

CHAPTER 1: BOARD OVERVIEW

1.1 Legislative Authority

1.1.1 The Vancouver Police Board is established as an independent and autonomous authority pursuant to the *Police Act*, RSBC 1996, c. 367. By virtue of section 23 of the *Act*, the Police Board is empowered to govern a municipal police department.

1.1.2 Part 5 of the *Police Act* establishes four main governance functions:

- (1) The Police Board is the employer of all sworn and civilian staff of the Police Department.
- (2) The Police Board has primary financial oversight for the Department.
- (3) The Police Board establishes policy priorities and policies that set direction for the Department.
- (4) The Police Board has authority for policy and service complaints, and the Board Chair is the discipline authority for complaints against the Chief and Deputy Chief Constables.

1.2 Independence and Jurisdiction Policy of Police Board

1.2.1 The legislative intent behind the creation of a Police Board is to ensure that the Police Department remains a separate and independent body from the municipality. The Police Board has a unique relationship with the municipal council and it exists, in part, to insulate the Police Department from the political decision making process. The Police Board is responsible for ensuring that the police provide effective and efficient services. The municipal council provides the Police Department with an annual budget to achieve these objectives.

1.2.2 The work of the Police Department necessitates confidentiality and adherence to security protocols and, to that end, the Police Board has adopted regulations and procedures to closely restrict access to, and disclosure of, information under the authority of the Police Department. The Police Board's independent status is achieved by ensuring accountability for the management of the Police Department and its employees.

1.2.3 The Vancouver Police Board is responsible for ensuring that the security and confidentiality interests of the Police Department, and the safety interests of the public and Department are protected. Advancing of joint ventures or shared services with municipal council or any other agency can only occur where the Board is satisfied that confidentiality and security issues have been properly addressed. [Legal references available to Board Members, e.g., Ogilvy Renault Opinion/May 3, 2001]

1.3 Composition of Board, Selection and Appointments

- 1.3.1 The *Police Act*, Part 5, s. 23(1), requires that the Board consist of the Mayor, who is designated as chair, one person nominated by the municipal council, and not more than five persons appointed by the Lieutenant Governor in Council.
- 1.3.2 All members of the Vancouver Police Board are appointed and their terms of office set by the order of the Lieutenant Governor in Council based on recommendations put forward by the Solicitor General, after consultation with the Director of the Police Services Division, Board Members are appointed to a term not to exceed four years, although they may be re-appointed.
- 1.3.3 The Board will determine the composite skills it requires to meet its responsibilities and maximize its success, and the elements it requests with respect to tenure and the rotation of members. The Board will forward this information to its appointing bodies. The Governance Standing Committee will take the lead in periodically reviewing that these determinations remain valid.

1.4 Oath of Office

- 1.4.1 In accordance with s. 70(1) of the *Police Act*, a person appointed to the Vancouver Police Board must take an oath or affirmation in the prescribed form before assuming office, and exercising any power or perform any duty or function as a Member of the Vancouver Police Board. When reappointed to the Police Board, a Member must retake their oath of office.
- 1.4.2 The oath or affirmation specified in s. 1 of the *Police Oath/Solemn Affirmation Regulation* shall be made before the Chief Constable for the Vancouver Police Department, or alternately, before a commissioner for taking affidavits for British Columbia. A copy of the signed oath/affirmation shall be filed with the Ministry of Public Safety and Solicitor General, as designated in s. 2 of the Regulation.

1.5 Board Governance Style and Commitment

- 1.5.1 As a statutory governance body, the Police Board must be and be seen to be:
- (1) operating in all ways mindful of its civic trusteeship obligation to the public and accountability for the governance of the Police Department;
 - (2) independent of Police Department administration and management, political affiliation and interest groups;
 - (3) subject to the needs of confidentiality and security, open, transparent, and accessible to both the public and Police Department; and
 - (4) responsive to the community.
- 1.5.2 The Vancouver Police Board shall govern collaboratively and in a way that emphasizes outward vision. It shall encourage strategic leadership rather than administrative detail and shall maintain a clear distinction between Board governance and the Chief Constable's role as chief executive officer of the Police Department.

1.5.3 The Board and Chief Constable shall commit to the following guiding principles with respect to their relationship and responsibilities:

- (1) acknowledge the importance of goodwill between each other;
- (2) respect each other's roles, interests and accountabilities;
- (3) give each other the benefit of the doubt, accept honest mistakes and seek explanations before reacting;
- (4) recognize and respect each other's decision-making processes and lines of authority;
- (5) acknowledge that the Board's mandate is summarized as general oversight and setting of policing policy; and
- (6) recognize that the Chief Constable is responsible for daily policing and all operational matters.

1.5.4 Communications between the Board and Chief shall:

- (1) promote common understanding
- (2) promote quick and effective resolution of issues, and
- (3) build stronger relationships.

Information shall be shared to the fullest extent possible and be undertaken in an atmosphere that promotes clarity, transparency, openness and trust.

1.5.5 The Board, and not the Chief or Board staff, shall be responsible for excellence in governing. The Board itself shall be the initiator of policy, in addition to responding to policy initiatives from staff. The Board shall use the expertise of individual Board Members to enhance the performance of the Board as a body.

1.5.6 The Board shall direct, control and motivate the organization through the careful establishment of broad organization policies reflecting the community's values.

1.5.7 The Board shall establish a collegial relationship with officials of the Ministry of Public Safety and Solicitor General and shall fulfill all reporting requirements established under the *Police Act*. This includes filing of Board Minutes with the Ministry, thus enabling the Board's decisions and rules to be enforced.

1.6 Delegation to and relations with the Chief Constable

1.6.1 The Chief has command of the Police Department, subject to the policies and general supervision of the Police Board, and is accountable to the Board acting as a body.

1.6.2 The Chief has general authority to make the operational and administrative decisions required to operate the Police Department. The Chief's legislative roles and duties are set forth in s. 34 of the *Police Act*.

1.6.3 Board authority is delegated through the Chief, so that all authority and accountability of staff/members, in so far as the Board is concerned, is considered to be the authority and accountability of the Chief.

- 1.6.4 The Board instructs the Chief through approved Board policies, and detailed operational policies are to be developed by the Chief in furtherance of Board policy.
- 1.6.5 Only decisions of the Board acting as a body are binding upon the Chief:
- (1) Decisions or instructions of individual Board Members or committees are not binding on the Chief except in those instances when the Board has specifically authorized such exercise of authority.
 - (2) In the case of Board Members requesting information or assistance without Board authorization, the Chief has the option of bringing such requests to the Board if, in the Chief's judgement, a material amount of staff time or funds are required.
- 1.6.6 The Chief shall ensure that his/her actions and those of the Police Department will not compromise the independence of the Police Board.
- 1.6.7 The Chief may delegate authority to the extent that he/she considers appropriate, but remains personally responsible for all activities of the Department.
- 1.7 Confidentiality**
- 1.7.1 Notwithstanding the need for Members to make informed decisions on issues before the Board by obtaining input from internal and external sources, Members are to ensure that information that is normally considered confidential (i.e. financial, legal and personnel issues) is not disclosed to any outside person unless authorized.
- 1.7.2 Municipal police departments and municipal police boards in British Columbia are subject to the *Freedom of Information and Protection of Privacy Act*. Members have a duty to understand the key sections of this Act and must avoid disclosing any verbal or written material that is meant to be confidential concerning the Department, its officers, staff members or clients.
- 1.7.3 Members must not disclose or use confidential information gained by virtue of their association with the Department for personal gain, or to benefit friends, relatives or associates.
- 1.8 Board Committees, Panels and Liaison Functions**
- 1.8.1 The function of a Board standing committee (herein after referred to as 'committee') is to assist the Board with a task that belongs to the Board in the exercise of its authority and responsibilities.
- 1.8.2 The Board may establish standing or *ad hoc* committees to inquire into and report on any matter within the jurisdiction of the Board.
- 1.8.3 The Board defines the committee mandate and appoints the committee membership. Any Board member is eligible to attend a committee meeting.

- 1.8.4 The Board may delegate tasks and projects to the committees, including preparing of policy alternatives and implications for Board deliberation.
- 1.8.5 Committees make recommendations to the Board, unless specific authority is delegated to make decisions.
- 1.8.6 Board committees may not speak or act for the Board except where formally given such authority for specific and time-limited purposes. Expectations and authority shall be carefully stated in order to not conflict with authority delegated to the Chief.
- 1.8.7 Each committee shall obtain direction from the Board for its activity or mandate and shall report back on its activities on a regular basis.
- 1.8.8 The Board Chair may designate a committee Chair to speak to the media regarding deliberations of the committee.
- 1.8.9 Committee members shall deal directly with the Chief, or his/her designate(s), when services are required from a staff of the Department to assist the committee.
- 1.8.10 The Board may establish Board review panels in order to meet legislative requirements and may assign Board Members as liaison to Department committees, as required.
- 1.8.11 The list of Board committees, panels and liaison functions shall be reviewed annually and revised accordingly, and committee/panel members and chairs shall be appointed by Board resolution.
- 1.8.12 This policy does not apply to committees formed under the authority of the Chief.

1.9 Annual Board Planning Cycle

- 1.9.1 The Board is required under s. 26(4) of the *Police Act* to determine the priorities, goals and objectives of the Department each year, in consultation with the Chief Constable.
- 1.9.2 By November 1 of each year, the Board shall determine, in consultation with the Chief, the process to be followed for the next year in order for the Board to meet its s. 26(4) obligations.

1.10 Board Member Orientation

- 1.10.1 It is imperative that all Board members receive orientation regarding their roles and responsibilities as Police Board Members. The Board Executive Director shall arrange for swearing in and provide an initial orientation session as soon as is practicable after appointments.
- 1.10.2 Upon appointment, the Board Executive Director shall contact the appointee and provide the Board Manual and other appropriate information.
- 1.10.3 Orientation continues over several months and Board staff can assist a Member in

making the necessary arrangements. It is recommended that Board Members participate in some of the following activities:

- get acquainted sessions with the Chief Constable, Executive and Chair
- divisional meetings by the Department
- attend special divisional briefings
- go on police ride-alongs
- attend Board Member orientation sessions by Police Services Division/Ministry of Public Safety and Solicitor General
- tour of the police facilities
- attend special police and community policing functions
- attend training sessions, including those offered by the BC Association of Police Boards, Canadian Association of Police Boards and the Police Department
- request briefing on police complaint process
- request copies of Department policies or key police documents, or request briefings on key issues.

1.11 *Per Diem*

- 1.11.1 Members of the Police Board are eligible to receive a meeting *per diem* in accordance with the guideline in Appendix 9.
- 1.11.2 The Board assigns the Board's Human Resources and Compensation Standing Committee to review the *per diem* rate every two years, at a minimum, and to make recommendations to the Board.

1.12 *Travel and Training*

- 1.12.1 Members are encouraged to participate in training sessions and conferences of the BC Association of Police Boards and Canadian Association of Police Boards, and to take advantage of other training opportunities that will increase their knowledge and capabilities as a Board Member.
- 1.12.2 Board Members are eligible to be reimbursed for all reasonable expenses incurred while on Board business travel or attendance of training sessions outside the area of the Greater Vancouver Regional District.
- 1.12.3 A Member's expenses are reimbursed upon the submission of receipts and explanatory expense statements, and must be in accordance with the Business Travel Policy of the Police Department, or as otherwise determined by Board policy.
- 1.12.4 In exceptional circumstances, the Board may decide to exempt specific travel of a Board Member from full application of the Business Travel Policy. A Board resolution is required in order to over-ride the Business Travel Policy.
- 1.12.5 Business travel of Board Members and the Board Executive Director outside of BC requires authorization of the Chair, if expenses are to be paid by the Board.

1.13 Memberships

- 1.13.1 The Board supports the purpose of the BC Association of Police Boards and Canadian Association of Police Boards, and shall be a member of both organizations, unless otherwise determined by the Board.
- 1.13.2 Board authorization is required prior to the Board joining organizations other than the BCAPB or CAPB.

1.14 Board Assessment Process

- 1.14.1 The Board recognizes the need to assess its performance both on how the governance functions of the Board take place (process), but also the general performance of the Board (product). The Terms of Reference for the Board's Governance Standing Committee contain direction for evaluation of the Board.

1.15 Amendments to the Manual

- 1.15.1 The Board's Governance Standing Committee is responsible for initiating an annual review of the manual and for seeking the Board approval of necessary amendments. The Chief Constable may submit amendment requests to the Governance Standing Committee.