

# SERVICE & POLICY COMPLAINT REVIEW COMMITTEE

## *Committee Meeting Agenda*

Thursday, April 17, 2014  
2:40 pm,  
Sikh Temple, 8000 Ross Street

Agenda item	Decision	Info	Time
1. *Adoption of Service & Policy Agenda for April 17, 2014	✓		5 mins
2. *Approval of Service & Policy meeting minutes from February 20, 2014	✓		
3. *Report #1404C01: Report Back on S&P Complaint 2014-99 (Alleged misuse of Police Resources) [Drazen Manojlovic, Director Planning, Research & Audit]	✓		5 mins
4. *Report #1404C02: Report Back on S&P Complaint 2014-98 (Police response to neighbour disputes) [Drazen Manojlovic, Director Planning, Research & Audit]	✓		5 mins
5. *Correspondence 5.1 OPCC letter, March 18, 2014, closing file on S&P Complaint #2013-96 (Process for police record checks) 5.2 OPCC letter, April 3, 2014 closing file on S&P Complaint #2013-93 (ticketing in the DTES)		✓	5 mins
6. Other business		✓	
ADJOURNMENT of Closed In Camera Meeting	TOTAL		20 minutes

\* Written material provided



# VANCOUVER POLICE DEPARTMENT

## REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: March 27, 2014  
COMMITTEE MEETING DATE: April 17, 2014  
BOARD REPORT # 1404C01  
*Regular*

TO: Vancouver Police Board Service and Policy Complaints Review Committee  
FROM: Sergeant Jason Chan  
SUBJECT: Service and Policy Complaint #2014-99 on the alleged misuse of police resources in the delivery of civil documents

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### RECOMMENDATION:

**That the Vancouver Police Board Service and Policy Complaints Review Committee dismiss this complaint with reasons.**

### SUMMARY:

The complainant alleges that the Vancouver Police Department (VPD) misused resources when attempts were made to locate and serve him with a notice under Section 177 of the BC School Act, first in Maple Ridge and then in Burnaby. The complainant feels that such "civil paperwork" should not be delivered through the police and was intimidated by this approach. He further questions the relationship between the VPD and the Vancouver School Board (VSB).

It is the position of the VPD that provincial legislation, specifically the BC School Act, permits the VSB to obtain the assistance of the police for the "Maintenance of Order" and that resources were applied appropriately in these circumstances.

### POLICY/BACKGROUND:

Applicable Provincial Legislation and VPD policy:

- a) BC School Act, Division 6 – "Offences", Section 177 "Maintenance of Order"; and
- b) VPD Regulation and Procedure Manual (RPM) Section 1.6.34(ii) Trespassing on School Property.

### DISCUSSION:

The VPD has a working relationship with the VSB with one of the goals being the maintaining a safe school environment.

The complainant is involved in civil family matters with his ex-wife, and these issues have crossed over into the school environment and involve a principal of a Vancouver school. Conflict over these family matters between the complainant, his ex-wife and the principal has resulted in numerous emails and letters being sent to the VSB and other provincial agencies from the complainant.

The VSB has attempted to address these complaints, but not to the satisfaction of the complainant. The complainant has continued to send emails and letters to the education community. The VSB characterized these letters and emails as defamatory in nature, and determined that the communication was disrupting the operation of the school and the school district. The Associate Superintendent of the VSB requested the assistance of the VPD to serve the complainant with a warning letter based on Section 177 "Maintenance of Order" of the BC School Act. The authority to do so resides in the same section, specifically paragraphs (1) and (4):

*177 (1) A person must not disturb or interrupt the proceedings of a school or an official school function.*

*(2) A person who is directed to leave the land or premises of a school by a principal, vice principal, director of instruction or a person authorized by the board to make that direction*

*(a) must immediately leave the land and premises, and*

*(b) must not enter on the land and premises again except with prior approval from the principal, vice principal, director of instruction or a person who is authorized by the board to give that approval.*

*(3) A person who contravenes subsection (1) or (2) commits an offence.*

*(4) A principal, vice principal or director of instruction of a school or a person authorized by the board may, in order to restore order on school premises, require adequate assistance from a peace officer.*

The warning letter advised the complainant of the impact of his actions, provided the provisions of Section 177 of the BC School Act, gave notice to stop his harassing behaviour and advised him that he is not permitted on or in any Vancouver school district or school property without prior permission in writing. VPD police officers responded to this call for service from the VSB. They located and served the complainant with the warning letter and did so in a professional manner.

If a person contravenes Section 177 of the BC School Act, VPD RPM Section 1.6.34(ii) Trespassing on School Property provides guidance to VPD police officers on how to arrest a person under the authority of the BC Offence Act.

## **CONCLUSION:**

The VSB made a lawful request for assistance of the VPD in accordance with the BC School Act and within the spirit of the working relationship between the VPD and VSB.

It is unfortunate that the complainant felt intimidated by the police, but this was not due to the actions of the VPD police officers who carried out their duties in a lawful and respectful manner.



# VANCOUVER POLICE DEPARTMENT

## REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: March 26, 2014  
COMMITTEE MEETING DATE: April 17, 2014  
BOARD REPORT # 1404C02

*Regular*

TO: Vancouver Police Board Service and Policy Complaints Review Committee

FROM: Sergeant Jim Prasobsin

SUBJECT: Service and Policy Complaint #2014-98 on the allegation that multiple police responses to calls for service amount to systematic harassment in relation to a civil dispute

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### RECOMMENDATION:

**That the Vancouver Police Board Service and Policy Complaints Review Committee dismiss this complaint with reasons.**

### SUMMARY:

The complainant alleges that the Vancouver Police Department (VPD) has systematically harassed her by responding to and investigating multiple calls for service where she is the subject of complaints and for which the underlying issue is a civil dispute. The complainant hopes that the VPD will change its policies and procedures for responding to civil disputes between neighbours. It is the view of the VPD that members fulfilled their duties by investigating, documenting and providing measured and appropriate responses to these calls for service.

### POLICY/BACKGROUND:

Applicable policy in the VPD Regulations and Procedure Manual (RPM) is section 1.16 *Report Writing - General Occurrence Reports*

### DISCUSSION:

All calls for service are taken seriously by the VPD and, where appropriate (e.g., it is necessary that a police officer attend in person to speak to parties involved and otherwise conduct an investigation), a police officer(s) responds in person.

Civil disputes can be emotionally charged and complex disagreements which can lead to actions or heated communication that can be perceived as aggressive or even criminal in nature

by those involved. In some cases, civil disputes lead to criminal behaviour, such as harassing phone calls, uttering threats, or criminal harassment.

Calls for service in relation to these matters are impartially investigated by the police to disentangle and address any criminal acts related to disputes with the goal of preserving the peace. As different police officers may be assigned to deal with ongoing issues, documentation plays a key role in ensuring that information about persistent and/or deteriorating situations is shared so that the police response can be adapted accordingly. The routing of files to specialty sections for further assessment, investigation and/or support is also appropriate.

Between January 7, 2013, and August 18, 2013, the VPD responded to five calls for service from neighbours about the complainant in relation to an ongoing dispute within their residential strata. Members attended to each of these calls in person, and documented the circumstances and their actions in each incident. Allegations included acts of mischief, which were not supported by corroboratory evidence, as well as behaviour which was perceived to be harassing in nature.

Over the course of eight months the dispute continued despite police attendance and the application of strategies to stabilize the situation. The relationships between the persons involved continued to deteriorate. During the latter calls for service the members considered the offence criminal harassment and utilized a cautionary criminal harassment letter given to the complainant as an educational and preventative measure.

The parties involved later signed a Mutual Release of Claims and Settlements independent of the police.

In these circumstances the police officers attended, investigated, documented and applied preventative strategies that did not involve the arrest of persons or the recommending of criminal charges while setting a tone to preserve the peace. They acted in accordance with their duties to keep the peace and investigate crime, complied with VPD report writing policy and the law. The complainant's suggestion that police not attend in person for such incidents is unsupportable and inconsistent with the duties and obligations of the police.

#### **CONCLUSION:**

The actions of the members responding to the calls for service generated by the dispute between the complainant and her neighbours was proportional to the deteriorating relationships of those involved. Their solution of a cautionary criminal harassment letter was the least intrusive action to preserve the peace considering the circumstances, and is what VPD members are trained to do as a part of a graduated response to allegations of criminal harassment.

The actions of the members in these circumstances are those that would be expected of them by both the public and the VPD.



Office of the Police  
Complaint Commissioner  
British Columbia, Canada

Fair Independent Principled

March 18, 2014

Mayor Gregor Robertson, Chair  
Vancouver Police Board  
2120 Cambie Street,  
Vancouver, B.C. V5Z 4N6

Dear Mayor Robertson:

Re: Service or Policy Complaint of [REDACTED]  
DA File No. 2013-96 / OPCC File No. 2013-9056

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On January 29, 2014, the Office of the Police Complaint Commissioner received a copy of your concluding letter to [REDACTED], dated January 21, 2014. Your letter carefully detailed the steps taken with respect to the complaint submitted by [REDACTED] and provided reasons for your decision.

As well, you advised [REDACTED] of her right to request a review of the matter by our office if she disagreed with your decision. To date, our office has not received such a request from [REDACTED].

Having had the opportunity to examine the Board's decision, this office is satisfied with the outcome and will not be making any recommendations for further investigation, study, courses of action or changes to service or policy respecting this particular matter. Accordingly, our file will now be closed.

Yours truly,

Dan Bazowski  
Manager of Investigations  
Office of the Police Complaint Commissioner




If you would prefer to receive  
future correspondence via  
email, please contact our office  
at [info@opcc.bc.ca](mailto:info@opcc.bc.ca)

Toll Free 1 877-999-8707

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cc.

 Chief Constable Jim Chu  
Mr. Clayton Pecknold, Director of Police Services



Office of the  
Police Complaint Commissioner

British Columbia, Canada

April 3, 2014

**VIA E-MAIL**

His Worship Mayor Gregor Robertson  
Chair, Vancouver Police Board  
2120 Cambie Street  
Vancouver, BC V5Z 4N6

Dear Mayor Robertson:

**Re: Service or Policy Complaint, Vancouver Police Department  
OPCC File No. 2013-8451; VPD Board No. 2013-93 SP**

On March 6, 2013, the Office of the Police Complaint Commissioner (OPCC) received a copy of Mr. Doug King's Service and Policy complaint, filed on behalf of PIVOT and VANDU, regarding "*the inadequacy or inappropriateness of the Vancouver Police Department's standing orders or policies regarding By-Law enforcement in Vancouver's Downtown Eastside*". Mr. King referred to the "*the ticketing blitz of 2008*", at which time residents of the Downtown Eastside (DTES) reported receiving tickets for many provincial and municipal law infractions, and were often given multiple tickets at one time.

Mr. King also referred to recommendations made by Commissioner Wally Oppal, head of the Missing Women Commission of Inquiry, where Mr. King states that Commissioner Oppal "*made strong and significant findings on the adversarial relationship between the VPD and residents of the DTES*". Specifically, Mr. King notes that in one of his recommendations, Commissioner Oppal directed the Vancouver Police Department (VPD) to limit the number of tickets given out for minor offences, given the barriers they create in seeking police protection.

In filing his complaint, Mr. King requested:

1. *That the Vancouver Police Department release the data collected in response to this recommendation to the public, including a comprehensive report on By-Law tickets in the Downtown Eastside by location and type.*
2. *That the Vancouver Police Department make these statistics readily available to the public.*

Stan T. Lowe  
Police Complaint Commissioner

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3. *That the Vancouver Police Board use the data collected to re-write or modify existing VPD policy to ensure equality in By-Law enforcement throughout the City, and to actualize the Commissioner's recommendation on ticketing in the Downtown Eastside.*

On April 17, 2013, the Vancouver Police Board (the Board) requested that the Chief Constable investigate the complaint and submit a report to the Service and Policy Complaint Review Committee.

On August 21, 2013, a report was submitted to the Board. The report was authored by Sergeant Colleen Yee of the Vancouver Police Department. The report made the following two recommendations:

*THAT the Vancouver Police Board Service and Policy Complaints Review Committee (the Committee) dismiss with reasons the complaint of Pivot Legal Society (Pivot) and the Vancouver Area Network of Drug Users (VANDU) dated 2013-03-06.*

*THAT, in the interests of public transparency, the anonymous data on by-law infractions (used to provide statistics in this report) is released publicly.*

On September 18, 2013, based on the report and recommendations from the Vancouver Police Department, the Board dismissed the complaint with reasons, pursuant to section 171(1)(d) of the *Police Act*.

On October 21, 2013, the OPCC received a request from Mr. King for a review of the Board's decision, pursuant to section 172(2) of the *Police Act*.

On November 18, 2013, the Police Complaint Commissioner recommended that the Vancouver Police Board request further investigation and produce the statistics of the number of jaywalking tickets issued per District per year from 2002 to 2012 without the incorporation of the 2008 statistics, and the number of pedestrians struck per District per year from 2002 to 2012, including the statistics from 2008.

Additionally, pursuant to section 177(4)(c) of the *Police Act*, the Police Complaint Commissioner recommended that the Vancouver Police Board make a policy which incorporates Commissioner Oppal's recommendation 5.9, and to report on what steps the Board has taken to incorporate the other recommendations into policy.

On January 16, 2014, a supplemental report was submitted to the Board. The report was authored by Drazen Manojlovic of the Vancouver Police Department. The report did contain the statistics requested regarding the number of pedestrians struck per District per year from 2002 to 2012, however, the Vancouver Police Department was not able to provide data on the number of jaywalking tickets issued prior to 2007.

In reviewing the statistics supplied by the Vancouver Police Department regarding the number of jaywalking tickets issued and the number of pedestrians struck by vehicles in the DTES and

Beat Enforcement Team (BET) area, it would appear as though there is no direct correlation between an increase in enforcement and a reduction in pedestrian accidents.

Regarding the implementation of Commissioner Oppal's recommendations, the report indicated that two recommendations (5.1 and 5.7) which are the sole responsibility of the Vancouver Police Department have already been implemented. The report notes that Commissioner Oppal's recommendation 5.9 is considered to be a recommendation that requires joint action to be coordinated between the Vancouver Police Department and the City of Vancouver (COV) in order to reduce the number of warrants being issued for by-law offences. Statistics provided from the COV Prosecutor and Revenue Services appear to indicate that the number of jaywalking tickets issued to women in the BET area have been reduced by 43% since Commissioner Oppal's report was released in November 2012. The report also indicates that recommendation 5.9 is being addressed through continuing consultation with the COV Prosecutor, incorporating guidelines in the VPD Strategic Plan that speak to an officers' use of discretion, and focusing resources "*on those who victimize others, rather than those vulnerable residents of the DTES who are abused*".

The Police Complaint Commissioner recommends that the Board continue to progress towards encapsulating Commissioner Oppal's recommendations into policy.

Having had the opportunity to examine the supplemental report supplied by the Board, this office is satisfied with the outcome and will not be making any further recommendations for investigation or study respecting this particular matter. Accordingly, our file will now be closed.

Sincerely,



Stan T. Lowe  
Police Complaint Commissioner

RG/kr

Copy: Clayton J.D. Pecknold, Director of Police Services  
Chief Constable Jim Chu, Vancouver Police Department  
Doug King, PIVOT Legal Society  
Rick Gosling, OPCC Investigative Analyst