

NOTICE OF THE REGULAR MEETING OF THE OAK BAY POLICE BOARD TO BE HELD IN
DOWNSTAIRS MEETING ROOM, OAK BAY MUNICIPAL HALL, 2167 OAK BAY AVENUE, OAK BAY,
BC, ON TUESDAY MAY 17, 2016 AT 3:00 PM

AGENDA



CALL TO ORDER:

APPROVAL OF AGENDA

ADOPTION OF MINUTES:

1. Regular Meeting
[April 26, 2016](#)

DEPARTMENT REPORTS:

2. Overtime Reports
[April 2016](#)
3. Chief Constable's Monthly Update
[Report - Chief Constable Brinton, May 9, 2016](#)
4. Support Services Report
[Report - Sgt Rob Smith, April 2016](#)

COMMUNICATIONS:

5. Oak Bay Police Board Manual
[Attach. 1 - OBPD Manual, May 17 2016](#)
6. Chief Constable Performance Management Policy
[Attach. 1 - Chief Cst Performance Management Policy](#)

CHIEF'S ORDERS (POLICY CHANGES):

7. OK 060
[Attach. 1 - Memorandum, Chief Constable Brinton, May 6, 2016](#)

[Attach. 2 - OK 060 Police Service Dogs \(Draft\)](#)

NEW BUSINESS:

ADJOURNMENT:

That the open portion of the Police Board meeting be adjourned and that a closed session be convened to discuss personnel issues, which may be dealt with in private under the Police Act.

MINUTES of the open portion of the regular meeting of the OAK BAY POLICE BOARD held in Council Chambers of Oak Bay Municipal Hall, 2167 Oak Bay Ave, Oak Bay, BC, on Tuesday, April 26, 2016 at 3:00 p.m.

PRESENT:	Board Members:	Nils Jensen, Chair
		Mary Kelly
		Brian Rendell
		Sandra Waddington
	Chief Constable:	Andy Brinton
	Deputy Chief Constable:	Kent Thom
	CAO & Police Board Secretary	Helen Koning
	Executive Assistant/Recording Secretary	Laura Lang

Chair called the meeting to order at 3:00 p.m.

APPROVAL OF AGENDA:

Agenda approved.

MOTION to move the meeting in camera to discuss personnel issues, which may be dealt with in private under the *Police Act*. Meeting moved in camera at 3:02 p.m.

Open portion of the meeting resumed at 4:07 p.m.

ADOPTION OF MINUTES:

RESOLVED that minutes of the open portion of the regular meeting of the Oak Bay Police Board, held on Thursday, March 31, 2016, be adopted.

Brian Rendell requests a correction to the minutes of the joint meeting of the Oak Bay Police Board and Municipal Council, held on Monday, March 21, 2016. Item #5, first paragraph of the minutes of the joint meeting, should read “what the public expects of a balanced, effective and fair police department”.

Chair requests that an item be placed on the November Police Board agenda for discussion regarding a date for a joint meeting of Police Board and municipal Council.

RESOLVED that the minutes of the joint meeting of the Oak Bay Police Board and Municipal Council, held on Monday, March 21, 2016 be adopted, after amended as above.

DEPARTMENT REPORTS:

Financial Report (2015 Year End)

Chief Brinton provided an overview of his memorandum regarding the 2015 year end. Chair questioned whether budget surplus amounts in the operational portion of the budget can be rolled forward from one year to the next within the same account. The municipal administrator advises that this is not a practice of the municipality. Chief Brinton reports that the Director of Finance advises that any surplus within operating portions of the budget may be used to offset over-runs in other areas of the overall municipal operational budget.

Financial Report (March, 2016)

Discussion held regarding the needed frequency of reporting the monthly financials to the Police Board. Consensus of the Board was reached that quarterly financial reporting would be sufficient. As the Director of Finance may be required to provide assistance within some areas of the budget, Chief Brinton will arrange a meeting with her to determine if her assistance on a quarterly basis would be reasonable.

Overtime Report (March, 2016)

The sick time is higher year-to-date than last year by one hundred hours and the first two months of this year have been higher than the last three years first two month period. Chief is currently reviewing the last five years of sick time and plans to investigate further and set priorities. The number of hours of sick time used has been fairly consistent over the past five years. Differences would be caused by having to call off-duty members out, rather than back-filling absences by changing shifts of members within other sections. With the recent retirement of the Community Services member, there will be one less person to call on to alter shifts and sick time may necessitate more callouts. Hiring a new member to fill the current vacancy will potentially take up to three months.

Chief Constable's Monthly Report (April 15, 2016)

The totem pole raising event at the Victoria Native Friendship Centre was quite an event, which happened to coincide with a large scale First Nations Youth event being held during the same week in Victoria. The raising ceremony was well attended with a large truck and rope hauling the pole into place.

Support Services Monthly Report (Sgt Smith - March, 2016)

Strategic Plan Quarterly Report

Some initiatives are in progress and some have already been met. The Support Services Sergeant and School Liaison will cover the gap left by the retirement of the Community Liaison Constable. Some Community Liaison functions may be absorbed by either the other Support Services staff or patrol. The Board feels that involving the patrol members in some of the initiatives is very worthwhile and Chief Brinton feels that the Reserve Constables may be able to assist in some areas.

Two officers have received the training to deliver the Road to Mental Readiness program to sworn members, which will take place in the fall.

MOVED and seconded: That all of the Department Reports be received.

CARRIED

COMMUNICATIONS:

CHIEF'S ORDERS: (Policy Changes)

- AC 000 – Use of Telephones and Cellular Telephones
- AF 100 – Intra/Internet and Voicemail Usage
- AF 120 – Social Media

AC000

There is still some concern regarding the consistency of the wording between employees, members and officers in all three pieces of policy on the agenda. Chief Brinton advises that there are some circumstances where policy would direct police staff and not all employees. All three policies have been kept as consistent as possible, but the use of more than one term in some cases will be unavoidable.

Section 3.1 of this policy raised some concerns about callers being directed to hang up and call 9-1-1. Discussion held regarding the redirection of emergency calls coming through on the non-emergency line. It was determined that the best wording would be that callers 'will be directed to 9-1-1'.

The question was also raised regarding the differences in the terminology between 'member', 'officer' and 'employee'. It was agreed by the Board

AF 100

Discussion held regarding proposed section 7.3, personal use of work email. Consensus amongst the Board that as section 7.2 addresses the misuse of work email for personal gain, section 7.3 should be removed completely.

AF 120

Further discussion was held regarding the clarity of wording regarding employees, members & officers. It was agreed upon by the Board that the differences should be captured using a definition section within the policy and wording of the policy changed accordingly.

MOVED and seconded: That all three pieces of policy be approved according to changes determined by the Board as above.

CARRIED

General discussion held regarding the level of involvement required for the Board to approved departmental policy. It was determined that the "Policy" and "Reason for Policy" sections of all pieces of departmental policy be approved by the Board and that minor changes to the "Procedure" sections of policy be at the Chief Constable's discretion. Chief Brinton recommends that Police Services be contacted to confirm the requirements for Police Boards around policy approval. Sandra Waddington to make the inquiry with Police Services.

OLD BUSINESS:

MOVED and seconded: That Sandra Waddington be appointed as the authorized representative to the BCAPB Executive Board and Brian Rendell be appointed as the alternate representative. Form to be completed and returned to Police Services.

CARRIED

NEW BUSINESS:

Sandra Waddington advises that the most recent version of the Police Board manual that was sent out to all Board members will require one slight change to the order of business. She will make the correction and send out the revised final version. Updated version of the Police Board manual to also be included in the Police Board Orientation Manual and also be placed on the May agenda for adoption. Next Police Board meeting to be held on May 17, 2016 in the Committee Room.

ADJOURNMENT:

RESOLVED that the open portion of the meeting be adjourned and that a closed session be convened to discuss personnel issues, which may be dealt with in private under the *Police Act*.

The open portion of the meeting adjourned at 5:10 p.m.

Certified Correct:

Secretary, Oak Bay Police Board

Chair, Oak Bay Police Board

**OAK BAY POLICE DEPARTMENT
MONTHLY OVERTIME REPORT
Month of: April, 2016**

Overtime Type	Overtime hours worked	Year to Date (hours)	Previous YTD (hours)
Investigation	4.75	21.5	36.5
Court	-	22	22
Sick Relief	156	501.5	312
WCB Relief	-	-	-
Shift Coverage	1.5	22.5	39
Special Duty *	12	12	-
Training	72	92	47.5
Meetings	6.5	34	63
Total	252.75	705.5	520
Hours Banked	111.25	279	192.5
OT Bank balance (hours)	n/a	1,095	1,025

* April Special Duty for police coverage in Westshore to allow RCMP members to attend regimental funeral. (not recovered)

OT Hours Paid	Current \$ Amt	Year to Date \$ Amount	Previous Year to Date \$ Amount
141.5	\$13,950.94	\$41,360.06	\$31,876.77



OAK BAY POLICE DEPARTMENT MEMORANDUM

DATE: May 9, 2016
TO: Oak Bay Police Board
FROM: Chief Constable Brinton
RE: Chief's Monthly Update – April 2016

Sergeant-at-Arms BC Legislature

I met with the Sergeant-at-Arms where we discussed the security structure for the legislature including their risk assessment and investigative processes. Their relationship with the area police agencies was discussed including certain equipment other police agencies can access.

Area Chiefs Meeting

This was a regular meeting with ongoing items of common interest discussed among all area police agencies. Of note was some tactical equipment all agencies have access to and a discussion around some organized crime trends for the area.

Municipal Budget Process

The municipality conducted their Estimates Committee sessions in April to finalize the 2016 budget. I attended a series of meetings with staff and finally presented at an Estimates Committee meeting.

Regimental Funeral for Cst. Sarah Beckett – Westshore RCMP

Several Oak Bay PD members attended the funeral of Cst. Beckett on April 12 along with approximately 4,000 law enforcement personnel from BC and beyond. Oak Bay PD offered one member to join the other police agencies providing coverage in Westshore, Sidney, and Sooke on the day of the funeral to allow those RCMP members to attend.

Alexis Team Awards

The Alexis Team Awards is an initiative to recognize police officers who meet certain numbers in impaired driving investigations. The Vancouver Island awards are held in Oak Bay each year at Glenlyon Norfolk Elementary School. Oak Bay PD member Cst. Mike Klein-Beekman was presented with this award for the 5th year running.

BC Emergency Services Garden of Honour Unveiling

A proposal was made to the BC Legislature and Speaker to dedicate the area around the Law Enforcement, Firefighters and Paramedics memorials as the BC Emergency Garden of Honour. That dedication ceremony took place on the National Day of Mourning. The Honorable Linda Reid, Speaker of the Legislature was instrumental in seeing this through and the three partner groups were represented by the respective BC Ministers responsible for each. I attended this ceremony along with a contingent of Oak Bay PD members.

Special Olympics BC – Free the Fuzz

Free the Fuzz was a weekend long event held at Uptown Mall. Oak Bay PD member Sheri Lucas spent 48 hours on an elevated platform with two other area members to raise funds. Several events took place such as a dunk tank and police dog demonstrations. Deputy Thom went in the dunk tank. I was present for a portion of the event to show support.

Andy BRINTON
Chief Constable



Support Services Section

Monthly Activity Report

April 2016

Admin Sergeant
Records/Block Watch
Front Desk
Community Liaison Officer
School Resource Officer
Mobile Youth Services Team
Reserve Constable Program

Sgt Rob Smith
Rebecca
Heather
~~Cst Rick Anthony~~
Cst Markus Lueder
Cst Jennifer Gibbs
R/Cst Taylor, R/Cst Malhotra, R/Cst Carrie, R/Cst Marshall

Admin Sergeant

The month of April saw me shirking my duties for the first couple of weeks and enjoying some impromptu annual leave. That, coupled with Cst. Anthony's departure will result in a rather condensed monthly report from Support Services.

Upon my return from leave on April 14th, Rick Anthony had announced that his retirement would take effect the coming week. Needless to say, the next few days were filled with the necessary logistics around making sure that all of Rick's files and projects could be concluded or re-assigned appropriately.

April 20th saw the members of Support Services covering for patrol while "A" Platoon attended the range for their yearly qualifications and much of the rest of that week was occupied with work on Operations Plans dealing with upcoming events like the Wheelers Criterium, Oak Bay Half Marathon and the Tea Party.

As of this writing, 16 members have been able to attend the range for qualifications. Several members were forced to miss their range days due to operational requirements, sick time and court commitments. It is hoped that the remaining 10 will be able to qualify during the four Spring Training dates that are still to come. The backup plan will see me taking members to the Malahat Range to qualify as time permits.

On the 28th, the National Day of Mourning, I attended the unveiling of the BC Emergency Services Garden at the Legislature in the company of the Chief, the Deputy Chief and Cst. Lueder. The ceremony was emotional for many given the recent loss of Cst. Sarah Beckett in the West Shore.

On April 29th, I met with Nick Walker, an organizer of the Oak Bay Half Marathon and discussed plans. This year's Oak Bay Half is different than in years past by virtue of the fact that the start/finish line is at Windsor Park and not on Oak Bay Ave. This has facilitated a change in the route. The event takes place on May 29th.



Community Liaison Officer

Cst. Anthony has retired from the Oak Bay Police Department after 32 years in policing. Rick's area knowledge, connections and passion for a job that he did so well will truly be missed. While plans are already underway to find a suitable replacement, there are many functions of the Community Liaison position that will need to be covered in the interim.

Among these roles are the Media liaison position and representation on numerous committees and boards. Various members of the department have already stepped up to fill some of the

gaps left by Rick including Constables Dalep and Omoding sharing the Diversity Advisory Committee role and Cst. Martin beginning work with the Tea Party Committee.

Projects/initiatives such as those listed below will continue on with limited administration required due to the fact they are already well established,

- Operation Head Start
- Operation Lumiere
- Marine Watch / "Dock It or Lose It" program

and other initiatives will be forced to wait until a new member is hired or other priorities can be shuffled.

- High Visibility Residential Address project: A proposal to re-visit a 1948 bylaw that requires residents to have visible addresses for the purposes of emergency responders. This bylaw has not been revised or enforced in about 50 years. **ONGOING research**
- Retail Merchant emergency contact info updates (*contact has been made with the fire department to see if we might tap into the property reference information they have*)
- Scooter Rodeo
- Bike Registry

School Resource Officer

Cst. Lueder continued his work on the SAFE school plans in April and was required to work five shifts in a patrol capacity due to training and sick leave requirements. Statistically speaking, for the month of April, Markus took 50% of the calls normally expected of a patrol member while still being available to the schools.

School zone patrols (speed enforcement) saw Cst. Lueder writing 8 violation tickets and issuing numerous warnings. Markus attempts to be in a school zone each morning and afternoon monitoring traffic. One of the tickets he wrote this month was to a man he had given a verbal warning to just the week prior!



Cst. Lueder attended Glenlyon Norfolk School to assist in some bullying issues, attended school based team meetings at the high school and was one of eight Oak Bay members to represent our department at the funeral of Cst. Sarah Beckett on April 12th.

The highlight of the month of April, from a "Schools" perspective, was definitely the dodge ball game. The game was hosted by

Monterey Middle School and saw members of the police and fire departments invited to take part in this highly competitive sport over the lunch hour. While there was no definitive winner, fun was had by all.



Mobile Youth Services Team (MYST)

Cst. Gibbs was as busy as ever in the month of April. The month began with a trip to cells to visit with a 13-year-old girl who had been arrested overnight. That visit was followed by a meeting with outreach workers from the Youth Empowerment Society and an Intensive Case Management (ICM) meeting at the MCFD office.

Cst. Gibbs assisted in several missing youth files over the course of the month using her connections and multi-jurisdictional role to bridge gaps. Other youths were assisted with rides from group homes to school and transportation to meetings with probation and the like in an ongoing effort to build rapport and trust.

April 7th saw another Intensive Case Management (ICM) meeting and then a walk-around through downtown Victoria with a representative from the Pacific Centre engaging with the youth found in that area.

Cst. Gibbs received information about a child with a weapon and passed that on to the appropriate jurisdiction and in the same day, counselled a different youth who was described a “sexually confused” and involved in unhealthy relationships.

A visit with a 12-year-old held overnight in cells, followed by attendance at Cst Beckett's funeral in the West Shore rounded out the day of the 12th.

To round out the month, more visits were made to cells, youth detox and various schools where confused and/or at risk youth were met with. Investigators from Vancouver reached out to Jennifer for assistance with a youth they felt would benefit from a connection to the MYST program.

Finally, Cst. Gibbs was involved in two separate files where she assisted in having youths criminally charged in an effort to get them the help and supports they need where all else had failed. She also spent some time in the youth psychiatric ward at VGH connecting with youths there who needed support.

Reserve Constable Program



Follow the Reserve Constables of Oak Bay at our new Twitter Account.

[@OakBayPD_RCst](#)



affords us is a huge deterrent to speeding.

Members of the Reserve Program deployed on three separate initiatives in the month of April.

On April 6, R/Cst's Taylor and Marshall located 50 unlocked vehicles in the vicinity of Oak Bay Avenue in a 4 hour period. Each of these vehicles was left with a Crime Prevention Notice advising of the findings.

On April 26th, R/Cst Carrie spent an hour and a half doing Speed Watch along the 1700 block of Beach Drive. He logged a total of 303 vehicles in the GNS school zone. 210 were travelling under the posted 30km/h, 71 vehicles were between 31 and 40 km/h and 6 were over 41 km/h. No vehicles were observed doing more than 50km/h. As you can see from the picture, the visibility that the speed Watch Program

On April 29th, R/Cst's Taylor and Marshall attended the "Free the Fuzz" event at Uptown Centre in support of Cst. Lucas and the Special Olympics. They assisted with the collection of donations and the selling of hot dogs. Neither of them opted to participate in the dunk tank.

Reserve Constable Marshall went on his first patrol ride-a-long on Saturday the 23rd. Accompanying Cst. Klein-Beekman, R/Cst Marshall participated in a variety of investigations and assisted in a traffic roadblock that resulted in two driving prohibitions.

A letter was received from Saanich Police thanking Reserve Constable Taylor for her assistance on March 24th with a Justice Institute of BC course that deals with Standardized Field Sobriety Testing. Carla volunteered her time in the alcohol workshop allowing for those members on the course to better understand the effects of alcohol on a body and become qualified to present their opinion on the level of a driver's sobriety at the roadside.

OAK BAY POLICE BOARD MANUAL

May 17, 2016



MISSION STATEMENT

The Oak Bay Police Board strives through good governance practices to maintain the safety and security of the Municipality of Oak Bay by ensuring that police services are delivered professionally, ethically and in partnership with the community.

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PART 1**LEGISLATION, BOARD MANDATE AND GOVERNANCE****Legislative Authority**

The Oak Bay Police Board is established as an independent and autonomous authority pursuant to the *Police Act*, RSBC 1998, c.367.

Part 5, s.23 through to s.29 of the *Police Act* establishes the mandate of a municipal police board as follows:

Police Act**Part 5 - Municipal Police Board****s.23 Municipal police board**

- (1) 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.
- (2) Subject to the approval of the minister, the councils of 2 or more municipalities may enter into an agreement to establish a joint municipal police board under subsection (1).
- (3) An agreement under subsection (2) must contain terms respecting the establishment of the municipal police board, membership on the municipal police board and division of expenditures.

s.24 Membership of municipal police board

- (1) A person who is a councillor or is ineligible to be elected as a councillor must not be appointed to a municipal police board.
- (2) A person appointed to a municipal police board under s.23
 - a. holds office for a term, not longer than 4 years, that the Lieutenant Governor in Council determines, and,
 - b. may be reappointed, subject to subsection (3).

- (3) A person is not eligible to hold office as an appointed member of a municipal police board for a period greater than 6 consecutive years.

s.25 Chair of municipal police board

- (1) The mayor of a council referred to in section 23 is the chair of the municipal police board.
- (2) If the mayor is absent or unable to act, the municipal police board members present at a meeting of the municipal police board must elect from among themselves a chair to preside at the meeting.
- (3) In case of a tie vote at a meeting of a municipal police board, the chair may cast the deciding vote.

s.26 Board to establish municipal police department

- (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.
 - a. If a municipality has entered into an agreement referred to in section 66.2 (1.1)(b) with a treaty first nation, or an agreement referred to in section 66.2 (1.11)(b) with the Nisga'a Nation, for the duration of the agreement, the reference in subsection (1) of this section to "municipality" must be read as including the treaty lands of the treaty first nation or Nisga'a Lands, as applicable.
- (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.
- (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. (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.

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

s. 27 Estimates and expenditures

- (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.
 - a. If a municipality has entered into an agreement referred to in section 66.2 (1.1)(b) with a treaty first nation, or an agreement referred to in section 66.2(1.11)(b) with the Nisga'a Nation, for the duration of the agreement, the reference in subsection (1) of this section to "municipality" must be read as including the treaty lands of the treaty first nation or Nisga'a Lands, as applicable.
 - b. If a municipality is a specialized service provider, the reference in subsection (1) to "municipality" must be read as including areas within the specialized service area that are outside the municipality.
- (2) Any changes to the provisional budget under subsection (1) must be submitted to council on or before March 1 of the year to which the provisional budget relates.
- (3) If a council does not approve an item in the budget, the director, on application by the council or the municipal police board, must
 - a. determine whether the item or amount should be included in the budget, and
 - b. report the director's findings to the municipal police board, the council and the minister.
- (4) Subject to subsection (3), a council must include in its budget the costs in the provisional budget prepared by the municipal police board.
- (5) On certification by the municipal police board members that expenditure is within the budget prepared by the municipal police board, the council must pay the amount of the expenditure.
- (6) Unless the council otherwise approves, a municipal police 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.

s.28 Rules

- (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.
- (2) A rule under subsection (1) is enforceable against any person only after it is filed with the director.

s. 29 Studies by municipal police board

- (1) A municipal police board may study, investigate and prepare a report on matters concerning policing, law enforcement and crime prevention in its municipality.
- (2) A municipal police board must submit its report of a study under subsection (1),
 - a. on request, to the director,
 - b. if the report suggests a breach of discipline by any of its municipal constables, special municipal constables or bylaw enforcement officers, to the chief constable, and
 - c. if the report suggests criminal liability of any of its municipal constables, special municipal constables or bylaw enforcement officers, to the minister.

Governance and Oversight

Under the legislated mandate, the Oak Bay Police Board must perform governance and oversight functions. Governance will provide the general direction for the department and be achieved through the establishment of a policy framework for the Police Department. Board monitoring practices will provide the oversight required to ensure that the legislated functions for the police department are carried out by the organization. If effective governance and oversight policies and practices are well established, implemented and routinely updated, the result will be an organization that constantly achieves peak performance and is accountable to the public it serves.

Independence and Jurisdiction Policy of Police Board

It is the position of the Oak Bay Police Board that there is judicial authority to support the proposition that 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.

The work of the Police Department necessitates confidentiality and adherence to security protocols and, to that end, the Police Board has adopted policies 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.

The Oak Bay 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 the Municipal Council, or any other agency, can only occur where the Board is satisfied that confidentiality and security issues have been properly addressed.

Composition of Board, Selection and Appointments

The *Police Act*, Part 5, s.24, requires that the Board consist of the Mayor, who is designated as Chair, one person appointed by the Municipal Council, and not more than seven persons appointed by the Lieutenant Governor in Council.

All members of the Oak Bay Police Board are appointed and their terms

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of office set by the order of the Lieutenant Governor in Council based on recommendations put forward by the Attorney General and Minister of Justice, after consultation with the Director of the Police Services Division. The Police Services Division indicated that Board members are chosen to reflect the demographics of the community, and to bring appropriate qualifications and demonstrated ability to act in the best interest of the community.

For the single municipal appointee, the municipality is expected to solicit and receive names of interested and suitable individuals and submit the name of the candidate selected by Municipal Council to the Police Services Division. The selected and qualified candidate from the municipality is then forwarded to the Attorney General and appointed by Cabinet.

Police Services Division has established a Board Member selection and reappointment process. The appointments are governed by the overriding principle of selection based on merit. This is an objective assessment of the fit between the skills and qualifications of the prospective candidate and the needs of the Board.

Prospective Board Members are to meet the following qualifications:

- Preferably are a resident and/or have business interest in the municipality served by the Board.
- Willingness to submit to a criminal record review and personal interview
- Knowledge about, and interest in, the community
- Ability to understand the complexities of policing
- Commitment to protecting fairness, avoiding of conflict of interest and maintaining neutrality and objectivity
- Willingness, ability and availability to meet time commitments related to board duties
- Ability to work with a variety of situations, groups and people
- Ability to deal with difficult and complex interpersonal situations
- Willingness to contribute to consensual solutions.

Notwithstanding the above, Board members are appointed through an order-in-council for a not to exceed six consecutive years. Appointments are staggered in order to have some continuity from year to year.

Oath of Office

In accordance with s.70(1)(c) of the Police Act, a person appointed to the Oak Bay Police Board must take an oath or affirmation in the prescribed form before assuming office and exercising any power or performing any duty or function as a member of the Oak Bay Police Board.

The oath or affirmation as specified in the Police Oath/Solemn Affirmation Regulation shall be made before the Chair of the Oak Bay Police Board, or alternatively, before a Commissioner for taking affidavits for British Columbia. A copy of the signed oath/affirmation shall be filed with the Ministry of Justice and Attorney General, as designated in s.1 of the Regulation.

PART 2**OAK BAY POLICE BOARD POLICIES****#1 Role of Board Members**

A Member has a fundamental responsibility to assist the Board in making effective and informed decisions that promote the achievement of the mission of the Police Department.

A Member has a responsibility to become informed of the substantive issues impacting upon the Police Department and the community, and to participate in Board activities that will enhance and expand the knowledge required to be an effective Board Member.

A Member, as representative of the community and primarily representing the interests of the public, shall seek to foster a strong and positive relationship between the Police Department and the community.

A Member has no direct authority over members of the Police Department. All authority of the Board flows through the approved resolutions of the Board and is contained within approved Minutes of the Board.

A Member must be a full partner with the Chair and work with the other Members so that the Board functions as a unit. This does not mean that consensus needs to be reached on every issue. It should mean that there has been full debate and Members accept the decision of the majority.

A Member understands that the authority of the individual police officer to investigate crime, arrest suspects and lay information before the justice of the peace comes from the common law, Criminal Code and other statutory authority and must not be interfered with by any political or administrative body, including the Board.

#2 Code of Conduct of Board Members

Guidelines for Conduct

The effective governance of British Columbia's municipal boards is contingent on the board members fulfilling their roles and responsibilities with the highest standards of conduct. The following outlines the expectations of members of Boards:

Duty of Integrity: To act in good faith and with honesty and due diligence.

Duty of Loyalty: To give one's loyalty to the Oak Bay Police Board when acting on behalf of the board in its role as civilian oversight and governing body.

Duty of Care: To act in a prudent and diligent manner, keeping informed as to the policies, business and affairs of the department.

Duty of Skill: To use one's level of knowledge and expertise effectively in dealing with the affairs of the department.

#3 Conflict of Interest Guideline

Members are expected to perform duties conscientiously and in a manner that will not put their personal interests in conflict with the best interests of the Oak Bay Police Board and Police Department. A conflict of interest arises when a Member's private interests supersede or compete with the Member's dedication to the interests of the organization. This could arise from real, potential, or apparent conflict of interest:

- i) A "real" conflict of interest occurs when a Member exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is the opportunity to further a private interest.
- ii) A "potential" conflict of interest occurs when there exists some private interest that could influence the performance of a Member's duty or function or in the exercise of power, provided that he/she has not yet exercised that duty or function.
- iii) An "apparent" conflict of interest exists when there is a reasonable apprehension that a reasonably well-informed person could properly believe, that a real conflict of interest exists on the part of the Member.

A Member has an obligation to declare a conflict of interest and make a full disclosure prior to discussion of an issue. This enables the Board to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.

Upon declaration of a conflict, the person recording the events of the meeting should duly note the declaration. The Member must absent themselves from the proceedings during discussion or voting on that particular matter, contract or arrangement.

Board Members concerned that another Member may have a conflict of interest must bring the matter to the attention of the Chair as soon as is practicable. In the case of a "conflict of interest" involving the Chair, the matter is to be brought to the attention of the Board Members. Conflicts brought to the attention of the Chair or the Board must be resolved in a manner that preserves and enhances public confidence and trust in the objectivity and impartiality of the Board.

#4 Confidentiality

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.

Municipal police departments and municipal police boards in British Columbia are subject to the *Freedom of Information and Protection of Privacy Act*. Members must avoid disclosing any verbal or written material that is meant to be confidential concerning the Department, its officers, staff members or clients.

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.

#5 Role of the Chair

Under s.25 of the *Police Act*, the Chair of the Municipal Police Board is also the Mayor of the Municipality. Given the leadership role of the Chair, the Chair shall recognize that the two roles are distinct, and shall be aware of which role he/she is undertaking and whose interests he/she is representing at any given time. It is recognized that this dual role brings an inherent conflict of interest with respect to the budget. The Chair shall ensure the integrity of the Board's independence from political interference.

The Chair's primary role is to preserve the integrity of the Board's process and, secondarily, to represent the Board to outside parties. The Chair shall ensure that the Board operates consistently with its own policies, operating effectively, and meets its obligations and responsibilities. The Chair ensures that meeting discussion content will only be those issues which, according to Board policy, clearly belong to the Board. Deliberations will be fair, open, and thorough, but also efficient, timely, orderly, and kept to the point. The Chair ensures that the mission of the Police Department is reflected in all discussions.

The Chair is the only Board Member authorized to speak for the Board (beyond simply reporting Board decisions), other than in specific instances, as authorized. The Chair shall consult with the Chief prior to speaking on operational issues.

The authority of the Chair consists of making decisions that adhere to Board policies. The Chair is authorized to use any reasonable interpretation of the provisions in these policies. The Chair may delegate this authority but remains accountable for its use.

The Chair shall chair the Board meetings in accordance with Robert's Rules of Order, current version.

While it is recognized that the Chair and the Chief need a good working relationship and ongoing dialogue, the Chair cannot independently supervise or direct the Chief. Only the Board as a whole has that authority.

The Chair has a responsibility to maintain a liaison and communication with all Members and Committee chairs, and to optimize the effectiveness of the Board and its committees.

The Mayor must fulfill the role of the Discipline Authority for complaints lodged against the Chief and Deputy Chief Constables in accordance with Part 9 of the *Police Act*.

The Chair of the Board presides over meetings of the Board. Should the Chair not be present, or vacates the chair temporarily or permanently, the Board shall elect an acting Chair.

The duties of the Chair with respect to the Board meetings shall include:

- (1) calling the meeting to order;
- (2) announcing items of business;

- (3) deciding, subject to appeal, all questions of order and procedure; and
- (4) preserving order and decorum.

#6 Quorum

A majority of Members of the Board holding office constitutes a quorum. A meeting of the Board, where notice has been given, and at which a quorum is present, is competent to exercise all or any of the authorities, powers and discretion vested in or exercisable by the Board generally.

The Chair shall call the meeting to order after the hour fixed for the meeting, once a quorum is present.

At the Chair's direction, but no sooner than one-half (1/2) hour after the fixed time for the meeting, should no quorum be present, the Board Secretary will call the roll and record the names of the Members present and the meeting shall be adjourned.

If a quorum should be lost during a meeting and is not regained within fifteen (15) minutes, the meeting must stand adjourned until the next meeting.

Whenever there is a matter of urgency which requires the immediate attention of the Board, the Chair may, via telephone conference and E-mail polling, video conferencing or Internet, solicit a motion from the Members dealing with the matter. The motion shall be valid and in effect if passed by a majority of the Board. It shall be recorded either in the Minutes of the next open or in-camera meeting of the Board as directed by the Chair.

#7 Meeting Procedural Rules

The Board shall adhere to the following meeting procedural rules:

- (1) Pursuant to s. 25(3) of the *Act*, in case of a tie vote at a meeting of the Board, the Chair may cast the deciding vote. Other than

- a tie vote, the Chair shall not vote.
- (2) Repealing, rescinding or altering any decision of the Board shall require 2/3 vote.
 - (3) Corrections of the Minutes require a majority vote of the Board.
 - (4) If a question of procedure should arise during the course of a meeting that is not specifically covered by these rules, it shall be determined by the Chair with reference to Robert's Rules of Order.
 - (5) A direction to the Chief Constable shall be authorized by resolution of the majority of the Members present.
 - (6) Actions to be pursued by the Board arising from the agenda shall be clearly identified at the meeting.

#8 Regular and In-Camera Meetings

Pursuant to s.69(1) of the *Police Act*, meetings and hearings of the Police Board shall be open to the public. The Board shall not exclude a person there from, except for improper conduct or public safety.

Pursuant to s.69(2) of the *Police Act*, the Board may hold meetings in absence of the public (in-Camera), if the subject matter being considered concerns:

- (1) A matter concerning public security, the disclosure of which could be reasonably expected to seriously impair effective policing or law enforcement.
- (2) A matter concerning a person's financial or personal affairs, if the person's interest in the matter outweighs the public interest in the matter.
- (3) A matter concerning labour contract discussions, labour management relations, layoffs or another personnel matter.
- (4) A matter concerning information that a person has requested that he or she is allowed to provide in private to the Board.

No person other than Board Members, the Board Secretary, Chief Constable Deputy Chief and other persons invited by the Board for specific agenda items shall attend In-Camera meetings. Persons shall leave the meetings if requested to do so by the Chair.

Attendance at the CLOSED In-Camera meetings of the Board is at the sole discretion of the Board.

Any and all information obtained at an In-Camera meeting shall be treated as confidential by any and all persons in attendance.

#9 Notice of Meetings

Notice of Regular or In-Camera meetings of the board shall be given at least five (5) calendar days prior to the meeting, accompanied by the proposed agenda and any supporting materials.

On an exigency basis, the notification period may be reduced by unanimous consent of the Board members. Otherwise 24hr notification is required.

#10 Special Meetings

The Chair, or authorized Board delegate may, at any time, call a special meeting of the Police Board and the Board Secretary may call a special meeting whenever requested by a majority of the Members of the Board.

Written notice of a special meeting shall be given to each Member of the Board at least 24 hours prior to the meeting, setting out the time and place of the meeting and the matters to be considered. The notice may be made by personal service, email, text message or by leaving a copy at the Member's recorded address as submitted by the Member.

A special meeting of the Board may be called by verbal notice provided that at least two-thirds (2/3) of the Board consent to the time, the place and the matter to be considered and that the decision to call the meeting is later ratified by the Board

Notice of a special meeting shall state the business to be considered and no business other than that stated shall be considered, except if all Members of the Board are present.

#11 Board Committees

The Board may establish standing or ad hoc committees to inquire into and report on any matter within the jurisdiction of the Board.

#12 Annual Board Planning Cycle

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.

The Board shall annually determine, in consultation with the Chief the process to be followed for the next year in order for the Board to meet its obligations under s.26[4] of the Police Act.

#13 Board Member Orientation

It is imperative that all Board members receive orientation regarding their roles and responsibilities as Police Board Members. The Board Secretary shall arrange for swearing in and provide an initial orientation session as soon as is practicable after appointments.

Upon appointment, the Chief Constable shall contact the appointee and arrange a time for orientation.

Note: See “Appendix A” for the Board Orientation Checklist.

#14 Travel and Training

Members are encouraged to participate in training sessions and conferences of the BC Association of Police Boards and Canadian Association of Police Governance, and to take advantage of other training opportunities that will increase their knowledge and capabilities as a Board Member.

Board Members are eligible to be reimbursed for expenses incurred while on Board business travel or attendance at training sessions outside the area of the Capital Regional District. Any travel or attendance to training sessions requiring reimbursement will be authorized by Board resolution.

A Member's expenses are reimbursed upon the submission of receipts and explanatory expense statements, and must be in accordance with the travel guidelines of the District of Oak Bay. A Board resolution is required in order to over-ride said travel policies.

The Oak Bay Police Board will reimburse the member appointed to the BCAPB Executive for travel to and from the quarterly regular meetings of the executive. Travel by the member on behalf of the BCAPB will be reimbursed by the Association.

#15 Execution of Documents and Production

When execution of documents in Board approved matters is required, the Chair and Acting Chair are authorized to sign documents in the name of the Board. In principle, all contracts, agreements and other documents intended to legally bind or commit the Board in any manner are to be executed by the Chair or Acting Chair.

#16 Memberships

The Board supports the purpose of the BC Association of Police Boards and Canadian Association of Police Governance, and shall be a member of both organizations, unless otherwise determined by the Board.

#17 Board Assessment Process

Board Evaluation

It is recommended that the board evaluate their performance both as individual members and as a whole. The evaluation will help to reinforce that board activities taking place are going well and draw attention to needed changes. Performance review of the board and its members should be based upon the board's planned actions and the subsequent results that have been achieved. It is recommended that performance reviews be conducted once a year.

The evaluation process should look at both the accomplishments and results of the goals and objectives and the process by which they were accomplished. What the board has accomplished should be stated in concrete, measurable terms. Evaluating how the goal was accomplished involves assessing the timelines and the resources used to accomplish the goal. It also involves assessing the information gathering techniques, problem-solving approaches and decision-making techniques used by the board in the process.

As part of the strategic planning for the Oak Bay Police Board a board assessment tool will be developed for use in the year 2017 and included in this manual and undertaken annually.

#18 Agenda

As a general rule, the Board shall deal with matters in the order established by the order of business and as shown on the agenda. The Chair may, at his/her discretion, alter the order established to facilitate the business of the meeting.

The general order of business for Board Meetings is as follows:

1. Call to Order
2. Adoption of Minutes
3. Delegations / Presentations
4. Departmental Reports
5. Communications
6. Chief's Orders [Policy Changes]
7. New Business
8. Adjournment

Prior to each meeting, the Board Secretary shall prepare a draft agenda of all business to be brought before the Board, decisions on the inclusion or exclusion of agenda items shall be made by the Chair of the Board or their designate, in consultation with the Chief Constable or their designate.

Wherever possible, Members shall give notice regarding a matter to be added to the agenda prior to the agenda review with the Chair.

Under New Business, a Member may introduce new business with the consent of the majority of the Members present at the meeting.

The Board Secretary shall be responsible for the initial placement of all items on either the Regular or In-Camera agenda. The placement may be adjusted following review by the Chair and Chief Constable in the agenda development process.

The Chief shall suggest on which agenda the reports prepared by Police Department staff or Department presentations should be placed.

Upon convening of the Regular Meeting, a Member may request an item be moved from the Regular to the In-Camera Agenda. During an In-Camera meeting the Board can, by motion, move any item from the In-Camera Agenda to the Regular Agenda. Should there be no Regular Agenda for that meeting, the Board may move that one be created for the item, or that the item be placed on the Regular Meeting Agenda at the next meeting of the board.

During consideration of an In-Camera item by the Board, the Board may direct that the decision on that item, or the item in its entirety, be reported back to the Regular Meeting.

Notwithstanding the above, the Board or any member thereof may request an item to be placed on the agenda by forwarding the item to the Secretary one week prior to the meeting. The decision on the inclusion of the agenda item shall be decided by a majority vote of the Board

#19 Delegations

Any person or persons (a delegation), not being a Member or employee of the Board wishing to address the Oak Bay Police Board shall make a written request to the Board Chairperson indicating the topic or issue upon which the delegation wishes to address the Board and the estimated length of time for the presentation.

All requests must be received by the Board ten (10) business days prior to the next Board meeting for the request to be considered at that meeting.

The Board Chairperson in consultation with the Chief Constable shall determine if the request is within the mandate and scope of the Police Board as described in the Police Act, and if so place the request on the next meeting agenda for the Board. The Board, by majority vote at the meeting or by poll if the matter is of an urgent nature, agree to hear the delegation at the next Board meeting.

The written submission by the delegation and a list of persons attending shall be filed with the Board Secretary for distribution with the meeting agenda.

Members shall not enter into debate with the delegation upon the completion of their presentation. Members should only ask questions for clarification and obtaining additional, relevant information.

No delegation at either a Regular Meeting or Special Meeting of the Board shall:

- (1) Speak disrespectfully of any person;
- (2) Use offensive words or un-parliamentary language;
- (3) Speak on any subject other than the subject for which they have received approval to address the Board; or
- (4) Disobey the rules of procedures or a decision of the Chair.

The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the delegation shall immediately withdraw.

Delegations are limited to 5 minutes unless otherwise determined by the Board.

#20 Schedule and Location

Regular meetings of the Oak Bay Police Board will generally be held on the fourth Tuesday of each month, except for July and August, at the municipal hall and unless decided otherwise by the Board.

Notice of meetings will be posted on the municipal website at least five (5) days prior to the meetings.

#21 Attendance at Meetings

Board Members have a responsibility to attend meetings, participate in discussions and exercise voting rights. Should a Member be unable to attend a meeting, the Member is expected to advise the Board Secretary.

Should a Member be absent from three (3) consecutive meetings without reasonable cause, the Board may make recommendation to the Director of Police Services or Oak Bay Council in the case of the Municipal Appointee to revoke the appointment of the Board Member.

#22 Minutes

All Minutes of the Board shall be retained by the Board Secretary in a designated archive storage facility. The minutes of the open portion of the regular meeting of the Board will be posted to the Police Department section of the municipal website.

The Minutes of the Oak Bay Police Board meetings shall contain a record of the formal actions undertaken at the meeting. The Minutes of the Regular, In-Camera and Special Meetings of the Board shall be distributed to the Members of the Board prior to the next meeting, at which time they are considered for approval.

Any decision of the Board shall be by resolution of the Board and recorded in the Minutes.

The Board is required by s.71 of the *Police Act* to keep minutes of its meetings and hearings, and records of its inquiries. Further, in accordance with s. 28(2) and s. 69(3) of the *Police Act*, the Board shall file copies of its approved Minutes with the Police Services Division of the Ministry of Justice and Attorney General.

#23 Community and Media Notification and Information

The public shall be notified of the time and place of the public Board meetings by the schedule posted on the municipal website (www.oakbay.ca) and by notification included on the monthly meeting agenda.

Wherever possible, two (2) days preceding the day upon which the meeting is to be held, the Regular (public) Meeting Agenda shall be posted on the municipal website (www.oakbay.ca). The complete Regular Meeting Agenda with supporting materials shall be available for pick-up and upon request, through the Board Secretary. Copies shall also be available at the Board meeting.

#24 Amendments to the Manual

The Board is responsible for designating one board member annually at the January meeting to review the manual. Any amendments will be brought to the Board for approval. The Chief Constable may submit amendment requests to the Board.

#25 Conduct Complaints

The Board will not hear any delegation concerning a conduct complaint against members of the Oak Bay Police Department. The delegation will be referred to the appropriate oversight body which is usually the Office of the Police Complaints Commissioner.

#26 Service or Policy Complaints

Under the Police Act, service or policy complaints are the responsibility of the Board, including complaints that arise at a discipline proceeding or public hearing.

The Board may do one or more of the following:

- request that the Chief Constable investigate and report to the Board,
- initiate a study,
- initiate an investigation,
- dismiss the complaint with reasons, and
- any other course of action the Board considers appropriate.

The Board must advise the Office of the Police Complaint Commissioner (OPCC) and the complainant of the results, including what course of action, if any, was taken and a summary of the results of any investigation or study.

Service or policy complaints are received by the Board through the OPCC.

#27 Board Member Suspension

Any Suspension of a Board member shall be done in accordance with s.(110) of the *British Columbia Police Act*.

#28 Board Governance Style and Commitment

As a statutory governance body, the Police Board must be and be seen to be:

- (1) always 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.

Therefore, it is the policy of the Oak Bay Police Board that the 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.

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 in accordance with the *Police Act*, and
- (6) recognize that the Chief Constable is responsible for daily policing and all operational matters as set out in the Police Act Part 7, s.34(1) and (2)

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.

The Board 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.

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

#29 Performance Management- Chief Constable

To be developed.

#30 Role of Chief Constable

The Chief Constable shall operate under the direction of the Police Board and is responsible for the overall management and command of the Police Department on a day-to-day basis. The Chief Constable also shall perform other functions and duties assigned to him/her under the regulations or under any Act [Part 7, s.34(1), *Police Act*]. The Chief Constable is not a member of the Board.

The Chief Constable shall in consultation with the Board be responsible for the development of annual priorities, goals and objectives for the Department. The Chief Constable must ensure that Departmental programs and strategies are designed in accordance with the Board-approved strategic plan and are reported to the Board annually.

The Chief Constable shall ensure that the Board's vision and direction are implemented and shall bring high-level policy issues to the attention of the Board.

The Chief Constable shall be proactive in presenting emerging issues (policing and community) to the Board, either through formal presentations to the Board or more informal channels to the Board as a whole.

#31 Accountability of the Chief and Deputy Chief Constables

The Board operates by delegating certain of its authorities to the Chief Constable and through him to the Management Team and by reserving certain powers to itself. These policies are prepared to assist the Board and the Chief Constable in clarifying responsibilities and ensuring effective communication between the Board and management.

The Chief Constable is the Board's link to the operational achievement and conduct of the Department. All authority and accountability of employees, as far as the Board is concerned, is considered the authority and accountability of the Chief Constable.

Accordingly:

- (1) The Board will never give instructions to persons who report directly or indirectly to the Chief Constable.
- (2) The Board will not evaluate, either formally or informally, any employee other than the Chief Constable.
- (3) The Board will view the Chief Constable's performance as identical to organizational performance, so that organizational accomplishment and compliance with Board Policies will be viewed as successful Chief Constable performance.
- (4) When the OPCC refers a BC *Police Act* matter to the board in relation to the Chief or a Deputy Chief, the board will conduct an investigation in accordance with the *Act*.
- (5) In the case of discharge of firearm by Chief Constable, he or she is required to notify the Chair of the Board and the Chair will investigate in accordance with the BC *Police Act* Use of Force Regulation.

#32 Delegation to and Relations with the Chief Constable

The Chief Constable 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.

The Chief Constable has 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*.

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

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 Constable 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 Constable will bring such requests to the Board if, in the Chief Constable's judgment, a material amount of staff time or funds are required.

The Chief Constable shall ensure that his/her actions and those of the Police Department will not compromise the independence of the Police Board.

The Chief Constable may delegate authority to the extent that he/she considers appropriate, but remains accountable for all activities of the Department.

#33 Role of Board Secretary

The Board will appoint a Board Secretary to satisfy secretarial and administrative requirements.

The Board may retain other professional advice or services as necessary, including clerical support to assist the Board Secretary.

The Board Secretary assists the Board in administering and coordinating its business to ensure efficiency of operations.

Responsibilities include:

- (1) Serves as administrative link between the Board, the Chief Constable, and committees of the Board,
- (2) Manages and organizes the flow of information and documentation.
- (3) Organizes meetings, creates the agenda in consultation with the Board Chair and Chief (or delegate), and through clerical support, ensures minutes, correspondence reflects Board decisions, and acts in a similar capacity for committees.
- (4) Ensures that an accurate archived record is kept of all Board proceedings and correspondence, and provides procedural, historical and policy information to the Board as required.
- (5) Maintains schedule of monitoring and other reports to be received by the Board and ensures that all Board members are kept fully informed on any developments upon which they may have to act.
- (6) Liaises with municipal and provincial government officials and with staff from other police boards.
- (7) Liaises with Oak Bay Police staff for the purposes of communicating FOIPPA access requests and Service and Policy complaints and coordinates related correspondence;
- (8) Receives and coordinates Board travel and expense claims for submission to the Director of Financial Services of the municipality;
- (9) Coordinated registration, travel arrangements and related logistical requirements for Board member attendance at various Board related conferences, retreats and meetings.

The Board Secretary must keep all matters before the Board in strict confidence, limiting discussion to members of the Board and those members of the Police Department required for the performance of their duties.

The Board Secretary must disclose to the Board Chair any pecuniary interest or conflict of interest in any matter before or likely to come before the Board as soon as is practicable.

#34 Consultation and Community Outreach

The Board's mandate includes initiating of policies that reflect community need and enhance the effectiveness of the police service. The Board considers both the community and police viewpoints and needs, and serves as a communication link to enhance understanding and working relationships amongst the Department, the public it serves and the Provincial Government. The Board operates within a highly public environment and recognizes that the actions of the Department have a significant public impact. Accordingly, the Board shall:

- (1) Provide opportunities for the community to give input on areas of interest or concern to them, via such mechanisms as public forums and designated meetings with the Board, and environmental scans.
- (2) Provide opportunities at Regular Meetings of the Board for a person or persons to appear as a delegation and present to the Board comments relevant to the agenda items.
- (3) Share crime statistical information and crime trends with Government, community organizations, businesses and members of the public, and ensure timely reporting of any other developments that have a significant and material effect on the Department.
- (4) Ensure that the financial performance of the Department is available to the public on a quarterly basis.
- (5) Build relationships with board members of other police services at the provincial and national levels and where possible, have a least one representative at meetings of the BC Association of Police Boards and special consultations with the Provincial Government.

#35 Internal Communications

The Chief shall take all reasonable steps to ensure that the Board is fully informed about all major issues that may be of concern to the community, as soon as is practicable.

The Chief shall direct that all official media releases be provided to the Board, as soon as is practicable following release.

As a general principle, Board Members acting in their capacity as Members of the Board and in the performance of their official duties shall have timely access to information under the control of the Oak Bay Police Department and shall direct all requests for such information and advice related thereto to the Office of the Chief Constable, or as otherwise determined in consultation with the Chief Constable.

The Chief shall attend regularly scheduled meetings of the Police Board and, as otherwise requested by the Board. Police staff attendance at In-Camera Board meetings shall be coordinated with the Chief and be at the request of the Board.

#36 Police Department Submissions to Municipal Council

In consideration of the Board's governance responsibility for the Police Department under the *Police Act*, all formal reports and information tabled with Municipal Council or any of its committees with respect to the budgetary requirements and operations of the Oak Bay Police Department shall be tabled with the Police Board first.

The Police Board must be notified, as soon as is practicable, of any request to the Police Department to make a formal presentation to Municipal Council, a Standing committee or other Municipal Department.

Police Act Part 4 s.15(1) and (2) s.17 (1)(2)(3) and (4) apply.

#37 Media and Public Relations

The Chair of the Board is the official spokesperson for the Board. Media requests for interviews shall be forwarded directly to the Chair or via the Board Secretary.

The Chair or Board may appoint a Board Member as a spokesperson for specific matters.

The Board spokesperson shall consult with the Board prior to responding to media requests for interviews on significant and sensitive matters, and as appropriate, consult with the Chief Constable.

When responding to media enquiries related to public complaints against the police or legal matters, the Board spokesperson shall be cognizant of the confidentiality and process provisions, including appeals, under the *Police Act* and the *Freedom of Information and Protection of Privacy Act*, and that the Chief Constable is the Discipline Authority for sworn members under the rank of Deputy Chief Constable. The Board may wish to seek legal advice in determining appropriate public comment for its spokesperson.

A Board spokesperson shall be careful to only speak on matters within the jurisdiction and mandate of the Board, and not interfere with the legislated authority of the Chief Constable.

Most news items regarding the Oak Bay Police Department are operational in nature and properly the domain of the Chief Constable and his staff. However, where operational matters may be likely to spark significant public interest or debate, the Chief Constable will inform Board members before a public statement is made. This may be done by email or telephone, or on the municipal website. The purpose of informing the Board is a courtesy, to ensure that Board members are aware of major occurrences.

On some occasions the matter may be of such significance or seriousness that consultation and discussion with the Board before information is released is justified. These occasions include, but are not limited to:

- Major financial expenditures that are outside the approved operating or capital budget;
- Departure from the *Police Act* or Board policy;

- The Oak Bay Police Department's public position being at odds with municipal, provincial or federal government, the Police Complaint Commissioner, or a court decision
- Release of information relating to public complaints that may cause the public or media to draw wider inferences about the Oak Bay Police Department's policies, objectivity or integrity.

The purpose of consultation with the Board is to provide the Chief Constable with advice and counsel on the format and tone of public releases, and to provide the Board with an early insight into the Chief Constable's strategy and follow-up plans.

In some cases the Chief Constable may be uncertain as to whether the Board should be consulted or simply informed. The Board will designate one of its members to provide guidance to the Chief Constable on the appropriate level of Board involvement. The Board designate and the Chief Constable will together decide upon the medium and timing of informing/consultation, taking into account the seriousness and urgency of the matter. The Board designate will inform the Board of advice given at an appropriate time.

Board media releases and information to media outlets shall be published on the Oak Bay municipal website.

The Board shall respond to media requests for information released at its public meetings and minutes of its public meetings shall be made available on the municipal website. The media shall be referred to the Department's media liaison person for response on issues within the authority of the Chief Constable.

#38 Municipal Council

Formal communication between the Board and the Council, or Board and Administration of The Corporation of Oak Bay, is conducted through the Chair and/or the Board Secretary, unless otherwise specified by the Board.

The Board shall pursue a positive and productive working relationship with Municipal Council and promote opportunities for dialogue between the Board and Council. It is suggested that the Board and Council meet annually.

The Board Chair will respond to information questions, where possible, and appropriate to the Board's mandate. Council requests concerning police operational matters shall be directed to the Chief Constable.

#39 Emergency Acquisition of Goods and Services

In order to provide the funds and resources required to satisfactorily resolve an emergency situation; and to provide the operational support required immediately where the time frame precludes prior approval in the normal manner, the Chief Constable, or his designate, will have the authority to purchase or rent equipment to adequately cover any emergency, disaster or life threatening incident where time, or other pressing factors, make it impossible to obtain prior approval.

In the event that emergency procurement of goods and services is required, the Chief Constable will provide details to the Board Chair at the earliest possible date, and subsequently to the full Board.

#40 Succession Planning

Succession planning is a timely and continuous process designed to ensure the ongoing effective performance of the Oak Bay Police Department by providing training and development for the replacement of key personnel that may be lost to the department.

The Chief Constable will develop, report and implement a succession plan on a yearly basis that will proactively ensure the continuity of leadership at all senior levels within the Oak Bay Police Department.

#41 Strategic Planning

To ensure a strong alignment between the mandate and mission of the Oak Bay Police Board and the allocation of publicly funded resources, the Oak Bay Police Department, under the leadership of the Chief Constable, will develop a long term strategic plan for Board approval.

The plan will be based on an evaluation of the policing requirements of the Municipality of Oak Bay and will include:

1. Strategic Direction
2. Strategic Goals
3. Action plans
4. Time lines
5. Measurement tools
6. Resource allocation
7. Board specific Strategic Direction and Goals

The approved strategic plan for the Oak Bay Police Department will provide the framework under which annual financial plans will be developed.

The approved strategic plan and the annual financial plan for the Oak Bay Police Department will be utilized by the Board in the performance assessment of the Chief Constable.

The strategic plan will be reviewed regularly and updated as required.

#42 Freedom Of Information

Subject to the *Freedom of Information & Protection of Privacy Act*, R.S.B.C. 1996, c. 165, the board policy with respect to the authority for the release of information is as follows;

1. The Oak Bay Police Board Chair as the head of the Oak Bay Police Board for the purposes of the *Freedom of Information & Protection of Privacy Act*, has responsibility for all requests for records within the custody or control of the Board and,
2. The Chief Constable as the head of the Oak Bay Police Department has responsibility for all requests for records within the custody or control of the Department.

#43 Record Management

To be developed.

APPROVED by the
Oak Bay Police Board on

May 17, 2016

Appendix A

Member Orientation Checklist

Operational Orientation (facilitated by Chief Constable)

- a. Meet with Chief Constable and Deputy Chief Constable
- b. Tour of Police facility
- c. Overview of the organizational structure overview of specialty units and CRD integrated units. Overview of Service Agreements with other agencies.
- d. Overview of Strategic Plan.
- e. Overview of Budget and Budget process
- f. Ride Along

Administrative Orientation

- a. Meet with Mayor for overview of how the board functions and its relationship with Municipal Council.
- b. Meet with Municipal Administrator to discuss her role as secretary to the Police Board and any other relevant topics including how expenses for travel are handled.
- c. Meet with senior board member to review board policies and procedures, board packages and meeting structure and the role of the BCAPB and CAPG, including access to websites.

Other Training

- a. Police Services Orientation
- b. Other training provided by BCAPB and CAPG

Chief Constable Performance Management Policy

Effective Date

Review Date

1.0 Policy

The Oak Bay Police Board recognizes that one of its key functions is to evaluate and support the Chief Constable to ensure that he/she is working to their highest potential. It is also the responsibility of the Board under the British Columbia Police Act to determine the priorities, goals and objectives of the department in consultation with the Chief Constable on an annual basis.

2.0 Reasons for the Policy

1. To establish a procedure for determining priorities, goals and objectives for the department in collaboration with the Chief Constable.
2. To ensure that these priorities, goals and objectives are evaluated on an annual basis.
3. To ensure that the Board receives and reviews the Chief Constable's Annual Report and that this is one tool used by the Board to monitor and evaluate the services being delivered.

3.0 Procedure

1. The Chief Constable will prepare and present an annual report to the Board at the January meeting of the Police Board.
2. The Chief Constable will in collaboration with his department and the Police Board establish his/her priorities, goals and objectives for the upcoming year and present them to the Board at the Feb. meeting of the Police Board.
3. An in camera meeting of the Police Board and Chief Constable will be held the first week of Oct. of each year at which time the sole agenda item will be to review and evaluate the goals and objectives and to evaluate the success and /or problems with each goal.
4. The goals and objectives will be evaluated using the attached Performance Management tool.
5. The final document will be prepared by the designated person and signed at the Nov. in camera meeting of the Police Board



OAK BAY POLICE DEPARTMENT MEMORANDUM

DATE: May 6, 2016
TO: Oak Bay Police Board
FROM: Chief Constable Brinton
RE: OK 060 - Police Service Dog Policy

Current Policy:

OK 060 Police Service Dogs, last update 2013-02-19

New Policy:

OK 060 Police Service Dogs

Background:

OBPD contracts Saanich PD as our primary access to police service dogs (PSD). In the event Saanich PD is unavailable, the deployment of a PSD is arranged through Victoria PD or Westshore RCMP.

On September 1, 2015 Police Services Branch brought new standards into effect for police service dogs. These standards cover 4 general areas:

- Overall responsibilities of the police dog handler
- Deployment guidelines including when it may be appropriate for a PSD to bite
- Reporting and review of bite incidents
- Annual testing of competencies, and maintenance and performance

Much of the police standards speak to the responsibilities of the police dog handler, testing, and maintenance. While OBPD does not have a PSD, there are requirements around deployment and reporting.

The development of our local policy was delayed as we waited for Saanich PD to finalize their policy to prevent any conflicts between the two.

This is not a modification of the original OBPD policy but a full re-write.

Key Points:

- All PDS activities in Oak Bay must operate within the Provincial Police Standards
- The deployment of a PSD is linked to the National Use of Force Framework (NUFF)
- The process to request for and the authorized use of a PSD is provided.
- It is important for OBPD members to know the risk assessment and justification process a PSD handler uses prior to deploying a PDS so this is included.
- The guidelines for the use of a PSD in a case involving a child is provided
- The OBPD member's responsibility at a scene while waiting for a PSD and during the deployment of a PSD is provided.
- It is important for OBPD members to know the threshold for a PSD contact so it is included.
- The OBPD responsibility post incident is provided including all reporting requirements.

Andy BRINTON
Chief Constable

Police Service Dogs

OK 060	Effective Date: Review Date: By: Last Update:
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1.0 Policy

- 1.1 The Police Service Dog (PSD) program was established to augment policing services to the community. Highly skilled and trained teams of handlers and PSDs can be used to supplement the operations of the police in the detection of crimes and the apprehension of offenders. The proper application of a PSD can reduce police person-hours involved in searches and increase officer safety
- 1.2 The Oak Bay Police Department will not have its own Police Service Dog program but rather, will rely on the services of PSDs from neighbouring departments as required.
- 1.3 All handler/PSD teams attending to calls at the request of the Oak Bay Platoon Sergeant will be governed by the policies and procedures of their home agency and the Provincial Police Standards.
- 1.4 A PSD is considered an Intermediate Weapon and the threshold for use of a PSD is to be considered accordingly with regard to the National Use of Force Framework (NUFF).
- 1.5 Definitions:
 - a) A "bite" is defined as any time a PSD's mouth or teeth are used to grab or hold a person's body or clothes.
 - b) A "contact" is any injury to a person, caused by direct contact with a PSD, which requires medical attention.
 - c) To "display" a PSD is to present, or cause the PSD to be seen by the handler with the intent to gain compliance

2.0 Reason for Policy

- 2.1 To provide a framework for the use of Police Service Dogs in assistance to Oak Bay policing services.
- 2.2 To comply with the guidelines and responsibilities as outlined in the *Provincial Policing Standards –Section 1.4 -Police Service Dogs*.

3.0 Procedures

- 3.1 The appropriate use of PSDs is encouraged. Where it is ascertained that the services of a PSD may be required, the Platoon Sergeant shall make a request through Dispatch to have a handler/PSD team attend. While attendance from the Saanich on-duty team will likely be the norm, teams from VicPD or West Shore RCMP may be deployed in Saanich’s absence.
- 3.2 Authorized use of PSDs include:
 - a) tracking or searching for persons who may have committed, or are about to commit an offence,
 - b) apprehending persons by PSD bite or display,
 - c) tracking or searching for missing or lost persons,
 - d) searching for drugs,
 - e) searching for explosives/firearms,
 - f) searching for evidence,
 - g) crowd control,
 - h) community relations and other public demonstration events, and
 - i) other uses approved by the Director of Police Service, Ministry of Justice
- 3.3 Prior to, and during each deployment of a PSD, a handler must consider the following and conclude on reasonable grounds that the risk of PSD contact is justified:
 - a) whether there is lawful authority to arrest,
 - b) that no lesser use of force would be appropriate or effective, and
 - c) the totality of the circumstances, including but not limited to:
 - i. the seriousness of the offence believed to have been committed or about to be committed,
 - ii. the potential risk to any person, including the person being apprehended,

- iii. the identity of the person being apprehended, if known,
- iv. whether the person could be apprehended at a later time,
- v. the age of the person being apprehended, in particular whether the person is reasonably believed to be a young person or elderly,
- vi. whether there is a weapon involved,
- vii. whether the person has a history of violence or has demonstrated violent or threatening behavior, and
- viii. any injury likely to result from PSD contact.

- 3.4 Handlers are prohibited from deploying a PSD to search for or apprehend a person reasonably believed to be a child (12 years old or younger), unless:
- a) the handler has reasonable grounds to believe that the child poses an imminent risk of grievous bodily harm to any person, including themselves, or
 - b) the child is missing or lost.
- 3.5 To provide the best chance that the deployment of the PSD will have the desired effect, platoon sergeants should consider the following:
- a) scene containment: In coordination with the PSD handler and with the assistance of Dispatch, contain the area of deployment as much as is practical and possible
 - b) scene contamination: Where possible, avoid contaminating the scene by walking over a potential track. Be cognizant of a suspect's last known location and direction of travel. Endeavour to keep vehicles, people and pets at a distance and away from a potential track.
- 3.6 The handler/PSD team, while deployed, shall be accompanied by an OBPD member. That member shall provide cover for the handler and provide pertinent updates for other members attending the incident, ie:
- a) location of the team
 - b) direction of travel
 - c) tightening or extending of the area of containment
 - d) other information as it becomes available

Arrests

- 3.7 Arrests of located suspects shall be done by members external to the handler/PSD team to allow that team to continue searching for further suspects and/or evidence.

- 3.8 Handlers are required to keep their PSD under control at all times by commands and/or physical restrictions, or other relevant action including maintaining a reasonable distance away from any person, including those apprehended.

Threshold and Circumstances Whereby a PSD Contact May Occur

- 3.9 Handlers will prohibit PSDs from making contact with a person, and are prohibited from continuing in their deployment if it could be reasonably expected that a PSD would make contact, unless:
- a) the person is causing bodily harm to an officer, third party, themselves, or the PSD,
 - b) the handler is satisfied, on reasonable grounds that the person's behavior will imminently cause bodily harm to an officer, third party, themselves, or the PSD, or
 - c) the person is fleeing or hiding and there is an articulable need for their immediate apprehension by a PSD contact (also see 3.3 above).

Post-Contact Incident Requirements

- 3.10 In every case where a PSD makes contact, ensure:
- a) appropriate medical attention is immediately provided or offered, and where the person refuses medical treatment that this refusal is documented,
 - b) any injuries are photographed, unless the person who was injured refuses to have the injuries photographed (also to be documented),
 - c) a NCO attends the scene as soon as possible, unless unreasonable to do so or circumstances make it impractical, and
 - d) if the person injured by a PSD is under 18 years of age, that a parent or guardian is notified as soon as possible.

SEARCHES

Building Searches

- 3.11 A PSD will be used whenever possible to search a building. PSD building searches are at the discretion of the handler.
- 3.12 Before releasing a PSD for the purpose of locating a possible suspect in a building, the handler will;

- a) call a warning (clearly audible) to the effect that a PSD will be released into the building and may bite if the person does not come forward in a reasonable amount of time.
- b) If it is not tactically sound to give a verbal warning the handler will disregard the warning.

Area and Compound Searches

- 3.13 In area searches, the handler must be especially careful in deploying his/her PSD to avoid mishaps with other officers or bystanders.
- 3.14 The handler will coordinate deployment of his/her PSD with officers at the search scene.
- 3.15 Reasonable investigation will be conducted to determine the possibility of innocent persons being present and adequate warning announced prior to release of a PSD to search.
- 3.16 Reasonable efforts will be made to notify residents of an impending PSD search and advise them to secure their pets and family members to avoid a mishap.
- 3.17 Police Service Dogs will not be used to search for lost persons except in emergent or life threatening circumstances. Canine searches for lost persons must have prior approval of the Platoon Sergeant and at the handler's discretion. The handler will make every effort to avoid having the PSD make physical contact if the missing person is located by conducting such searches with the PSD on leash.

Drug Searches

- 3.18 PSDs trained to detect drugs are often not readily available in the Victoria Area. If such a skillset is required queries may be made to ascertain if a "drug trained" dog is on duty. Call-out of a handler/PSD team for drug searches will only be done in exigent circumstances where no other avenues of investigation/seizure exist and such a call-out can be deemed to be in the "public interest".

Crowd Control

- 3.19 The PSD will not be used for basic crowd control. Any deviation from this policy must have prior authorization from the Chief Constable or Deputy Chief

Constable, with no exceptions.

- 3.20 If authorized, the PSD will remain behind the front line of officers, to be used as a psychological advantage during crowd control situations.
- 3.21 In those authorized instances of applying a PSD in crowd control situations, the Canine Team(s) will advance to the front, violators will be warned of the intended use, and given reasonable time to comply.
- 3.22 In all crowd control situations, the PSD will always be worked on a leash.

REPORTING PROCEDURES

- 3.23 All deployments of the PSD will be documented by means of the PRIME reporting system.

Contacts

- 3.24 In all cases where a PSD makes a "contact" whether accidental or intentional, the Platoon Sergeant will be notified immediately.
- 3.25 In every case a PSD makes a contact, the handler must, as soon as reasonably practicable:
 - a) complete a use-of-force report, even if the bite or contact was accidental, if the bite was to a subject involved in the police incident.
 - b) complete a detailed written report if the contact was on a person who was not a subject in the police incident.
- 3.26 Any report referred to in 3.25(a) or (b) must include:
 - a) description of the incident,
 - b) rationale for deploying the PSD,
 - c) whether a warning was given,
 - d) location and detailed description of any injuries,
 - e) photos of the injuries unless refused by injured person,
 - f) whether the PSD was issued a command to contact, and
 - g) whether the PSD was always within the handler's visual contact.
- 3.27 If any injury results from the use of a PSD, a report will be submitted. This includes accidental contacts.

- 3.28 All contacts, no matter how minor, will be attended by the Platoon Sergeant.
- 3.29 Where an individual “dies or suffers serious harm or a reportable injury” as defined in the BC Police Act (s.89), the Office of the Police Complaints Commissioner must be notified.
- 3.30 Where an individual suffers “serious harm” as defined by the Independent Investigations Office (IIO), the Platoon Sergeant will immediately contact the Deputy Chief who in turn will notify the IIO and provide brief details of the event.
- 3.31 Photographs will be taken of such injuries as soon as possible.

COMMUNITY RELATIONS

Request from the Public

- 3.32 If there is a public request for a presentation, the information should be submitted to the Saanich Police Department Canine Sergeant through the Support Services Section,
- 3.33 Arrangements for presentations, demonstrations, or public exhibitions will be made by the Canine Sergeant, who will maintain liaison with the personnel concerned. Saanich Police coverage and deployment needs will be the first consideration.