A: BOARD TERMS OF REFERENCE

1. INTRODUCTION

A. 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 Board is empowered to govern a municipal police department.

B. 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 City of Vancouver. The Police Board has a unique relationship with City Council and it exists, in part, to insulate the Police Department from the political decision making process. Nevertheless it is the Vancouver City Council that provides the funding for the operation of the Vancouver Police Department and this necessitates a collaborative and constructive working relationship between the Vancouver Police Department and Board and the Vancouver City bureaucracy and Council.

C. The primary responsibility of the Vancouver Police Board is to ensure that it provides oversight and direction to the VPD in a fashion that is consistent with the Police Act and its fiduciary responsibility to the citizens of Vancouver. The Board works with the Chief Constable and the senior management team to develop and approve a strategic plan, an annual plan/budget and objectives, and policies. The Chief Constable and the senior management team are responsible for the day-to-day management and operation of the Vancouver Police Department within the parameters of the strategic plan, the annual plan/budget, objectives and policies approved by the Board.

D. The Board operates by delegating certain of its authorities to the Chief Constable and his management team and by reserving certain powers to itself. These terms of reference are prepared to assist the Board and management in clarifying responsibilities and ensuring effective communication between the Board and management.

2. COMPOSITION AND BOARD ORGANIZATION

A. Part 5, Section 23(1) of the Police Act sets the composition of the VPB. Board members include:

   i) The Mayor of Vancouver who shall be the Board Chair;
   ii) One member nominated by Vancouver City Council; and
   iii) Up to seven members appointed by the Provincial Government.

B. All members of the Vancouver Police Board, other than the Chair, are appointed and their terms of office set by the order of the Lieutenant Governor in Council based on recommendations put forward by the Attorney General, after consultation with the Director of the Police Services Division.

C. Board Members other than the Chair are appointed to a term not to exceed four years, although they may be re-appointed. They cannot hold office for more than six consecutive years. Appointments are staggered in order to have some continuity from year to year.
D. Certain of the responsibilities of the Board referred to herein may be delegated to standing committees of the Board. The responsibilities of those standing committees will be as set forth in their terms of reference, as amended from time to time.

3. DUTIES AND RESPONSIBILITIES

A. Managing the affairs of the Board

i) Board Composition
   Although the Board does not have the power to appoint members to the Board, it does have the responsibility to:
   - review the skills, experience and background that are required for the Board to undertake its responsibilities;
   - identify what gaps exist on the current Board; and
   - communicate with the bodies responsible for appointing members to ensure that they understand the skills, experience and background requirements that the current Board has identified.

   ii) The Board has the responsibility to appoint standing committees as required and to develop terms of reference and operating guidelines for the appointed standing committees.

   iii) The Board has the responsibility to develop terms of reference for the Board, the Board Chair, and individual Board members.

   iv) The Board has the responsibility to develop operating guidelines that provide direction to the Board regarding matters such as meeting frequency, information requirements, and other operating guidelines that facilitate the effective operation of the Board.

   v) The Board has the responsibility to ensure that it develops and implements processes to assess the effectiveness of the Board, standing committees and Board members in fulfilling their responsibilities.

   vi) The Board has the responsibility to assess the appropriate balance between open to the public and closed to the public Board meetings, taking into account the requirements set out in s.69 (2) of the Police Act.

B. Human Resources

i) Part 5 of the Police Act provides the following guidance regarding human resource issues:

   a) s.26(1) - A municipal police board must establish a municipal police department and appoint a chief constable and other constables and employees the municipal police board considers necessary to provide policing and law enforcement in the municipality.
b) s.26(3) - Subject to a collective agreement as defined in the Labour Relations Code, the chief constable and every constable and employee of a municipal police department must be (a) employees of the municipal police board, (b) provided with the accommodation, equipment and supplies the municipal police board considers necessary for his or her duties and functions, and (c) paid the remuneration the municipal police board determines.

ii) From a practical point of view, the Vancouver Police Board has determined that the legislation and general best practices for boards result in the Board having the responsibility for:

a) the appointment and replacement of the Chief Constable including:
   • approving terms of reference for the Chief Constable;
   • in consultation with the Chief Constable, developing and approving annual objectives that the Chief Constable is responsible for meeting;
   • monitoring the Chief Constable's performance on an on-going basis and implementing a comprehensive annual performance assessment;
   • approving the Chief Constable’s compensation; and
   • providing advice and counsel to the Chief Constable in the execution of the Chief Constable’s duties.

b) to the extent feasible, satisfying itself as to the integrity of the Chief Constable and other senior officers, and that the Chief Constable and other senior officers create a culture of integrity throughout the VPD;

c) acting upon the advice of the Chief Constable, and the recommendation of the Human Resources Standing Committee, for approving the compensation philosophy and guidelines for the VPD, taking into account collective agreements and City of Vancouver guidelines for exempt staff;

d) acting upon the advice of the Chief Constable and the recommendation of the Human Resources Standing Committee, for approving the appointment and remuneration of the Chief Constable and the Deputies;

e) ensuring that plans have been made for management succession including appointing, training and monitoring senior management.

C. Strategic and Annual Plans

i) Part 5 of the Police Act provides the following guidance:

a) s.26(4) - In consultation with the chief constable, the municipal police board must determine the priorities, goals and objectives of the municipal police department.

b) s.26(5) - The chief constable must report to the municipal police board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives.

c) s.27(1) - On or before November 30 in each year, a municipal police board must prepare and submit to the council for its approval a provisional budget for the following year to provide policing and law enforcement in the municipality.
ii) From a practical point of view, the Vancouver Police Board has determined that the legislation and general best practices for boards result in the Board having the responsibility for:

a) working with the Chief Constable and senior management to develop and approve a strategic planning process that meets the needs of the VPB and the VPD;

b) working with the Chief Constable and senior management in developing and approving, at least annually, a strategic plan that takes into account, among other things, the opportunities and risks facing the VPD and the funding capabilities of the City of Vancouver;

c) ensuring that the Chief Constable and senior management work closely with the City of Vancouver in the development of an annual budget that is consistent with the strategic plan approved by the Vancouver Police Board. Although extensive consultation must take place with the City bureaucracy, the budget must be approved by the VPB prior to its presentation to City Council;

d) ensuring that the Chief Constable and senior management, present the VPD budget to City Council each November; and

e) reviewing and monitoring, on at least a quarterly basis, the performance of the VPD against the strategic plan and annual operating budget.

D. Policy, Rules and Oversight of the Operations of the Vancouver Police Department

i) Part 5 of the Police Act provides the following guidance:

a) s.26(2) - The duties and functions of a municipal police department are, under the direction of the municipal police board, to: (a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of British Columbia, (b) generally maintain law and order in the municipality, and (c) prevent crime.

b) s.28(1) - A municipal police board must make rules consistent with this Act and the regulations respecting the following: (a) the standards, guidelines and policies for the administration of the municipal police department; (b) the prevention of neglect and abuse by its municipal constables; (c) the efficient discharge of duties and functions by the municipal police department and the municipal constables.

c) s. 29 (1) A municipal police board may study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in its municipality.

ii) 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.

iii) From a practical point of view, the Vancouver Police Board has determined that the legislation and general best practices for boards result in the Board having the responsibility for:
a) working with the Chief Constable and senior management to identify those rules and policies which require VPB approval;
b) monitoring compliance with all significant rules, policies and procedures by which the VPD is operated;
c) developing and approving a written mission and vision for both the VPD and Board; and
d) ensuring systems are in place which are designed to ensure that the Board and VPD operate at all times within applicable laws and regulations, and to the highest ethical and moral standards.

E. Risk and Control Systems

The Board has the responsibility:

i) to ensure management identifies the principal risks of the VPD and takes all reasonable steps to ensure the implementation of appropriate systems to manage these risks; and

ii) for directing management to ensure systems are in place for the implementation and integrity of the VPD’s internal control and information technology systems.

iii) without jeopardizing the Board’s and VPD’s independent and separate employer status, to ensure that the VPD explores opportunities to share resources with the City and with other police organizations that will enhance operational efficiency and effectiveness; and to review and approve shared resource agreements.

F. Communications

i) The Board has the responsibility to approve a communications policy for the Vancouver Police Board and Vancouver Police Department that reflects the need for cooperation and consultation between the VPD and the City and the Provincial government. An element of this plan shall outline an appropriate mechanism for the VPB, the VPD and City Council to ensure they have an opportunity at least annually to understand each other’s current priorities and issues. This policy shall confirm the following principle:

a) unless otherwise approved by the Board, the Board Chair or their delegate shall speak on behalf of the VPB, ensuring that the Chair’s statements reflect the current strategy, plans and policies approved by the Board; and

b) the Chief Constable or their delegate shall speak on behalf of the VPD, ensuring that the Chief’s statements reflect the current strategy, plans and policies approved by the Board.

ii) The Board has the responsibility to ensure a collegial relationship is established with officials of the Ministry of Justice and Attorney General.

iii) The Board shall ensure that all reporting requirements established under the Police Act are met to the satisfaction of the parties involved. This includes filing of Board Minutes with the Ministry.

iv) The Board has the responsibility to direct the Chief Constable and senior management:
a) to ensure that the VPD maintains effective, productive and appropriate consultation, communication and reporting links with the City and the Provincial government;

b) to ensure that the performance of the VPD is adequately reported to the City and the provincial government on a timely and regular basis;

c) to ensure that financial results are reported fairly and in accordance with generally accepted accounting principles;

d) to ensure the timely reporting of any other developments that have a significant and material impact on the future of the VPD;

e) to report annually to stakeholders on the VPB’s stewardship for the preceding year which includes determining whether or not annual reports for the VPD and VPB should be separate or joint reports; and

f) to ensure that the VPD has systems in place which accommodate feedback from stakeholders and the public.

4. LEGAL REQUIREMENTS

The Board is responsible for taking all reasonable steps to ensure that legal requirements have been met, and documents and records have been properly prepared, approved and maintained.