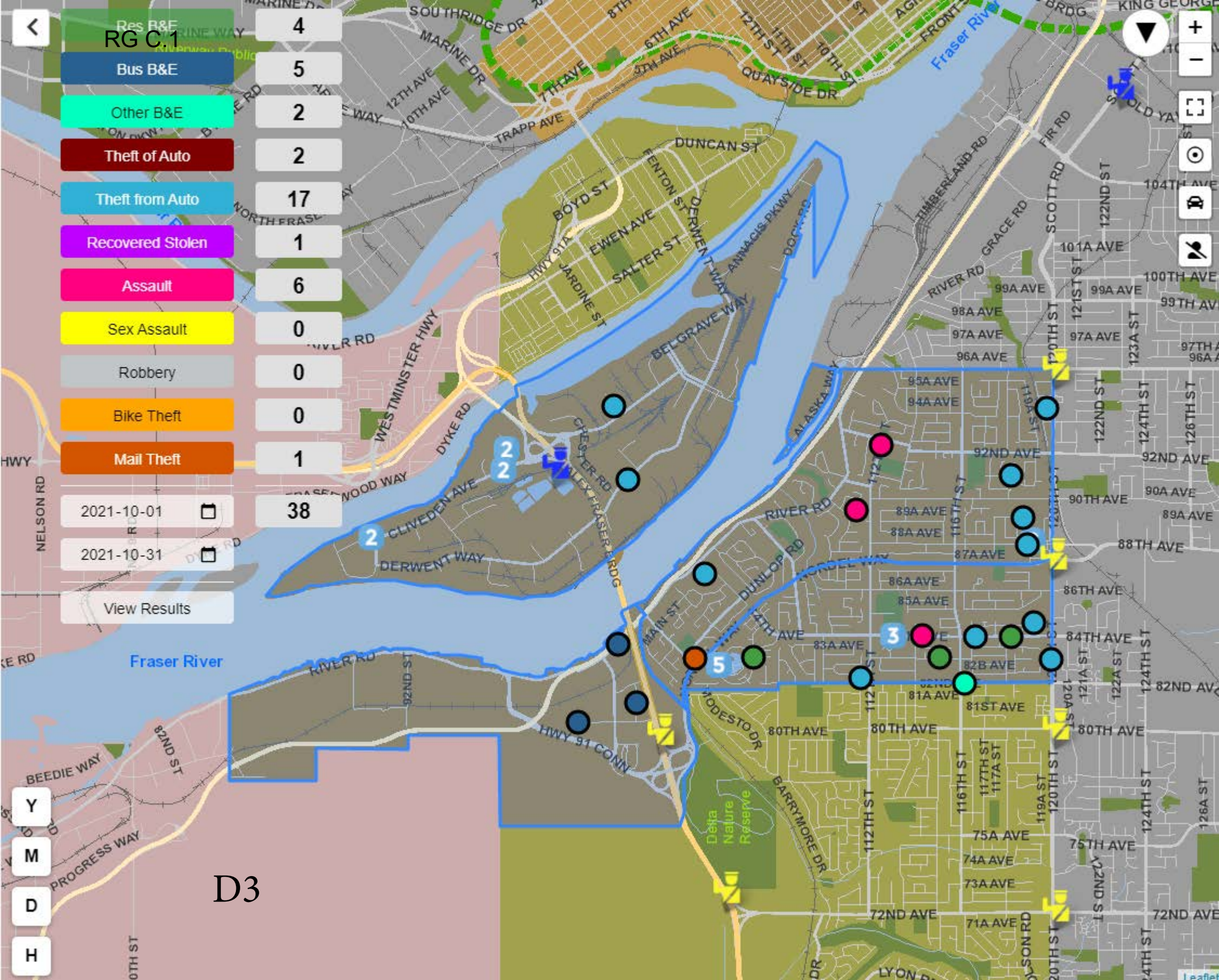


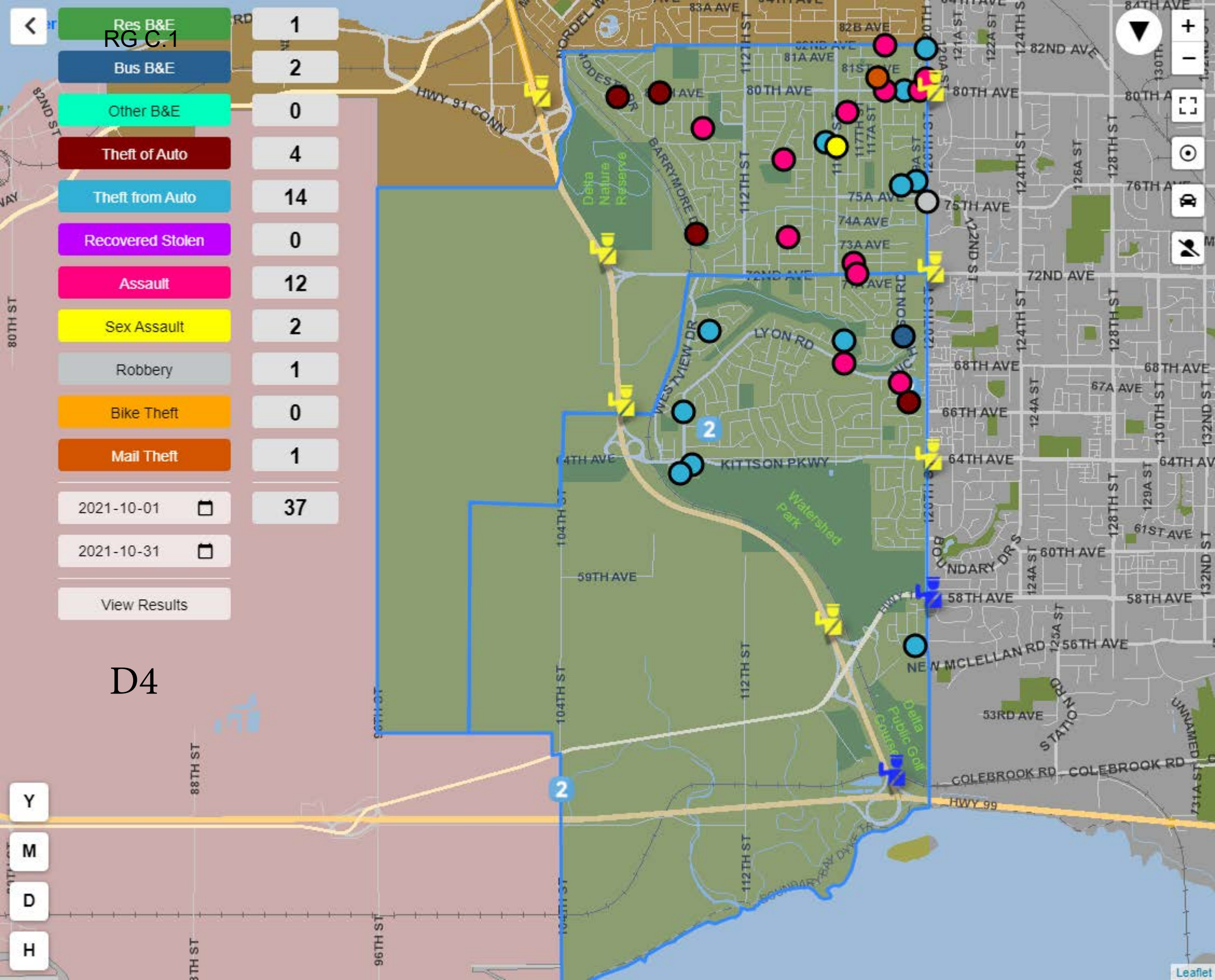
RG C.1

Res B&E	4
Bus B&E	5
Other B&E	2
Theft of Auto	2
Theft from Auto	17
Recovered Stolen	1
Assault	6
Sex Assault	0
Robbery	0
Bike Theft	0
Mail Theft	1
2021-10-01	<input type="checkbox"/>
2021-10-31	<input type="checkbox"/>
View Results	

Y
M
D
H

D3







Res B&E
RG C.1

10

Bus B&E

10

Other B&E

4

Theft of Auto

10

Theft from Auto

60

Recovered Stolen

2

Assault

33

Sex Assault

4

Robbery

3

Bike Theft

3

Mail Theft

7

2021-10-01



146

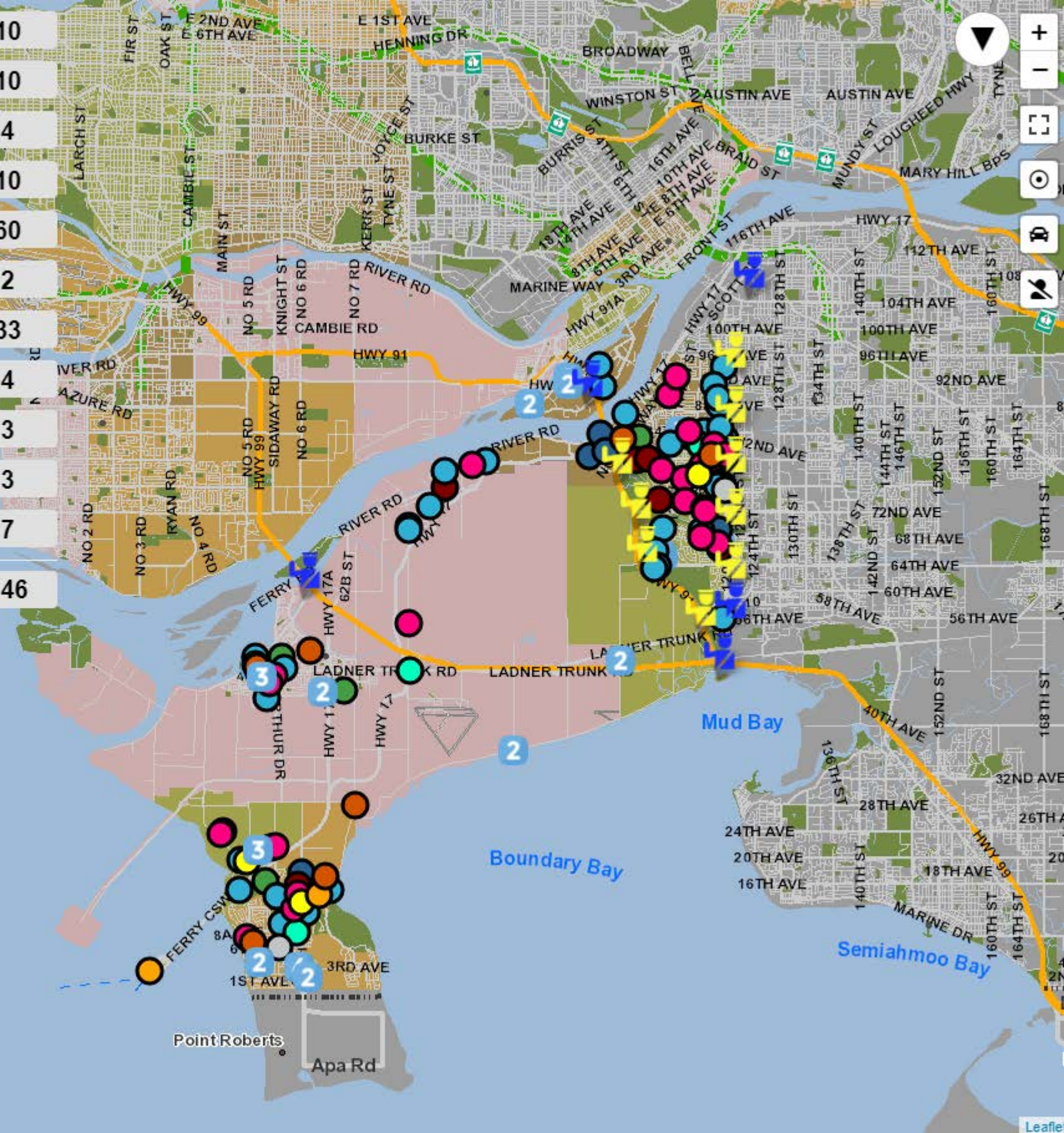
2021-10-31



View Results

Overall

Y
M
D
H



City of Delta
Payroll Overtime Data
As of: 2021-09-30

		2021					2021 Year to Date							2020 Overtime Statistics				
		Overtime	Statutory Holiday	Standby Time	Total Month	Budget Month	Overtime	Statutory Holiday	Standby Time	Total YTD	Budget YTD	Variance YTD	% spent (YTD)	Budget Annual	Overtime YTD	Budget YTD	Overtime Annual	Budget Annual
1199	Police Fleet Mtce (Ops)	-	-	-	-	-	269	-	-	269	-	269	-	984	-	984	-	
1268	PoliceCommunitySafetyOfficer	-	-	-	-	-	16,135	-	-	16,135	-	16,135	-	-	-	-	-	
1305	Police Community Support	13,686	321	3,619	17,626	12,417	212,653	641	28,914	242,208	111,753	130,455	149,000	120,677	105,372	219,977	145,500	
1307	Police Comms/Media	708	-	3,421	4,129	834	14,493	-	14,794	29,287	7,506	21,781	10,000	7,697	3,753	14,181	5,000	
1312	Police PublicSafety Operations	1,531	-	-	1,531	208	3,201	279	-	3,481	1,872	1,609	2,500	3,934	1,872	7,823	2,500	
1331	Police TFN Policing	967	284	-	1,251	583	7,032	569	-	7,601	5,247	2,354	7,000	1,472	4,878	4,149	6,500	
1335	Police Administration	2,983	-	-	2,983	1,250	11,903	217	-	12,119	11,250	869	15,000	10,192	7,497	14,450	10,000	
1342	Police Ports Liaison	-	-	-	-	42	-	-	-	-	378	(378)	500	-	378	-	500	
1343	Police BC Justice Institute	496	-	-	496	-	496	-	-	496	-	496	-	702	-	3,540	-	
1345	Police Human Resources	21,590	-	-	21,590	8,958	120,755	1,324	-	122,079	80,622	41,457	107,500	95,935	76,122	152,028	105,000	
1349	Police Drug Section	-	-	-	-	-	-	-	-	-	-	-	-	955	24,750	(5,411)	34,000	
1350	Police Identification Section	-	-	-	-	167	-	-	-	-	1,503	(1,503)	2,000	3,818	1,503	(1,610)	2,000	
1351	Police Fraud Investigation	-	-	-	-	-	-	-	-	-	-	-	-	563	2,997	(2,047)	4,000	
1352	Police General Investigation	2,000	-	-	2,000	2,292	13,835	-	869	14,704	20,628	(5,924)	27,500	24,242	19,503	33,413	27,000	
1353	Police Intelligence Section	2,924	424	559	3,907	1,125	6,536	424	4,514	11,474	10,125	1,349	13,500	2,976	2,997	8,963	4,000	
1354	Police DrugInvestigationSuppTm	4,675	-	-	4,675	7,083	29,589	-	2,482	32,071	63,747	(31,676)	85,000	48,172	35,253	67,195	49,000	
1356	Police Major Crimes Section	15,065	-	621	15,686	18,125	206,708	-	13,275	219,983	163,125	56,858	217,500	145,816	150,003	190,542	207,000	
1357	Police SeriousCrimes/SexOffenc	2,648	-	-	2,648	1,250	6,622	-	1,808	8,430	11,250	(2,820)	15,000	32,906	10,503	41,710	14,500	
1358	Police IMPACT (Sec)	5,293	-	240	5,533	2,625	32,562	271	2,653	35,486	23,625	11,861	31,500	16,839	22,122	23,259	30,500	
1359	PoliceProvTrafficProjects(Sec)	-	-	-	-	-	24,198	-	-	24,198	39,000	(14,802)	59,000	37,724	39,330	52,226	59,000	
1363	Police IRSU (Sec)	2,968	271	-	3,240	5,167	40,300	569	-	40,869	46,503	(5,634)	62,000	29,043	43,875	47,717	60,500	
1364	Police CFSEU (Sec)	22,163	372	-	22,536	11,708	131,959	2,054	-	134,013	105,372	28,641	140,500	54,851	99,378	99,395	137,000	
1367	Police DCPO ND	434	-	-	434	913	2,537	-	-	2,537	8,217	(5,680)	11,000	994	7,497	2,203	10,500	
1368	Police DCPO Ladner	1,272	-	-	1,272	208	1,272	-	-	1,272	1,872	(600)	2,500	154	1,872	484	2,500	
1369	Police DCPO Tsaw	434	-	-	434	208	597	244	-	842	1,872	(1,030)	2,500	972	1,872	1,394	2,500	
1370	Police School Liaison	3,612	-	-	3,612	583	21,490	-	-	21,490	5,247	16,243	7,000	3,306	4,878	6,192	6,500	
1371	Police Reserve Police	-	-	-	-	-	-	-	-	-	21,500	(21,500)	21,500	19,496	20,000	20,000	21,000	
1373	Police Victim Services	90	-	129	219	375	601	-	1,495	2,096	3,375	(1,279)	4,500	4,398	3,375	6,037	4,500	
1376	Police Information & Security	4,760	-	-	4,760	4,333	28,136	321	-	28,457	38,997	(10,540)	52,000	27,626	38,250	31,898	51,000	
1381	Police Truck Enforcement	889	-	-	889	333	1,385	-	-	1,385	2,997	(1,612)	4,000	402	2,997	402	4,000	
1382	Police LMD PDS	-	-	-	-	-	-	-	-	-	-	-	-	195	-	195	-	
1383	Police Traffic Section	9,075	-	1,024	10,099	3,000	32,587	-	7,480	40,067	27,000	13,067	36,000	23,948	29,250	26,834	40,500	
1388	Police Patrol	118,636	16,407	(0)	135,043	48,917	384,318	79,210	1,769	465,297	440,253	25,044	587,000	287,945	414,378	453,146	572,000	
1390	Police Professional Standards	1,593	-	-	1,593	292	2,519	-	-	2,519	2,628	(109)	3,500	1,746	2,250	4,769	3,500	
1524	Police LMTT	14,485	-	-	14,485	4,583	39,405	-	-	39,405	41,247	(1,842)	55,000	15,435	41,247	15,435	55,000	
1540	Police VPD BCMUP (Sec)	-	-	-	-	-	8,491	-	-	8,491	-	8,491	-	992	-	992	-	
1579	Police Information Technology	492	-	-	492	583	2,349	-	-	2,349	5,247	(2,898)	7,000	4,963	5,247	5,177	7,000	
1584	Police Intelligence Management	-	-	-	-	42	183	-	-	183	378	(195)	500	-	378	-	500	
1594	Police UHU (Sec)	-	-	-	-	-	-	-	-	-	-	-	-	-	9,000	-	12,500	
1596	Police Youth Liaison	1,295	-	-	1,295	292	10,345	-	-	10,345	2,628	7,717	3,500	10,753	2,628	13,517	3,500	
1646	Police Cybercrime	-	-	-	-	-	-	-	-	-	-	-	-	717	3,753	3,410	5,000	
1680	Police Public Information Reps	1,075	3,958	-	5,033	7,576	7,034	16,171	-	23,204	68,184	(44,980)	91,000	20,686	66,366	32,374	88,500	
1681	Police LMD PDS (Sec)	12,506	756	-	13,263	2,583	105,159	3,483	-	108,642	23,247	85,395	31,000	64,125	16,497	93,800	22,500	
1682	Police LMD ERT (Sec)	3,454	-	1,660	5,114	7,125	50,923	528	25,088	76,539	64,125	12,414	85,500	40,558	60,372	62,111	83,500	
1683	Police RTIC-BC (Sec)	496	714	-	1,210	542	496	1,410	-	1,907	4,878	(2,971)	6,500	1,682	4,500	1,769	6,000	
1685	Police TFN Service Team	2,865	1,277	-	4,142	2,333	11,787	5,627	-	17,414	20,997	(3,583)	28,000	10,165	27,378	12,536	37,500	
1686	Police INSET (Sec)	476	-	-	476	458	6,423	-	-	6,423	4,122	2,301	5,500	5,045	3,753	8,577	5,000	
1687	Police LMD FIS (Sec)	2,161	569	1,877	4,607	6,125	16,057	2,248	22,815	41,120	55,125	(14,005)	73,500	18,450	51,750	35,110	71,500	
1697	Police TrafficSpecialtyDogUnit	-	-	-	-	458	-	-	-	-	4,122	(4,122)	5,500	-	-	-	-	
1750	Police Crime Reduction Unit	1,313	-	-	1,313	-	1,313	-	-	1,313	-	1,313	-	-	-	-	-	
1751	Police Patrol Support Team	910	-	-	910	-	910	-	-	910	-	910	-	-	-	-	-	
Police		282,023	25,354	13,149	320,525	165,696	1,615,566	115,590	127,955	1,859,110	1,551,764	307,346	119.81%	2,069,000	1,204,252	1,471,574	1,810,847	2,020,000

Adjust for recoverables/new stat
YTD adjusted for recoverables

(419,987)	(419,987)
1,439,123	1,551,764
(112,641)	

92.74%

Delta Police Department Financial Report

For the period ending September 30, 2021

Operating Revenues & Expenditures

	Year to date Actuals	Accrual for Expenditures/ Revenues	Year to Date Actuals (Adjusted)	Year to date Budget	Annual 2021 Budget	YTD Variance (Fav)/Unfav (\$)	YTD Variance (Fav)/Unfav (%)
Expenditures							
Department Support Services	10,482,307	153,910	10,636,217	10,597,468	14,122,500	38,749	0.4%
Community Policing Bureau - Investigative Services	4,782,197	220,793	5,002,990	5,240,527	6,973,500	(237,538)	-4.5%
Community Policing Bureau - Community Services	5,847,235	188,500	6,035,735	7,105,919	9,465,000	(1,070,184)	-15.1%
Community Policing Bureau - Patrol Services	10,654,773	-	10,654,773	10,277,890	13,703,000	376,883	3.7%
Police Secondments	2,831,502	-	2,831,502	2,674,461	3,570,000	157,041	5.9%
Ecomm	1,312,382	-	1,312,382	1,368,747	1,825,000	(56,365)	-4.1%
Wage bank accrual	-	281,250	281,250	-	-	281,250	
Total Expenditures	35,910,396	844,453	36,754,849	37,265,012	49,659,000	(510,164)	-1.4%
Revenues							
Recovered Services	(6,315,842)	-	(6,315,842)	(5,868,375)	(6,831,500)	(447,467)	-7.6%
Fines and Fees	(586,318)	-	(586,318)	(172,503)	(230,000)	(413,815)	-239.9%
Grants	(2,100,823)	16,022	(2,084,801)	(1,728,372)	(1,754,500)	(356,429)	-20.6%
Other Recoveries and Miscellaneous	(146,459)	-	(146,459)	(67,500)	(90,000)	(78,959)	-117.0%
Transfer to/from Reserve	-	344,632	344,632	(328,500)	(438,000)	673,132	204.9%
Total Revenue	(9,149,442)	360,654	(8,788,788)	(8,165,250)	(9,344,000)	(623,538)	-7.6%
Operating Tax Draw	26,760,954	1,205,107	27,966,061	29,099,762	40,315,000	(1,133,702)	-3.9%

Capital

	2021 Actuals	2021 Budget	Variance (Fav)/Unfav (\$)
Expenditures			
Vehicle Purchases - 2021	-	688,000	(688,000)
Vehicle Purchases - 2020 carryover	-	638,000	(638,000)
Armoured Vests, Equipment, Furniture, IT	165,138	377,887	(212,749)
Cannabis Roadside Testing Devices	-	112,000	(112,000)
Total Expenditures	165,138	1,815,887	(1,650,749)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Compliments for the DPD Team from the Public

[Redacted]

[Redacted]

[Redacted]

No Call too Small

The various pieces of correspondence highlighted in this package have been received either by e-mail to the DPD or through DPD Social Media Channels.

[Redacted]

RG C.4a

Hi,

My name is [REDACTED] My dad was a Delta Police Officer from 1986 until his death in 2005. The Delta Police have always held a very special place in the hearts of my family and me, as the entire department helped us so greatly through that terrible time. I was 11 years old back then. My views of police officers were shaped largely through that difficult experience. I am now a new police officer myself, with a different organization. I often find myself wishing I could talk to my dad about the job and it's challenges, and to hear his advice...

Bend Don't Break has offered me reassurance, advice and a strong framework for a job that I am still learning how to do. Listening regularly and having a regular connection to the department my dad worked for means a lot to me, and feels like a connection to him (if that makes any sense haha).

Anyways, all of that to say, this podcast means a lot to me, and I get a lot out of it. Much of the advice is along the lines of things I could picture my dad saying to me, if he were still here. I wanted to extend sincere thanks to those involved in it's production and all of the guest speakers. Please keep up the good work!

Thank you [REDACTED]

Sent: October 16, 2021 4:02 PM

To: Office of the Chief Constable <officechiefconstable@deltapolice.ca>

Subject: New Message

Your Name

[REDACTED]

Your Email

[REDACTED]

Recipient

Chief's Office

Subject

Thank you to Constable Ken Usipiuk

Message

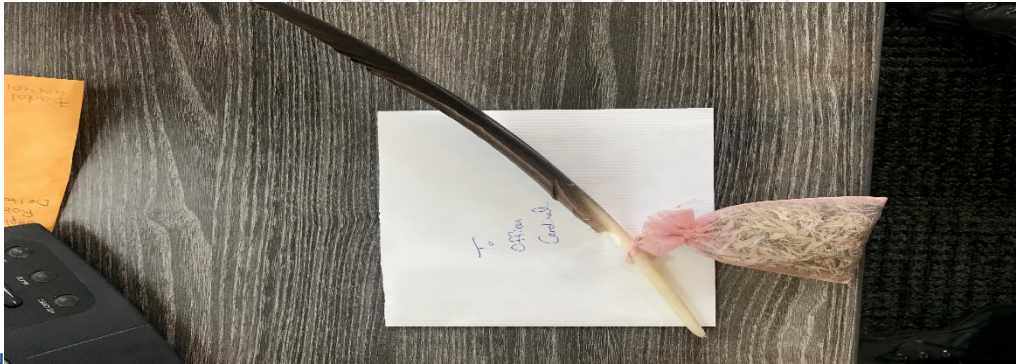
I would like to say thanks to Constable Ken Usipiuk. he attended to an accident on Thursday October 14th in the evening. It involved my daughter and another new driver. He was calm, collective and so professional in dealing with the girls and us moms. Never made the other girl who was at fault feel bad or judged her. I was so impressed - instead he made sure they were both okay - provided guidance and reassurance and most of all support to them both. He was incredible and I just wanted to say thank you. Quite often we hear complaints and negativity regarding police. This left such a positive impact for my daughter and I am so appreciative. She has spoken about the experience at least three times so I thought you should know!! Thanks again.

[REDACTED]

Compliments from the Public

RG C.4a

Please see the card and comments received from the family of a sudden death victim (21-21700) that Cst. Kyle Cardinal attended while working a power shift with A Platoon. Kyle shared this with me and I asked for a copy in order for it to be added to his PA. Kyle is very humble and I did not want this acknowledgement of his professional compassion and effort to go unrecognized



Cst. Harvey Sidhu

Dear Officer Cardinal,
I wanted to reach out to
give you my deep gratitude for
how you held space for my
family, myself and my beloved
Tlakwa'dni the day of his passing.
Your gentle strength was so very
much appreciated in those initial
horrendous moments of despair and
shock. Your respect for tradition
and for a decolonized approach to
helping us tend... no words.
I know Tlakwa'dni would want you
to have these gifts. Tlakwa'dni's family

DELTA POLICE DEPARTMENT

From: webmaster@deltapolice.ca [mailto:webmaster@deltapolice.ca]
Sent: October 26, 2021 8:31 AM
To: Office of the Chief Constable <officechiefconstable@deltapolice.ca>
Subject: New Message

Your Name

Your Email

Recipient

Chief's Office

Subject

911 Call For Assistance - Thank You

Message

Chief Constable Dubord,

On Saturday, October 23, 2021 my family called upon the Delta Police Department via 911 to aid us in dealing with a mental health crisis involving my 91 year old Father-in-law who suffers from Dementia and was threatening self-harm.

• 2021 [REDACTED] refers.

The DPD members responded quickly to our call.

Upon arrival the Members evaluated the situation we were facing, with compassion and caring, they de-escalated the upset my Father-in-law was experiencing.

Working with our family, the Members determined that further mental health intervention and assessment was required. They safely delivered my Father-in-law to the Surrey Memorial Hospital Emergency Department.

Our family is extremely grateful for the professional expertise, kindness and sensitivity the Members provided, in what was an unusual and stressful situation.

The members involved were:

- Constable Joe DaSilva
- Constable Matthias Goossen
- Constable Byron Richie

The Community of Delta and its citizens are very fortunate to have such good people dedicated to service.

Sincerely,

Compliments from the Public

Wed Oct. 13, 2021

To the Officers who assisted me on Oct. 7, highway 17 when my car overheated. Thanks to Constable? Arneault for checking under the hood and correctly diagnosing the problem. He also assisted by contacting Fountain Tire at Tillbury to receive my car for towing (BCAA) which was much closer than Scott Road provided by BCAA.

I was provided with proper amount of Coolant from Fountain Tire and was able to resume my travels to Abbotsford without further incident.

It was a great team effort between BCAA, your officers, the towing company, Fountain Tire and the cab (Sunshine?) which arrived the same time as the tow truck. It was a good day.

Thank you again

[REDACTED]

Note - check fluids prior to travel.

REVIEW OF THE VANCOUVER POLICE BOARD'S STREET CHECKS COMPLAINT PROCESS

David Loukidelis QC

April 2021

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GLOSSARY

The following terms are used in this report:

“Act” means the *Police Act* (British Columbia),

“BCCLA” means the British Columbia Civil Liberties Association,

“Board” means the Vancouver Police Board,

“City” means the City of Vancouver,

“Commissioner” means the Police Complaint Commissioner of British Columbia,

“Committee” means the Street Checks Committee of the Board,

“Department” means the Vancouver Police Department,

“Director” means the Director of Police Services, who is appointed under the Act,

“Ministry” means the Ministry of Public Safety and Solicitor General,

“OPCC” means the Office of the Police Complaint Commissioner for British Columbia,

“Pyxis” means Pyxis Consulting Group Inc., a consulting firm,

“research director” refers to the director of the Department’s Planning, Research and Analysis section,

“RFP” refers to a request for proposals, a form of procurement process, initiated by a document with that name and used by the Board in retaining Pyxis,

“UBCIC” means the Union of British Columbia Indian Chiefs.

In addition, terms such as the “then executive director” of the Board, or “executive director of the time”, and so on, are used below to distinguish between the present executive director, Stephanie Johanssen, and the former executive director, Patti Marfleet, who retired in April 2019. Also, reference to “the Deputy Chief” is a convenient reference to Deputy Chief Howard Chow.

INTRODUCTION & SUMMARY

This report flows from my appointment by the Director, under section 42 of the Act, to review issues associated with the Board's response to the complaint lodged by the UBCIC and the BCCLA about the Department's "street check" activities. Those organizations had complained in 2018 that the Department was, related data suggested, conducting street checks "in a discriminatory manner", contrary to the *Canadian Charter of Rights and Freedoms* and B.C.'s *Human Rights Code*.

The Board immediately referred that complaint—key elements of which are described below—to the Department for investigation. The Department produced a report in response in 2018, making six recommendations to the Board related to street checks, which the Board adopted. The Board also resolved to commission an outside review of the Department's report and retained Pyxis to do that. Pyxis's 2019 report to the Board in turn made 34 recommendations related to the Department's conduct of street checks, all of which the Board adopted.

This report focusses on issues related to the Board's selection of Pyxis to do the work, a choice that the complainants and others have criticized because Pyxis had done work for police agencies in the past, including related to street checks. Concerns were also raised in light of the later revelation that a paragraph was removed from the Pyxis report that described allegedly racially insensitive comments and poor behaviour by two unidentified officers. Criticism was also levelled at the Pyxis report because it concluded that the data neither confirmed nor denied the existence of bias or racism in the conduct of street checks.

The complaint and ensuing events have arisen in the context of widespread allegations and concerns about bias and discrimination, racism even, in Canadian policing generally, and in relation to in street checks specifically. Such concerns are undoubtedly of great importance, especially for Indigenous, Black and other racialized and marginalized communities. Such concerns also have implications for the public interest in principled, discrimination-free community policing. Concerns of this kind are reflected in street check reviews that have been conducted across Canada in recent years and in other studies across the country of discrimination or racism in policing.

As important as they are, this review's terms of reference do not encompass those concerns. Nor do they entail assessment of the Department's street check practices themselves. Nor do the terms of reference task me with expressing any views on the lawfulness of street checks as a matter of policing law. Last, the terms of reference for this report do not contemplate review of the research design, methodology or outcomes of Pyxis's work.

The issues at hand are, rather, at their heart about police governance and oversight. The terms of reference require me to assess how the Board selected Pyxis to conduct the review, the terms of that engagement, how Pyxis's work was monitored and how its report was finalized.

On those issues, I have found no evidence that the process, or the decision, to select Pyxis was tainted by improper considerations or by influence from the Department. Further, the Department's lack of familiarity with how to retain and contract with an outside consultant contributed, I conclude, to the Board's decision to involve the Department in that process. This included canvassing the Department for possible consultants, getting its comments on the scope of work, helping with contract documentation, and participating in the first part of the Street Check Committee's meeting to evaluate the proposals. While I conclude that these things did not, in substance, affect the scope of work or Pyxis's selection, these facts could reasonably create an unfortunate appearance regarding the Board's independence in such matters.

It is clear the Board had difficulty identifying possible consultants, despite the efforts of the Street Check Committee and Board staff. At the same time, the Board did not make the opportunity public and did not canvass colleagues elsewhere in Canada. This contributed to a small field of proponents, with only two proposals received. There is no question that Pyxis was well qualified to do the work, i.e., that it had the necessary skills and experience to do the work. However, any concerns that the field of proponents could have been broader might have been avoided had the Board made more efforts to advertise the opportunity.

It is also clear that the Street Check Committee alone made the decision to select Pyxis, which it assessed as having the better of the two proposals. From the perspective of appearances, however, the Board's decision to ask the Department to comment on the proposals, and to participate in even the start of the evaluation meeting, was not ideal.

The form of contract used by the Board was, to say the least, concise and, since it said nothing about retention or control of Pyxis's working documents, Pyxis did not retain its investigators' field notes. There was nothing untoward in this in the absence of any contract terms preventing it—it was entirely up to Pyxis to decide what to do with those records. For future service arrangements, the Board should ensure that its contract template contains clauses addressing control of working records, for freedom of information and contract monitoring purposes.

On the question of monitoring Pyxis's work progress, it is clear the Board's executive director and the Street Check Committee diligently kept on top of the matter, seeking regular updates, and helping Pyxis arrange community consultations.

Pyxis sent a draft of the report to the Board for comment. The Board invited the Department to comment, which again might create a poor perception, but I have no substantive concerns about this. As a matter of administrative fairness, it is common for oversight agencies to give those being reviewed or investigated an opportunity to comment on factual matters, to correct any errors or omissions. The Department's comments on the report were minimal and limited to a few simple factual matters, not Pyxis's findings. I conclude there was no impropriety in the Department's comments or its being given an opportunity to comment (noting also that Pyxis declined to make all the changes suggested to it).

Regarding removal of the paragraph in the Pyxis report that described concerns about two unidentified officers' behaviour, the evidence is that Pyxis removed the paragraph and did so because, it said, the paragraph was an outlier, and its presence could distract from the response to its report. At the same time, it is clear the Deputy Chief brought the paragraph to the Board's attention and took steps to initiate a formal disciplinary investigation under the Act. The Department reported the matter to the Commissioner, who then brought it to the complainants' attention and who have expressed concern about the paragraph's removal and the lack of transparency about it.

The evidence is that the Board decided not to disclose the paragraph's removal at the time because the matter was being investigated. There was, however, no legal or ethical impediment to the Board publicly disclosing the concerns and the fact that an investigation was underway and being transparent at the time could have avoided much controversy.

The Board's policy is to refer all service or policy complaints to the Department for investigation, essentially automatically. Nor does the Board appear to involve complainants in the processing of their complaints. I have concluded that the Board should revisit its approach to such complaints, certainly the more complex or sensitive ones that raise significant issues, with a view to directly investigating them itself—perhaps through on-call outside investigators—rather than handing them over to the Department in all cases.

This is a matter of resources and experience, a challenge that exists for all police boards in the province, which are clearly dependent on the services they oversee and govern for their practical existence. If boards are to function effectively in this area, they require better provincial support for their investigative functions, and there are various ways to do this, possibly including funding for investigations, maintaining a roster of available investigators, or more. An alternative would be to give the Commissioner responsibility for such complaints, if not in all cases, at least where the Commissioner determines that a service or policy complaint raises an issue of possibly province-wide import.

Similarly, police board members are undoubtedly talented and experienced people, but it is clear that more needs to be done in terms of training, education and mentorship to support

their valuable work. The Ministry is already moving ahead to enhance training and education for police boards, which is commendable, and this effort should be monitored and adjusted as needed.

Many of my recommendations touch on matters within the mandate of the Special Committee on Reforming the Police Act, which continues its vital work. Some of those recommendations also fall within the scope of 2019 report of the Special Committee to Review the Police Complaints Process, which made recommendations to government. This report is prepared under section 42 of the Act, which requires the Director to submit it to the Minister of Public Safety and Solicitor General. In light of the two reviews just mentioned, I urge the Director to recommend that the Minister bring this report's recommendations to the attention of the Special Committee on Reforming the Police Act.

It is important to thank those involved in this review for their cooperation. The timeframe for this review was ambitious and was ultimately extended by three weeks at my request. My work involved assessment of roughly 5,000 pages of documents and interviews with dozens of individuals. The Board, the Department and the Commissioner's office each unhesitatingly disclosed records to me and Board members, the Board's former and present executive directors, and Department officials and employees readily spoke with me. I also spoke with Curt Griffiths, who was the co-investigator on the Pyxis review team. BCCLA and UBCIC staff also shared with me their well-informed and constructive insights into their complaint and into the issues covered by the terms of reference. The Commissioner and Assistant Commissioner also generously assisted my understanding of their involvement in this matter. Last, but not least, Ministry staff were unfailingly helpful in providing background information about police governance and oversight. My thanks go to everyone for their cooperation and support.

In the interests of transparency, readers should be aware that I sent a partial draft of this report to the Board and to the Department. I wanted to give the Board as an institution, and Street Check Committee members individually, an opportunity to identify corrections of fact they believed were necessary. It was similarly vital to allow the Department to correct any factual errors it spotted.

I did not send anyone my conclusions, or findings, my recommendations. My narrow goal was to ensure that, in fairness—as the Board did with the Pyxis report—they had an opportunity to correct factual errors on which my findings and recommendations would be based. I considered their comments but made the final decision on the facts. Any errors or omissions in this report are mine alone.

As for my findings, I recognize that my finding no impropriety in the selection of Pyxis, or the monitoring or evaluation of its work, may not be welcomed in all quarters. I can assure

readers, however, that my findings are based on close review of, again, thousands of pages of documents and interviews with many individuals. The best I can do is reassure everyone that I have done my work, that I have inquired into the issues, as diligently and thoroughly as possible, and in an independent, neutral, and disinterested manner.

In closing, it is worth underscoring here that one of my key recommendations below is that the Ministry should *not* proceed with the second portion of its examination of the matter. The stated purpose of that further review was to consider whether Pyxis's report provided the Board with information needed to inform the Board's response to the complaint, as well as to undertake further study necessary to fill any gaps. This effectively would involve conducting a review of a review, i.e., a detailed analytical review of Pyxis's analysis of the Department's analysis of its conduct of street checks. As explained further below, in all candour, for the Ministry at this time to conduct a review of a review of the Department's review would for any one of several significant reasons be, bluntly put a waste of time.

A key consideration is that the complainants have time and again made very clear their firm position that all street checks should be banned across the province. By contrast, the Department's first annual audit of its street checks practices—an audit flowing from the Pyxis recommendations—demonstrates that the Department continues to see value in street checks.¹ The parties' positions remain far apart, therefore, and any further review of the matter in relation to the Department is not going to advance anyone's interests.

Nor would it shed light on the issue of street checks issues across the province. Street checks have become an issue before the Special Committee on Reforming the Police Act, which may make recommendations on the matter. Further, the Director has issued a provincial policing standard on police stops and continues to receive comments on it. It is reasonable to suggest this standard may change. If any further analysis is wanted, therefore, I firmly believe the Ministry should undertake that through a province-wide study, involving the gathering of original data across police services, along the lines of the Tulloch inquiry in Ontario.

Another issue that should be address on a provincial basis is the legality of "street checks", "police stops", or "carding". The BCCLA, UBCIC and others are clear that "street checks" are illegal. One can assume that provincial standard on police stops has been issued on the implicit basis that the kinds of police stops it describes are lawful. My strong view is that there needs to be more clarity on what these different terms mean and which of them is, in fact, lawful. Only then policies and practices be fashioned to either regulate them or, possibly, ban them. This issue is vitally important and should be part of the province-wide study that is needed.

¹ This January 30, 2021 report to the Board was presented at the Board's February 18, 2021 meeting: <https://vancouverpoliceboard.ca/police/policeboard/agenda/2021/0218/4-2-2102G01-Board-Report.pdf> (accessed April 14, 2021).

LEGISLATIVE FRAMEWORK

To set the stage, this section offers an overview of the relevant aspects of the Act, which creates the legislative framework for oversight and governance of municipal police services such as the Department.

Police Boards: Structure and Functions

Where a municipality provides policing through a municipal police department, a “municipal police board” is established under the Act. Its members consist of the municipality’s mayor, a member appointed by the municipal council and up to seven more members appointed by Cabinet in consultation with the Director.²

The board appoints and employs a “chief constable”, as well as other constables and employees, that the board “considers necessary to provide policing and law enforcement” in the municipality. The department’s duties and functions are to enforce laws, “generally maintain law and order in the municipality” and “prevent crime”. These functions and duties are “under the direction of” the board, which determines the department’s “priorities, goals and objectives”. The board is required to consider the provincial “priorities, goals and objectives for policing and law enforcement” that the Minister establishes, and the “priorities, goals and objectives” of the municipality’s council. The department’s chief must report annually to the board on implementation of programs and strategies to achieve the set priorities, goals, and objectives.³

The board also must make rules in relation to several objectives. It must make rules respecting “the standards, guidelines and policies for the department’s administration”. It must make rules to prevent “neglect and abuse” by department officers. Last, it must make rules about “the efficient discharge of duties and functions” by the department and its officers.⁴

A board may “study, investigate and prepare a report on” policing, crime prevention and law enforcement in the municipality. Reports must be provided to the Director on request. If a report suggests that an officer has breached discipline, or that there may be criminal liability, the board must submit the report to, respectively, the chief or the minister.⁵

The board must submit a provisional annual budget to the municipal council each year. The amount of that budget must be included in the municipality’s annual budget. If the council

² Section 23(1).

³ Section 26. The board must send its priorities, goals and objectives to the director after their establishment or after any change to them.

⁴ Section 28. These rules are effective only after they have been filed with the director.

⁵ Section 29.

does not approve a budgeted item, either the board or council may ask the Director to decide if it should be included in the budget. The Director's decision must be reported to the board, council and minister.⁶ The council must pay for an expenditure that "the municipal police board members"⁷ certify is within the board's budget.⁸

Police Boards: Service or Policy Complaints

The complaint underlying this report is commonly referred to as a "service or policy complaint". Anyone may complain about "the general direction and management or operation" of a department. A complaint may also be made about the "inadequacy or inappropriateness of" any of several aspects of a department's functioning. Such a complaint may be about the department's "staffing or resource allocation", "training programs or resources", "standing orders or policies", "ability to respond to requests for assistance", or "internal procedures."⁹

The board is responsible in the first instance for dealing with such complaints and may pursue any one of several options. It can ask the chief to "investigate and report on the complaint", "initiate a study concerning the complaint", "initiate an investigation into the complaint", "dismiss the complaint with reasons", or "take any other course of action the board considers necessary to respond adequately to the complaint."¹⁰ The Commissioner may recommend that the board undertake an investigation if the board has not done so.¹¹

At the end of the process that the board has chosen, it must send the complainant, the Director and the Commissioner "an explanation for" its action "in respect of the service or policy that is the subject of the complaint" and, if applicable, "a detailed summary of the results of any investigation or study". A dissatisfied complainant may ask the Commissioner to "review the matter".¹² The Commissioner may, even if the complainant has not asked, review decisions of the board about the complaint, recommend "further investigation, study, course of action or changes to service or policy", or recommend that the Director exercise functions of the Director (including investigations or studies by the Director).¹³

⁶ Section 27.

⁷ It is not clear why the reference here is to "the municipal police board members", as opposed to saying "the board" is to certify.

⁸ Section 27 also provides that the board must not make an expenditure, or enter an agreement to make an expenditure, that is not specified in the board's budget and approved by the council. At first glance it strikes an odd note to refer to an expenditure having to be "in the board's budget and approved by the council", as opposed to "in the board's budget as approved by the council".

⁹ Section 168.

¹⁰ Section 171(1).

¹¹ Section 171(2).

¹² Section 172.

¹³ Sections 173 and 177(4)(e). Section 173 requires the Commissioner's annual reports to include any recommendations made to boards or the Director and may comment on any responses that the Commissioner receives.

COMPLAINT OVERVIEW

This review ultimately flows from the complainants' service and policy complaint that the Department was conducting street checks in a discriminatory manner. Citing the Department's own data from 2008 to 2017, the complainants contended that the data "reveal a racial disparity in the rates of street checks", and added that "it is indisputable that Indigenous and Black people are overrepresented in the rates of street checks conducted by the VPD", resulting in "disproportionate rates of police stopping, questioning, and eliciting or recording the personal information of people from Indigenous and Black communities."¹⁴ They contended that the data "create a strong suggestion that street checks are being conducted in a discriminatory manner, contrary to the *Canadian Charter of Rights and Freedoms* and B.C.'s *Human Rights Code*."¹⁵ Referring to a draft Department street check policy, the complainants contended that it was not "adequate in its present form, particularly in light of the new statistical evidence of discrimination."¹⁶

The complainants also stated that, while "the data does not reveal reasons for this disparity, we believe that there is a public interest in an immediate and in-depth investigation by the OPCC into this matter."¹⁷ The complainants also called on the Commissioner to "exercise the fullest extent of your statutory authority to ensure that it [the complaint] is properly and fully investigated by the Vancouver Police Board."¹⁸ They asked the Commissioner to consider other actions in response to their concerns:

We further request that you consider exercising your authority under s. 177(4) of the *Police Act* to take all actions that you consider necessary to deal with this issue, including making recommendations to the Vancouver Police Board, engaging in research on the practice of street checks in *all* municipal police forces under the jurisdiction of the OPCC, including an audit of all data related to this practice. We would support a recommendation by your office, should you consider it appropriate, that the Director of Police Services or the Minister cause an independent external audit and review of the practice of street checks, with a view to creating a provincial standard to govern all law enforcement in British Columbia.¹⁹

The complainants amended their complaint on July 12, 2018, asking the Commissioner "to direct the Vancouver Police Board to include disparities in both the race and gender in the number of street checks as part of the investigation into the Complaint."²⁰ That letter also

¹⁴ Ibid.

¹⁵ Complaint letter, page 2.

¹⁶ Ibid., page 3.

¹⁷ Ibid.

¹⁸ Ibid., page 3

¹⁹ Ibid., pages 3-4.

²⁰ Amending letter, page 2.

asked the Commissioner to “direct the Vancouver Police Board to include the practice of police stops where no data is recorded as part of the investigation into the Complaint.”²¹

When it received the complaint, the Board, as appears to be its invariable practice, immediately sent it to the Department to investigate. The Department analysed its street checks data and reported back to the Board in the autumn of 2018. Its report, *Understanding Street Checks*, made six recommendations, which the Board adopted, but the Board also resolved to retain an outside consultant to review the methodology and analysis in the Department’s report, and conduct community consultations to better understand the views and lived experiences of those affected.

A closing note is necessary. When I consulted with them during this review, the BCCLA and UBCIC expressed the concern that the privacy concern raised in their complaint was not addressed. The *Freedom of Information and Protection of Privacy Act* authorizes a public body to collect, use and disclose personal information—which would include personal information collected during a street check—“for the purposes of law enforcement”.²² The term “law enforcement” is defined as including “policing, including criminal intelligence operations”.²³ I fully appreciate the complainants’ concerns on this front and believe that, ultimately, they point to the need for a provincial study into all aspects of street checks and other forms of police stops.

²¹ Ibid., page 3.

²² Section 26(b).

²³ Schedule 1 to the Act. The definition also includes investigations, or proceedings, that lead or could lead to a penalty or sanction being imposed.

TERMS OF REFERENCE FOR THIS REVIEW

As noted earlier, this report is prepared under section 42 of the Act, and the following is an accurate statement of the terms of reference that the Director established for this review:

1. Analysis of the Board's activities in relation to the third-party study, including:
 - (a) The process used to select the contractor,
 - (b) The contract's terms, including their adequacy to support effective contract management, ensure public accountability, and address the disposition of records,
 - (c) The processes used to monitor the progress of the study and the Board's role in these processes,
 - (d) The timeline and process for finalizing the report, including the respective roles of the Board, the Department and the contractor in reviewing the draft reports, and in particular the decision to remove information relevant to the scope of the complaint from the final report,
 - (e) Any actions taken by the Board to ensure records and documentation used to support the findings of the report were preserved.
2. Analysis of the Board's level of independence from the Department with respect to service and policy complaints, including the process by which Board members are debriefed on important documents.
3. Analysis of the training and resources available to the Board and to police boards generally regarding their role in responding to service and policy complaints under the Act.
4. Recommendations to improve the governance capabilities of police boards generally, and the Board specifically, when responding to service and policy complaints under the Act. This may include recommendations regarding procurement processes where the need for a contract to assist in responding to a complaint is identified.

The following section assesses the Board's actions in the procurement process and its selection of the consultant for the independent outside review. It also deals with the review and acceptance of the report, and the removal of a paragraph from the report.

HANDLING OF THE PROCUREMENT PROCESS

CREATING THE PROCUREMENT DOCUMENTS & IDENTIFYING CANDIDATES

Assessment of the facts

The following section outlines my findings about how the RFP process was conducted. It deals with creation of the RFP document itself, how the review objectives and scope of work were described, and how possible consultants were identified.

To the best of the recollection of anyone at the Board, this was the first time it had gone through a procurement process to hire an outside consultant. It is therefore unsurprising that no one was familiar with how to create the necessary procurement documents or run such a process. The Board possessed no RFP template or precedent for a consulting contract. It was also unsure who might be qualified to do the work. The Board therefore had to look elsewhere for guidance on how to conduct the RFP process, for documentation to create that process and the resulting services contract, and in identifying possible proponents.

Board members with relevant experience helped, as well as Department and City staff. Ultimately, the RFP was prepared by the Board's then executive director, who was a lawyer but who had no experience in procurement, a specialized area of the law. She used a precedent that a Board member provided to her. Street Check Committee members and Department staff commented on draft procurement documents the executive director prepared. The Department commented on the scope of work and provided the names of possible consultants, an issue discussed below.

The following discussion outlines the facts underlying these findings.

On October 1, 2018 email, Board staff emailed Chief Adam Palmer, confirming that, as he had apparently suggested, the Board had reached out to Department staff for assistance with the RFP. That same day, the Deputy Chief asked to be present at a meeting among Board staff and Department staff about the RFP.

An October 2, 2018 email from Board staff to the Department confirmed that a meeting about the RFP would be held on October 17, 2018. That same day, a civilian Department employee sent Board staff a copy of the publicly available request-for-information package that the Edmonton Police Commission had posted for a 2018 street check review. The Deputy Chief also weighed in on October 17, 2018, emailing Board staff to say that "given that this document is relatively close to what we are looking at and after you have had a chance to

discuss with the Board, we can reword and create an RFI²⁴ that is specific to our needs. Just let us know your wishes.”

An October 10, 2018 internal Board email indicated concern on the part of the then executive director about Board members knowing that staff were to meet with Department representatives about the RFP's preparation. The concern was, I accept, about appearances and it must be underscored again that, unlike City or Department staff, the Board's staff had no experience with RFP processes. It should also be noted that this email does not detract from the evidence that Board staff prepared the RFP documentation, relying on the precedent from a Board member, although the Department did, as described below, comment on the document.

On October 18, 2018, the Board's executive director of the time emailed the Deputy Chief. She told him that she had met with a Board member, who had given input into the nature and scope of the review. The executive director reported that this Board member saw the review:

...as a fairly limited piece of work, do-able within the set timeframe and not too costly.

With respect to the first part, the data review, she's not sure that the consultant would need access to the police database. Rather she sees the consultant just reviewing the document "Understanding Street Checks" to confirm that the research appears to have been done correctly and thoroughly and that the conclusions follow from the data. The consultant would identify any gaps in the research or any inconsistencies etc. The consultant may need to sit down with Jennie or Drazen and have them explain how they arrived at the statistics and the conclusions. Claire says it's basically just to have a second set of eyes independently confirm (or not) the conclusions in the report. She doesn't see this as a huge piece of work.

With respect to the second part, she has a number of rfps around this type of work (community consultation) and is going to send them to me. She doesn't see this as near the scale of the Toronto or Edmonton work. She suggests we provide examples of community groups we believe should be contacted (like UNYA, Sisterwatch, WISH etc) and then let the consultant figure out how to survey them and their clientele.

We talked about sending the RFP to a select few names. I am going to ask Josh Paterson if he has any suggestions.

²⁴ On its face this appears refer to a form of procurement document known as a "request for information". As I understand it, these are typically used where a client wishes to better define a matter for which it needs assistance, i.e., where the client seeks information from the market about the matter. It can then be followed by a request for proposals or tender process. A "request for expressions of interest" falls somewhere between a request for information and a request for proposals, though such a request sometimes may be substantially the same as a request for proposals.

We also discussed a Board Committee to review the proposals etc.

Once I get [the Board member's sample RFP documents] I can see what, if any, help we need on the actual RFP. Trust this is ok – we will let you know if we need help! Thanks!

On October 22, 2018, the executive director emailed the BCCLA's then executive director, Josh Paterson. She told him that the RFP was being created, indicated that the Board envisioned that the RFP would be "distributed to a select number of individuals/organizations who have demonstrated knowledge/expertise", and asked "[d]o you have any suggestions of names you think should be included [in the invitation]?". He responded the same day, indicating that the BCCLA would provide suggestions for consultants who might be invited to submit a proposal.

On October 23, 2018, the Board's executive director emailed Street Check Committee members, attaching the draft RFP for comment. She added that the "timeline on this is very tight so I'm hoping you will have a chance to review and provide feedback by the end of the week." She told them that the "plan will be to send this (hopefully by November 1) to a select group of independent consultants or academics and solicit proposals." She mentioned that the BCCLA intended to provide "some suggested names at their end". She also said that another Board member had suggested the name of a possible consultant and asked the other members to provide names of possible outside consultants. The executive director also emailed the Deputy Chief, the research director and another civilian employee of the Department, enclosing the draft RFP for comment and saying, "[t]hank you for your input and ideas around this RFP....I would really appreciate any comments, edits etc."

A City lawyer also emailed comments on the draft RFP to the executive director on October 25, 2018 and forwarded a contract template with his comments. He raised the issue of "getting this out to market", noting the City's practice was to post opportunities on the provincial government's BC Bid website, post them on the City's website, and send notices to any relevant industry groups. He offered to connect the Board with a City procurement specialist who could help make the opportunity known.²⁵ There is no indication that the Board took up this invitation.

On October 30, 2018, the Deputy Chief emailed back comments from the Department:

Sorry I didn't get this to you earlier, I am sitting here with [two Department staff members] going through the RFP and have the following recommendations:

²⁵ The same lawyer also later gave the Board supporting advice on questions about the RFP process after it had been launched. City staff also offered advice on the RFP during its open period, including about business licensing and insurance requirements. The executive director also communicated with the BCCLA's executive director about the business licensing matter.

1. We are wondering if there should be some elaboration on these two criteria (below), from the perspective of the candidate this might be ambiguous – not really sure if there is a difference on what you will elicit.

- Individual or Organizational Profile
- Project Team Experience & Expertise

2. We all recognize the methodology and process will be a vital component of this study, it will be important that the consultant considers a broad sector of the community that includes residents/merchants and not limited to advocacy/interest groups. We are not sure if this ought to be included in the RFP.

As discussed in our previous meeting, we think it's important that the successful candidate has a strong understanding of policing and criminological issues. This will enable the research to be conducted more expediently and with a broader perspective of issues and challenges relative to street checks.

This email also forwarded an October 25, 2018 email that the Deputy Chief had received from a civilian Department employee about the draft:

Overall, I think that the draft RFP looks good. It seems quite broad, however, I think from the meeting last week with [the Board's executive director], the PB seeks simplicity. While that may work, I wonder if we need to tighten the evaluation criteria a bit more. Specifically, in section 1.6.3 (see table below), I am not clear on what an *Individual/Organization Profile* is, or how it would be evaluated. Does it blend with Project Team Experience/Expertise?

In terms of the second criteria (*Understanding Assignment & Approach*), I would rename to "Proposed Approach", where the PB can evaluate the project plan, understanding of scope of work, amongst other factors. Finally, while not weighted heavily, is the "Value Add" different than experience? ...

Section 2.1.8 – In addition to community consultation, do we want the candidates to consider consulting with our frontline officers, especially in respect to providing an opinion on our street checks practice, policy, and training? This will depend on what is asked of our members and how. For instance, if a ride-along is requested than they would have to undergo a criminal records check (like always). The question will be if the consultant sees value in gaining perspective from frontline officers than we would provide access. However, if the aim is only for community consultation than this will be not needed. We feel this will bring some balance to the final picture, by having input through the lens of officers doing the street checks.

On October 30, 2018, the Board's executive director emailed a revised RFP document to Street Check Committee members, the Deputy Chief, the research director, and the same Department civilian employee, as follows:

No changes were made regarding proponents bidding only one aspect, either the data review or the community consultation.

Views at the Board meeting on this were mixed and from a comment made by [the BCCLA's then executive director] I know he would have concerns about splitting it across two different consultants because the information across both pieces may not get synthesized. So maybe we just stay with the idea of one consultant who puts together an appropriately skilled team?

Also I couldn't think of a way to put parameters on the amount of community consultation – I've just said it's up to the consultant to gauge the appropriate amount and to ensure it's representative.

Please review this critically and provide any comments or concerns. We should try to get this out next week.

I will get [Board employee] to try to set up a meeting (in person or phone) for next week.

In terms of names I have the following – Howard I think you mentioned a couple of names as well.

Could you send them to me, along with contact information if you have it. We really could use more names, especially local ones. Thanks.

Also on October 30, 2018, The Deputy Chief emailed the Board's executive director, telling her that he had attended a meeting that day with Justice Michael Tulloch, the Ontario Court of Appeal judge responsible for a review of street checks in Ontario. The email noted that a BCCLA lawyer, Dylan Mazur, had attended that meeting:

...Some interesting points were made that might be relevant to your RFP. More specifically, Dylan Mazur asked Justice Tulloch on what the best methodology for Vancouver's external review would be, his response was as follows:

- A six month window is "woefully short";
- The consultant should speak with police officers;
- Feedback from impacted community members is important;
- The consultant should hold public meeting/consultations, to obtain feedback from the general public;
- provided access to our data; [sic]
- it is important that everyone feels that they have been heard;

· Justice Tulloch mentioned that he would be hesitant to recommend someone who didn't have a solid understanding of the criminal justice system because the issues of street checks has important nuances and details that need to be captured.

I just thought this information would be useful to the board towards next steps. Given that BCCLA asked the question they might have certain expectations.

Part 2 of the RFP document as issued set out the business requirements and scope of work, opening with this statement of purpose:

2.1.1 The Vancouver Police Board (the Board) is seeking proposals to retain a qualified and experienced consultant possessing knowledge of the issues surrounding police street checks, expertise analyzing and interpreting data, a strong understanding of policing and criminological issues, and expertise and experience in stakeholder consultation, preferably with Indigenous and racialized community members Refer to Part 2 – BUSINESS REQUIREMENTS & SCOPE OF WORK for an in-depth scope of work.

Two substantive requirements were described this way:

2.1.7 Data Review: The Consultant will review data on street checks practice, policy, procedures and guidance on street checks and use of them as a policing tool the Report. The data is largely contained in the Report. The consultant is not expected to re-do the work done by VPD staff to prepare the Report. Rather the consultant is expected to review the work that was done and the conclusions that were reached. The consultant will determine whether the methodology used to produce the data is sound and whether the conclusions reached, reasonably emanate from the data. The Consultant will identify any weaknesses or gaps the Consultant finds in the methodology, and/or the data and/or the conclusions. For this work the Consultant will be given access to the VPD staff who prepared the Report and who can explain and demonstrate how the data and conclusions were reached and provide any source data the consultant may wish to review.

2.1.8 Community Consultation: The consultant, through whatever format(s) the Consultant deems to be most effective (eg. surveys, focus groups, and interviews), will consult with Indigenous and racialized community members in Vancouver in order to provide the Board with research into the impacts of street checks on Indigenous and racialized people. The particular focus of this research will be to identify how street checks policies, procedures and training could be designed to minimize negative impacts of street checks on Indigenous and racialized people. In carrying out this work the Consultant will be expected to work with community organizations which serve Indigenous and racialized citizens in Vancouver. Examples of such organizations include but are not limited to, UNYA, Sisterwatch, WISH, Atira, Vancouver Native Housing Society, Lu'ma Native Housing Society, and Carnegie Centre. In order to reach a broad sector of the affected community the consultant should also include consultation with

local residents, merchants or businesses, and frontline police officers. The consultant will be expected to gauge when it has conducted sufficient community consultation to ensure that the results are reasonably representative.

2.1.10 The Consultant's report will be used to guide the VPD and the Board in designing training, policies and practices around the conduct of police street checks in the City of Vancouver.

2.1.11 The requirements of this RFP are limited in both scope and duration: The work will commence in January 2019 and the Consultant's final report will be due in July 2019.

The scope of work was described as follows:

2.3.1 A Committee of the Board will administer the Contract. The successful Consultant will work in close collaboration with the Committee of the Board and with VPD staff, particularly for the Data Review portion; the successful Consultant will also work with Community service organizations and potentially businesses and residents for the Community Consultation portion.

2.3.2 The Consultant will be responsible for participating in a project start-up meeting to go over the existing information, as well as the proposed work plan and scope of work. The Consultant may be required to attend a Board meeting and/or a meeting with Stakeholders to review the proposal prior to project start-up.

2.3.3 The Consultant will report on the results of the Data Review and the results of the Community Consultation and make recommendations that would assist the Board and the VPD in developing policies, practices and training around police street checks.

2.3.4 The Consultant's final report must include a summary of each community consultation or engagement, including a synthesis of the feedback and comments collected.

Turning to how the Board approached making the opportunity widely known, an October 31, 2018 email from the Board's executive director advised the Street Check Committee, the Deputy Chief and the research director that six consultants had been identified and asked for the names of more possible consultants.²⁶ Her email identified, among others, three academics, two of whom were at Ontario universities and one of whom was at a British Columbia university. The BCCLA and a Board member had identified the same British Columbia candidate. The UBCIC was also invited, through a vice-president of that organization, to suggest possible consultants, but there is no record in the material to hand that it did so.

²⁶ Her email did not name the consultants who had been identified to date.

The email identified Curt Griffiths as a possible consultant, and it also another individual, who eventually submitted a proposal. The executive director did not say where she obtained those two names. In a November 1, 2018 email from the Deputy Chief to Street Check Committee members and the executive director, he stated that “[t]he suggestions I was going to offer were Curt Griffiths and [the second proponent]”, adding that the number of names identified so far seemed “adequate”.

For their part, Street Check Committee members told me that they recalled being asked to identify possible consultants and to canvass their contacts for possible names. A contact of one of the committee members, a university professor, identified another academic who might be interested in submitting a proposal. That other academic’s name was also on the BCCLA’s list of two different individuals who might usefully be retained, but specifically for the community engagement portion of the work.

The RFP was communicated to the identified candidates in a November 6, 2018 email from the executive director. She forwarded that email on the same day to Street Check Committee members and to the Deputy Chief, and that email identified a further two possible consultants, one a retired judge and another a university professor, to whom the invitation had been sent. The other possible consultants were those described above.

On November 8, 2018, the executive director advised the BCCLA’s executive director that the invitation had been sent, including to candidates that the BCCLA had identified.

On November 14, 2018, Ruth Montgomery emailed the executive director, advising that she had heard about the RFP from Curt Griffiths and that her company, Pyxis, would be submitting a bid jointly with him.

In the following weeks, the Board’s executive director tried to elicit responses from possible proponents and fielded questions from one of them about the RFP. Some candidates were slow to respond, and others—including those recommended by the BCCLA—either did not acknowledge receiving the invitation in the first place or did not submit a proposal.

Conclusions about the preparation of the RFP and identification of proponents

The first finding at this stage relates to the Board’s decision to invite the Department to comment on the draft RFP, notably the scope of work it set out. I have found no evidence that the Department improperly sought to narrow the ambit of the proposed work or slant expectations in its favour. In fact, the Department usefully pointed out that the scope of work was broad and somewhat generally stated and could be refined. This said, there is no doubt that—although it was done in good faith—inviting the Department to comment on the scope

of work for an independent, external review of the Department's own work on the issue could reasonably cause observers to question the independence of the external review.

The second finding is that the Board could have done more to identify possible proponents. This is not to say that Pyxis did not have the skills or experience to do the work, or that it should have not been retained. That is clearly not an issue, as the description below of Pyxis's qualifications shows. Rather, the material before me establishes that, although it asked the Department, Street Check Committee members and the BCCLA for the names of possible proponents, the Board could have taken further steps to identify qualified proponents.

There are no indications in the material, for example, that the Board asked colleagues across the country for assistance. Nor did the Board advertise the opportunity, including through BC Bid, or reach out to individuals who had done similar work in Ontario or Nova Scotia. This likely was driven by the Board's desire to proceed quickly, having set a very ambitious six-month deadline for the work. Still, further efforts could have been made to identify possible consultants, which might have helped combat perceptions that the field of candidates was limited.

EVALUTION OF THE PROPOSALS

Assessment of the facts

Only two proposals were received, one of which was the successful Pyxis proposal.²⁷ It identified Ruth Montgomery as the principal investigator and listed Curt Griffiths as a co-investigator. It also identified three additional co-investigators, all of whom have graduate degrees (as do Ruth Montgomery and Curt Griffiths).

Ruth Montgomery, a former superintendent with the Edmonton Police Service, was described as a justice and policing consultant working across a range of policing-related matters. Among her listed recent work experience was a 2018 street checks review in Edmonton, a 2017 review of contemporary policing responsibilities for Public Safety Canada, and a study of access to justice for women in rural and remote areas of British Columbia. She was advisor to the Ottawa Police Service gender audit in 2016-2018. She had worked with the Canadian Police Sector Council to develop the National Competency Framework for police recruit training, and with the Canadian Police College and the Justice Institute of BC to conduct needs assessments and to design, develop and deliver educational programming.²⁸

²⁷ At the time the Pyxis contract award was made known, the Board's executive director emailed the BCCLA and advised that none of the possible consultants the BCCLA identified had submitted a proposal.

²⁸ The experience described here for Ruth Montgomery, Curt Griffiths and the other investigators is not exhaustive of their full relevant experience.

Curt Griffiths' recent experience included the above-described 2018 street checks review in Edmonton, a 2017 operational review of the Department, 2016 studies of patrol deployment in the Delta Police Department and Saanich Police, and an operational review of the Winnipeg Police Service in 2013. His work included reports for Public Safety Canada on policing responsibilities and other policing matters. His experience was also described as including research with the Canim Lake Indian Band, work with representatives of the Council of Yukon First Nations on a review of policing in Yukon, studies of policing and the lived experiences of residents in Vancouver's Downtown Eastside, and work with the Musqueam Band on a study of alcohol and drug use among youth and young adults. He also had been the principal investigator on a study of crime and justice among the Inuit in the Eastern Arctic and he was described as having worked closely with hamlet councils in the region. At the time, he was engaged in a study of the delivery of policing services to the Tsawwassen First Nation.

The other three co-investigators were described as having experience in policing-related research and investigations, including through work they had done with Ruth Montgomery and Curt Griffiths.

Pyxis listed three references from British Columbia police agencies or individuals associated with police agencies. The Department was not listed as a reference.

The second proposal was submitted by a consulting firm. It identified two British Columbia-based academics as principal investigators. Like the Pyxis investigators, they had each done extensive policing-related research, investigations, and policy work. Many of their projects were done for police agencies, including in British Columbia. One of them was described as having completed dozens of police-based and community-based research projects for three British Columbia municipal police departments and several RCMP detachments in the province. These included evaluations of entire detachments or departments, or specific aspects of police organizations.

The second principal investigator was described as, among other things, a recognized expert in advanced statistical analysis who also had experience researching street checks.

This proponent provided references from three Canadian police agencies. The Department was not listed as a reference.

The Board's then executive director prepared a template evaluation chart for the Street Check Committee to use in evaluating the proposals. It had four categories, with these weightings: proposed approach (40%); cost and schedule (25%); project team experience and expertise (30%); and value add (5%). She then gave the Street Check Committee a version of the template with each proposal's salient features summarized underneath each of the four evaluation categories.

On November 30, 2018, she emailed the two proposals to the Deputy Chief and the research director, whose group had been involved in the Department's original work in response to the complaint. Her email said that, "While you won't be part of the official evaluation, I'm sure Committee members will appreciate any comments you may have. Thank you for participating – see you Tuesday at 1:00". It is apparent from the material that "Tuesday at 1:00" refers to the Street Check Committee's December 3, 2018 meeting to consider the proposals.

The Deputy Chief and the research director each confirmed that they attended the meeting. The current executive director also recalled their attendance, saying that this was for "preliminary input", and stating that they were not present when the Street Check Committee reviewed the evaluation chart for the proposals or formed its recommendation to the Board to retain Pyxis. She noted that the Deputy Chief was the Department's liaison to the Board. She also recalled that the then executive director was adamant that the Board, and Board staff, needed to be independent of the Department in this process, including in the evaluation of proposals and the award of the contract. As noted below, however, the proposals were sent to the Department for comment and Department representatives, including the Deputy Chief, were invited to attend part of the evaluation meeting.

The Deputy Chief told me that he and the research director attended only the first part of the evaluation meeting. He could not precisely recall what questions were asked, but believed they would have been about logistics, regardless of which of the two proponents was selected. He did acknowledge that, although he could not be sure, the Street Check Committee might have asked about the two proponents, both of whom he had worked with before. He told me that, if he had been asked, he would have said that either proponent could do the work, and he told me it did not matter to him which was selected.

The research director said that neither he nor the Deputy Chief participated in the evaluation. He did, however, apparently offer his view to the Street Check Committee that the proponents needed to be familiar with policing, have the rights skills and experience, and be sure to interview officers.

Street Check Committee members with whom I spoke confirmed these perspectives, notably that they alone decided that Pyxis should be retained.

After the evaluation meeting, the executive director emailed a series of questions to Pyxis on December 5, 2018, seeking clarification on several points in its proposal and, on December 5, told Street Check Committee members that the questions had been answered. The Deputy Chief was copied on that email.

The entire Board met on December 6, 2018 and, during the closed portion of the meeting, chose the Pyxis proposal.²⁹ The executive director informed the other proponent by email the next day.

On December 12, 2018, the BCCLA's then executive director called the executive director and expressed concerns about Pyxis's selection. This was said to be because Pyxis had done the Edmonton street checks review and because of Pyxis investigators' previous work for police. These concerns were passed on to Ruth Montgomery that day, and she responded to Board staff on December 13, 2018.

The decision to retain Pyxis was made public in early January 2019. In the ensuing days, Pyxis and Board staff were in touch about the handling of communications between the Board and Pyxis, e.g., about Pyxis's work plan and monitoring of work progress.

Conclusions about evaluation of the proposals and selection of Pyxis

Earlier, I concluded that the Department's involvement in commenting on the draft procurement document and identifying possible proponents did not, in substance, cross the line, but could reasonably cause observers to question the independence of the process. Similarly, while I conclude that the Street Check Committee alone chose Pyxis—noting that the only other proponent had also done work for police, including the Department—the decision to send the proposals to the Department for comment, and to have Department representatives attend even the beginning of the evaluation meeting, was unfortunate. Involving the Department, which was the respondent to the complaint and whose work was to be scrutinized by an independent outside expert, to even this extent created decidedly less-than-optimal optics.

CONTRACT TERMS & RECORDS RETENTION ISSUES

Assessment of the facts

The terms of reference require me to review the contract's terms, including their adequacy to support effective contract management, ensure public accountability, and address the disposition of records. They also call on me to review any actions that the Board took to ensure records used to support the findings in the Pyxis report were preserved.

These issues arise largely because the Department's efforts to identify the two officers whose conduct was called into question by the paragraph that Pyxis removed from its report were hampered by the fact that Pyxis shredded its investigators' field notes at some stage. There

²⁹ The executive director confirmed to me that there were no Department representatives at this portion of the meeting.

was no contractual impediment to Pyxis doing this because the contract between Pyxis and the Board was silent on the question.

The Board's then executive director asked the City's lawyers for an example of a services contract, which they provided on October 25, 2018. On December 6, 2018, the research director sent her a copy of a contract that he said could be adapted to the project at hand. In addition, on December 4, 2018, a civilian Department employee emailed a contract sample to the Board's executive director, as follows:

I've also attached something that I got from City legal a while back for services agreement [sic] – it has all the “motherhood” type legal clauses that COV require – eg: insurance – and other clauses that may need to be considered.

This email also said that a Department employee could “help with standard FOIPPA [*Freedom of Information and Protection of Privacy Act* (FIPPA)] type clauses as I presume the contractor will be collecting information/data.”

On December 10, 2018, the Board's executive director sought the research director's comments on the draft Pyxis agreement, saying in doing so that she had kept the contract “simple”. The research director had no comments on the draft. The Deputy Chief that same day emailed the executive director about ensuring that the contract would require Pyxis to appear before the Board after completion (which the executive director confirmed). It appears he had not seen the draft contract itself.

The draft contract was sent to Ruth Montgomery, of Pyxis, the same day. She returned it, signed on behalf of Pyxis, that day. The executive director sent it to the City's lawyers on December 11, 2018, to get the mayor's signature on the City's behalf.

The Pyxis agreement was three pages long, including the cover and signature pages. The contract appended copies of the issued RFP document and Pyxis's proposal. Neither of these documents, or the contract terms, deal with records retention or a right for the Board to obtain copies of field notes or other material collected or compiled by Pyxis.

These are the types of clauses one might expect to see in a services agreement of this kind, including because the Board is a public body under FIPPA. FIPPA imposes on the Board and its service providers duties respecting collection, use and disclosure of personal information; it also creates a right of access to records in the custody or under the control of the Board. These matters issues are often addressed in such contracts, notably on the privacy side.³⁰

³⁰ For example, the provincial government's general services agreement contains extensive privacy-related clauses that govern service providers.

Appeal decisions under FIPPA suggest that records held by a contractor often will be in the public body's "control" for the purposes of access to information, in some circumstances that may not be so. Whether the Board could validly have argued that Pyxis's field materials were outside the Board's "control" is not the issue. The point, rather, is that appropriate contractual provisions can clarify the matter for all concerned, since a public body can stipulate in a service agreement that it has "control" of a contractor's working notes, field notes, interview notes, and so on, for access to information purposes.³¹ Another reason to have such clauses is to enable the public body to hold a contractor accountable under the contract by obtaining copies of the contractor's working records.

Neither of these objectives was accommodated in the contract between Pyxis and the Board. The consequences of this are demonstrated by the Board's response to the complainants' June 24, 2020 access to information request for Pyxis's field notes. The Board told the complainants that it did not possess any field notes. Another consequence is that the Department's investigation into two officers' conduct was hampered because Pyxis did not keep its field materials, which was perfectly acceptable for it to do in the ordinary course of business absent contractual controls to the contrary.

Ultimately, the material at hand indicates that the Board focused on ensuring that Pyxis's work was completed in a timely way, with a report being produced in good time. Put another way, the Board was interested in the end-product of Pyxis's expert review, not in preserving field notes or working papers leading to Pyxis's report. Of course, the Board had no way of knowing in advance that access to field notes would become an issue, but for future arrangements, the Board's services agreement template should contain appropriate clauses to deal with privacy, access to records and the Board's right to obtain copies of service-related records. This would better support the Board's FIPPA duties, its general accountability, and its ability to ensure service providers' appropriate contract performance.

MONITORING OF PYXIS'S WORK PROGRESS

Assessment of the facts

The evidence clearly shows that the Board's executive director diligently tried to ensure timely progress by Pyxis. It is also clear that she and the Street Check Committee did a lot of work to help ensure that appropriate community consultations were held. The discussion below necessarily intertwines discussion of the Board's efforts to monitor Pyxis's progress with discussion of the Board's efforts to help with community consultations.

³¹ Such clauses can require the contractor to promptly deliver the records promptly after request by the client public body, so the latter can respond to any relevant access request under FIPPA.

Emails among Board staff and Street Check Committee members confirm that the Street Check Committee held update meetings to receive reports on progress with the project. This was foreshadowed from the outset. In a December 4, 2018 email to Ruth Montgomery, the Board's then executive director asked whether Pyxis would "be willing to provide an informal progress update to the [Street Check] Committee every 2 months or so", to which Ruth Montgomery replied, "Yes, we would be pleased to do that."

A considerable proportion of the communications related to efforts to arrange community consultations. These included efforts by the executive director and Street Check Committee members to identify appropriate groups for consultation. These communications also involved Pyxis, Department staff and outside individuals and groups. The communications, it is fair to conclude, involved attempts to ensure the quality and breadth of the consultations, but also to ensure that the work progressed in a timely way.

Regarding arranging consultations, on April 3, 2019, a community lawyer with the BCCLA emailed the executive director, asking when Pyxis would hold community consultations. She responded that she would ask Pyxis and respond to him. The same day, Ruth Montgomery told the executive director she would respond directly. By May 2019 it was clear that Pyxis was working on connecting with groups to arrange consultations, and the Board was aware of this.

Related to this, Board staff were clearly keeping tabs on Pyxis's progress on arranging consultations and keeping Street Check Committee members informed. On more than one occasion staff sought Street Check Committee members' assistance in identifying groups to be consulted, and in getting those groups lined up for consultation. One example is a May 15, 2019 staff email to the Street Check Committee, updating them on this issue and noting that a meeting might be needed to help advance the consultations.

There are indications in the material that around this time Pyxis was having difficulty connecting with some groups, and that some of these were concerned about the process, including because they lacked trust in police and Pyxis's interviewers.³² The executive director expressed concern to Pyxis on May 14, 2019 that the original outside deadline of the end of May for community consultations, and the July deadline for the report, were at risk. On May 15, 2019, Pyxis responded by saying that Pyxis had "been very successful to date in securing the participation of a broad range of community organizations and are in the process of setting up focus group sessions".

The same day, Pyxis wrote to the executive director offering to update the Street Check Committee on progress and Pyxis's plan for on-time report completion. The executive director

³² There are no indications that this lack of trust was based on interactions with individual Pyxis interviewers. It appears to have been general, based on other experience to date.

responded that she believed the Street Check Committee “would definitely appreciate a project update and some reassurance that everything is on track”.

On April 30, 2019, the Commissioner asked the Board for an update on progress with the Pyxis review. The Board’s chair responded in a May 17, 2019 letter, copies of which were sent to the complainants, the Department, and the Director. This is the relevant portion of the chair’s response:

As the Board motion [initiating the outside review] indicates the independent review comprises two aspects:

- I. A review of the data on street checks practice, policy, procedures and guidance on street checks and use of them as a policing tool; and,
- II. Stakeholder consultation to identify how street checks policies, procedures and training impact Indigenous and racialized people.

Pyxis has commenced data analysis and has been provided access to all VPD training materials, the VPD’s draft street checks policy, street checks data, organizational charts, and examples of investigative files which include street checks. Pyxis has conducted interviews and focus groups with members from various ranks throughout the VPD, including frontline officers, sergeants, staff sergeants, members from specialized investigative units, crime analysts, and managers from the Operations Divisions. Two ride-alongs per district, and four ride-alongs with BET (12 in total) will be conducted and evaluated.

Pyxis has also begun the stakeholder consultation meetings to gather information on the lived experiences of persons in various communities, with a particular emphasis on persons in communities of diversity. Some of the participating community organizations include Metro Vancouver Aboriginal Council, Lu’ma Native Housing, Urban Native Youth Association, WISH, the Khalsa Diwan Society, and Living in Community. Representatives from BCCLA and UBCIC have also been contacted to participate in the consultation process.

Analysis and findings will follow the completion of this work. Pyxis will also be conducting a literature review and will be considering relevant reviews on street checks practices across Canada including:

- I. Honourable Justice Tulloch’s report “Report of the Independent Street Checks Review” on Ontario’s regulations and implementations;
- II. Dr. Scot Wortley’s report “Halifax, Nova Scotia: Street Checks Report”; and,
- III. Curt Griffith’s report “City of Edmonton Street Checks Policy and Practice Review”.

It is anticipated that the review will be completed in July 2019 and be released publicly, along with the final report from the Board, at the September 19, 2019 Board meeting at the Musqueam Cultural Pavilion.

The letter added that the Street Check Committee would continue to monitor progress. It also updated the Commissioner on progress with implementing the six recommendations that the Board had adopted based on the Department's report to the Board about the complaint.

The Board's executive director continued to be in touch with Pyxis throughout May and June 2019, seeking updates on progress, almost exclusively about progress with consultations. On May 27, 2019, for example, she emailed Pyxis to seek an update, and Pyxis emailed a report to her that same day, which sent to the Street Check Committee that day. This was to update the Street Check Committee on progress since the last update, on April 23, 2019. The update report reviewed work done to identify and meet with community groups, and it also contained this passage:

Analytics

The VPD Planning, Research & Audit Section report detailed a comprehensive analysis of the Street Check interactions of VPD officers from the years 2012-2017. The Board requested that the Project Team conduct a review of this analysis, and identify gaps in the analysis or conclusions, and provide recommendations going forward with this aspect of the analytics as they pertain to Street Checks.

After a thorough review of the initial report, a meeting was held with PR&A representatives to discuss the findings and the methods that were utilized to reach the conclusions. Some areas were noted as being limited in their validity, and suggestions were made for how to better improve the data analysis to ensure the conclusions were reliable. Specifically, there was concern surrounding the number of Street Checks conducted on Indigenous Women. To better answer this query, the Project Team requested PR&A to examine a small population of Street Checks from October 2018 to February 2019, as this was the time period when an additional "Check Wellbeing" PRIME code was added. Although several of the "checks" would appropriately be considered "Check Wellbeing", of particular interest was the discrepancy within the data, as many similar behaviour patterns (and responses) were coded in very different ways, thereby obscuring the actual reality. This is a concern within the larger database as well, and will be addressed in the final report.

During this meeting, some limitations to the PRIME/Versadex input screen were also identified, such as the lack of a "time" field in the data entry page. As time is crucial to examine the context under which police encounters are made, it was discussed and decided that PR&A should embark upon an exercise to build a more comprehensive database of Street Check encounters in 2018. As coding an entire year of Street Checks was not feasible nor mandatory, a random sampling frame was given to PR&A with

directions on how to select a simple random sample from the data that would represent Street Checks in 2018 from the database. The sample size was 352 files, which would yield results at a 95% confidence level with a confidence interval of +/- 5%.

The resultant database was superior to the entire 5 year population of Street Checks previously put together by PR&A, as it contained not only the date and place of the encounter, but the time field as well. This is extremely valuable, as some of the conversation surrounding bias or random checking may be ameliorated if the encounter is late at night at a high offence location.

The database is being validated and compared to overall larger database provided by PR&A. At this point, little disparity has been found in the conclusions. In general, Street Checks within the database are entered on individuals who have a lengthy criminal record, or those that have been identities at risk and are being checked for “well being”.

The final report will include the following elements:

- (A) General synopsis of the validity and reliability of the PR&A analysis and conclusions;
- (B) Recommendations for an ongoing “audit” schedule and procedure/method; and,
- (C) Identification of data issues and possible remedies.

During May and June 2019, the executive director, Board members—including Street Check Committee members—Pyxis, the Department and outside groups continued to be in touch about eliciting community participation. On June 11, 2019, for example, the executive director forwarded to the Street Check Committee an update from Pyxis on progress with community consultations. The Street Check Committee met during May and June to discuss progress reports and matters related to the Pyxis review.

On July 2, 2019, the executive director emailed Pyxis, asking for a synopsis of what work remained for Pyxis to be able to complete the review and report to the Street Check Committee. Pyxis provided the synopsis that day; it included a report on the work remaining to arrange and conduct consultations. The executive director sent this to the Street Check Committee.

Also, on July 2, 2019, Pyxis informed the executive director, in a phone call, that it would not be able to meet the original deadline for the report. The executive director reported this to the Street Check Committee immediately.³³ Committee members responded that it was best not to rush the process by trying to insist on the original deadline, some of them noting the need to ensure broad and meaningful community consultations. They also supported Pyxis providing an update in September.

³³ She informed Chief Adam Palmer the next day.

The Board's website was updated the next day, to indicate the Pyxis report would be finalized by the end of 2019. The full Board was made aware of the situation at its July 18, 2019 meeting.³⁴ On July 17, 2019, the executive director told the complainants that the report would be completed by year's end and provided a copy of the most recent Pyxis update report.³⁵

Pyxis provided a further update in a September 6, 2019 report emailed to the executive director, which she forwarded to the Street Check Committee that day. On September 12, 2019, the executive director emailed Pyxis, asking for available dates to meet with the Street Check Committee, in November, to discuss the report after its delivery to the Board. The next day she emailed Pyxis to ask when the draft report would be delivered. On September 29, 2019, Pyxis told the Board's executive director the report was about to be edited and would likely be delivered on October 4, 2019.

The report was emailed to the executive director on October 9, 2019 and she notified the Street Check Committee the next day, adding that she would courier copies to them and noting that they would need to meet in about three weeks, "to provide any final input before it goes forward to the full Board."

The complainants asked, in a November 18, 2019 email to the Board's executive director, if they would "be able to have any advance access to the report, or if we will find out about it when the public does. Any insight or updates you can provide about this file and next steps would be most appreciated." The executive director responded two days later, saying "We will provide you with an embargoed copy of the report a couple of days before it is released publicly online. Public release is set for the February 20th 2020 Board meeting, but it will be posted online on the 18th."

Before discussing my findings about the monitoring of Pyxis's work progress, it is worth noting, in fairness, two examples of communications between the Department and the Board that speak to awareness of proper boundaries between them in this context.

On January 15, 2019, the Board's then executive director emailed the Deputy Chief, asking about the Department's consideration of the Tulloch report on street checks, which had by then been released. The Deputy Chief replied that day as follows, in relevant part:

As for other recommendations, the initial feeling is that we incorporate relevant discussions of the Tulloch report with the Montgomery review. Allowing this process to

³⁴ The related report to the Board was posted online after the meeting.

³⁵ Her email to the BCCLA's executive director said, "Please find attached a report from the Vancouver Police Board's Street Checks Review Committee, as a status update to your service or policy complaint #2018-133, OPCC File #2018-14863."

operate freely without any perceived interference. In other words, in the interests of a few months we don't want to make changes, because the review team might not agree etc.

The second example is from February 14, 2019, when an officer with the Department emailed the Board's executive director, asking if a civilian researcher with the Department could brief the Department's Indigenous Advisory Committee on Pyxis's progress. The executive director replied that day as follows:

I'll run it by our Street Checks Committee – as the review is an independent Board initiative, I know we are only trying to use the VPD for data, and assistance. I will see if the Street Checks Committee is okay with [the Department researcher] providing the update, or if perhaps someone from our end should do it (or even Pyxis consulting who we have contracted to conduct the review).

Conclusions about monitoring of Pyxis's progress

As for my conclusions on the monitoring of Pyxis's progress, what emerges from the material is a clear sense that the Board, through its staff and the Street Check Committee, diligently kept up to date on Pyxis's progress and conscientiously tried to ensure the work was done in a timely way.

Another observation relates to the fact that Department members or Department staff, or both, attended at least some of the project update meetings. To offer only one example, the Deputy Chief and other Department representatives were present for an April 23, 2019 meeting at which Ruth Montgomery, of Pyxis, was to update the Street Check Committee.

One might argue that the terms of reference for the review were such that the Department had to be involved in the project overall, and specifically in update meetings such as this. After all, the Department possessed the raw data that Pyxis was mandated to analyze. Similarly, the Department possessed policy and other documentation necessary for the review. It was also necessary for the Department to cooperate so that Pyxis could meet with officers. These things necessarily would involve, and did involve, direct communications between Pyxis and the Department, by email and in person, throughout the project. In other words, the Department and Pyxis were already dealing directly with each other, not through the Board, and necessarily so.

Having Department representatives at update meetings was, in light of this, not substantively inappropriate. Moreover, these were updates from Pyxis to the Street Check Committee about progress on the project and having the key Department representatives there offered Pyxis the opportunity to raise with the Street Check Committee any concerns about the

Department's cooperation.³⁶ Further, with Department representatives present, direct, face-to-face clarifications would be easier, and the Street Check Committee could obtain personal commitments from senior Department representatives to rectify any deficiencies that Pyxis or Street Check Committee members identified, thus also affording a measure of face-to-face accountability for the Department.

For these reasons, while I absolutely understand that some observers might be concerned about the propriety of the Department being present at these meetings, I found no evidence that this resulted in the Department influencing Pyxis's findings. Nonetheless, my own view, explained above, is that there were advantages to having the Department attend.

Regarding the timing for the report's completion, many of those involved knew from the outset that the deadline was unquestionably ambitious. It is also clear that everyone involved—the Street Check Committee, Board staff, Pyxis and the Department—faced challenges in identifying appropriate community groups for consultation and in arranging consultations, which consumed considerable amounts of time. This reflects the reality that many communities of diversity exist, sometimes with several organizations speaking for the same community, creating logistical challenges in arranging and holding community consultations. This involved considerable work on everyone's part and took time, which ultimately delayed the report's completion.

³⁶ Of course, Pyxis could raise concerns at any time, but the meetings would offer an opportunity to escalate matters if its efforts to secure Department cooperation had failed.

REVIEW & ACCEPTANCE OF PYXIS'S REPORT

REVIEW OF THE REPORT

Assessment of the facts

As noted above, Pyxis delivered its report to the Board's executive director on October 9, 2019. The next day, the executive director emailed Ruth Montgomery and asked her to make two minor changes to the report, i.e., by adding missing names of some Street Check Committee members and adding the Deputy Chief's given name. There was a further update on October 11, 2019, to correct the misspelling of a Street Check Committee member's name.

Ruth Montgomery emailed the revised report to the executive director the same day, saying "Done. See attached. Please note the file name I've used is the same as the original – please destroy that one and use the attached as our final." The executive director responded, "Thank you! I believe the attached is the original? When I open it, there don't seem to be any modifications. I have deleted the other versions."³⁷

The executive director also emailed the Street Check Committee, asking for permission to send the report to the Deputy Chief, and asking whether he "should be a part of the input conference call in three weeks". Street Check Committee members agreed to both requests. Certainly, on October 22, 2019, the Deputy Chief emailed the executive director, saying that he had a paper copy of the report and asking for an electronic version so he could read it while traveling. The executive director sent him an electronic copy of the report that day.

The Deputy Chief indicated, for this review, that he had passed the draft report to the research director, solely for fact-checking, and the latter sent back some factual comments. These comments were minor, he said.

For his part, the research director indicated that his section, the Planning, Research and Analysis section, had supported Pyxis's work by giving Pyxis access to such raw data, documentation and other information as Pyxis requested. He noted that Pyxis's data specialist created a methodology for review of the Department's street checks data and ran her own analysis, using a random batch of data from the section. He indicated that his section had no other involvement in the report, other than to do a fact-check, as requested by the Deputy Chief.

³⁷ The executive director and Ruth Montgomery also corresponded that day, apparently because Ruth Montgomery had sent the wrong version of the report that day. Ruth Montgomery also told the executive director on October 10, 2019 that she would be leaving the country the next day for work and would check emails from time to time.

The executive director and Street Check Committee members emailed back and forth about dates for the meeting at which they would discuss the report. On October 23, 2019, Ruth Montgomery emailed the executive director, saying that, as she was out of the country, she could not attend a Street Check Committee meeting during the suggested dates. She said she would see if Curt Griffiths could attend and he emailed the executive director that day saying that he was also out of the country and could not attend. The executive director asked Pyxis to send another representative and Ruth Montgomery responded, requesting a call to try to arrange for Pyxis's receipt of the Street Check Committee's input.³⁸

On October 23, 2019, the executive director emailed the Department, asking if the Deputy Chief could attend the Street Check Committee meeting, "to go over the report and provide any final input". The Deputy Chief emailed the research director and a colleague of his on October 26, 2019, asking them to brief him on the draft report before the review meeting.

On November 17, 2019, Ruth Montgomery emailed the executive director, saying "[w]e've all had one more read of the report and have made a few edits. The revised copy is attached." The executive director responded the next day, asking "Are the changes highlighted in there, or can you briefly summarize them? Just so the members don't have to read the whole thing again." Ruth Montgomery responded that day, saying, in relevant part:

The changes made were punctuation corrections, several table banners colored, plurals changed to singular words, spelling errors corrected, missing words added, redundant words removed, sentences removed and reordered, and several words changed to more professional language. No new content added.

The next day the executive director responded, "As long as there's no new content that's fine".

On November 21, 2019, the executive director emailed Ruth Montgomery again, saying "I just sat down to read this latest version and see that the 'acknowledgment' section is the inaccurate one (before we made all the changes) – are you sure you sent me the most up to date report?" Ruth Montgomery responded that day, apologizing and saying, "Please see attached. This is the version that should have been sent. I've retitled it with today's date to differentiate between the one I sent you a few days ago."

³⁸ Ultimately, Curt Griffiths did not attend; Ruth Montgomery did, having agreed on October 31, 2019 to call in by phone from abroad.

On December 3, 2019, the Board's executive director emailed the Deputy Chief:

I finally worked my way through the remainder of the street checks draft report and have put together some notes. I just wanted to run a few of my key points and questions by you in advance of the meeting just to see if we're on the same page. I should have touched base with you about this far sooner than today, but so much has been going on! We can always talk about some of these after today's meeting as well.

There is no indication in the materials that the Deputy Chief replied.

The executive director emailed comments, which she had drafted and then discussed with the Street Check Committee, to Ruth Montgomery on December 5, 2019. The same day she forwarded the same set of comments to the Deputy Chief and asked him if the Department would be commenting. He forwarded that email, along with the executive director's comments, to the research director, adding this:

...I mentioned that we would forward feedback to Ruth re: report through Stephanie. Were there any comments and/or edits that you have on the report, if so can you send directly to Stephanie and cc me please and thanks.

The research director sent the Board's executive director some minor comments on December 6, 2019. She sent the final report to Chief Adam Palmer, the Deputy Chief and the research director on December 17, 2019, with the following observations:

Attached is the final version of the Police Board's Street Check Review report. Feedback was sent to Pyxis on their first draft; they have made some changes and have now noted that no further revisions would be made to the report.

There were some changes they unfortunately did not make (such as clarifying that VPD patrol officers DO attend lunch with the Chief) but, they have taken most into consideration. Full chart of suggested changes and implemented feedback is outlined below.

This report will be coming forward Closed-in-Camera at the January Board meeting, where the Board will be reviewing the VPD's response to the recommendations outlined in the report, as well as discussing the decisions that will be made publicly by the Board in February with respect to the initial Service or Policy complaint.³⁹

As this indicates, Pyxis had agreed to revise the report in response to some, but not all, of the comments it received from various sources, including the Department. The "chart of

³⁹ The executive director said during this review that she sent hard copies of the final report to all Board members on December 19, 2019.

suggested changes and implemented feedback” that the executive director had prepared also identified where Pyxis had declined to change its report. The changes and feedback were organized by their source, i.e., according to whether they came from the Street Check Committee or the Department.⁴⁰

The research director prepared a report to the Board, dated January 13, 2020, summarizing Pyxis’s findings and recommendations, and discussing the provincial standard for street checks that had been issued in October.⁴¹ This summary report would have been sent to the full Board on January 16, 2020, a week before its January 23, 2020 meeting.⁴² The full Board had also received the Pyxis report itself in December.⁴³

Conclusions about review of the Pyxis report

In brief, my assessment of the Department’s comments on the report discloses that its input was to say the least minor, consisting of corrections of typos and names. It was, I am satisfied, not calculated (or likely) to influence the report’s findings or recommendations. Further, it is clear Pyxis, which had been firm about the need to protect the independence of its work—something that Curt Griffiths underscored when I spoke to him—was not willing to make all the changes that had been suggested by various sources, including the Department.

Nor do I have concerns about the decision to invite the Department to comment on the draft report. It is a common practice for oversight agencies to, as a matter of administrative fairness, give those being reviewed or investigated an opportunity to comment on factual matters, i.e., to correct any errors or omissions. The Board’s invitation to the Department to comment was not clearly framed that narrowly, but the Department appears to have treated the invitation as limited to factual matters. Its comments certainly were minimal and limited to factual matters, not Pyxis’s findings. I conclude there was no impropriety in the Department’s comments or its being given an opportunity to comment (noting also that Pyxis declined to make all the changes suggested to it).

REMOVAL OF THE PARAGRAPH ABOUT OFFICER BEHAVIOUR

The terms of reference contemplate my reviewing the decision to remove information relevant to the complaint from the final Pyxis report. This refers to a paragraph on page 223 of the draft report, which was removed before the report was finalized.

⁴⁰ This email identifies three Department comments, each of which is minor.

⁴¹ This report was an in camera report. It recommended that the Board discuss the report at its January 23, 2020 in camera meeting, and then be tabled for information at the Board’s February 20, 2020 public meeting.

⁴² March 12, 2021 email to me from the executive director.

⁴³ Ibid.

The paragraph appears to have reflected observations of Pyxis researchers who were on patrol with Department officers. Their first observation was that none of the observed interactions “appeared to be based on race or the result of bias”, there being “legitimate reasons for stops”, i.e., “[i]n most instances police initiated the stop because the behaviour of the individuals caught their attention.” However, the draft report went on to say this:

On one ride along however, one of the officers made a number of inappropriate, racially insensitive comments to the researcher and his partner throughout the shift. These comments were extremely inappropriate and highly concerning, particularly because the research partner was a visible minority of South Asian decent. An officer on another ride along also made a number of inappropriate comments about vulnerable and marginalized people and appeared to have considerable anger issues. When interacting with members of the public he was overly terse and, on one occasion, extremely rude. While these officers were clear exceptions, their behaviour and attitude were highly concerning and something that the VPD needs to address.⁴⁴

In a November 26, 2019 email to the Street Check Committee, the executive director said this:

Good afternoon Street Checks Committee,

Pyxis has forwarded an updated copy of the Street Checks Report, which I have attached. I had asked Ruth to highlight the changes so that you would not have to read the full report again, but unfortunately she had not been keeping note of them, however assured me that it was mainly formatting.

DCC Chow did just draw one major change to my attention that Ruth failed to mention, that I wanted to pass along in advance of our Dec 3rd meeting. In the original report that was disseminated to you, page 223 contained a paragraph about an officer on one of the ride-alongs making inappropriate and racially insensitive comments. DCC Chow had lengthy discussions with Curt about this paragraph and it has since been removed for a variety of reasons, which DCC Chow will speak to at the upcoming meeting.

In the meantime, please be assured that DCC Chow will be initiating a PSS investigation into this member's alleged conduct. As with all serious allegations, it will be looked into in detail.

The research director indicated during this review that he had brought the paragraph's existence to the Deputy Chief's attention, and an October 21, 2019 email from him to the Deputy Chief closes by saying “BTW, read the last pgh on page 223 – not good” (*sic*). The research director also said that he had raised the matter again, at a November 15, 2019 meeting about the then-impending provincial policing standard for street checks and showed the paragraph to the Deputy Chief at that meeting.

⁴⁴ Pyxis report draft, October 9, 2019, page 223.

For his part, the Deputy Chief recalled that he received the report toward the beginning of October. He said that, before he had a chance to look at it, the research director emailed him around the middle of October, saying that the report included a paragraph disclosing conduct that was possibly of concern. He acknowledged in this review that, due to travel, he did not read the report, including the paragraph, at that time.

Rather, after his return to Vancouver about two weeks later, the research director and a colleague brought the paragraph to his attention again, in mid-November. The Deputy Chief said he was annoyed about the paragraph's contents, which to him suggested possible officer misconduct, and decided at once to have the matter investigated. He then met in the afternoon of November 15, 2019 with Deputy Chief Steve Rai—who was ultimately responsible for the Department's Professional Standards Section—Superintendent Martin Bruce,⁴⁵ and Inspector Trevor Burmachuk, the officer in charge of the Professional Standards Section, and they decided to initiate an investigation into the allegations.⁴⁶

In an email sent to the Deputy Chief in the evening of November 15, 2019, one of the Department's civilian employees—who had been involved in supporting Pyxis's work and had raised the paragraph with him in a meeting earlier that day—said this:

Further to our discussion, I believe the commentary on page 223 is a conduct issue that should've been directed through the appropriate channels at the VPD, and not through a public document.

However, this information going public may be problematic as a conduct/police act investigation ought to be confidential, with its own integrity and privacy process – anything that interferes with that process isn't ideal as it may prejudice the process. This information is presented in a pre-determined (biased) manner, and if played out in the press, I believe it may influence the process. In a sense, this isn't different from matters that are before the courts – ideally, the process should proceed without it being in the public domain. Absolutely, these that these [*sic*] are serious claims – for that reason, I don't think we want to impugn the integrity of the investigation.

The Deputy Chief recalled that, on November 16, 2019, he was at the Vancouver airport, about to board a flight overseas, and spoke on the phone with Curt Griffiths, in a call that lasted a few minutes. He recalled telling Curt Griffiths that the Department would investigate the matter. He also recalled Curt Griffiths saying something to the effect that this was outlier data, which he should have caught, and would look into. The Deputy Chief also recalled asking

⁴⁵ Superintendent Bruce was in charge of Personnel Services, which oversees Professional Standards, Human Resources, and Training and Recruiting.

⁴⁶ The Department in due course notified the OPCC of the investigation.

Curt Griffiths for the officers' identities, and Curt Griffiths also recalled in this review that the Deputy Chief asked this.⁴⁷

It is convenient to note here that the Deputy Chief told me during this review that he had, at some point, told Curt Griffiths not to shred or dispose of any records relevant to this matter, but could not recall with certainty when this was.⁴⁸

The research director recalled in this review that the Deputy Chief told him that he had been in touch with Curt Griffiths about the matter and that Curt Griffiths had said the paragraph was an "outlier" to the report.

On November 17, 2019, the Deputy Chief emailed Deputy Chief Rai, Inspector Burmachuk and Superintendent Bruce, as follows:

I spoke with Curt Griffiths today⁴⁹ on the Street Check report issue that I raised on Friday. Curt indicated that he was familiar with the comment on the report involving the officer who made comments to the researcher that were 'inappropriate'. Curt said he needs to talk to his research team to determine context, however believes that it may not be possible to identify the officer – data collecting was anonymized. I am away for 10 days, we can wait for Curt's reply and/or if we need to push this ahead can I suggest Trevor speak with Jennie Gill who can give you excerpts relating to this matter.

That same day, Ruth Montgomery emailed the Board's executive director an updated version of the Pyxis report, saying, "We've all had one more read of the report and have made few edits. The revised copy is attached." The executive director responded the next day, asking "Are the changes highlighted in there, or can you briefly summarize them? Just so the members don't have to read the whole thing again." Ruth Montgomery responded that the changes were "punctuation corrections, several table banners colored, plurals changed to singular words, spelling errors corrected, missing words added, redundant words removed, sentences removed and reordered, and several words changed to more professional language", and also said "[n]o new content added."

It is important to note here that the Board had received the revised draft report on October 11, 2019, and the November 17, 2019 version effectively replaced it for the purposes of Street Check Committee review. Consistent with this, in the days following November 17, 2019, the

⁴⁷ Curt Griffiths told me it is his standard practice to extend confidentiality to officers in projects like this, short of witnessing them engaging in criminal or similarly serious wrongdoing.

⁴⁸ The materials before me do not include any emails or other communications on this issue.

⁴⁹ As indicated above, The Deputy Chief had flown overseas on November 16, 2019. This may explain why, in an email the next day, he referred to having spoken to Curt Griffiths "today". The other possibility is that The Deputy Chief spoke with Curt Griffiths on November 17, 2019, not November 16, 2019.

executive director had this version printed and sent to the Street Check Committee, for review at their December 3, 2019 meeting.

Returning to the communications between the Deputy Chief and Department colleagues, Inspector Burmachuk responded to the Deputy Chief's November 17, 2019 email about the paragraph on November 18, 2019, as follows (in relevant part):

I agree that we can wait until Howard's return prior to me notifying the OPCC. I would really need some additional facts and maybe some documentation on the incident prior to notifying the OPCC. I realize that we just found out on Friday and may not know all the facts yet. As suggested, I will touch base with Jennie Gill and get some preliminary information.

On November 26, 2019—the same day that the Deputy Chief alerted the Board's executive director to the paragraph's removal—Curt Griffiths sent him an email saying, "Paragraph has been removed when we did some final edits." The Deputy Chief responded by email the next day, "Thanks Curt". On December 11, 2019, he emailed an update to the executive director, "Just to follow up on the concerning excerpt in the Montgomery Consultant's report that was taken out, PSS has requested an order into the investigation" (*sic*).

On January 17, 2019, the Deputy Chief emailed Inspector Burmachuk both the draft and final Pyxis report, and later that day emailed him again, as follows:

FYI for your records and some further context:

The draft report was received in October of 2019 however wasn't reviewed until into November (300+ pages). I was made aware in November and formally sat down in a meeting on November 15th to discuss the report in general and possible misconduct concerns that turns up on page 223. I made some preliminary inquiries and left the country for on November 16th. Upon my return, I followed up with the issues and OPCC was informed in early December. In case there is any confusion on the timeline.

Note, you should probably mention to the OPCC that the excerpt appears on P. 223 so they don't have any problems finding it. Sorry I forgot to include it in my original email...thnx[.]⁵⁰

As for who decided to remove the paragraph, the Deputy Chief was very clear with me that he did not ask for this to be done. As he put it, this was not his report to write, i.e., it was Pyxis's report. He characterized the report as containing far more critical observations and findings about police and how they interact with or treat racialized communities and other

⁵⁰ This was in response to an OPCC request for copies of the final and draft versions of the report, which The Deputy Chief obtained for this purpose, on the same day, from the Board's executive director.

groups, such as sex workers. In other words, removing the paragraph was not to the Department's advantage. He was very clear that his concern was with the behaviour described in the paragraph, that he was angry about it, and had therefore referred the matter for formal investigation. He also underscored that neither he nor the Department had any incentive to remove the paragraph, and its content was properly referred for formal investigation in any case.

The Street Check Committee met on December 3, 2019 to discuss the report. One of the members raised the issue of the paragraph's removal. Some Street Check Committee members who were present told me that Ruth Montgomery, who joined the meeting by phone on behalf of Pyxis,⁵¹ had definitely told the meeting that Pyxis had decided to remove the paragraph because it was an "outlier" from the report. Others, including the Deputy Chief, could not recall with certainty what she had said.⁵² However, as the following discussion indicates, the recollection of Street Check Committee members, the executive director, Department representatives, and the documents at hand, all support the conclusion that it was, indeed, Pyxis's decision to remove the paragraph of concern.

There were, again, four Street Check Committee members. One of them recalled noting the paragraph during her review of the draft report but could not recall whether Ruth Montgomery spoke to the issue at the December 3, 2019 meeting. This member also recalled that she was aware the Deputy Chief was not happy about the paragraph's contents and had therefore launched an investigation.⁵³ This member also told me that Pyxis decided to remove the paragraph.⁵⁴

Another Street Check Committee member recalled the Deputy Chief speaking to the matter at the December 3, 2019 meeting, saying that he had spoken to Curt Griffiths to try to ascertain who the two officers were. He also told the meeting that the Department had started a formal conduct investigation. This member also learned that Pyxis had decided to remove the paragraph and was refusing to put it back in, saying that the report was its independent report, so Pyxis alone would decide the issue. She recalled that Pyxis had apparently expressed the concern that the paragraph would, if left in, become the focus of the report.

This same member also recalled Ruth Montgomery telling the December 3, 2019 meeting that confidentiality—including for her colleagues, who did not wish to complain about the

⁵¹ Several Street Check Committee members recalled her saying she was calling from Vienna.

⁵² It was not possible to confirm this directly with Ruth Montgomery, who emailed me to say she declined to speak with me for this review.

⁵³ She mentioned that she has notes that support her recollection.

⁵⁴ This member ultimately also let the paragraph's removal lie, on the basis that the allegations were being investigated and removal would not affect the report.

incidents described in the paragraph—meant that identifying information could not be provided. This Street Check Committee member also believed that Ruth Montgomery might have told the meeting that Pyxis had decided to remove the paragraph.

Another Street Check Committee member also recalled noting the paragraph of concern when reviewing the draft before the December 3, 2019 meeting. This member could not recall whether the paragraph's removal was noted in an email from the executive director or whether the Street Check Committee learned about it at the meeting. This member recalled that the Deputy Chief mentioned at the meeting that he was very concerned about the matter and wanted to find out who the two officers were. This member also recalled Ruth Montgomery calling into the meeting and explaining that Pyxis had removed the paragraph because it was an "outlier". The member was very clear about this statement.

The fourth Street Check Committee member learned of the paragraph's removal through the executive director's November 26, 2019 email alerting members to the issue, as raised by the Deputy Chief. This member remembered the Deputy Chief speaking to the issue at the December 3, 2019 meeting, advising that the matter needed to be investigated. He then left the meeting, and the Street Check Committee discussed the report. This member recalled that the members all felt confident the matter would be investigated. This member felt that all members accepted the paragraph's removal on the basis that it was not germane to the report's recommendations, noting that the recommended annual street check audits would follow up on such concerns.

The executive director recalled speaking with the Deputy Chief about the paragraph's removal and recalled that he told her he would follow up with Pyxis, to try to find out who the officers were. She recalled that he told her he wanted to uncover their identities so he could refer the matter to the Department's Professional Standards Section, which deals with officer discipline matters. This conversation prompted her November 26, 2019 email to the Street Check Committee, which is quoted above.

As for her statement in that email that the Deputy Chief and Curt Griffiths had "lengthy discussions", the executive director told me she ought not to have used those words in her email as she was not privy to their discussion and had no way of knowing whether the discussions were lengthy.⁵⁵

The Deputy Chief recalled Ruth Montgomery joining the Street Check Committee meeting on December 3, 2019 and, while he could not recall her exact words about the paragraph, he believes that her explanation for the paragraph's removal was consistent with what Curt Griffiths had said to him when he spoke in November, i.e., the paragraph was an "outlier".

⁵⁵ She said essentially the same thing to others in the past, in emails provided to me.

Conclusions about the paragraph's removal

The material before me points to the conclusion that Pyxis made the decision to remove the paragraph, and did so on its own motion, not at the Department's request and without pressure on the Department's behalf. I also accept that Pyxis removed the paragraph because, when it considered the matter, it decided that the information in it was an "outlier" to the report. In other words, I accept that the paragraph's removal was done in the exercise of the professional judgement of those responsible for the report's content.

At the same time, it is clear from benefit of today's vantage point that, if the paragraph had been left in, or if the Department had disclosed its removal publicly at the time, concerns about the removal being an attempt to conceal behaviour could never have arisen.

Again, Pyxis felt, in its professional judgement, that the paragraph was an "outlier" and I accept this. I also accept that Pyxis was concerned, as the material indicates, that the paragraph would, if not removed, create controversy that took focus away from its numerous recommendations for improving the Department's practices.

This said, while my view on the paragraph's removal is irrelevant, I note that the report elsewhere dealt with community experiences with officer behaviour like that described in the paragraph.⁵⁶ Chapter 10 set out an analysis of researchers' observations of officer-citizen interactions.⁵⁷ The researchers completed a survey for each observation of a street check and entered their interpretations of what they saw.⁵⁸ Figure 9 in the report depicts the researchers' assessment, in the context of street encounters, of the extent to which an officer behaved respectfully toward the individual. Figure 9 shows that, in 2% of cases, the officer "showed disrespect", and the report says this:

Overall, the researchers determined that in 79% of encounters ($n = 41$), officers showed dominant respect. To clarify, "dominant" in this assessment means continual or "most of the time." In 19% of encounters ($n = 10$), officers were assessed as showing

⁵⁶ Chapter 8, which is titled "The Lived Experiences of Community Members and Organizations", goes into considerable detail about individuals' and groups' perceptions of policing and police in Vancouver, including about how individual officers interact with members of Indigenous and other racialized groups. The report also discusses reports by community members about officer behaviour. For example, at page 140, the report says this: "A youth worker noted, although relationships with the police have improved over the past decade, relationships with frontline officers are still tenuous. Some interviewees stated the VPD has some officers whose engagement skills are good, but noted, regrettably, that many did not possess good engagement skills."

⁵⁷ The report describes these as having been made during 12 full-shift ride-alongs with officers in four Department districts, and two full-shift walk-alongs with beat officers.

⁵⁸ Pyxis report, final version, page 214.

intermittent respect. *In one encounter, the researchers determined that the officer showed disrespect to the individual.*⁵⁹ [my italics]

Moving on from this issue, controversy about the paragraph's removal—which has been characterized in the media as an attempted “coverup”—could have been avoided if the Board had disclosed, when the report was released, that the researchers had reported this behaviour, that the Department was investigating it, and that the OPCC had been notified.⁶⁰

It appears that Street Check Committee members felt that, since the matter was being investigated, nothing needed to be done or said about the paragraph. There also were some concerns among Street Check Committee members, and a concern on the part of one Department civilian employee, that the investigation had to be kept confidential.⁶¹ I disagree. The Board or Department could have disclosed information about the matter without violating any confidentiality requirements, any privacy rights, or any procedural fairness rights. This is again my perspective as a matter of hindsight, and I found absolutely no evidence that the Board proceeded as it did for any improper purpose, but hindsight reveals how things could have been handled more transparently.

EFFORTS TO OBTAIN RECORDS FROM PYXIS

Assessment of the facts

As indicated earlier, the Deputy Chief unsuccessfully tried to ascertain the identities of the two officers whose actions were called into question. It appears that Department investigators could not identify the officers, including because Pyxis said that the field notes had been shredded in the ordinary course. It was not possible, ultimately, for and the investigators to identify the officers and the investigation was ended on that basis.

⁵⁹ Ibid., page 218. This aspect of the report was also adverted to later, in a February 13, 2020 email to The Deputy Chief, the Board's executive director said, “When you and I were talking yesterday about the Pyxis report, you mentioned that although they had removed certain descriptive information about those officers under investigation, it was still accounted for in a chart”, and asking if he was referring to page 218 of the report. The Deputy Chief responded by confirming this was this case, and the executive director closed the email conversation by commenting that she was meeting the next day with the Board's chair and wanted “to make sure I give him all the info.”

⁶⁰ On this point, the Board had a copy of the paragraph's text, from the October draft of the report, and could have used this.

⁶¹ In a February 27, 2020 email to the Department, the executive director said this: “Since the Committee was made aware that the details of the alleged incident had been turned over for investigation and that the encounter was still referenced in the report elsewhere (page 218, attached), they did not see the need for further discussion until the investigation has been completed.” There is a reference in her notes of the Street Check Committee's December 3, 2019 meeting that “there may be a general statement that there are some exceptions”, which appears to refer to the statement found on page 218, in relation to Figure 9, discussed above.

This again brings into sharp focus the fact that the contract with Pyxis was silent on this issue. The contract, again, said nothing about ownership of work product underlying the report, about records retention, or about the Board's right to copies of working documents, including researchers' field notes. While the Board could not have anticipated the controversy that would arise over the alleged conduct of two unidentified officers, the agreement's silence on these issues left the Board in a weak position, leaving Pyxis to, as it was perfectly entitled to do, dispose of its working papers in the ordinary course, as Pyxis's work was complete.

When Department investigators asked, Board staff made appropriate efforts to obtain any relevant records from Board members and to provide Board documents as well. In a February 21, 2020 email to Street Check Committee members, the executive director asked them to "advise me if you have any notes or material that pertain specifically to the removal of the paragraph in the first draft of the Pyxis report, alleging officer misconduct" and to "forward [to] me a copy of any relevant materials, if you have any".⁶² All committee members responded in the following days. Only one member had anything relevant. She emailed the executive director a page from her copy of the draft Pyxis report, on which she had written "conduct investigation" alongside the paragraph of concern.

In addition, after some internal Board consultation, the executive director provided investigators with a copy of the draft Pyxis report and the final report. The contract and relevant portions of Pyxis's proposal were also provided, as were whatever notes of Street Check Committee meetings the executive director had available.⁶³

The Board did not attempt to retrieve records or information from Pyxis to help identify the two officers. As the executive director put it, it would have been inappropriate for the Board to do so because the Department was investigating the matter under the Act, and the Board's intervention would have been offside its proper role. The executive director also noted that, as she understood it, the Department attempted to obtain information or records from Pyxis but could not do so.

⁶² There is also a February 21, 2020 email from the executive director to the Department referring to the fact that the full Board had, at its February 20, 2020 meeting, considered the issue and decided to make available all materials relating to removal of the paragraph in question.

⁶³ In a March 21, 2021 email to me the executive director confirmed that the Street Check Committee, as an ad hoc committee, kept no formal minutes, which is why she provided whatever handwritten notes she had available.

BOARD INDEPENDENCE

The terms of reference call on me to consider the Board's "level of independence from the Department with respect to service and policy complaints, including the process by which Board members are debriefed on important documents."

As noted earlier, the Act assigns to police boards the primary responsibility for responding to a service or policy complaint. A board's options include investigating the complaint itself or asking the chief to investigate and report on the complaint.

The complainants have expressed concern that the Department itself investigated their complaint, citing a perceived lack of independence and possibly bias on the Department's part. Concern about police services investigating themselves can really only be addressed by legislative reform. As outlined earlier, the Act itself permits a police board to direct the department to investigate itself. This means any perceived bias is statutorily created, making this a policy issue, not a legal issue. Whether the Act should continue to enable boards to allow departments to investigate themselves in such cases deserves very serious consideration and later I make recommendations about this.

The Board's policy—certainly, its practice—of "automatically" referring service and policy complaints to the Department does, however, raise concerns for me.

The Board's Service and Policy Complaint Review Standing Committee is made up of all Board members. The committee's terms of reference list the service or policy complaint response options set out in the Act, then state the following:

The Board will *automatically* request that the chief constable investigate and report on a complaint, subject to the Board's decision to decline to investigate on the basis that the complaint is frivolous or vexatious, or to select another option in section 171(1), to avoid the delay in waiting until the next meeting to make that decision.⁶⁴ [my italics]

This paragraph's language leaves room for the committee to pursue options other than to "automatically" ask the Department to investigate complaints. In this case, however, the Board referred the complaint to the Department in a manner that suggests referral to the Department is indeed automatic. This passage is from the Board's July 18, 2018 letter to the complainants:

⁶⁴ Section 3A, Appendix 5, of the Board's policy manual (last revised July 2020): <https://vancouver.ca/police/policeboard/PolicyProcedures/20-Appendix-5-SP-Complaint-Review-Standing-Committee-Terms-of-Reference.pdf> (Accessed February 16, 2021).

I would like to clarify that the Board has taken no action with respect to the complaint you have filed in this matter. *As a matter of process, the VPD investigates all Service and Policy Complaints.* When the complaint comes forward to the Board's Service and Policy Complaint Review Committee the Committee will be provided with the written complaint along with background material, including your letter of July 17th and the investigation report.

The Committee will be considering the complaint and background information at its meeting on September 14th, 2018. At that time all options outlined in Section 171(1) of the *Police Act* (quoted in your letter) will be available to it. As you are aware, the Board's actions with respect to all Service and Policy Complaints are subject to oversight by the Office of the Police Complaint Commissioner. [my italics]

Consistent with this letter, Board representatives confirmed to me that for some years it has been the Board's practice to refer *all* service and policy complaints to the Department for investigation.⁶⁵ The Board does this, I was told, because complaints were being held up pending a Board meeting at which direction could be given. It was felt that routine forwarding to the Department would speed up the process to everyone's benefit.

It was also felt that in almost all cases the Department, not the Board, has the information and expertise necessary to respond properly to service and policy complaints. Some people acknowledged that there will be cases in which the complaint is simple and straightforward and might be handled by the Board alone. But there was a clear view that, in many cases, including the complaint in issue here, the Department is best placed to investigate and report to the Board.

In addition, it was pointed out that, where the Department investigates, it is open to the Board to either reject the Department's report, and any recommendations, direct that further information be provided to the Board or that additional actions be taken. This case was cited as an example, since the Board received the Department's report and accepted its six recommendations, but also resolved to have an outside expert inquire into the matter. Put another way, this case was held out as illustrative of the Board's ability and willingness to require more to be done to resolve a complaint.

I have no doubt that this referral practice was established in good faith. It is commendable that the Board aims to speed up the complaint process by having staff routinely, and promptly, refer all complaints to the Department. Waiting for a committee meeting at which the committee can consider how to handle a complaint will delay matters. It is also reasonable to think that many complaints require access to information, and expertise, that the Department, not the Board, possesses. In such cases, referral to the Department may make

⁶⁵ The policy was implemented to formalize a practice that appears to have evolved in the years leading up to 2014.

sense. Nonetheless, the Board's automatic referral practice raises concerns that ought to be addressed through changes in Board policy and practice.

The first issue is the clear tension between the Board's practice of automatic referral of all complaints and its above-quoted policy, which inaccurately, it seems, suggests that the Board retains discretion to select other approaches case-by-case. Whether this practice aligns properly with the Board's own policy, or with legal requirements relating to the fettering of decision-making authority, is outside this review's terms of reference. However, it is my view that the Board should reassess this issue in light of this review.

The second issue is whether the Board's existing policy on service and policy complaints should be enhanced. The committee's terms of reference contemplate dismissal of frivolous or vexatious complaints, and state that "[t]he Board" may "select another option in section 171(1)". These choices merely restate the law, which is admittedly not very helpful, and the Board should review its policy with a view to articulating factors to guide its decisions on who should investigate such complaints.

These factors could account for the fact that the range of service and policy complaints is broad. At one end, an individual might complain that the Department is providing inadequate traffic enforcement services in the block on which the individual lives. At the other end are complaints such as that underlying this report, i.e., complaints that raise significant societal issues relating to the use of state power, such as concerns about discrimination in the exercise of power and about the treatment of communities of diversity.

A nuanced policy setting out factors for the Board to consider would enhance public trust and confidence in its governance and oversight of the Department. If the Board had been able to turn its mind to a fulsome policy that offered appropriate guidance on such matters, it might not have decided to "automatically" refer the complaint to the Department. It could have chosen to engage outside experts to investigate the complaint from the get-go, as opposed to doing so only after the Department had investigated itself in such a sensitive matter.

This case also underscores that, where the Board does not have the expertise or information necessary to investigate a complaint, and the complaint is not a straightforward complaint about service, it could—and in my view should—retain an outside investigator rather than invariably refer it to the Department. This does not mean the Board has to keep an investigator on staff. It has a part-time ethics adviser on retainer, and it easily could, through a procurement process, establish a roster of qualified investigators to handle complaints on a fee-for-service basis.

As for the process delay concern that appears to have motivated the Board to automatically refer all complaints to the Department, one fix would be to change the composition of the

Board's Service and Policy Complaint Review Standing Committee. At present, all Board members sit on that committee. This is not necessary. A committee of, say, three members could meet more easily (perhaps by telephone or video at the initial complaint receipt stage). The smaller committee could be charged with selecting an outside investigator where the Board itself is not able to investigate, monitor the progress of investigations (including where the Department investigates), review draft investigation reports, and communicate with complainants.

Another change the Board should consider for its complaints policy is a means of ensuring that complainants have an opportunity to be heard. While such complainants may not have natural justice rights in a legal sense, complaints such as the street checks matter raise important public policy questions that surely merit involving complainants to a reasonable extent. In this case, however, the complainants were not afforded any real opportunity to present their concerns further to the Board. Also, when I spoke with the complainants, they expressed disappointment that the Board had not, in their view, made any real efforts to keep them apprised of what was being done with their complaint. The Board should, in my view, consider changing its processes to enable complainants to be heard, and to itself or through its investigators conduct community consultations where appropriate, as part of the complaints process.

In closing, how the Board chose to implement its decision to secure an independent review of the Department's complaint report has, as noted earlier, raised concerns about the Board's independence. Earlier I found that the Department's involvement was not improper in substance, and that its opportunity to comment on the draft report was fair and appropriate. But there is no doubt that the Board's decision at various stages to involve the Department created the unfortunate yet understandable perception for many that the process was not the independent and objective outside review that the Board promised. Coupled with the fact that it is standard Board practice to refer all service or policy complaints to the Department, to investigate itself, observers might understandably think that the Board is not exercising its oversight duties independently of the Department.

Earlier in this section I outlined some of the reforms the Board should consider in its approach to service and policy complaints, especially for more complex and significant public policy matters such as those raised by the street checks complaint. The practical challenge in implementing such reforms, and more generally in relation to the Board's statutory governance and oversight duties, will be to find ways to ensure the Board is not perceived to identify with the Department and its interests. This could present a challenge as the Board is dependent on the Department for most if not all support services, as well as its office and meeting space, with the Board's budget being tucked into the Department's budget. This has province-wide implications, since all police boards are in a similar position, as discussed below.

COMPLAINTS-RELATED TRAINING & RESOURCES

The terms of reference direct me to assess “the training and resources available to the Board and to police boards generally regarding their role in responding to service and policy complaints under the Act.” They also invite recommendations “to improve the governance capabilities of police boards generally, and the Board specifically, when responding to service and policy complaints under the Act. This may include recommendations regarding procurement processes where the need for a contract to assist in responding to a complaint is identified.”

These terms obviously require me to assess resources generally available to police boards in relation to their service or policy complaint mandate. The Ministry confirmed that, apart from the newly established Surrey Police Service, the Board is the only municipal police board in the province that has even an executive director, i.e., its own permanent executive staff person. Boards are otherwise essentially entirely supported by civilian staff employed by the police department or service in question, and these staff members perform administrative support services for the board.⁶⁶ This is the case for the Board, as well, to a real degree. Also, like other services, the Board is housed at Department headquarters, and uses Department space for many, perhaps most, of its meetings.

In essence, for all but two police boards, when any member of the public reaches out to the board's administration, that individual will end up dealing with the office of the chief of police or with other police department personnel. The optics of this are not ideal, certainly in the context of boards' complaints functions, and point to a need to consider how to remedy this situation. The next section first discusses the issue of training for boards.

Training for Board Members

Regarding training and resources for police board members, it is evident that new members are, upon appointment, given a copy of the Ministry's 2015 *Police Board Handbook*.⁶⁷ That document has some 77 pages of guidance for board members, and 200 pages of provincial legislation, including the Act. Part 8.0 of the handbook offers advice on the roles and objectives of boards, and also contains advice on relations between boards and police departments.

As indicated earlier, the Board has its own policy and procedure manual, which is, of course, available to members.⁶⁸ The manual, and terms of reference for the Board's service and policy

⁶⁶ As the discussion above indicates, City of Vancouver staff apparently also provide some support for the Board.

⁶⁷ <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/boards/bc-police-board-handbook.pdf> (accessed March 18, 2021).

⁶⁸ <https://vancouverpoliceboard.ca/police/policeboard/manual.htm> (accessed March 18, 2021).

complaint committee, address the complaints process, and I have already recommended that the Board review it.

Regarding training, the provincial government's Crown Agency and Board Resourcing Office, which coordinates public sector appointments, including for police boards, offers online training for appointees, but this is not specifically for police boards and is obviously not about complaints handling.⁶⁹ The Canadian Association for Police Governance, a not-for-profit organization consisting of police boards, also offers online training for board or commission members but this is not specific to the British Columbia context.⁷⁰

During this review, the Ministry issued a request for proposals for a consultant to develop and deliver training for police boards. The consultant will be required to lead and consult with a working group of subject matter experts and key stakeholders identified by the Ministry. The outcome will be a practice-based training program that will address the current and evolving needs and priorities of police boards.

I have concluded that, given this recent, and commendable, development, there is little point making any specific recommendations about training specific to service and policy complaint processes. It is, however, abundantly clear that greatly enhanced, province-wide guidance materials and training are needed to better support both new and ongoing board members, including in relation to complaint handling.⁷¹

A key component of a new program should, in my view, be a program for mentorship of new police board members by existing or former board members. This kind of invaluable, lived-experience guidance is best coordinated by the Ministry, including because the Ministry can more effectively make mentors from one community available to members in other communities. Mentorship need not be limited to complaint handling, but obviously could and should include this aspect of members' responsibilities.

The OPCC's role in this area should also be considered. This review suggests to me that, at least in the case of the Board, greater communication with the OPCC would be beneficial.

⁶⁹ <https://www2.gov.bc.ca/gov/content/bcpbpublicsectorboardresourcing> (accessed March 18, 2021).

⁷⁰ <https://capg.ca/what-is-the-learning-portal/> (accessed March 18, 2021).

⁷¹ For example, the Commissioner told me that the Ministry had, in the past, offered general board training for police board members through the Institute of Corporate Directors. While this was generalized training for directors, the Ministry should keep this kind of training in mind when developing the new materials and training. The Ministry should also keep in mind the 2009 Auditor General report on the information needs of governing bodies such as police boards: <https://www.bcauditor.com/sites/default/files/guides/pdf/Report%206%20Part%202%20-%20Guidelines.pdf> (accessed March 18, 2021).

More important, the OPCC undoubtedly could play a valuable role in helping to educate boards about their oversight role in service or policy complaints.

As part of the Ministry's ongoing work on training and support for boards, I recommend that it enhance general training and support for new and existing board members, with special attention to improving their ability to respond appropriately to service or policy complaints.

Changes in Oversight Approaches

This review has revealed the need for the Board and, I am confident, all police boards to have better guidance and practical support in handling service or policy complaints. It also raises the issue of whether police boards should continue to have the oversight mandate they now fulfil.

Again, service complaints may be routine, garden variety matters, such as an alleged lack of proper traffic enforcement in a neighbourhood. Other complaints, however, may allege, or clearly raise concerns about, systemic problems within a department. Here, for example, the central allegation was that the Department's street checks practices were discriminatory. To have a police department investigate itself in such a case could, as it did here, cause concerns about police departments investigating themselves. The fact that, under the current system, departments typically investigate their own officers does not get around such concerns. Where a department is alleged to suffer from a systemic weakness, or engage in a practice that is allegedly discriminatory, the better course is for the board itself to conduct the complaint investigation, not assign the department to investigate itself.

The challenge is, as this review shows, that boards do not have the in-house resources or expertise to carry out investigations. They are understandably ill-equipped, under the present model to do these things. This state of affairs could be remedied in either of two ways.

The first would be to remove the responsibility for such complaints from boards altogether, at least where the matter raises—in the judgement of the Commissioner or the Ministry, perhaps—systemic issues, i.e., issues with possible provincial implications. When I spoke to them, the BCCLA and UBCIC expressed concerns about the current approach to civilian oversight, which necessarily includes the role of police boards. This idea is reflected in, for example, the UBCIC's recent presentation to the Special Committee on Reforming the Police Act:

Currently, the OPCC commissioner also has no authority to substantially investigate policy-level allegations. Our concern is that discriminatory practice is hidden within policy, and service complaints go under-investigated.

Just in the last bit here, the commissioner should....We suggested three things: have the discretion to retain jurisdiction over investigations of misconduct, rather than forwarding them to the police departments; have the discretion to retain jurisdiction over policy and service complaints, and, if deemed necessary, conduct systematic reviews rather than monitor policy issues at arm's length; have free-standing power to hold public hearings, call witnesses and commission evidence — in short, the power to become their own mini-commission of inquiry if a systemic issue is raised.⁷²

The second approach would maintain the existing system but provide better support to police boards. As noted above, in cases where boards might decide to investigate a service or policy complaint themselves, it is quite plain that they do not have the internal resources needed to do so. If boards are to continue to play this important role, the Ministry could better support them by maintaining a provincial roster of qualified, independent investigators who can be retained by boards when needed.

Keeping these two choices in mind, I recommend that the Ministry consider whether, in light of the eventual report of the Special Committee on Reforming the Police Act, and the 2019 report of the Special Committee to Review the Police Complaints Process, responsibility for service or policy complaints—at least one raising systemic issues—should remain with police boards or be assigned elsewhere, perhaps to the Commissioner.

A related recommendation is that the Ministry should consider enhancing independent, external audits and reviews of police services, whether these would be done by the Commissioner or the Ministry. This matter involved a police department reviewing itself, a review by a consultant retained by the Board, and then my review. Each of these exercises flows from a complaint about a specific Department practice, but it is, in the end, by chance that the Board handled the matter as it did. Under the current Act, the Board need not have triggered either review. Where a matter of systemic concern, or a matter that is otherwise sensitive, is involved, external, independent audits may be the best approach, and these should not depend on a police board's choice of approach. It should be possible for the Commissioner or Ministry to initiate an own-motion outside audit of police practices, locally or provincially, without a complaint to trigger this.

At the very least, pending any reforms, I recommend that the Ministry should support police boards by maintaining a provincial roster of qualified, independent investigators who can be retained by boards when needed.

⁷² Transcript of Special Committee proceedings, March 26, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210326am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

Changes in Police Governance: Indigenous Relations

This review's terms of reference invited me to make recommendations about improving the governance capabilities of police boards when responding to service or policy complaints. That line of inquiry inevitably raised in my mind the issue of how police governance structures might be improved to enhance the representation of Indigenous peoples, nations, and communities. Others of course feel the same way, as the report of the Special Committee to Review the Police Complaints Process shows:

In their presentation, the First Nations Leadership Council indicated that negative stereotyping and racial profiling can lead to systemic discrimination and that there are concerns regarding the potential for systemic misconduct, bias or discrimination which may go unaddressed in the current police complaint system. They noted that, historically, police and law enforcement have played a role in perpetrating cultural genocide against Indigenous peoples. Over-enforcement and police brutality towards Indigenous peoples remain major concerns, and systemic bias and the power imbalance between police and Indigenous peoples is "deeply entrenched and undeniable." Systemic changes could increase the likelihood of building the confidence of Indigenous peoples in the police complaint process and policing in BC in general and would support the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation Commission of Canada's Calls to Action, and other reconciliation initiatives underway in British Columbia.⁷³

The same observation applies to enhanced connection between governance of police services and the racialized communities they serve, as the street checks complaint illustrates. This should, in my view, take the form of greater representation on police boards of Indigenous, Black and other racialized peoples. Efforts by the provincial government to promote diversity in appointments to agencies, boards and commissions continue but the Ministry should devote special focus to this in relation to police boards, ideally in consultation with the Ministry of Indigenous Relations and Reconciliation.⁷⁴

Further, from a provincial perspective, I believe there must be enhanced communication and consultation with Indigenous peoples, as well as Black and other racialized peoples. In the case of Indigenous peoples, ongoing liaison between, as examples, the First Nations Justice Council and First Nations Leadership Council and the Director, as well as municipal boards and police chiefs, could help advance reconciliation and improve policing for all people. Nor is consultation and liaison necessarily the only approach. In fact, as others have noted, formal representation of Indigenous peoples in police governance and oversight structures is

⁷³ Legislative Assembly of British Columbia, *Report of the Special Committee to Review the Police Complaint Process* (November 25, 2019), page 11. https://www.leg.bc.ca/content/CommitteeDocuments/41st-parliament/4th-session/pcp/SC-PCP-Review_40-4_2019-11-25_Report.pdf (accessed April 12, 2021).

⁷⁴ Existing efforts to promote diversity in appointments are illustrated by, for example, this source: <https://www2.gov.bc.ca/gov/content/bcpolicysectorboardapplications>.

critically important at the provincial not just local level. This is an area in which the Ministry of Indigenous Relations and Reconciliation could assist the Director in seeking reforms.

NO NEED FOR YET ANOTHER VANCOUVER REVIEW

The previous Director also retained me to conduct a review of Pyxis's review of the Department's investigation of its own street checks practices. That retainer was entered into at the same as the retainer for this review, i.e., before this review had started. It is reasonable to conclude that the further retainer may have been prompted by the concerns of the complainants and others that the Pyxis review failed to conclude that street checks are discriminatory.

For reasons given below, however, I strongly recommend to the Director that my further retainer be terminated. This is because developments since the previous Director retained me make it abundantly clear that to now review of Pyxis's report would serve no purpose. Based on my review of the extensive materials I obtained—which were not available to the Director or Ministry before—and based on other circumstances discussed below, it is undeniable that such a review would serve no public purpose. The time has come to move on and consider a province-wide approach to street checks, without piling on yet another review of street checks as they were conducted in Vancouver between 2011 and 2018.

The first reason for this recommendation has to do with the focus of the complaint and the question of whether the Department's street checks practices were discriminatory. The complainants are very clear in their position that there is systemic racism in British Columbia policing. Some leading Canadian police officials have said as much, the Commissioner of the RCMP being an example. Many academics have said the same thing based on their work. Not all police leaders agree and not all public officials do, either. Any examination of street checks, of police stops of all kinds, must surely recognize that these perspectives are about the system as a whole, about policing as a whole, not Vancouver alone. Below I offer many other reasons why a further backward-looking Vancouver review would serve no public purpose, but a key consideration is that the issue of discrimination or racism in policing is about policing generally, including the use of the power to stop citizens, and ought therefore to be addressed at that broader level.

Before explaining this further, here are the terms of reference for the proposed further study, in relevant part:

The scope of Part A will include:

1. Conducting an analysis of the findings, conclusions and methodology of the third-party study commissioned by the board, as contained in the Pyxis report.
2. Identifying and assessing gaps in the data gathered, and gaps between the final and draft versions of the Pyxis report that may have prevented the police board

from having the information it needed and was seeking through the 3rd party study to assist in responding to the Complaint.

3. Making recommendations to the Director regarding further study or other actions that may be appropriate to address the inadequacies in the report with respect to the data gathered and the conclusions reached from that data.

As these terms of reference indicate, the focus of the further work would be to assess the methodology that Pyxis used in reaching its conclusions, and to analyse its findings and conclusions. Pyxis's work, of course, also involved a review of the Department's methodology in investigating its policies and practices and the Department's data analysis and conclusions.

The terms of reference also call for identifying and assessing gaps in the data gathered, but it is clear from my review of the Pyxis report that Pyxis did not gather new hard data about individual street checks, including race-based data. Rather, consistent with its mandate, Pyxis accessed existing Department data and analysed it, although Pyxis did gather information from its patrol observations and community consultations. Having now had the benefit of reviewing the Pyxis report and other materials I obtained, in my view the only way that one might assess the Department's street checks practices, current or past, would be to gather entirely new data, notably race-related data, an exercise that would present significant challenges.

Paragraph two of the terms of reference refers to gaps between the final and draft versions of the Pyxis report. Again, I have had a key advantage the previous Director did not have, i.e., the ability to review an extensive collection of Board and Department materials. That review has revealed no gaps between draft and final copies of the report in terms of data. A prominent concern, of course, has been removal of the paragraph from page 223 of the report, i.e., the paragraph outlining concerns about two officers' conduct, but that issue has been addressed in this review. There is, again, no suggestion in the material I have of any data gaps or data differences between draft and final versions of the report, and there is no need to go through the matter again looking for data gaps.

The terms of reference refer to identifying gaps that may have prevented the Board from having the information it needed, and was seeking, to assist in responding to the complaint. Pyxis concluded that it could neither confirm nor deny that the Department's street checks reflect bias or racism.⁷⁵ It bears emphasis that this is a neutral finding by Pyxis: it neither exonerates the Department nor condemns it. That said, Pyxis did not recommend that the

⁷⁵ Pyxis report, page xiv: "This review of street checks, consistent with other reviews, found that the available data and information could neither confirm nor deny police racism or bias. Additionally, considering only the disproportionality of individuals in the street check data could not be used to confirm or deny the existence of bias."

Department stop using street checks but it did make dozens of recommendations on reforming the practice, some of which clearly pointed to the impact on racialized and marginalized individuals and communities and. The Board adopted those recommendations, one of which was to require the Department to conduct an annual audit of street checks, which the Department has done, as discussed below.

When they complained, the complainants called on the Commissioner to exercise the authority to make recommendations to the Board, and for the Commissioner to engage in research on the use of street checks in the province. They also stated that they would support the Commissioner in a recommendation to the Director or Minister to “cause an independent external audit and review of the practice of street checks, with a view to creating a provincial standard to govern all law enforcement in British Columbia.”⁷⁶ The complainants have more recently called for an immediate province-wide ban on street checks, which appears to supersede any call for more to be done about the Vancouver situation alone.

Further, the Director has, since the complaint was dealt with, issued a provincial standard regarding police stops by all municipal police services. This standard continues to be the subject of consultation. The standard is not based on a province-wide audit or review regarding police stops, but the fact is that it has been issued and will, presumably, evolve toward a final standard. If the Director were to decide at this time to pause that process and conduct a province-wide audit of street checks across police services, that might help inform the final standard, or inform a decision on whether to prohibit street checks, but a further review of the historical picture of street checks in Vancouver would not contribute to that province-wide policy process.⁷⁷

The complainants also have repeatedly expressed criticisms of the Department's use of street checks, of Pyxis's work and the Board's response to their complaint. They are implacably opposed to street checks across British Columbia.⁷⁸ Given this, it is highly unlikely that their opposition to street checks anywhere in the province would be affected even if a further review of the Vancouver situation found some evidence of discrimination. Such a finding might further heighten their general opposition, but if a further review were inconclusive, as

⁷⁶ Complaint letter, page 4.

⁷⁷ I acknowledge that defining what is a “street check” as opposed to “carding”, among other concepts, is difficult.

⁷⁸ To give only one recent example, the BCCLA's executive director said this to the Special Committee, on March 19, 2021: “Our third set of recommendations is an immediate ban on police street checks. Data over ten years from every municipal police force across B.C. shows that Indigenous and Black people are over-represented and harmed by street checks. There is also no legal basis for street checks in either common law or statute. Therefore, the province must ban street checks immediately. Almost 10,000 people and 100 organizations, including Hogan's Alley Society, Black Lives Matter, Union of B.C. Indian Chiefs, WISH Drop-In Centre Society and the BCCLA, have written to the provincial government to immediately ban police street checks.” Transcript of Special Committee proceedings, March 19, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210319am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

was Pyxis's, or found no evidence of discrimination, it is highly likely to merely strengthen the complainants' already stated opposition to street checks anywhere.

Another consideration from a provincial perspective is the ongoing work of the Special Committee on Reforming the Police Act, which has been holding public hearings about reforms to the Act. The Special Committee's terms of reference underscore that, rather than pursuing a review of Pyxis's review, the provincial government's resources could be better invested in engaging with the Special Committee and responding to its recommendations. The Special Committee's terms of reference help illustrate why this is so. Specifically, the Legislative Assembly appointed the Special Committee:

... to examine, inquire into, and make recommendations to the Legislative Assembly on the following:

1. Reforms related to independent oversight, transparency, governance, structure, service delivery, standards, funding, training and education, and any other considerations which may apply respecting the modernization and sustainability of policing under the *Police Act* (R.S.B.C. 1996, c. 367) and all related agreements.
2. The role of police with respect to complex social issues including mental health and wellness, addictions, and harm reduction; and in consideration of any appropriate changes to relevant sections of the *Mental Health Act* (R.S.B.C. 1996, c. 288).
3. The scope of systemic racism within British Columbia's police agencies, including the Royal Canadian Mounted Police, independent municipal police and designated policing units, and its impact on public safety and public trust in policing.
4. Whether there are measures necessary to ensure a modernized *Police Act* is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (2007), as required by section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (S.B.C. 2019, c. 44).⁷⁹

Each of these terms of reference plainly encompasses the question of whether street checks involve discrimination or racism. It is therefore unsurprising that several important groups appearing before the Special Committee have variously called for policing reform, province-wide studies of policing, or bans on street checks. Only a few examples are needed to illustrate the weight of this testimony and why it militates against a review of Pyxis's work in relation to a single police department.

Lydia Hwitsum, representing the UBCIC, said this to the Special Committee on March 26, 2021:

A public system review of practices and policies that disproportionately and negatively impact Indigenous peoples should be conducted. Data must be reported in a number

⁷⁹ <https://www.leg.bc.ca/parliamentary-business/committees/42ndParliament-1stSession-rpa/termsofreference> (accessed April 14, 2021).

of areas, including use of force, police procurement of paramilitary unit and military equipment and many others, to better understand the current reality of policing and to have those measured practices towards change. In turn, problematic practices not only must be reformed; they must be eliminated.

There are several key concerns and recommendations we'd like to highlight. One, starting with inadequate community policing functions and the militarization of police in use of force. The militarization of police goes beyond the criminalization of peaceful political demonstrations and land defenders and has implications for day-to-day policing, as well, as seen in the tragic examples of wellness checks resulting in injury and death. There is a crisis, we know, in overrepresentation of Indigenous peoples killed by use of force by police — over 15 percent, in fact, of fatal police encounters since the year 2000.

Resources must be diverted from this militarized policing approach to community policing options. For example, the practice of street checks should be completely eliminated, because they enable the arbitrary perpetuation of biases against those experiencing homelessness or poverty, those that use drugs, sex workers as well as those with mental health challenges. They get targeted.

The level of hyper-vigilance and surveillance involved in this practice is not conducive to healthy relationships between police and community members and creates opportunities for escalating encounters. At the same time, a defensible justification for these acts still remains wanting.⁸⁰

Here is what the BCCLA's executive director, Harsha Walia, said to the Special Committee on March 19, 2021:

Our third set of recommendations is an immediate ban on police street checks. Data over ten years from every municipal police force across B.C. shows that Indigenous and Black people are over-represented and harmed by street checks. There is also no legal basis for street checks in either common law or statute. Therefore, the province must ban street checks immediately. Almost 10,000 people and 100 organizations, including Hogan's Alley Society, Black Lives Matter, Union of B.C. Indian Chiefs, WISH Drop-In Centre Society and the BCCLA, have written to the provincial government to immediately ban police street checks.⁸¹

These positions on the part of the UBCIC and BCCLA—who were, after all, the complainants—reflect what they told me during this review, that they are opposed to street checks across British Columbia.

⁸⁰ Transcript of Special Committee proceedings, March 26, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210326am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

⁸¹ Transcript of Special Committee proceedings, March 19, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210319am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

In her testimony to the Special Committee, British Columbia's Human Rights Commissioner, Kasari Govender, did not call for a ban on street checks but clearly had concerns about the harm they cause to Indigenous, Black and low-income individuals in all communities:

Finally, turning to street checks. A street check occurs when identifying information is obtained by a police officer concerning an individual outside of a police station that is not involved in an investigation. Street checks can and do result in harm to Indigenous, Black and low-income individuals in communities. Street checks contribute to the over-policing and disproportionate criminalization of these groups. They are not merely an inconvenience. Street checks take a toll on a person's physical and mental health and can impact their ability to pursue employment and educational opportunities.

In October 2019, Nova Scotia's Minister of Justice issued a provincewide moratorium on street checks. He did so specifically because of the discriminatory impact street checks had on Black Nova Scotians, and he did so after receiving an opinion on their legality from the former Chief Justice of Nova Scotia.

We know that street checks are problematic and that they can result in psychological detention, as found by the Supreme Court of Canada in *R. v Le*. We know that street checks are problematic for certain communities in particular. We will provide more detailed recommendations, on how to prevent arbitrary and discriminatory police stops, in my upcoming written submissions to you.⁸²

Earlier I noted the complainants' concern that the privacy issue raised in their complaint, about the collection of personal information through street checks, was not addressed through the Board process. I noted that the *Freedom of Information and Protection of Privacy Act* authorizes a public body to collect, use and disclose personal information for "law enforcement", which includes "policing, including criminal intelligence operations".⁸³ Again, I fully acknowledge the complainants' privacy concerns and am clear that this is another reason for a provincial study into street checks and other forms of police stops, as this would enable a fulsome consideration of the privacy issues.

Another factor is that the previous Director would not have been aware of the recent testimony to the Special Committee, from several agencies and organizations, calling for better data in assessing policing. In her testimony to the Special Committee, the Human Rights Commissioner recommended—as have others appearing before the Special Committee—that

⁸² Transcript of Special Committee proceedings, February 11, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210211am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021). A search of the Special Committee and Commissioner's websites yielded no published recommendations from the Commissioner to the Special Committee at the time of writing.

⁸³ Schedule 1 to the Act. The definition also includes investigations, or proceedings, that lead or could lead to a penalty or sanction being imposed.

the Act be amended to require police to “collect, disclose and analyze race-based and other disaggregated data...for the express purpose of eliminating systemic racism in policing.”⁸⁴

On April 7, 2021, the Deputy Chief also testified to this issue before the Special Committee. He stated, as a general matter and not in relation to the Department's street checks practices, that the “data, to a degree, is unreliable”, adding that “policing in B.C. supports the question [sic] of race-based data.”⁸⁵ He also said this to the Special Committee:

The challenges that we've got right now are that the data, to a degree, is unreliable. The only requirement is that we get the name, the date of birth and the sex of the individual. Otherwise, sometimes it's subjective on the officer at three o'clock in the morning: "I've got a person who's not talking to me, so I've got to take a stab at what ethnicity or racial group he or she may belong to." So the reliability of the data.⁸⁶

It should also be noted that, during my discussion with representatives of the UBCIC and BCCLA, I understood them to harbour doubts about the utility of now undertaking a review of Pyxis's work to review of the Department's report. There was reference to the Department's data on street checks being confused, and there being conceptual confusion about what is a “street check”, which I understood to lead them to doubt the utility of a review of a review into the Vancouver situation alone. It also bears emphasis here that—their comments about data quality aside—the complainants have again stated their view that street checks are illegal and have called for a ban on them across the province. In my view, this fact alone—never mind the concerns about data quality—casts real doubt on whether the complainants would see any benefit in again looking back on the past situation in Vancouver, as opposed to there being a province-wide approach to the issues.

Another factor weighing against proceeding with a review of Pyxis's work is the confirmation to the Special Committee that legislation to enable race-based data collection, which is clearly relevant to the issue of street checks and policing more generally, is in the works. Richard Fyfe QC, Deputy Attorney General, said this during the Ministry of Attorney General's March 22, 2021 presentation to the Special Committee:

...In November, the Ministry of Attorney General assumed responsibility for anti-racism initiatives, and Parliamentary Secretary Rachna Singh was appointed as parliamentary secretary to represent government on this initiative.

We're supporting Parliamentary Secretary Singh to implement two anti-racism mandate commitments. The first commitment is to introduce legislation related to race-

⁸⁴ Ibid.

⁸⁵ Transcript of Special Committee proceedings, April 7, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210407am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

⁸⁶ Ibid.

based data collection, and the second commitment is to support the introduction of a new anti-racism act. We're in the early stages of mapping out our approaches for this work with the parliamentary secretary, and we've agreed that we'll do this in stages. We're going to start by doing some pre-consultation meetings with Indigenous leaders, racialized groups and other stakeholders to get their feedback and perspectives on some of the key policy issues and considerations on these two initiatives. We'll also seek their advice on engagement approaches.

Once we've done this, we plan to focus on race-based data first and envision starting a more focused consultation process on this issue in the summer and fall. We'll then turn our attention to consultation on anti-racism legislation in the fall and winter of 2022.⁸⁷

These recent acknowledgements that race-related data now available to police, government, the OPCC, boards and the public is questionable point to the need to take a forward-looking perspective on the issue, rather than pore over older, infirm data from Vancouver, a single community. Regarding the quality concerns about the Vancouver data, it is important to note that the Pyxis report itself speaks to the frailties of the Department's street check data and the need to enhance data quality:

A brief snapshot of the VPD data raises some data quality issues and concerns relating to when and how data units are entered as a street check. The lack of a policy on street check usage within the VPD appears to be responsible for at least some of these data capture issues, such as when and why a street check should be used.⁸⁸

For this reason, recommended that the Department "[c]onduct regular assessments of the integrity of street check data."⁸⁹ Setting aside the fact that a review of Pyxis's review would entail using the same Department data about which Pyxis had quality concerns, this Pyxis recommendation speaks to the need for a forward-looking perspective on street checks, including to ensure that race-related data of quality are collected provincially. Again, to now focus on data whose quality has been questioned, and in relation to one department's past practices, would not contribute to the evolving policy landscape around policing generally or street checks in particular.

On the issue of possible changes in policy or law, above I noted the Ministry of Attorney General's confirmation that legislation to provide for race-based data collection is in the works, and that a new anti-racism law is also in the works. These revelations further

⁸⁷ Transcript of Special Committee proceedings, March 22, 2021: <https://www.leg.bc.ca/documents-data/committees-transcripts/20210322am-PoliceActReform-Victoria-Blues> (accessed April 14, 2021).

⁸⁸ Pyxis report, page 19. Regarding the quality of the Department's street checks data, earlier I quoted extensively from a Pyxis progress report to the Street Check Committee that commented on concerns with the Department's data. This passage further underscores the challenge that would be involved in finding data that could usefully be analyzed to determine, despite the Department's and Pyxis's conclusions, whether the now closed complaint was in fact well-founded.

⁸⁹ Ibid.

emphasize the reality that to focus now on data quality and gaps, and the analytical methodology, of one consultant's review of one department's review of its practices would be out of step with the rapidly evolving policy and legislation environment in the province.

The Special Committee on Reforming the Police Act will not issue its report for some time, but it is reasonable to expect, given the submissions relating to street checks, that it will have something to say about them. Similarly, the provincial government continues to work on responses to the 2019 recommendations of the Special Committee to Review the Police Complaints Process, recommendations that have some resonance for street checks and their oversight. For example, recommendation 12 by that Special Committee is that the Act be amended "to enable the Office of the Police Complaint Commissioner to conduct self-initiated systemic reviews, including data analysis, to highlight emerging or high-level trends, and to report publicly on any findings." This points to the need to consider, in the longer term, how concerns about systemic issues such as those raised by street checks could and should be addressed through province-wide study, not by focussing on a single past complaint about one police service.

Last, to now look back by reviewing Pyxis's review of the Department's work would not account for the fact that the Department's street checks practices have changed since the former Director decided to conduct such a review. The Department recently released its first annual audit of street checks, and that report shows that the Department continues to see value in street checks, but at the same time has conducted far fewer of them than in previous years. The report describes a 94.3% decrease in checks from 2019 to 2020, while noting that, of the 261 recorded events, 186 were misclassified as street checks, leaving only 75 proactive checks, according to the Department. This report's illustration of ongoing changes in Department practice are part of province-wide shifts on this topic and also show that further review of the Department's past practices is unnecessary.

As this discussion shows, there have been material changes in circumstances since the previous Director decided to conduct a further technical review of the Vancouver situation complaint. My work has shown that further review would not, in light of recent developments, not be constructive. For the many reasons given above, I strongly recommend that the Director now terminate my retainer for the further work.

CONCLUSION

The goal of this review is to address a range of issues relating to the Board's handling of a complaint about discrimination in the Department's street checks practices. My review has identified a range of areas in which the Board might improve its handling of such complaints, and how it discharges its public interest mandate for governance and oversight of the Department. It has also revealed a range of ways in which the governance and oversight of police departments or services could relatively easily be improved across British Columbia. My hope is that the Ministry will take my recommendations to heart and move ahead with the modest yet necessary reforms I have identified.



October 26, 2021
Ref: 622304

Charla Huber
President, BCAPB
c/o 1127 Fort Street
Victoria BC V8V 3K9

Dear Charla Huber:

Under section 39 of the *Police Act*, it is my responsibility as the Director of Police Services to superintend policing and law enforcement functions in British Columbia (BC). As part of that responsibility, I recognise the important role of training in strengthening the police governance framework and overall effectiveness of police boards in carrying out their governance and civilian oversight functions.

Accordingly, I am pleased to announce the Ministry has entered a long-term partnership with Watson Advisors Inc. (WATSON), a Vancouver-based governance consultancy, to develop and deliver a police board training program unique to BC. The program will align with the Province's priorities for policing and law enforcement and with emerging trends in police reform.

WATSON brings extensive understanding of governance, and experience working with boards across Canada. More specifically, they have a well-practised methodology of designing governance education focused on the practical application of governance and will ensure the program design reflects the unique context and responsibilities of police boards in BC. This will be further enhanced by WATSON's previous experience working with police boards and members of their faculty who are police board alumni.

To optimize the effectiveness and practical application of the program I am assembling an advisory group (Advisory Group) made up of key partners in the police governance framework that will work with WATSON to assist with its development. As subject matter experts, members of the Advisory Group can expect to hear from WATSON to contribute to program design and content through surveys, interviews and other forms for collecting input and feedback.

.../2

Charla Huber
Page 2

As a valued partner, I would like to invite the BC Association of Police Boards (BCAPB) to represent police boards on the Advisory Group. As such, I kindly request BCAPB provide the names of three to four individuals that represent the broad experience and diversity of police boards that would be willing to join the Advisory Group.

I have asked Artem Kuznetsov, Sr. Governance Advisor, to contact you regarding BCAPB's representation on the Advisory Group and to arrange an introduction to the WATSON team.

This is an exciting opportunity to collaborate on a first-of-its-kind in Canada police board training program.

Thank you for your assistance in this matter. I look forward to continuing the Ministry's strong partnership with BCAPB.

Regards,



Wayne Rideout
Assistant Deputy Minister
And Director of Police Services
Policing and Security Branch

pc: Veronica Bandet, Secretary, BCAPB
Suzie Cho, Practice Lead, Watson Advisors Inc.
Chairs, Municipal and Designated Police Boards
David Pilling, A/Executive Director, Municipal Police Governance and Oversight

Release Date: October 27, 2021

IIO Reaches Decision in October 2020 Officer-Involved Shooting in Langley (2020-250)

INFORMATION BULLETIN

Independent Investigations Office

For Immediate Release

Surrey, B.C. – The Chief Civilian Director (CCD) of the Independent Investigations Office (IIO) of BC has concluded an investigation into an officer-involved shooting incident in Langley.

As indicated in the [previous release](#), on October 7, 2020 at approximately 6:20 p.m., Delta Police Department officers in the area of 200 Street and 24 Avenue in Langley were conducting an investigation in relation to a prior incident in Delta. When officers attempted to arrest two men, an interaction occurred, and shots were fired by police. Both men sustained gunshot wounds and were taken to the hospital for treatment of non-life-threatening injuries.

The CCD has reviewed the available evidence and determined that there are no reasonable grounds to believe that any officer has committed an offence. Accordingly, the matter will not be referred to Crown Counsel for consideration of charges.

The investigation concluded in May 2021, but due to concurrent court proceedings related to the incident, the IIO did not report publicly on the decision at that time in hopes the court proceedings may be concluded in the near future. Given the matter remains before the courts, the IIO will not comment further at this time.

The IIO's public report into the incident will be released on the IIO website once the court proceedings have concluded.

Background

The IIO is the independent civilian oversight agency of the police in British Columbia. It investigates all officer-related incidents that result in serious harm or death, whether or not there is any allegation of wrongdoing.

info@iiobc.ca

BLUE|LINE

News

B.C. applies to remove criminal penalties for possession of small amounts of drugs

November 2, 2021

By Canadian Press

Nov. 1, 2021, Victoria, B.C. – British Columbia is applying to the federal government to remove criminal penalties for possession of small amounts of illicit drugs in an effort to help more people get care in a health crisis that has claimed 7,700 lives over five years.

Sheila Malcolmson, B.C.'s mental health and addictions minister, said Monday that substance use and addiction is a public health issue and not a criminal one, which is why the province believes removing the penalties will reduce drug-use stigma and convince more people to seek life-saving treatment.

She said B.C. is the first province in the country to request an exemption from Health Canada under the Controlled Substances Act, asking to decriminalize for personal use up to 4.5 grams of illicit drugs, including heroin, fentanyl, powder and crack cocaine and methamphetamine.

The province's application was applauded widely as a step forward in addressing the toxic drug crisis, but concerns on both sides of the issue were raised about the amount of drugs specified in the application.

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"The B.C. Association of Chiefs of Police does not support the recommendations to decriminalize 4.5 grams of illicit drugs for personal use," said association president Howard Chow, deputy chief of the Vancouver Police Department, in a statement.

Instead, the association recommends a more measured approach that will see incremental increases as required and supported by evidence, Chow said in a statement.

Police are concerned drug dealers will exploit the threshold and it could lead to public consumption increases, he said.

The Pivot Legal Society, a legal advocacy group based in Vancouver's Downtown Eastside, said the possession threshold is too low and doesn't adequately protect people who use drugs.

"The threshold of 4.5 grams is cumulative, meaning it refers to the combined quantity of drugs allowed to be carried rather than the amount permitted of each individual substance," it said in a statement on behalf of about 10 groups and organizations, including the Vancouver Area Network of Drugs Users.

Malcolmson said B.C. is taking the next step toward helping people end the stigma of drug use and removing the threat of criminal penalty that keeps many from seeking treatment.

She said she is encouraged the federal government recently created a federal Mental Health and Addictions Department, appointing Carolyn Bennett as minister.

"I hope this is the first item on her desk," said Malcolmson.

Figures released in September from the B.C. Coroners Service show there were 1,204 deaths from illicit drugs between January and the end of July, a 28 per cent jump over the same period in 2020.

The coroner says the first seven months of this year were the deadliest since a health emergency was declared in 2016, and July was the 17th straight month in which more than 100 B.C. residents died from a toxic drug supply.

B.C.'s provincial health officer Dr. Bonnie Henry said charging people criminally for possessing small amounts of illicit drugs creates a revolving door where people face the legal system but not their health issues.

"The time to make this change is now," she said. "This toxic drug crisis is not a criminal issue. It's a public health issue."

Sen. Larry Campbell, a former Vancouver mayor and B.C. chief coroner, said he supports decriminalizing small amounts of illicit drugs because he believes it will save lives

"This is about keeping people alive," he said. "That's it. That's the bottom line. It drives me crazy that people can't get it through their heads that this is a health issue."

Chief coroner Lisa Lapointe said decades of criminalizing drug possession has not worked and a move away from a crime model to a health one has arrived.

"The goal of decriminalization is to reduce suffering and death," she said.

Last month, Toronto said it was also preparing to ask Health Canada for an exemption under the Controlled Drugs and Substances Act to decriminalize the possession of illicit drugs for personal use in the city, following a similar request made by Vancouver in May.

Clerks

From: ca.peters@telus.net <cathy@telus.net>
Sent: Tuesday, November 9, 2021 6:48 AM
To: Clerks
Subject: Child Sex Trafficking is increasing- How To Stop It
Attachments: CPeters - Vancouver Police Board meeting.pdf

9 NOV 21 8:37AM

agenda
 FILE # 0360-25

TYPE: Reg Agenda
 DEPT: POL
 A.T. #: 141866
 Comments: Nov 24/21 Reg. Meeting

Dear Mayor George Harvie and Delta District Council,
 ASKS:

1. The **Canadian Center to End Human Trafficking** (CCEHT) recently came out with their first report on Human Trafficking in Canada. Please read this important report to understand the Human trafficking trends in Canada.
2. BC needs a public awareness campaign on Human Trafficking in order to STOP IT. The CCEHT will mail your community posters and postcards (FREE) that can be distributed in the venues where youth and families congregate. The CCEHT operates the National Human Trafficking hotline; 1-833-900-1010.
3. I recently presented to the **Vancouver Police Board**. It is a 5 minute presentation. See attached. Please share this with your policing committee and local law enforcement.
4. Please alert your local MLA and MP that the full decriminalization of prostitution cannot occur in Canada because that policy will cause HARM to the most vulnerable; Indigenous women and girls, new migrants, disabled, LGBTQ2, youth at risk and any child under age 14 years of age. Canada has signed the **Palermo Protocol** which mandates discouraging DEMAND for buying sex (Article 9 section 5). Canada has a legal global obligation to fulfill this commitment. Special Advisor on Human Trafficking Valiant Richey in his recent OSCE (Organization for the Security and Co-operation in Europe- the world's largest security organization) report called "**Discouraging Demand**" cites strategies and examples on how to do so, in order to Stop Human Trafficking globally.
5. Reminder of the **Connecting to Protect Global Summit** addressing the impact of Pornography on Youth (February 16-18, 2022). I will be presenting along with Vancouver Island University student Tagen Marshall. Please attend and alert Health/Wellness Committees of this important Summit.

Thank you to the many City Councils and Regional Districts that have asked me to present.
 I am booking now for mid March.

Sincerely, Cathy Peters
 BC anti-human trafficking educator, speaker, advocate
 Be Amazing; Stop Sexual Exploitation
beamazingcampaign.org
 1101-21785 Library Lane, North Vancouver, BC V7J 0C3
 604-828-2689

Attachments area

Vancouver Police Board Meeting
October 21, 2021 @ 1 pm – 5 minutes

Human sex trafficking and sexual exploitation for the purpose of prostitution is the fastest growing crime in the world and here.

What is human trafficking? It is the recruiting, transporting, transferring, receiving, holding, concealing, harbouring or exercising control over a person for the purpose of exploiting them. The key word is EXPLOITATION.

STATS:

- 13 years old is the average age of recruitment, much younger for Indigenous girls. In the Lower Mainland the target age is 10-12-year-old girls. CoVid has made this worse; traffickers are organized and sophisticated.
- 54% in the sex trade are Indigenous- 70-90% in urban centers- they are severely over-represented in the sex industry- this is the worst case of systemic racism in the country.
- **82% involved in prostitution had childhood sexual abuse/incest**
- 72% live with complex PTSD
- 95% in prostitution want to leave- it is NOT a choice or a job
- 86% have housing needs
- 82% need drug rehab
- **84% of prostituted persons are pimped or trafficked** so organized crime and International crime syndicates are typically involved. Crime follows the money and traffickers make hundreds of thousands of dollars per victim per year.

I have been raising awareness about sexual exploitation and Child Sex Trafficking, to every City Council, MLA, MP and police agency in BC since [The Protection of Communities and Exploited Persons Act \(PCEPA\)](#) became Federal Law in 2014, so that police would enforce it, the public would understand it and be able to report it.

The Law has 4 parts:

1. **Targets the DEMAND by targeting the buyer of sex. The trafficker, facilitator, john, buyer of sex are criminalized**
2. **Recognizes the seller of sex as a victim; usually female and is immune from prosecution**
3. **Exit strategies are in place to assist the victim out of the sex trade.**
4. **There is a robust prevention education program in place so youth, children and the vulnerable are not pulled into the sex industry.**

This Law focuses on the **source of harm**: the buyers of sex and the profiteers. The clear statement from Parliament was that girls and women in Canada are **NOT FOR SALE**; that they are full human beings, with dignity and human rights.

This LAW is not enforced in BC or Vancouver.

Vancouver and Toronto are global sex tourism hotspots.

RG C.4f

Canada is a **Child Sex Tourism** destination.

The global sex trade is growing FAST, targeting our children (children is where the money is), fueled by the internet where most of the luring is taking place.

Contributing factors to a rapidly growing sex industry is **globalization, unregulated technology, limited law enforcement and very little prevention education.**

Canada has a new **National Human Trafficking Hotline number: 1-833-900-1010.** Provincially OCTIP and VictimLink has a helpline.

Pornography is fueling the sex industry and creating the market for commercially paid sex. Men and boys are the buyers of sex and are the **KEY** to end exploitation. **Boys and men must understand that there is a sacred part of the woman they have no right to.**

What Can Vancouver Do?

Reduce Demand by targeting complicit businesses, **Diminish Supply** by Education/public awareness.

The businesses most involved in Vancouver; unregistered massage and body rub parlours- not giving licenses out to these would cut human trafficking drastically.

Nail spas, day spas, modelling agencies, tattoo parlours, escort services, cheap bars and hotels, men's clubs, Airbnb, VRBO, casinos, strip clubs, organized crime club houses, bus stops, homeless camps and tent cities can all be typical covers for sexual exploitation.

Crime club houses can be removed by land use bylaws. This was done in Manitoba. In Ontario, every motel and hotel guest has to be registered who is physically in the room.

The sex industry is targeting our youth, children and vulnerable in every BC community, and schools have become **recruiting grounds for gangs and sex trafficking.** A critical deterrent is the School Liaison Officer Program; the officers prevent crime and protect the vulnerable. An Anti-police narrative harms our communities; and VPD is now removed from Vancouver schools, so organized crime can move in.

BC is behind every Province in Canada by not enforcing the Federal Law or providing prevention education.

2 ASKS:

1. Could I do a deeper dive presentation to the Police Board and do a presentation to Vancouver City Council?
Note: I have presented to over 100 communities in BC.

2. Could you alert the Premier and Solicitor General that this crime is a priority in BC and ask for considerable funding for Provincial law enforcement and a Provincial awareness campaign? BC needs an **inter-agency Human Sex Trafficking Task Force** similar to what is available for drugs and gangs.

Provincial update on Surrey policing transition



Publishing Date: November 3, 2021

Following a UBCM **request** for information regarding the Surrey Policing Transition, the Province has outlined the process to date as well as some of the main impacts on municipalities over 5,000 in population. Moving forward, as more forecasting and financial analysis is completed, it is expected that updated impacts and projections will be communicated directly to affected RCMP-policed municipalities.

Background

Under the BC *Police Act*, municipalities with a population of 5,000 or more may choose to establish a municipal police department for the provision of policing and

RG C.4g

law enforcement provided that Ministerial approval has been given. The municipality is responsible to bear the necessary costs to ensure that an adequate and effective level of policing is maintained within their municipal boundaries. Following a Surrey council vote in November 2018, the City of Surrey wrote to the Minister of Public Safety and Solicitor General advising of its intention to transition from an RCMP Municipal Police Unit to a municipal police department. Upon review and evaluation of materials (including the Surrey Policing Transition Plan and the Provincial Municipal Policing Transition Study Committee's final report), the Minister of Public Safety and Solicitor General, on February 27, 2020, provided approval under Section 23 of the *Police Act*, which enabled the establishment of the Surrey Police Board.

Throughout the transition process, as well as once operational, the Surrey Police Board and the Surrey Police Service (SPS) will be subject to oversight by the Director through the Director's statutory responsibility to superintend policing in BC.

Milestones and Next Steps

The City of Surrey's transition from an RCMP Municipal Police Unit to the **Surrey Police Service** is well underway, with several key milestones having been achieved, including:

- The Surrey Police Board was established effective July 6, 2020.
- In fall 2020, the Surrey Policing Transition Trilateral Committee (SPTTC) was established between Public Safety Canada, the Province, and the City of Surrey to collaboratively develop and implement a phased integrated RCMP/SPS transition and approve the related formal legal agreements, as required.

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- The first SPS Chief Constable, Norm Lipinski, assumed the role on December 14, 2020. SPS has also completed hiring of its senior leadership and approximately 100 officers, and is in the process of hiring additional officers for eventual operational deployment.

The SPTTC brought together a significant number of subject matter experts to collaboratively develop and now implement the plans that will see the first SPS officers operationally deployed in the City of Surrey on or before, November 30, 2021. This first cohort will include 50 experienced SPS police officers assigned to the Surrey RCMP Municipal Police Unit, which will be under the command of the RCMP. Subsequent cohorts of SPS officers will be operationally deployed in 2022 and 2023.

The City of Surrey's *Municipal Police Unit Agreement* (MPUA) for RCMP policing remains in effect, and the Surrey RCMP Municipal Police Unit remains the police agency of jurisdiction. This arrangement will continue until such time that the Surrey Police Service is ready to become an operational police agency and the Director of Police Services is satisfied that it has fulfilled the practical and statutory requirements to operate in compliance with the BC *Police Act*, related legislation, and the BC Provincial Policing Standards. The Province will conduct an evaluation to help inform the Director's decision.

There are a number of potential impacts to municipalities and/or their police agencies resulting from a policing model transition of this size and scope. Moving forward, the Province will be engaging and/or work with the RCMP to ensure local governments are meaningfully engaged about these potential impacts. This engagement will take place through UBCM and the Local Government Contract Management Committee (LGCMC).

Potential Impacts and Additional Information

RG C.4g

There are a number of potential impacts to RCMP-policed municipalities and/or their police agencies resulting from a policing model transition. An additional **document** outlines the following issues:

- Financial impacts for RCMP-policed municipalities over 5,000 in population;
- Staffing and attrition from police agencies; and,
- Justice Institute and police training.

[Home](#) > [About the UBCM](#) > [Latest News](#)

> Provincial update on Surrey policing transition

Surrey Policing Transition

Additional Information for Municipalities

Financial Impacts for RCMP-Policed Municipalities Over 5,000 in Population

In accordance with section 15 of the *Police Act*, municipalities with populations over 5,000 are responsible for bearing all the necessary expenses for policing and law enforcement within their municipal boundaries. By virtue of the RCMP Agreements, those municipalities contracting the RCMP to deliver their police services receive the mutual benefit of a 70/30 or 90/10 cost-share with the federal government. Common services/resources are made available to these municipalities and the costs are pooled among contract partners. Some examples of these common services/resources include Divisional Administration (e.g. financial management, human resources, special leave), and national programs (e.g. recruiting, cadet training, police dog training centre).

If a contract partner decides to terminate their MPPA, there will be changes to the shared costs among the remaining RCMP contract partners. In this case, the City of Surrey's transition to its own police service will have a downstream impact on distribution of shared costs among RCMP policed municipalities.

So long as the City of Surrey's MPPA remains in effect, the City will continue to contribute to the applicable shared costs as per the terms of the MPPA. The potential financial impacts to Divisional Administration resulting from Surrey's eventual MPPA termination are anticipated to be minimal as it is expected that Divisional Administration cost components (Health Services, Special Leave – over 30 days, Divisional Administration Core Units, etc.) will likewise decline. The Surrey Police Service will also continue to participate in the Lower Mainland District Integrated Teams, and as such, costs related to these teams are not anticipated to change as a result of Surrey's police model transition.

A significant mitigating factor to the potential impacts of the City of Surrey's police model transition is that the transition implementation will be gradual and measured. A transition of this scope and scale will take time to achieve.

As more information is known through the implementation of transition plans, the RCMP will develop projections of the anticipated changes to shared costs amongst the RCMP contracted municipalities. In the meantime, the Province is working with the RCMP to develop high level scenarios that can be shared directly with affected municipalities. Broader updates will continue to be delivered through existing forums, such as the Local Government Contract Management Committee. Further, affected municipalities should also expect to see projections reflected in their multi-year financial plans, which are typically delivered in May/June.

Staffing and Attrition from Police Agencies

It is reasonable to expect that experienced officers or those with specialized skillsets may view the SPS as an attractive employment opportunity. While the extent of officer attrition is unknown, it is important that the RCMP, municipal police departments, and municipal police boards have robust strategies to assist with succession planning, officer retention, and future recruitment.

The Director of Police Services is monitoring this issue and receives regular reports on the number of SPS hires. The Province is also engaged with the RCMP, municipal police departments, and their Police Boards through forums such as the BC Association of Chiefs of Police and the BC Association of Police Boards, regarding the continual need for robust recruiting and retention planning.

Justice Institute of BC and Recruit Training

Since 2017, the Justice Institute of British Columbia (JIBC) Police Academy (PA) has been experiencing budget issues and provincial government has historically responded by working closely with JIBC leadership with the goal of addressing immediate financial challenges related to recruit training. An external financial analysis was completed in order to understand the actual costs of recruit training at the JIBC PA and to understand what is driving the deficit.

The report, which was shared with Chief Constables, Municipal Police Boards and UBCM, recommended that the Province balance the PA budget through managing expenditures within the existing funding framework and through finding additional funding sources (e.g. increased provincial contributions, higher tuition fees, and/or transferring part of the financial responsibility to local governments). As part of addressing the report's recommendations, the Province will be requiring municipal police department (MPD) policed municipalities to contribute to the costs of recruit training at the JIBC in the upcoming years.¹²

Due to the unique and unprecedented nature of the City of Surrey's police model transition, Surrey will begin contributing to the costs of recruit training as soon as SPS sends new recruits to the JIBC PA. The Ministry of Public Safety and Solicitor General's Policing and Security Branch (PSB) will continue to provide the annual grant of \$1.995 million to support the delivery of the recruit training program at the JIBC PA. As a part of this process for the new funding model, there will be new opportunities for the Police Boards and Chief Constables to be more involved with the financial decisions and increase accountability of the JIBC PA.

¹ UBCM has delivered a response to this decision, which can be found here:

<https://www.ubcm.ca/sites/default/files/2021-10/2021-06-29%20UBCM%20to%20Minister%20Farnworth%20re%20Policing%20Costs.pdf>

² The Minister's response to UBCM's correspondence can be found here:

<https://www.ubcm.ca/sites/default/files/2021-10/2021-07-27%20Minister%20Farnworth%20to%20Brian%20Frenkel%20re%20Policing%20Costs.pdf>

British Columbia

Victoria police offering \$20K incentive to recruit experienced officers

One-time offer now available for 12 recruits as force in B.C.'s capital faces staffing shortages

CBC News · Posted: Nov 09, 2021 11:49 AM PT | Last Updated: November 9



The Victoria Police Department is facing a shortage of frontline officers. (Ken Mizokoshi/CBC)

[comments](#)

RG C.4h

The Victoria Police Department needs new recruits and it's willing to pay for them.

VicPD is now offering a one-time \$20,000 payment to experienced police officers willing to relocate to the B.C. capital's force.

The offer is on the table for 12 experienced officers as the department tries to recruit already-trained cops to address front-line staffing shortages.

"While Victoria is a beautiful place to live and work, it is one of the most expensive places in Canada to live," said Chief Del Manak in a statement.

"With over 35 officers unable to be deployed to frontline duty, the hard limits on training spaces available to us and the timelines required to recruit and train new officers, we need to hire the best police officers from across Canada to relocate and serve here."

- [**Police chief, poverty advocate agree time is now to discuss role of police force in Victoria**](#)

Victoria Mayor Lisa Helps, who co-chairs the police board, says many employers in the private sector are offering incentives to try to fill staffing shortages: "So it's a strategic decision to do this, and the idea is to get the gap filled as soon as possible."

In the case of VicPD, the shortages are due to injury, parental leave, and training.

Union spokesperson Matt Waterman says not only are some of his members out because of workplace injury, but they don't feel supported by council and the public. He says Victoria is no longer an attractive place for police officers to work, because of conversations around police funding and criticisms about police handling mental health calls.

"It goes to people trying to slam the police for for what we do. And it's just not fair to the average person who's trying to do a very difficult job," said Waterman. He says he supports the incentive program, and hopes it works.

All officers serving in B.C. must meet [provincial policing standards](#).

According to VicPD, experienced police officers working in other Canadian police departments can be hired and deployed to frontline service after qualifying with B.C. policing standards.

RG C.4h

VicPD does not currently provide relocation or travel expenses for experienced officers hired from other jurisdictions.

With files from Kathryn Marlow

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The Police Governance Regime in Canada

Executive Summary

This document summarizes a paper published for the Canadian Association of Police Governance (C.A.P.G.) titled “The Police Governance Regime in Canada”.

Police governance is the making of managerial and executive decisions regarding policing. The C.A.P.G. website cites a number of common responsibilities including...

- “Determining adequate personnel levels,
- budgeting for the needs of the police service,
- monitoring the budget,
- reviewing the performance of the service,
- hiring the Chief of Police,
- evaluating the Chief of Police [and making decisions respecting] labour relations, discipline and policy development.”

Civilian control of the police – the basic principle of police governance practiced in Canada – requires a body external to the police service to make these decisions.

The purpose of the report is to catalogue the legislative authority for municipal police governance in Canada and to develop a better understanding of the institutions that govern police services.

*

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In most provinces, governance of local police services (not the R.C.M.P.) is vested in civilian boards that operate at arm’s length of the government. The duties of these boards may include budgeting, hiring and firing the chief, making policy and administering equipment. However, day-to-day decision-making is typically handled by the police service itself.

Beyond this, retroactive discipline of police officers is handled by an oversight body, which is province-wide.

The following graph offers an overview of the composition and mandate of police boards across Canada. The full C.A.P.G. document goes into more detail about each province as well as upcoming reforms.

(Québec and Newfoundland and Labrador have been omitted because they do not have a framework for arm’s-length governance. Prince Edward Island and the territories have been omitted because virtually all policing is done by the R.C.M.P. More information on these jurisdictions can be found in the full document.)

	Legislative Authority Quantity of board members	Composition	Mandate
British Columbia	<i>Police Act</i> ss. 24-29 Up to nine members	A board consists of the mayor of the municipal council, one person appointed by council and up to seven persons appointed by the Lieutenant Governor (LG).	<ul style="list-style-type: none"> • To appoint the chief, constables and employees to the police department • To determine the priorities, goals and objectives of the department; in consultation with the chief • To make policy • To make a yearly budget, subject to the approval of council
Alberta (Under reform via Bill 38 and Alberta Police Review)	<i>Police Act</i> , ss. 21-31 Between three and 12 members	<ul style="list-style-type: none"> • Boards with four or fewer members may have one municipal councillor or employee • Boards with five or more members may have two municipal councillors or employees 	<ul style="list-style-type: none"> • To allocate council-given funds (budgets are prepared in consultation with the chief) • To establish policies for “effective and efficient policing” • To ensure that sufficient persons are employed by the police service • To provide necessary equipment
Saskatchewan	<i>Police Act</i> , ss. 12, 19 and 27-33 At least three members	<ul style="list-style-type: none"> • Boards with three members consist of the mayor, a councillor and someone who is not a councillor • Boards with more than three members consist of the mayor, two councillors and two other people 	<ul style="list-style-type: none"> • To determine direction, policy and priorities for the service • To determine a long-term plan
Manitoba	<i>The Police Service Act</i> , ss. 26-38 <ul style="list-style-type: none"> • Three or five members for municipalities with ≤ 5,000 or > 5,000 persons, respectively • Winnipeg Police Board must have seven members 	Three- and five-member boards have one member appointed by LG and the rest by council. Two members are appointed by LG in Winnipeg with the rest being by council.	<ul style="list-style-type: none"> • To establish priorities for the service (in consultation with the chief) • To establish policies and monitor the chief • To allocate funds from the budget passed by council

	Legislative Authority Quantity of board members	Composition	Mandate
Ontario (Under reform via Bill 68)	<i>Police Service Act</i> , ss. 27-40 <ul style="list-style-type: none"> Three members for municipalities with ≤ 25,000 persons Five members for municipalities > 25,000 persons 	Smaller boards are made up of the head of council, a council appointee who does not work in council and any person LG appoints. Larger boards must have a board with the head of council, two members appointed by council (at least one of whom does not work for the municipality), and two members appointed by LG.	<ul style="list-style-type: none"> To hire the chief and any other police officer (in consultation with the chief) To determine objectives and priorities for policing To direct the chief To establish guidelines to deal with complaints
New Brunswick (Under reform via Bill 53)	<i>Police Act</i> , ss. 7 and 10 Five members	Boards consist of the mayor, three “ordinary residents” appointed by council and one member appointed by the provincial government.	<ul style="list-style-type: none"> To appoint the chief To equip the police force as it deems necessary To draft a yearly budget

The Police Governance Regime in Canada

Research and writing: Mike Hermida

Editing: Andrew Graham

Graphic Design: Barb Mantello

Section One: Introduction

This report provides an overview of the framework for police governance. Police governance is the making of managerial and executive decisions regarding policing. The particulars vary from one governance body to the next. Common responsibilities include “determining adequate personnel levels, budgeting for the needs of the police service, monitoring the budget, reviewing the performance of the service, hiring the Chief of Police, evaluating the Chief of Police [and making decisions respecting] labour relations, discipline and policy development¹.” Specifically, civilian control of the police – the basic principle of police governance practiced in Canada – requires a body external to the police service to make these decisions.

The purpose of this report is twofold: First, it catalogues the legislative authority for municipal police governance in each Canadian province and territory. The focus here is on the composition, role, and mandate of governance bodies. The second purpose is develop a better understanding of the institutions that govern police services.

To develop these purposes, this text examines the legislative framework for police governance in each province and territory as well as any other piece of legislation which provides contextual information. It also looks at proposed policy changes². This report also includes interviews with a number civil servants involved in the day-to-day work of governance³.

This paper is structured into four sections...

- *Section one:* This introduction, including a general theory of governance in Canada
- *Section two:* What bodies govern police services in each province and territory? Who appoints members? What mandate do they have?
- *Section three:* Interviews with those working in the field
- *Section four:* Concluding thoughts

¹ “Who Are We,” *Canadian Association of Police Governance* <<http://capg.ca/who-we-are/>>.

² Discussions on legislation and reform are up to date at the time of writing this in the summer of 2021.

³ However, this is not an academic research essay; the questions to each source were not identical, nor was this document attempting to prove a hypothesis. Rather, it simply wanted to get a develop a better idea of what police governance looks like in practice.

Who Polices the Police?

Theorizing Police Governance and Oversight in Canada

Before getting into police governance laws in specific jurisdictions, it is important to understand the general governance regime in Canada.

Policy Studies professor Andrew Graham argues that police services in Canada are typically agencies at “arms-length” of the government. This means that they are “able to act free of political interference while at the same time being fully accountable to government for its performance.” Moreover, police services have two areas of accountability: governance and oversight. The former is the act of proactively making policy and setting the budget, while the latter is the retroactive use of disciplinary measures against misconduct⁴.

In many provinces, the Royal Canadian Mounted Police (RCMP) may be contracted to provide policing services instead of a municipal service. In these cases, governance is dealt with under the RCMP Act. However, for those municipalities that establish independent services, governance is typically vested in a municipal police board. Then, oversight bodies investigate complaints and issue corrective measures, including punishment. The key difference is that governance is proactive policy making while oversight is retroactive discipline.

On top of this, three provinces – Ontario, Québec, and Newfoundland and Labrador – have provincial police services. Legislation in Ontario allows municipalities either to establish a local service or use to rely on the Ontario Provincial Police (OPP).

Further rules can be made by the relevant ministry through regulations or by the legislature through legislation.

Section Two: Police Governance Authorities

British Columbia

Legislative authority for police boards in British Columbia (B.C.) comes from s. 23(1) of the *Police Act*, which reads,

Subject to the minister's approval, the council of a municipality required to provide policing and law enforcement under section 15 may provide policing and law enforcement by means of a municipal police department governed by a municipal police board consisting of

- (a) the mayor of the council,
- (b) one person appointed by the council, and
- (c) not more than 7 persons appointed, after consultation with the director, by the Lieutenant Governor in Council.

⁴ Andrew Graham, “The Concept of Governance as Forward Oversight as Applied to Police Agencies in Canadian Municipalities,” [research report] *XXII International Research Society for Public Management Annual Conference*, p. 1-2.

Municipal councillors (and anyone ineligible to be a councillor) may not serve on a police board.

Terms for board members are determined by the Lieutenant Governor in Council (LG) and cannot be longer than four years. A member may be reappointed but cannot serve for more than six consecutive years⁵.

The board has the authority to “appoint a chief constable and other constables and employees the municipal police board considers necessary to provide policing and law enforcement in the municipality.” It must also determine the priorities, goals and objectives of its police department, while consulting with the chief constable⁶.

Under s. 28, the board is responsible for making rules about police policy, preventing abuse and neglect by constables, and “the efficient discharge of duties and functions by the municipal police force.” The board may also investigate and write a report on “policing, law enforcement and crime prevention⁷.” Finally, the board must prepare a yearly budget, which accounts for providing policing and law enforcement services in its municipality. The budget is subject to the approval of the council⁸.

If a Nisga’a Nation has an agreement with a municipality to be policed by its police department, and if the Nation provides funding for this, then the Nation must establish a police board. The same applies if the Nation has a similar agreement with a treaty First Nation⁹.

Then, oversight is vested in the Office of the Police Complaint Commissioner (OPCC). The OPCC “is a civilian, independent office of the Legislature which oversees and monitors complaints and investigations involving municipal police in British Columbia and is responsible for the administration of discipline and proceedings under the *Police Act*¹⁰.” Its mandate and role are set out in ss. 47-51 and 76-155 of the *Act*.

Alberta

Policing in Alberta is governed by the *Police Act*, passed in 2000. The most recent amendment was passed in 2021. As will be discussed in Section Three, the Government of Alberta reviewing the statute at time of writing¹¹. The province is also in the process of amending some aspects of First Nation policing in the *Act* via Bill 38.

S. 28 of the *Act* establishes the statutory authority for police commissions in Alberta.

Every council that has a police service must have a commission, which manages the allocation of funds given by the council, establishing policies (by issuing instructions to the chief

⁵ *Ibid.* at ss. 24-25.

⁶ *Ibid.* at s. 26.

⁷ *Ibid.* at s. 29.

⁸ *Ibid.* at s. 27.

⁹ *Ibid.* at s. 26.

¹⁰ “About Us: OPCC Purpose,” *Office of the Police Complaint Commissioner: British Columbia, Canada* <<https://opcc.bc.ca/about-us/opcc-purpose/>>.

¹¹ Government of Alberta, “Police Act review” (2021) <<https://www.alberta.ca/police-act-review.aspx>>.

of police) for “efficient and effective policing,” and ensuring that sufficient persons are employed to provide police services¹².

Other key duties are set out in ss. 29 and 31. The *Act* requires the commission – in consultation with the chief – to oversee the budget and budget preparation, ensure the remuneration of police staff, provide for the necessary equipment, and determine that sufficient personnel are employed to carry out the functions of the police service.

Unique to Alberta is the fact that commissions must designate Public Complaint Directors, who are responsible for public complaints against the police¹³.

S. 32(1) gives the commission authority to “conduct an inquiry into any matter respecting the police service or the actions of any police officers or other persons employed for the police service.” The chair of an inquiry may make recommendations to the commission and the Minister¹⁴.

Finally, the commission must appoint the chief and police officers, a decision which must be ratified by the council. The commission may terminate a police officer for non-disciplinary reasons, while disciplinary terminations are vested in the chief¹⁵.

The *Police Act* provides municipal councils with considerable latitude in the formation of a commission. Membership can range from three to twelve members, appointed by council. For commissions with four or less members, one may be a council member or employee. If the commission is comprised of five or more, up to two members can be council members or municipal employees. The maximum term allowed for commission membership is three years, however, there is provision for a reappointment. Terms can be for a lesser period of time. A council member’s appointment is contingent upon that individual remaining a member of council. In all other cases, appointment may only be revoked for cause¹⁶.

The Alberta *Police Act* gives considerable flexibility regarding the makeup of commissions. A commission may have between three and twelve members¹⁷.

S. 28 notes that “if 4 or fewer members are appointed [...] one of them may be a member of the council or an employee of the municipality” and in commissions with more than four members “2 of them may be members of the council or employees of the municipality.” Terms last between two and three years with room for reappointment, as long as no single member serves for more than ten consecutive years.

Along with commissions that govern individual police services, the *Act* gives the chief of police mandate over hearing complaints about a service offered by the police or over misconduct of police officers. The chief may choose to dismiss a complaint or deal with it informally or

¹² *Police Act*, 2000, Alberta, at s. 31(1).

¹³ *Ibid.* at ss. 28.1-28.2.

¹⁴ *Ibid.* at s. 32(11).

¹⁵ *Ibid.* at ss. 36-36.

¹⁶ *Ibid.* at s. 28(3)-28(12).

¹⁷ *Ibid.* at s. 28(3).

formally. The commission hears complaints about the chief¹⁸. Then, the Law Enforcement Review Board may hear appeals of these decisions¹⁹.

Saskatchewan

Policing in Saskatchewan is governed by *The Police Act*, passed in 1990. The latest amendment received assent in 2021 and currently has a number of proposed additions (ss. 74.1-74.8) to the oversight process.

In Saskatchewan, s. 26 of *The Police Act* gives municipalities three options to policing: to establish their own police force, to delegate police services to the Royal Canadian Mounted Police (RCMP), or to enter into a regional agreement and create an amalgamated police service²⁰.

Then, s. 27 establishes the legislative authority for police boards. It reads as follows:

27(1) Unless the minister directs otherwise in writing, a municipality:

(a) that has a population of 5,000 or more; or

(b) that:

(i) has a population under 5,000; and

(ii) has established a police service;

shall establish, by bylaw, a board of police commissioners.

27(2) A municipality may establish, by bylaw, a board of police commissioners where the municipality:

(a) has a population of 5,000 or less; and

[has entered into an agreement to be policed by the RCMP]

There are a few of things to highlight regarding this wording. First, a smaller municipality in subsection (1) has an *obligation* to establish a police board (indicated by the word “must”, whereas a larger municipality in subsection (2) has the *option* to establish a board (indicated by the word “may”). Second, there is no mention of police boards in smaller municipalities with their own (or amalgamated) police services.

Once established, the board will have authority over offering direction, policies, and priorities for the police force as well as developing a long-term plan²¹.

Then, the Police Commission exercises jurisdiction over two areas related to oversight: (1) technical governance like training and writing a code of ethics and (2) promoting the core philosophy of policing through things like operating the Saskatchewan Police College and holding studies on misconduct²².

¹⁸ *Ibid.* at ss. 42.1-46.

¹⁹ *Ibid.* at s. 18.

²⁰ *The Police Act*, 1990-1991, Saskatchewan, s. 26.

²¹ *Ibid.* at s. 31.

²² *Ibid.* at ss. 12 and 19.

Manitoba

The Police Services Act of Manitoba was passed in 2012 and last updated in 2016.

The law states that every police service must have a police board, maintained by the municipality. The *Act* also notes that the boards' purposes are to provide civilian governance as well as administrative direction "required to provide adequate and effective police service." Boards must establish priorities for the police service (in consultation with the chief), establish policies that create effective management of police services and monitor the chief, and issue directions. The council of each municipality is charged with developing the budget for police services, but the board gets to allocate those funds as it wishes²³.

There are three categories that determine the number of members of a police board:

1. A municipality with 5,000 people or less shall have a board a minimum of with three members;
2. a municipality with more than 5,000 people shall have a board with a minimum of five members;
3. and the Winnipeg Police Board must have at minimum seven members.

Generally, one member is to be appointed by the LG while the rest are appointed by council. However, for the City of Winnipeg, the LG must appoint two members, with the council appointing everyone else. Less than half the members of any board may be council members or employed by the municipality²⁴.

How is it determined when one's membership ends? The term of any member of a police board who is also a municipal councillor automatically ends when the member stops being a councillor. Anyone who was appointed by council must have a fixed term upon appointment, which may not go beyond the council's term of office. Anyone appointed by the LG must have their terms fixed at time of appointment and must not go over the term of office of the council that appointed them²⁵.

Non-councillor members may be reappointed but may not serve for more than eight consecutive years²⁶.

Provincial oversight of police boards is provided by The Manitoba Police Commission. This organization has the duty to provide advice to the minister on the operation of police services and conduct of officers. It also consults with the public on questions of law enforcement, develops policy on policing ethics, and trains board members²⁷.

Ss. 2 and 12 of the *Act* establish a Director of Policing, who has responsibility for "oversight and supervision of police services in Manitoba."

²³ *The Police Services Act*, 2009, Manitoba, s. 26-29.

²⁴ *Ibid.* at s. 30.

²⁵ *Ibid.* at s. 31.

²⁶ *Ibid.*

²⁷ *Ibid.* at ss. 6-7.

Ontario

S. 27 of this *Act* establishes a board for every municipality with a police force.

Boards in Ontario normally have three or five members. Municipalities with a population of 25,000 persons or less must have a board that consists of the head of the council (or another councillor if the head declines the position), someone appointed by council who does not work for the municipality, and any person appointed by the LG. Municipalities with more than 25,000 persons must have a board with the head of council (with the same caveat as above), two members appointed by council (at least one of whom does not work for the municipality), and two members appointed by the LG²⁸.

However, some exceptions apply:

The council of a smaller municipality may pass a resolution to get a have-member board. Likewise, a municipality with a population above 300,000 may apply to the LG to have a seven-member board. This board would consist of the head of the municipality in question (with the same caveat as above), three members appointed by council (at least two of whom do not work for the municipality), and three members appointed by the LG²⁹.

When a municipal council appoints someone to a board, the council will determine the appointee's term of office, which must not exceed the term of the council that appointed them³⁰. The *Act* places no limits on reappointment of board members.

Judges, justices of the peace, police officers, and criminal defence lawyers may not sit on a board³¹.

The boards' mandate is set out in s. 31 of the same act. It includes...

- hiring the chief of police and any other police officer,
- (in consultation with the chief) determining objectives and priorities for policing,
- issuing directions to the chief, and
- establishing guidelines to deal with complaints.

Like other provinces, boards in Ontario may not issue directions on the day-to-day business of the police service.

Boards also have the ability to terminate officers with the intent of reducing or abolishing a police service, as long as they have the consent of the Ontario Civilian Police Commission (OCPC)³². According to s. 22 of the *Police Services Act*, the OCPC is the oversight body, which can hear matters referred by boards or appealed by police officers. It may also launch inquiries about crime or law enforcement and issue recommendations to the Solicitor General.

²⁸ *Police Act*, 1990, Ontario, s. 27(4)-(5).

²⁹ *Ibid* at s. 27(6) and (9).

³⁰ *Ibid.* at s. 27(10.1).

³¹ *Ibid.* at s. 27(13).

³² *Ibid.* at s. 40.

In a separate vein, Ontario is one of the few provinces with a province-wide police force, known as the Ontario Provincial Police. Governance of the OPP is vested in a Commissioner, who holds “the general control and administration of the Ontario Provincial Police and the employees connected with it,” subject to directions from the Solicitor General of Ontario. They are appointed by the LG³³. However, the *Act* does not prescribe a civilian body to proactively make policies for the OPP.

Québec

Québec law does not establish special bodies in charge of police governance. Instead, *La Loi sur la police* (translated as the *Police Act*) says that the minister “is responsible for preparing and proposing strategic plans and policies” on crime prevention and police organization. The law was passed in 2000 and was last amended in 2020.

S. 307 of the *Act* gives specifics on the minister’s advisory functions:

The Minister shall advise and supervise local and regional authorities [regarding] the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall send their police forces guidelines on any matter coming under this Act or the regulations and shall request all relevant information concerning their policies, projects and achievements.

S. 256 of the same law says, “every municipality must make a by-law concerning the internal discipline of the members of its police force.” However, the provincial government is the one that gets to make regulations about the discipline of members of the Montréal police and the provincial Sûreté du Québec³⁴.

The government of Québec may enter into an agreement with one or more Native bands to establish a police force. The agreement must include rules on oversight and internal discipline of police officers³⁵.

New Brunswick

Poling in New Brunswick is governed by the *Police Act*, which was passed in 1977 and last updated in 2020. Bill 53 has proposed, *inter alia*, changes to transparency in police governance. The Bill is discussed further in Section Three.

S. 7 of the *Police Act* establishes the authority of a board of police commissioners per municipality³⁶. Each board has the mandate to appoint the chief and provide the police force with “accommodation, arms, equipment, clothing and other items” it deems necessary. It must also draft a yearly budget for consideration of the board³⁷. What about the other police officers,

³³ *Ibid.* at s. 17.

³⁴ *Loi sur la police*, Québec, s. 256-257.

³⁵ *Ibid.* at ss. 90-91.

³⁶ *Police Act*, 1977, New Brunswick, s. 7(1).

³⁷ *Ibid.* at ss. 10(1)(a)-(b) and 10(4).

though? The board may appoint them from a list of candidates provided by the chief or it may choose to delegate the process to the chief³⁸.

Finally, s. 3.1 states that boards must establish policies, consult with the chief to determine the police force's priorities and objectives, and issue instructions to the police.

Boards in New Brunswick consist of five voting members. One member is to be appointed by the provincial government and three members must be ordinarily resident of the municipality (not members of council). The final member is to be the mayor or a councillor appointed by the mayor. The chief of police is a non-voting member of the board³⁹.

Terms last for three years and may be renewable. Should a citizen appointee fail to maintain residency in the municipality, or should the mayor or councillor cease to be a member of council, the board declares the position vacant and a replacement is named. Members may also be removed for cause by the Minister or mayor⁴⁰.

Apart from all this, police oversight is vested in the New Brunswick Police Commission. Members are appointed by the LG for terms not exceeding ten years. The LG also has the power to terminate a member for cause⁴¹.

S. 20 of the *Act* allows the Commission to “assess the adequacy of each police force and the Royal Canadian Mounted Police and whether each municipality and the Province is discharging its responsibility for the maintenance of an adequate level of policing⁴².” The Commission may also launch investigations (through its own motion, in response to a complaint by a member of the public, or by request of a board) on policing⁴³.

Newfoundland and Labrador

Newfoundland and Labrador do not have a legislative framework for civilian police governance. Policing in the province is governed by two statutes.

The *Municipalities Act* allows the LG to empower a regional council to establish a regional police service⁴⁴.

Newfoundland also has the legislative framework in place for a provincial police force, found in the *Royal Newfoundland Constabulary Act*. It was first passed in 1992 and last amended in 2016.

The law itself sets out policies for police officers⁴⁵. The chief has the power to determine the ranks of police officers; hire officers; establish “rules for the effective management and control of the constabulary;” monitor the constabulary, and issue orders on policy regarding “the

³⁸ *Ibid.* at ss. 10(1)(c) and 10(2).

³⁹ *Ibid.* at s. 7(4).

⁴⁰ *Ibid.* at s. 7(6) and 7(9).

⁴¹ *Ibid.* at s. 18.

⁴² *Ibid.* at s. 20

⁴³ *Ibid.* at s. 22.

⁴⁴ *Municipalities Act*, 1999, Newfoundland and Labrador, ss. 34-35.

⁴⁵ *Royal Newfoundland Constabulary Act*, 1992, Newfoundland and Labrador, s. 8.

constabulary, police services, police officers and other constabulary employees⁴⁶.” The legislature set out restrictions on hiring practices in s. 13 of the *Act*.

S. 11 gives the minister authority to establish “boards, committees and councils that are considered necessary or desirable to help and advise the minister in administering this *Act* and shall appoint the members⁴⁷.”

Furthermore, the *Act* established the Royal Newfoundland Constabulary Public Compliant Commission. This body allows members of the public to file complaints, which it then investigates and can issue directions to the chief to discipline officers⁴⁸.

Nova Scotia

Policing in Nova Scotia is governed by the *Police Act*, passed in 2004 and last updated in 2014.

S. 44 of this law states that every municipality with a police department must establish a police board of commissioners⁴⁹. Then, s. 55 sets out the mandate of these boards:

55(3) A board shall

- (a) determine, in consultation with the chief officer, priorities, objectives and goals respecting police services in the community;
- (b) ensure the chief officer establishes programs and strategies to implement the priorities objectives and goals respecting police services;
- (c) ensure that community needs and values are reflected in policing priorities, objectives, goals, programs and strategies;
- (d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;
- (e) act as a conduit between the community and the police service providers;
- (f) recommend policies, administrative and organizational direction for the effective management of the police department;
- (g) review with the chief officer information provided by the chief officer respecting complaints and internal discipline;
- (h) ensure a strategic plan and business plan is in place; and
- (i) ensure the department is managed by the chief officer according to best practices and operates effectively and efficiently.

The same section also allows a municipal council – with approval from the minister – to prescribe additional roles to the board.

⁴⁶ *Ibid.* at s. 6.

⁴⁷ *Ibid.* at s. 11.

⁴⁸ *Ibid.* at ss. 18-25.

⁴⁹ *Police Act*, 2004, Nova Scotia, s. 44(1).

Boards also must establish policies on extra-duty and off-duty employment of police officers⁵⁰.

A board that is not the product of amalgamation may have either five or seven members. A five-member board must consist of one member appointed by the minister, two members appointed by council who are not part of the council or municipal employees, and any other two members appointed by council. A seven-member board follows the same formula but with three members for each category of council appointments instead of two. A board that is the product of amalgamation must follow the five-member-board formula⁵¹. The *Act* does not mention re-appointment or term limits.

A board member who was appointed by the minister may be dismissed by the minister. One who was appointed by council may be dismissed by resolution of the municipality⁵².

Then, police oversight is regulated by the Nova Scotia Police Review Board. Its mandate is to conduct investigations, inquiries and hearings about policing. Inquiries and investigations are directed by the minister, whereas hearings are triggered by a member of the public's complaint⁵³.

Prince Edward Island

Most policing in Prince Edward Island (P.E.I.) is done by the RCMP, and therefore, governance is dictated by the *RCMP Act*.

In P.E.I., police governance and oversight are vested in the provincial government. S. 14.4 of the *Police Act* gives the minister authority to hire the Chief Conservation Officer and determine their term limit. The minister also has the power to specify corrective action to a council if its police officers have violated the *Act*⁵⁴.

The chief must appoint the other police officers and staff⁵⁵.

The *Act* was passed in 1998. Its latest amendment was in 2019.

Territories

The territories are the smallest region in Canada in terms of population. Police services in the region are carried by the RCMP.

Policing in The Northwest Territories is governed by the *RCMP Agreement Act*. This law gives the Commissioner (similar to the LG in the provinces) authority to enter into an agreement with the federal government to use or employ the RCMP "in aiding the administration of justice in the Territories and in carrying into effect the laws in force in the Territories on the terms and

⁵⁰ *Ibid.* at s. 56.

⁵¹ *Ibid.* at s. 44.

⁵² *Ibid.*

⁵³ *Ibid.* at s. 18 -20.

⁵⁴ *Police Act*, 2006, s. 14.1-14.3.

⁵⁵ *Ibid.* at s. 10.

conditions that may be contained in the agreement⁵⁶.” The *Act* does not provide a mechanism for oversight or governance.

Nunavut has a similar legislative framework under an act of the same name. It allows the minister to enter into an agreement with the federal government to be policed by the RCMP⁵⁷.

Policing in Yukon is run by the RCMP without a legislative mechanism for oversight or governance. The Yukon divisional headquarters is known as the M Division⁵⁸. The RCMP also employs unarmed volunteers as a part of the Yukon Auxiliary Police program⁵⁹. This is regulated by the *Auxiliary Police Act*.

These police officers may be hired and fired by the minister⁶⁰. The Commissioner may appoint members to the Auxiliary Police Advisory Committee. This body must have two members nominated by the police officer who is the head of the M Division, one nominated by the minister, and one nominated by the auxiliary police⁶¹.

The Committee has the mandate to recommend to the minister persons to be appointed as M division officers, recommend the qualifications police officers, “develop programs to enhance practices, standards and training for officers,” and make disciplinary recommendations⁶².

Section Three: Inside Perspectives

This part of the report takes a different approach to understanding police governance and oversight. Whereas the above sections sought to learn about civilian control from legislation, here six individuals from five provinces – who collectively represent a diversity of positions and come from different backgrounds – were interviewed. The purpose of this is to outline the day-to-day work of the institutions mentioned in the previous section, hear the workers’ opinions, and ask about matters that cannot be understood simply by reading statutes.

This next section highlights some of the common themes that came up in the interviews process.

Day-to-Day Work in Governance and Oversight

What does the quotidian work in this field look like? To answer the question, this report first turns to Chair of the London[, Ontario] Police Service Board Javeed Sukhera. The first thing he noted was that members “must be available to respond to requests for community participation and engagement activities. There is also a lot of preparation for board meetings and committee meetings.”

What is the relationship like between the board and the London Police Service?

⁵⁶ *Royal Canadian Mounted Police Agreement Act*, 1998, The Northwest Territories, s. 1.

⁵⁷ *Royal Canadian Mounted Police Agreement Act*, 1998, Nunavut, s. 1.

⁵⁸ “RCMP in the Yukon,” *Royal Canadian Mounted Police*, <<https://www.rcmp-grc.gc.ca/en/yk/home>>.

⁵⁹ “Auxiliary Program,” *Royal Canadian Mounted Police*, <<https://www.rcmp-grc.gc.ca/en/auxiliary-program>>.

⁶⁰ *Auxiliary Police Act*, 2002 Yukon, ss. 2-3.

⁶¹ *Ibid.* s. 6.

⁶² *Ibid.* s. 7.

Over the years, we have built a very constructive relationship. The Board is aware of our governance role and defer where we can on operational issues. We have regular and proactive communication with [London Police] Chief [Steve] Williams and work together as much as possible [...] As a civilian group that is diverse, we work to support the needs of those in service to our community, while balancing community engagement and constructive debate about how we can make things better.

The Chair also commented on the diversity of opinions created by the fact that some members appointed by the LG while others are appointed by council. He sees this phenomenon as “a difference of opinion” that is “a healthy sort of tension that we try to lean into.” He continued to say,

We all agree that these healthy tensions help each group do its work better. As a board we strive for open and proactive communication with all stakeholders, especially those on the front line. When we encounter tension or disagreement, we seek constructive and restorative ways to help move forward in a progressive manner. We know that our goals are all the same: a safe community where all members can thrive.

Then, the process of appointing board members is carried out by organizations like the Policing Standards and Contract Management (P.S.C.M.) within the Department of Justice and Public Safety of New Brunswick. A spokesperson of organization pointed to a number of basic characteristics of an appointee: residing in the boundaries of the police force, being able to attend (and be prepared for) monthly meetings, and not having a criminal history.

Beyond that, the organization notes to a similar phenomenon as what Sukhera said: diversity. “Collectively, members of the Board should possess personal and professional experience in a broad range of subjects including business, law, finance, communications, community involvement, and education. [...] The composition of the Board must reflect the gender and linguistic representation, as well as the cultural and geographic diversity of the community.”

Broader Issues in Public Safety

Another topic that came up in my interviews was the need for policing to address social issues.

Cory Lerat is the Executive Director of First Nation and Indigenous Policing in the Saskatchewan Ministry of Corrections, Policing and Public Safety. He also spoke about a shift in the mindset of many Indigenous persons in Saskatchewan since the COVID-19 pandemic.

“There was money set aside in the federal budget for First Nation people to allow and control people coming in and out of the reserve for pandemic purposes. It may seem small but it showed how First Nation people could have control over themselves. Taking this larger, it may mean they could have self-administered policing.”

Currently, the File Hills First Nation Police Service is the only self-administered First Nation police service in the province⁶³. Lerat said that – after this chapter – more First Nation

⁶³ “About Us” File Hills First Nation Police Service < <http://www.filehillspolice.ca/about.html> >.

communities may feel confident in applying for their own self-administered services. If the program is expanded, Lerat said many people from First Nations may call for police officers who speak an Indigenous language and who are culturally sensitive.

A similar issue came up in Alberta.

The recently passed *Bill 38* made a number of changes to statutes that govern law enforcement⁶⁴. According to Wendy Uhlhenberg – who is the Acting Director of Indigenous Policing Services in the Alberta Ministry of Justice and Solicitor General – this reform makes a symbolic but significant change to Indigenous police services.

“Up until then, the self-administered First Nations police services were an exception of the *Police Act*. They were in the *Police Act* but they weren’t. Police services couldn’t appoint their own officers, a variety of things like that,” said Uhlhenberg. “It was time they got their own section. They run themselves just like any municipal police service can.”

Another issue in public safety common to police governance is the reliance on police officers for mental health emergencies. A study by Justice Frank Iacobucci points to a number of systemic problems that lead to the police being the main to mental health crises in Ontario. The study notes that police officers may lack the skills and resources to effectively accommodate for those with serious mental health problems⁶⁵.

Javeed Sukhera – whose full time job is as a professor of youth psychiatry in Western University – spoke to this issue: “As a mental health professional, I know first-hand that governments have failed to adequately invest in community mental health. With dwindling supports, more and more people are finding themselves in crisis, and the only sector that is asked to respond is policing.”

The P.S.C.M spokesperson similarly highlighted similar concerns about “the role of police officers in performing duties that are seen by many to be the domain of social workers or mental health professionals.”

Sukhera pointed to the fact that, by relying on police officers in this way, “their mental health is also suffering. They encounter significant trauma in their work and the system is not set up to meet the needs of first responders.” He continued to say that police arrests under the Ontario *Mental Health Act* should be a last resort. Sukhera instead called for relying on de-escalation and deference to the medical community outside the law enforcement system.

In a separate vein, Sukhera brought up that his board is “strongly working on the issue of anti-racism and bias.

“We have established an advisory panel and are working diligently with Chief Williams and [the London Police Service] leadership to help not only name the problem but work together for something better.”

⁶⁴ *Justice Statutes Amendment Act*, 2020, Alberta.

⁶⁵ Frank Iacobucci, “Police Encounters with People in Crisis” Toronto Police Service, 2014, p. 84.

Structural Problems

Like broader issues in public safety, many interviewees brought up structural problems in governance and oversight institutions. These issues cannot be solved simply by arresting civilians or increasing funding to the police. Instead, the individuals interviewed here point to legislative and institutional reform as structural solutions.

One problem that was brought up was the serious/not serious binary in Alberta. According to s. 46.1 of this province's *Police Act*, the chief of an independent police service must determine whether a complaint they received respecting their service a) involved serious injury or death because of the actions of an officer or b) alleges that a matter of "serious or sensitive nature" occurred. If the chief answers either question in the affirmative, an independent investigation is launched.

However, according to Karyn Popplestone, this ridged system does not leave room for nuance. "'Serious and sensitive' and 'not of a serious nature' are used in the *Act* but there's nothing in between. There are lots of things that are serious enough that shouldn't get dismissed as non-serious but there're not serious enough to meet the [Alberta Serious Incident Response Team] threshold."

The Manager of Police Oversight and Contract Policing in Alberta continued to say that, if a complaint is "dismissed by the chief under s. 45(4) for being not of a serious nature and doesn't justify a hearing, then there's no right of appeal. So the only recourse for a complainant, is to request a judicial review." This binary logic allows significant (but technically not serious) complaints to slip through the cracks.

On the governance side, Lerat spoke about the need to address fundamental problems in society rather than simply increasing arrests.

"I had a position in Prince Albert with how to work with the police locally. I used to say, put enforcement off to the side. We had issues that could be related to drugs, youth, whatever, I would teach the community to try to focus with the root problems. Is it the problem with the drugs? Or is it that kids need something to do?" The Saskatchewan civil servant's comments highlight the need for education campaigns and rehabilitation, which go beyond the traditional scope of police governance.

He said that "you can't arrest yourself out" a problem like intoxicated driving. "It's a mixture of enforcement, it's a mixture of awareness."

Reform

With these issues in mind, many provinces are taking up reforms to address structural problems in governance and oversight. For example, B.C. Deputy Police Commissioner Andrea Spindler told me that the Legislative Assembly appointed a Special Committee to audit complaints and investigations by the Office of the Police Complaint Commissioner (OPCC). She said, "there were four main areas highlighted for improvement: efficiency, effectiveness and

accessibility of the police complaints process; legislative reform; training; and communications and outreach.”

Many of its conclusions reflect some of the problems with police governance outlined above. For instance, the final report notes that relatively few Indigenous persons and recent immigrants are aware of their ability to make complaints against the police. In response, the Special Committee recommended, *inter alia* to...

29. Increase engagement and outreach activities to inform and educate British Columbians about the police complaint process, with a particular focus on agencies that serve Indigenous people living in urban areas, settlement service organizations, and organizations that serve vulnerable communities.

30. Offer translated copies of the police complaint process form, brochures, and other communication materials in the major languages that newcomers speak.

34. Provide communication materials wherever the police complaint form is available, including online and at police stations, outlining the various supports offered through community organizations⁶⁶.

Spindler said that “the OPCC has accepted all of the recommendations.”

Likewise, the Alberta Ministry of Justice and Solicitor General is in the process of reviewing its *Police Act*. According to a release on their website, the review process has three steps.

From December 2020 to January 2021, researchers in the Ministry opened a survey to all Albertans asking about their experiences with the police. Currently, it is holding meetings with community stakeholders, “including police associations, First Nations, community leaders, municipalities, and communities representing cultural and ethnic diversity.” The Ministry then intends to review all the data and find what areas of the legislation need be reformed⁶⁷.

Popplestone noted that this review speaks, in part, to questions of oversight. “There are a number of things in our *Act* that we needed to change,” she said. “It hasn’t had a rewrite in some long time. It’s getting some aggressive attention this year. Part of that is whether or not we move to a centralized police complaint system.”

Problems with s. 45(4) of the *Act* are also under review.

Finally, in June 2021, the New Brunswick *Bill 53*, which made several key changes to the *Police Act*, received royal assent⁶⁸. According to Policing Standards and Contract Management, “the proposed changes update specific elements of the *Act* and *Regulations* in order to modernize the effectiveness of municipal and regional police forces and to safeguard the professionalism of police officers.”

⁶⁶ British Columbia, Legislative Assembly, Special Committee to Review the Police Complaint Process, Report, (November 2019) pp. 24-26 (Chair: Rachna Singh).

⁶⁷ Government of Alberta, “Police Act review” (2021) <<https://www.alberta.ca/police-act-review.aspx>>.

⁶⁸ *An Act Respecting the Police Act*, 2021, New Brunswick.

Like the police review in Alberta, the Legislative Assembly of New Brunswick took up this reform partly to prevent the law from becoming outdated. The original *Police Act* was passed in 1977 and has not been updated since 2008.

The New Brunswick organization explains, “the amendments will address a number of areas, such as the need for increased transparency in police governance and service delivery, maintaining public confidence in the ability to deal with police disciplinary matters, addressing a number of process and efficiency items, establishing the long-standing municipal police assistance fund in legislation, and many housekeeping items.”

All these reforms signal that oversight and governance are not static bureaucratic mechanisms. Instead, they are dynamic networks of government and arms-length organizations, where those in charge acknowledge their flaws and consult with work to amend them, often in consultation with the general public.

Section Four: Conclusion

Overall this report shows that police governance and oversight are not uniform across Canada. Rules change from across place and time.

The purpose of this project is to provide an overview of legislation on the role of governance and oversight bodies, as well as information on how they are appointed. The laws cited in the footnotes may be a good start for further research. So would looking into case law and regulations from the above mentioned laws.

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November 2021

November 2021							December 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	5	6	7	1	2	3	4
14	8	9	10	11	12	13	12	13	14	15	16	17	18
21	15	16	17	18	19	20	19	20	21	22	23	24	25
28	22	23	24	25	26	27	26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 31	Nov 1	2 Anniversary of Sgt. Ron McKay Death - No Event	3	4	5	6
7	8	9	10	11 Remembrance Day - Event Info to follow	12 TSDU Demo at PSB 1:00pm	13
14 Diwali	15	16 International Day of Tolerance - No Event	17	18	19	20
21	22	23	24 Police Board Meeting Arts Centre (9 am - 12:00)	25 BCAPB Zoom Session (Police Chief Contract & Performance) International Day for Elimination of Violence Against	26	27
28	29 Hannukah Starts	30	Dec 1	2	3	4

December 2021

December 2021							January 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 28	29	30	Dec 1 THIS Calendar Contest Winner PSB EOC 3:30pm - 4:30pm	2	3	4
5 International Volunteer Day - no event	6 Governance Committee (9am)	7 HR Committee (8am - 9am)	8 Finance Committee 9am	9 9:15am BCAPB Zoom session (Police Budgets and working with Councils)	10 Human Rights Day - no event	11
12	13	14	15 Police Board Meeting 9am-12pm	16	17	18
19	20	21	22	23	24	25 Christmas Day
26 Boxing Day	27	28	29	30	31	Jan 1, 22

January 2022

January 2022							February 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	1	2	3	4	5
9	10	11	12	13	14	8	13	14	8	9	10	11	12
16	17	18	19	20	21	15	20	21	15	16	17	18	19
23	24	25	26	27	28	22	27	28	22	23	24	25	26
30	31					29							

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 26	27	28	29	30	31	Jan 1, 22
2	3	4	5	6	7	8
9	10	11	12	13 10:00am DCPO Orientation 10am Ladner DCPO (4858 Delta St)	14	15
16	17	18	19	20 9:00am Police Board Meeting PSB EOC 9am	21	22
23	24	25	26	27	28 8:15am Youth Leadership Conference (Genesis Theatre)	29
30	31	Feb 1	2	3	4	5

MEMO TO DELTA POLICE BOARD

Regular Meeting

From: **Neil Dubord, OOM, AdeC**
Date: **November 1, 2021**
Subject: **ABLE Training – Presentation by Insp. Mo Parry**

The Delta Police Department (DPD) will be rolling out the Active Bystandership for Law Enforcement (ABLE) training to its officers starting November 22, 2021. ABLE is a comprehensive eight (8) hour training program to empower officers with practical and active bystandership strategies to:

1. Reduce mistakes
2. Prevent misconduct
3. Promote health and wellness

The Delta Police Department continues to be a leader in training, with the DPD being the first police department in BC to implement the delivery of ABLE training. Attachment A provides further details on the training. Furthermore, Inspector Mo Parry, in-charge of the Integrated Regional Municipal Training Center, will be attending the November 24, 2021 Delta Police Board meeting to provide further details on the DPD's delivery of the ABLE training.

Respectfully Submitted:



Neil Dubord, OOM, AdeC
Chief Constable, Delta Police Department

Attachment

- A – ABLE Fact Sheet



Christy Lopez
Professor
Director, ABLE Project
Co-Director, Innovative
Policing Program

Rosa Brooks
Professor
Co-Director, Innovative
Policing Program

Jonathan Aronie
Partner, Sheppard
Mullin LLP
Chair, ABLE Project
Board of Advisors

Lisa A. Kurtz
ABLE Project Director
Innovative Policing
Program

Active Bystandership for Law Enforcement (ABLE) Project FACT SHEET

Executive Summary

Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project to serve as a national hub for active bystander scholarship, training, and technical assistance.

- **ABLE teaches a practical skill.** ABLE training provides practical active bystandership strategies and tactics to prevent misconduct, reduce officer mistakes, and promote health and wellness. ABLE gives officers the tools they need to overcome the powerful inhibitors to intervene in one another's actions.
- **ABLE requires agency commitment.** ABLE training is provided primarily through a Train-The-Trainer (TTT) program. To be considered for the TTT program, law enforcement agencies must commit to 10 ABLE Standards and submit four letters of support - one from the agency head (e.g., Chief/Sheriff), one from the locality head (e.g., Mayor/County Executive), and two from community groups vouching for the agency's commitment to ABLE. These Standards are meant to ensure that ABLE training is effective at preventing harm and changing culture.
- **ABLE is evidence-based.** The ABLE Project is unique in how carefully the training is built upon decades of research, field studies, and on-the-ground experience. When based on sound research, active bystandership works and can be taught.
- **ABLE is widely supported.** Officers, departments, civil rights/social justice groups, and members of the community embrace ABLE. More than 100 law enforcement agencies have made public commitments to ABLE, including The New York City Police Department, the New Orleans Police Department, the Philadelphia Police Department, the Dallas Police Department, the Seattle Police Department, the Washington State Criminal Justice Training Commission, the Northern Virginia Criminal Justice Training Academy, the New Hampshire Police Standards and Training Council, the Clemson University Police Department, the Wilmington North Carolina Police Department, and many others.
- **ABLE is not a reporting program.** ABLE is not a disciplinary program or a reporting program. If an action is reportable before the



implementation of ABLE, it remains reportable after the implementation of ABLE. ABLE simply teaches officers a new skill – a better way to do something many want to do anyway – and seeks to promote a departmental culture where the use of that skill is encouraged, accepted, and even rewarded.

- **ABLE is tested.** The ABLE Project is founded upon the scholarship and research of Dr. Ervin Staub, professor emeritus, U. Mass. Amherst. Dr. Staub worked hand in hand with other experts and the men and women of the New Orleans Police Department to develop the country's first department-wide peer intervention program, called EPIC (Ethical Policing Is Courageous). EPIC has been in use successfully in New Orleans since 2015.
- **ABLE is adaptable.** No matter what police departments or public safety look like tomorrow, we still will need active bystandership training.

The ABLE Project Mission

The mission of the ABLE Project is simple and straightforward.

- Ensure every police officer in the United States has the opportunity to receive meaningful, effective active bystandership training.
- Produce and serve as a clearinghouse for thoughtful and sound training materials, including curricula, lesson plans, presentation materials, and teacher's aides.
- Provide guidance to police agencies and communities that want to develop meaningful active bystandership programs and build the cultures that sustain them.
- Establish standards and benchmarks for effective active bystandership programs.
- Serve as a hub to connect ABLE partners agencies, community groups, and other organizations across the U.S.

ABLE Project Programs

The ABLE Project offers different active bystandership programs for law enforcement agencies of all sizes.

- **ABLE Train-The-Trainer Events.** ABLE Train-The-Trainer events are offered free of charge to agencies willing to commit to the 10 ABLE Standards available [on the ABLE website](http://www.law.georgetown.edu/ABLE). Interested agencies must



submit FOUR letters of support in conjunction with their applications: One letter from the agency head (chief/sheriff/director), one letter from the locality head (mayor/county executive/governor), and two letters from community groups vouching for the agency's sincerity in implementing ABLE.

- **ABLE Academy/POST-Focused Train-The-Trainer Events.** The ABLE Project is working with a number of statewide and regional academies and standards-setting agencies to offer dedicated Train-The-Trainer events for those organizations.
- **ABLE Overview Programs.** The ABLE Project from time to time holds "virtual open houses" to provide more information about active bystandership generally and the ABLE Project in particular. The first Open House was held in July 2020, and is available for [free viewing on YouTube](#).
- **Exclusive Learning Sessions.** ABLE participants are invited to participate in free, dedicated online workshops. These workshops provide implementation support and ongoing training and networking opportunities for agencies accepted into the ABLE Project.
- **Command Staff "Lunch & Learns."** Upon request and subject to availability, the ABLE Project offers free virtual overview programs to law enforcement agencies looking to participate in the ABLE Project.
- **Complementary Programs.** The New Orleans Police Department, in partnership with Loyola University New Orleans Law School, holds an annual Executive Leadership Conference focusing on peer intervention. More information about the conference can be found [on the EPIC website](#). The ABLE Project is proud to support this conference.

How We Know Active Bystandership Training Works

While it is hard to quantify the success of active bystandership training because, in most cases, when it works, nothing happens, we have strong evidence it is effective.

- Dr. Ervin Staub and other scholars have studied active bystandership for decades. Their research confirms the skills necessary to intervene successfully can be taught and learned.



- Dr. Staub and others have conducted extensive field experiments that show the inhibitors to an intervention can be overcome even in hierarchical environments.
- Other national problems have been successfully mitigated using active bystandership techniques, including drunk driving, mistakes in surgery, pilot errors, and sexual assaults on campus.
- The on-the-ground experience of the New Orleans Police Department evidences the success of the ABLE principles. The NOPD developed and implemented a successful bystandership program called EPIC (Ethical Policing Is Courageous) in New Orleans in 2015, much of which served as the foundation for the ABLE Project.
- A survey of police officers in New Orleans showed officers who have gone through EPIC training perceive themselves as being more likely to intervene in another officer's actions.
- The ABLE Project's Research Advisory Board, composed of leading researchers from across the country, has assisted our team in the development of pre- and post-implementation surveys that are administered to officers of all ABLE agencies before and after receiving the training. The survey is designed to measure changes in attitudes, perceptions of culture, and self-reported behaviors related to intervention. The ABLE team continues to work with the Research Advisory Board and with external partners to develop additional metrics for program evaluation.

ABLE History

The ABLE Project was launched in June 2020, but is built upon decades of research, field studies, and on-the-ground experience.

- Dr. Ervin Staub, Professor Emeritus at the University of Massachusetts and the founder of the Psychology of Peace and Violence Program, has studied active and passive bystandership for decades. Following the Rodney King beating, Dr. Staub was engaged by the LAPD to create active bystander training for law enforcement officers.
- The 2012 New Orleans Consent Decree incorporated a requirement that NOPD teach peer intervention to its officers.
- In 2014, civil rights lawyer Mary Howell, social activist Ted Quant, psychologist Dr. Joel Dvoskin and others proposed incorporating an active bystandership training recommendation in the President's Task Force on 21st Century Policing Report.



- In 2014 and 2015, the New Orleans Police Department worked with Dr. Staub, Dr. Dvoskin, community members, and other experts to develop the country's first department-wide active bystandership program, called EPIC (Ethical Policing Is Courageous).
- The push to develop EPIC came from NOPD rank and file officers, working closely with Department leadership and community members, looking for a way to protect the public and save careers at the same time.
- In June 2020, following the tragic killing of George Floyd, Georgetown University Law Center's Innovative Policing Program, in collaboration with global law firm Sheppard Mullin LLP, created the Active Bystandership for Law Enforcement (ABLE) Project to serve as a national hub for active bystander scholarship, training, and technical assistance. The ABLE Project is housed within Georgetown's existing Innovative Policing Program, led by Professors Christy Lopez and Rosa Brooks. The creators of the New Orleans EPIC program remain significantly involved in the ABLE Project. The New Orleans Police Department has committed to the ABLE Standards and has had several instructors certified as ABLE instructors via the Train-the-Trainer program.
- In September 2020, the ABLE Project began working with the FBI National Academy (NA), the country's premier education program for law enforcement executives, to bring the ABLE Project to even more agencies and communities across the country. Among other things, the FBI NA will incorporate active bystandership training taught by ABLE-certified professional NA instructors for all NA attendees and will give NA participants the option of taking a two-day ABLE certification program while at the NA to become an ABLE-certified instructor.

ABLE Resources

The ABLE Project is always evolving. We continue to expand our training offerings and expand the resources available on our website. Here is a look at the resources that are or soon will be available via the ABLE Project web site:

- **Caselaw Digests.** Federal and state law regarding the civil and criminal liability of bystander officers continues to evolve. The ABLE Project website will provide a digest of relevant federal and state bystander caselaw.



- **Statutory Digests.** Legislatures across the country are actively seeking to impose requirements for officers to intervene to prevent wrongdoing. The ABLE Project website will track these legislative efforts.
- **Policy Best Practices.** To participate in the ABLE Project, law enforcement agencies must adopt certain policies designed to create a culture in which active bystandership will thrive. The ABLE Project website will provide a collection of model policies to assist agencies in adopting best practices in these areas.
- **Online “ABLE Shorts” Video Series.** To give agencies and communities a deeper understanding of what active bystandership is and how it works in the context of policing, the ABLE Project will host a series of brief Zoom interviews with thought-leaders in the areas of policing, social justice, civil rights, teaching, psychology, and related fields.
- **Implementation Technical Assistance.** The ABLE Project provides law enforcement agencies accepted in the program with a wide variety of free implementation support. For agencies that require additional assistance, the ABLE Project website will offer a list of individuals and agencies offering free support.

For more information regarding the ABLE Project, please visit <https://www.law.georgetown.edu/ABLE> or email ABLE@georgetown.edu.

MEMO TO DELTA POLICE BOARD

Regular Meeting

From: **Neil Dubord, OOM, AdeC**
Date: **November 17, 2021**
Subject: **Community Safety Officer (CSO) Pilot Project Update**

The Delta Police Department (DPD) will be piloting the Community Safety Officer (CSO) program on November 30, 2021. The CSO program leverages the existing volunteer Reserve Constable pool to create the paid CSO program. The CSO model is utilized by many police departments in B.C., and gives those interested in a career in law enforcement the opportunity to work alongside Delta Police members in an operational capacity. CSOs are sworn in and referred to as Special Municipal Constables and unlike the Reserve/Auxiliary designation, they do not require direct and immediate supervision from a regular sworn member.

The CSOs will be deployed in accordance with the policy that was previously presented to and approved by the Board in June 2021, establishing the CSOs' scope of authorities and providing information about their supervisory oversight.

While the CSO position is a great opportunity for aspiring police officers, the position will also help increase community patrols and engagement in Delta; it is designed to be an extension of DPD's uniformed presence and visibility in the community. The primary function of CSOs will be to support the DPD in enhancing community policing and the "no call too small" service delivery to the community. CSOs will assist with lower-level, lower-risk tasks, thereby relieving regular police officers' from such tasks. CSOs will conduct foot and bicycle patrols, as well as patrols in marked community safety vehicles equipped with emergency lights. In addition to enhancing visibility and conducting observe and report patrols, the CSOs will assist the Patrol Watch Commanders, as required within scope of the developed policy. This may include assistance with traffic control as well as property management duties.

The CSO program will be operated out of the Community Policing Bureau (Echo (E) Platoon) and supervised by the Sergeant in charge of Public Safety Operations, who also manages the Reserve Constable Program.

Four (4) CSOs (two males and two females), from the existing Reserve Constable pool, have been hired for the one-year pilot project. Two of the CSOs will be deployed on a full-time basis and the other two on a part-time basis. One of the CSOs also has experience as a Public Information Representative with the DPD, in addition to Reserve Constable experience. The opportunity exists to hire an additional four (4) CSOs to expand the pilot program.

Respectfully Submitted:



Neil Dubord, OOM, AdeC
Chief Constable, Delta Police Department



MEMO
DELTA POLICE BOARD
Regular Meeting

From: **Jassie Ram**
Date: **November 8, 2021**
Subject: **Board Education/Training Updates**

Education and training for Board members is integral for Board member development and, subsequently, for the Board's effective functioning. The education and training opportunities can also prepare Board members to deal with the current affairs/trends and complexities that Boards need to respond to and provide input on. Learning is an ongoing process, and education and training opportunities should be available for both new and seasoned Board members.

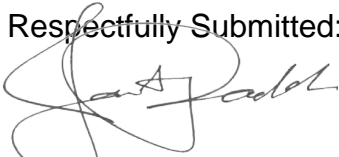
For the purposes for an annual review, the following list provides a review of the various education/training and orientation/information session opportunities that Board members have participated in (or will be participating in) throughout 2021:

- Education session with Police Services
- CAPG Virtual Governance Summit
- Governing in Public Interest Certificate (online training through Crown Agencies and Board Resourcing Office)
- Fair and Impartial Policing, A Science Based Perspective – Community Training Session (Hosted by the Vancouver Police Board)
- Webinar with Mr. Justice Bastarache – Preventing and Eliminating Sexual Harassment in the Workplace
- CAPG Conference: Re-imagining community safety
- BCAPB Joint Dialogue Session & Hospitality Suite
- CAPG webinars
 - Municipal Council & Police Governance – Legal Boundaries, Guidelines and Ethics
 - Tiered Policing in Canada
 - Leadership and Decision Making in Policing
 - Shifting the RCMP to a Municipal Service – Lessons Learned on the Way
 - Strategic Planning for Governance Authorities
 - Equity, Diversity & Inclusion
- Tsawwassen First Nation Service Team Information Session
- Violence Suppression Team & Traffic Safety Dog Unit Information Session

As education/training opportunities arise through various means (e.g. the Province, CAPG, BCAPB, partner Police Boards) for 2022, they should be considered accordingly dependent on Board member interest, training needs and skillset.

The Province also recently advised that they have entered a long-term partnership with Watson Advisors Inc., a Vancouver-based governance consultancy, to develop and deliver a police board training program unique to BC. An Advisory Group, made up of key partners in the police governance framework, including BCAPB, will work with the Province and Watson Advisors Inc. to assist with the program's development. The Board will be kept apprised of any opportunities as they arise.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Jassie Ram', written over the printed name.

Jassie Ram
Corporate Planning Manager/Board Liaison
Delta Police Department



MEMO
DELTA POLICE BOARD
Regular Meeting

From: **Neil Dubord, OOM, AdeC**

Date: **November 8, 2021**

Subject: **Online Reporting System Updates**

At the October 2021 Delta Police Board meeting, the Board was provided a one year update on the implementation of the Online Reporting (OR) system. Between October 1, 2020 to September 30, 2021, the Delta Police Department (DPD) received 244 online crime reports, with an average of 23 reports monthly.

In late October, DPD staff conducted a survey with a sample of 25 individuals who recently utilized the OR system. The survey results indicated that the users found the OR system convenient as they preferred to make an online report rather than calling in. Furthermore, majority of those using the OR system indicated that they preferred a follow up to the report, from a DPD officer, via telephone, rather than having an officer attend their residence or workplace. The DPD respects the wishes of the complainants wherever possible and connects via phone, given that there isn't a threat to the safety of an individual or property.

Overall, the survey found that:

- 96% of the users found the OR system easy to use
- 100% of the users would use the OR system again in the future
- 96% of the users learned of the OR system through the DPD website
- 28% of the users provided suggestions to improve the OR system including
 - Implementation of "edit" button on the OR system
 - Exploring the ability to submit the report in languages other than English
 - The ability to upload supporting video with the report
 - Receiving a summary of their report via e-mail

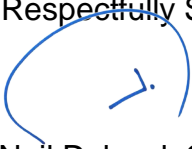
The feedback is being reviewed and will implemented where possible.

Moreover, the OR system is currently restrictive on the types of reports it accepts. In an effort to further encourage the use of the OR system, the types of reports accepted will be expanded to include late report theft under \$5,000 with no suspects and mischief (vandalism).

It must be noted that the OR system is merely a convenient and alternate method for the community to report certain types of crime, as opposed to traditional telephone reporting, in the modern technological era. Online reporting does not replace attendance and investigation of a report by a DPD member, which will still be completed as necessary. Furthermore, online reporting

will assist in alleviating some of the delays the community experiences when calling the non-emergency line which is answered by E-Comm.

Respectfully Submitted:



Neil Dubord, OOM, AdeC
Chief Constable, Delta Police Department



MEMO
DELTA POLICE BOARD
Regular Meeting

From: **Neil Dubord, OOM, AdeC**

Date: **November 10, 2021**

Subject: **Times of Canada Honours Cst. Jessy Sahota at Diwali Gala**

On November 4, 2021, our community members celebrated Diwali and Bandi Chhor Divas, recognizing the triumph of good over evil and knowledge and empowerment over despair.

Upon invitation, members of the Delta Police Department (DPD) and the Delta Police Pipe Band (DPPB) attended the Diwali Gala hosted by the Times of Canada (TOC). The TOC is a South Asian community journal that aims to create a better understanding of the South Asian culture and heritage and spread awareness about the achievements and exceptional contributions of community members to Canadian society.

It was an honour to be in attendance, especially as DPD's Cst. Jessy Sahota was awarded the Excellence in Community Service Award. Cst. Sahota was recognized for his work with at-risk youth, both on and off duty. Cst. Sahota has over 12 years of volunteer experience with the Yo Bro/Yo Girl Youth initiative, cultivating resiliency in at-risk youth to empower them to stay away from drugs, crimes, gangs, and violence.

Cst. Sahota is currently assigned to the Community Support Section, working as a Youth Liaison Officer alongside Cst. Kristine Pemberton. Previously, Cst. Sahota worked with the Violence Suppression Team and the Patrol Section.

Respectfully Submitted:

A handwritten signature in blue ink, consisting of a stylized 'N' and 'D'.

Neil Dubord, OOM, AdeC
Chief Constable, Delta Police Department



MEMO
DELTA POLICE BOARD
Regular Meeting

From: **Neil Dubord, OOM, AdeC**

Date: **November 8, 2021**

Subject: **JIBC Graduating Class of 164 - the Journey to Graduation**

Five Delta Police Department (DPD) recruits graduated from the Justice Institute of BC (JIBC) Class 164 on November 5, 2021. The graduates included three (3) males and two (2) females.

JIBC's Police Academy hosted a graduation ceremony and invited Chiefs of respective police departments to present the badges. Due to COVID-19 restrictions, attendance was limited to Chiefs, graduates and two guests of graduates.

The recruits graduated as "Qualified Municipal Constables" from the Police Academy after having completed three blocks of training. The first block of training (13 weeks) took place at the Police Academy, placing emphasis on police skills, legal studies, physical fitness, foot drill and introduction to social sciences.

During the second block (20 weeks), the recruits returned to the DPD for field-training, under the guidance and assistance of an experienced DPD officer, receiving wide exposure to general police work in an operational setting.

The DPD is known for being a leader in training and accordingly, DPD recruits also completed Core Patrol training during the second block. Core Patrol is a two week, specialized training program delivered by the DPD Training Section and focuses on:

- enhanced de-escalation training,
- tactical training – Immediate Rapid Deployment (IRT)
- high risk arrests,
- officer down and citizen rescue, and
- emergency medical training.

In their final block (8 weeks), recruits returned to the Police Academy, building on the knowledge of Block 1 and practical experience of Block 2, preparing the recruit for deployment as a frontline officer.

The DPD recognizes the importance of ongoing training and development, and thus, the training journey for the recruits does not end here at graduation. Specialized training opportunities will be provided to them throughout their careers, to assist them in continuing to develop their skills as a police officers. The DPD currently has 13 officers in training at all three stages of the process.

RG F.4

Respectfully Submitted:



Neil Dubord, OOM, AdeC
Chief Constable, Delta Police Department