NOTICE OF THE REGULAR MEETING OF THE OAK BAY POLICE BOARD TO BE HELD IN COUNCIL CHAMBERS, OAK BAY MUNICIPAL HALL, 2167 OAK BAY AVENUE, OAK BAY, BC, ON TUESDAY FEBRUARY 25, 2020 AT 5:00 PM

WE ACKNOWLEDGE THAT THE LAND ON WHICH WE GATHER IS THE TRADITIONAL TERRITORY OF THE COAST AND STRAITS SALISH PEOPLES. SPECIFICALLY WE RECOGNIZE THE LEKWUNGEN SPEAKING PEOPLE, KNOWN TODAY AS THE SONGHEES AND ESQUIMALT NATIONS, AND THAT THEIR HISTORIC CONNECTIONS TO THESE LANDS CONTINUE TO THIS DAY.

AMENDED AGENDA
(SEE ITEM 5)

CALL TO ORDER:

APPROVAL OF AGENDA

ADOPTION OF MINUTES:

1. Regular Meeting
   Minutes - 2020 01 21 DRAFT

DEPARTMENT REPORTS:

2. Overtime Reports
   Rpt 1 - December Overtime
   Rpt 2 - January Overtime

COMMUNICATIONS:

3. BCAPB AGM Proposed Resolutions For Discussion
   Corresp. 1 - Collins, BCAPB, February 4 2020
   2020-1.WorkSafe Coverage.VEPD
   2020-2.WorkSafe Earnings.VEPD
   2020-3.Mayor - Police Act.VEPD
   2020-4.Collective Bargaining.OBPB
   2020-5.Chair -Police Act.PMPB
   2020-6.Code of Conduct.PMPB
   2020-7.Coroners Act.VPB
   2020-8.MVA IRP.SPD
   2020-9.Vacancy tax.WV

NEW BUSINESS:

4. Joint Saanich-Oak Bay Police Board Meeting, May 25 2020
   Corresp. 1 - Saanich Police Board, Feb 6 2020

5. Department Restructure
   Memo 1 - Chief Brinton, February 21 2020

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 the Oak Bay Municipal Hall, 2167 Oak Bay Ave, Oak Bay, BC, on Tuesday, January 21, 2020 at 5:00 p.m.

PRESENT:	Board Members:	Kevin Murdoch, Chair Blair Littler Mary Kelly Wendy Zink Brian Rendell
	Chief Constable	Andy Brinton
	Deputy Chief Constable	Ray Bernoties
	Secretary	Barbara Sherman
	Guests:	Oliver Gruter-Andrew, E-Comm Suzanne Halliday, E-Comm

CALL TO ORDER

Chair called the meeting to order at 5:02 p.m.

APPROVAL OF AGENDA

MOVED and seconded: To adopt the agenda of the November 26, 2019 regular board meeting.

CARRIED

MOVED and seconded: To adopt the agenda of the January 7, 2020 Special board meeting.

CARRIED

ADOPTION OF MINUTES

MOVED and seconded: That the minutes from the open portion of the regular meeting of the Oak Bay Police Board, held on January 21, 2020 be adopted, with Item #9 being brought to the top of the agenda so that the guest speaker can catch a scheduled flight.

CARRIED

9. E-Comm – Presentation by Oliver Gruter-Andrew, President and CEO of E-Comm Emergency Services and Suzanne Halliday, Executive Director of Corporate Business Transformation for E-Comm Emergency Services

Mr. Gruter-Andrew made a presentation to the Board, reviewing their plan to enhance the current service delivery. This plan includes some financial impact for stakeholders.

Mr. Gruter-Andrew and Ms. Halliday left the meeting at 5:55 p.m.

DEPARTMENT REPORTS:

3. Strategic Plan

Deputy Chief Bernoties presented the 2019 Year-End Strategic Plan Report. There was discussion concerning ways to measure outcomes of initiatives. Deputy Bernoties explained the methodology used to set priorities. Initiatives are reviewed annually; another community survey is expected to be rolled out in June.

Action: The Board requests that the community survey questions be circulated to them by March, with the intent to conduct a mid-Strategic Plan review in the fall.

4. Crime Statistics

Deputy Chief Bernoties presented the Oak Bay Police Crime Statistics, comparing 2017, 2018 and 2019 statistics.

MOVED and seconded: That the 2019 Year End Strategic Plan Report and the Oak Bay Police Crime Statistics 2071-2019 be received.

CARRIED

COMMUNICATIONS:

5. Review of Police Detention Facilities

The province has notified the department and the Board that they intend to conduct a review of detention facilities. Detention facilities do not exist at the Oak Bay Police; this service is contracted out to the Saanich Police Department as part of the service agreement with them.

MOVED and seconded: That the correspondence from the Policing and Security Branch relating to a review of police detention facilities be received.

CARRIED

6. Police Board Appointments

Blair Littler has been re-appointed to the Board until May 16, 2022; Brian Rendell has been re-appointed until June 30, 2020.

MOVED and seconded: That the Orders in Council reappointing Blair Littler to May 16, 2022 and Brian Rendell to June 30, 2020 be received.

CARRIED

NEW BUSINESS:

7. Marine Enforcement

Chair Murdoch has received inquiries from residents living near Cadboro Bay concerning the increase in property crimes in their area. Many feel that the person(s) responsible may be residing in boats moored nearby. Chief Brinton spoke of the logistical issues and authorities that govern liveaboard boots moored near the shoreline. The matter was raised by Chair Murdoch for the information of the Board.

8. Policy OD 270 – Police Checks

The province brought in policy around police checks (also known as street checks) and is seeking consistency across jurisdictions. Policy OD 270 is new policy that responds to the provincial guidelines.

MOVED and seconded: That Policy OD 270-Police Checks be adopted.

CARRIED

ADJOURNMENT

MOVED and seconded: That the open portion of the meeting be adjourned.

CARRIED

The open portion of the meeting adjourned at 7:00 pm.

Certified Correct:

_____ _____

Secretary, Oak Bay Police Board Chair, Oak Bay Police Board

OAK BAY POLICE DEPARTMENT
Monthly Overtime Report
Month of: December 2019

Overtime Type	Overtime Hours Worked	Overtime Paid Out	Overtime Hours Banked	Year to Date Hours worked
Investigation	21.00	14.00	7.00	146.00
Court	-	-	-	161.26
Sick Relief	168.50	88.50	80.00	733.25
Shift Coverage	95.00	83.00	12.00	573.00
Worksafe Coverage	63.50	51.50	12.00	592.75
Special Duty	-	-	-	41.50
Training	-	-	-	84.00
Meetings	-	-	-	15.50
TOTAL	**348.00**	**237.00**	**111.00**	**2,347.26**

YTD Total Paid	$193,664.85
Previous YTD	$167,531.15

OAK BAY POLICE DEPARTMENT
Monthly Overtime Report
Month of: January 2020

Overtime Type	Overtime Hours Worked	Overtime Paid Out	Overtime Hours Banked	Year to Date Hours worked
Investigation	26.25	10.75	15.50	151.25
Court	-			161.26
Sick Relief	50.00	47.00	3.00	614.75
Shift Coverage	90.00	66.00	24.00	568.00
Worksafe Coverage	-			529.25
Special Duty	-			41.50
Training	30.00		30.00	114.00
Meetings	-			15.50
TOTAL	**196.25**	**123.75**	**72.50**	**2,195.51**

YTD Total Paid	$12,078.95
Previous YTD	$12,186.47

Mary Collins
President, BCAPB
February 4, 2020

Sending on behalf of Mary Collins

To: BCAPB Membership

An important part of each Annual General Meeting (AGM) of the British Columbia Association of Police Boards (BCAPB) is the consideration of Resolutions forwarded by member boards.

The following resolutions are being forwarded to you with a request that this information be circulated to your board members in preparation for discussion during your board's next regular "in-camera" meeting:

1. Submitted by the Victoria & Esquimalt Police Board: That WorkSafeBC develop a more proactive approach to treating occupational stress injuries, update their professional fee structure compensation, ensure WorkSafeBC approved professional services are available in all areas of the province, and update employee reintegration processes and on-going treatment coverage policies during an appeal process.

2. Submitted by the Victoria & Esquimalt Police Board: That WorkSafeBC update their maximum insurable earnings to current police officer salaries taking into account that compensable injuries occur to officers of all ranks and positions.

3. Submitted by the Victoria & Esquimalt Police Board: That the *Police Act*, Part 5, Sec. 25 (1), be revised by adding a second sentence which says that, "Should the mayor choose not to chair the board, the chair and vice-chair of the municipal police board will be elected on an annual basis by board members." Further that Sec. 25 (2) be revised to say "chair" rather than "mayor."

4. Submitted by the Oak Bay Police Board: Provincial Assistance in Collective Bargaining.

5. Submitted by the Port Moody Police Board: That the BCAPB approach government to seek Police Act amendment to provide for annual election of vice-chair who would chair board in absence of mayor.

6. Submitted by the Port Moody Police Board: That the BCAPB approach government to seek Police Act amendment to provide for a provincial code of conduct and provincial complaint response process

7. Submitted by the Vancouver Police Board: That the British Columbia coroners service ('coroners service') reconsider revisions to their field operations policy that came into effect November 4, 2019.

8. Submitted by Saanich Police Board: to amend part 4 of the M*otor Vehicle Act* to include a provision that permits police officers to issue an immediate roadside prohibition (IRP),and impound the vehicle being operated, when a driver is found operating a motor vehicle, contrary to part 3.1 of the *MVA*- use of electronic devices while driving.

Mary Collins
President, BCAPB
February 4, 2020

There may be further Resolutions that will be submitted by our member Boards prior to the end of January and the Resolutions Committee (Evan Southern, Leah Zille and myself) have agreed to review them and if appropriate to send out to you as soon as possible.

A reminder that all Board members in attendance at the AGM on the morning of March 7, 2020 at the Oak Bay Beach Hotel may vote.

If you have any questions or require further information, I can be reached via email mmdcollins@hotmail.com. Thank you for your consideration.

Sincerely,

Mary Collins
President, BCAPB

Attachments

Resolution: 2020-1
Submitted by: Victoria Esquimalt Police Board
Resolution: That WorkSafeBC develop a more proactive approach to treating occupational stress injuries, update their professional fee structure compensation, ensure WorkSafeBC approved professional services are available in all areas of the province, and update employee reintegration processes and on-going treatment coverage policies during an appeal process.

WHEREAS**,** in May 2018, the *Workers Compensation Amendment Act*, 2018 (Bill 9) amended the *Workers Compensation Act* by adding a mental disorder presumption for correctional officers, emergency medical assistants, firefighters, police officers and sheriffs who are exposed to one or more traumatic events as part of their employment;

AND WHEREAS, police agencies across British Columbia have seen an increase in occupational stress injury claims and fees paid to WorkSafeBC;

AND WHEREAS, the WorkSafeBC fee structure for professional services is outdated and significantly below the rates charged by mental health professionals, leaving individual police officers and police agencies responsible for amounts over and above the WorkSafeBC rates;

AND WHEREAS, due to current WorkSafeBC practices there is a significant time lag between the injury, the assessment, and the process of trying to reintegrate police officers back into the organization;

AND WHEREAS, recent improvements in our understanding of trauma indicate that the reintegration process should take place at the earliest opportunity;

AND WHEREAS, WorkSafeBC will not cover certain professional services if they determine that an employee has plateaued in their recovery;

AND WHEREAS, the employee assessments are often appealed successfully but in the meantime employees and police agencies are left unsupported by WorkSafeBC;

AND WHEREAS**,** WorkSafeBC needs to work better with police agencies in these cases to ensure access to professional services are not compromised during the appeal process;

THEREFORE, BE IT RESOLVED THAT the British Columbia Association of Police Boards requests that WorkSafeBC develop a more proactive approach to treating occupational stress injuries, update their professional fee structure compensation, ensure WorkSafeBC approved professional services are available in all areas of the province, and update employee reintegration processes and on-going treatment coverage policies during an appeal process.

SUPPLEMENTARY INFORMATION:
The WorkSafeBC fee structure for professional services is outdated and significantly below the rates charged by mental health professionals. For example, a WorkSafeBC fee schedule that compensated at $80/hour for a professional service was billed closer to $200/hour.

Resolution: 2020-2
Submitted by: Victoria Esquimalt Police Board
Resolution: That WorkSafeBC update their maximum insurable earnings to current police officer salaries taking into account that compensable injuries occur to officers of all ranks and positions.

WHEREAS, the maximum insurable earnings are lower than average police salaries, leaving a significant portion of wage loss uninsured;

AND WHEREAS, most police collective agreements have top-up provisions that unfairly push the burden of these costs onto the police agencies;

AND WHEREAS, for 2020, the maximum insurable earnings will be capped at $87,100 which remains far lower than the average police salary (2018 pay rates for 1st class constable $100,226 and 2020 pay rates estimated at $105,000);

AND WHEREAS, compensable injuries impact officers at all ranks and positions;

THEREFORE, BE IT RESOLVED THAT the British Columbia Association of Police Boards requests that WorkSafeBC update their maximum insurable earnings to current police officer salaries taking into account that compensable injuries occur to officers of all ranks and positions.

Resolution: 2020-3
Submitted by: Victoria Esquimalt Police Board
Resolution: That the *Police Act*, Part 5, Sec. 25 (1), be revised by adding a second sentence which says that, "Should the mayor choose not to chair the board, the chair and vice-chair of the municipal police board will be elected on an annual basis by board members." Further that Sec. 25 (2) be revised to say "chair" rather than "mayor."

WHEREAS, the role of a municipal police board in British Columbia is to establish a police department and to provide general direction to this department, in accordance with relevant legislation and in response to community needs;

AND WHEREAS, while recognizing that both the municipality and the province have legitimate interests in municipal policing, municipal police boards are created independently from municipal councils and from the provincial government to remove boards from partisan council politics;

THEREFORE, BE IT RESOLVED that the *Police Act*, Part 5, Sec. 25 (1), be revised by adding a second sentence which says that, "Should the mayor choose not to chair the board, the chair and vice-chair of the municipal police board will be elected on an annual basis by board members." Further that Sec. 25 (2) be revised to say "chair" rather than "mayor."

Resolution: 2020-4
Submitted by: Oak Bay Police Board
Resolution: Provincial Assistance in Collective Bargaining

WHEREAS, under the current independent Police Board bargaining model, police settlements have been consistently and significantly higher than increases for CUPE, the Broader Public Sector, inflation, and the Consumer Price Index; and

WHEREAS the salary increases have created pressure on municipalities to curtail funding and the ability of Police Boards to increase staffing to meet demand; and

WHEREAS the increases are largely driven by the pattern bargaining and arbitration model, multiple individual municipal police boards, the 6-year maximum Board member term, and other structural realities;

THEREFORE, BE IT RESOLVED that the BCAPB Executive work with the Province to develop potential Provincial tools, policies, or structures which would facilitate coordinated employer collective bargaining for municipal police boards.

Resolution: 2020-5
Submitted by: Port Moody Police Board
Resolution: That the BCAPB approach government to seek *Police Act* amendment to provide for annual election of vice-chair who would chair board in absence of mayor Author: Port Moody Police Board Resolution

WHEREAS Section 24(1) of the Police Act provides that a person "who is a councillor or is ineligible to be elected as a councillor must not be appointed to a municipal police board";

AND WHEREAS Sections 25(1)-(2) of the Police Act provide that the mayor is the board chair, and if the mayor is "absent or unable to act", board members present at a board meeting "must elect from among themselves a chair to preside at the meeting";

AND WHEREAS Sections 130(1) and (3) of the Community Charter allow for a councillor to serve as a member of a board, if acting in place of the mayor in particular circumstances: (1) The council must, in accordance with its applicable procedure bylaw, provide for the designation of a councillor as the member responsible for acting in the place of the mayor when the mayor is absent or otherwise unable to act or when the office of mayor is vacant. ... (3) The member designated under subsection (1) or chosen under subsection (2) has the same powers and duties as the mayor in relation to the applicable matter.

AND WHEREAS Section 24(1) of the Police Act and sections 130(1) and (3) of the Community Charter are not fully consistent, because despite section 24(1), councillors will serve on municipal police boards when the mayor is absent or otherwise unable to act or when the office of mayor is vacant, by virtue of sections 130(1) and (3) of the Community Charter;

THEREFORE BE IT RESOLVED, THAT the BCAPB approach the Government of British Columbia to seek an amendment to the Police Act by repealing section 25(2) of the Police Act and enacting the following in its place: (2) The members of a board must elect a vice-chair at the first meeting in each year and, despite any other Act, the vice-chair shall act as the chair if the mayor is absent or otherwise unable to act, or when the office of mayor is vacant.

Resolution: 2020-6
Submitted by: Port Moody Police Board
Resolution: That the BCAPB approach government to seek *Police Act* amendment to provide for a provincial code of conduct and provincial complaint response process Author: Port Moody Police Board

WHEREAS The *Police Act* does not contain substantive provisions governing both board member conduct, and conduct-related investigations, interim suspensions, and removal of members;

AND WHEREAS The BC Police Board "Handbook" (Ministry of Justice, February 2015, section 7.3) provides that individual boards "may wish to develop and adopt their own Guidelines for Conduct", and that each police board "should develop a board policy on the procedures it will follow in the event a complaint is registered against the chair or a member of the board";

AND WHEREAS A legislated provincial standard of board member conduct is desirable, in place of each municipal police board setting its own standards;

AND WHEREAS A legislated process governing investigation of allegations of board member misconduct is desirable, in place of each municipal police board setting its own process;

AND WHEREAS Legislated codes of conduct have existed in both Nova Scotia and Ontario police legislation for many years;

THEREFORE BE IT RESOLVED, THAT The BCAPB approach the Government of British Columbia to seek an amendment to the *Police Act* by adding a board member code of conduct in similar form to the "Code of Conduct for Board Members" in section 79(1) of the Nova Scotia Police Regulations, NS Reg 230/2005, which provides that a board member "must do all of the following":

a) uphold the letter and spirit of the code of conduct set out in this Section and discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board;
b) unless they have a reasonable excuse, attend every board meeting;
c) not interfere with the police department's operational decisions and responsibilities or with the day-to-day operation of the police department, including the recruitment and promotion of officers;
d) keep confidential any information disclosed or discussed at a board meeting;
e) not claim to speak on behalf of the board unless authorized by the chair of the board to do so;
f) discharge their duties loyally, faithfully, impartially and according to the *Act*, any other *Act* and any regulation, rule or by-law;

g) discharge their duties in a manner that respects the dignity of individuals and is in accordance with the *Human Rights Act* and the ... *Charter of Rights and Freedoms* (Canada);

h) not use their position inappropriately to advance their interests or the interests of any person or organization with whom or with which they are associated;

i) immediately resign from the board if applying for employment with a police department, including employment on contract or on fee for service;

j) refrain from engaging in professional or personal conduct that could discredit or compromise the integrity of the board or the police department;

k) if their conduct or performance is the subject of investigation or inquiry, temporarily withdraw from all board activities and duties as a member of the board until the completion of the investigation or inquiry.

BE IT FURTHER RESOLVED, THAT The BCAPB approach the Government of British Columbia to seek an amendment to the *Police Act* by allowing a board, by resolution, to request that the Minister arrange an investigation into a board member's conduct; and

BE IT FURTHER RESOLVED, THAT The BCAPB approach the Government of British Columbia to seek an amendment to the *Police Act* by authorizing the Minister to suspend a board member pending the outcome of an investigation, if the Minister believes that a suspension is necessary in the public interest.

Resolution: 2020-7
Submitted by: Vancouver Police Board
Resolution: That the British Columbia coroners service ('coroners service') reconsider revisions to their field operations policy that came into effect November 4, 2019.

WHEREAS The long-standing, historical practice of the Coroners Service was that they arranged for the removal of a deceased person from the scene of death, where the death was non-suspicious or anticipated, unless the deceased's family had made prior arrangements with a funeral service provider.

WHEREAS As a result of a recent policy change, the Coroners Service, reaffirmed in certain cases such as when the death did not meet the reporting requirements of Part 2 of the *Coroners Act*, that they will no longer make arrangements to remove the deceased from the scene of death, and this policy change has effectively passed that responsibility to the family on scene.

WHEREAS The VPD's experience is that the family, having just been notified and traumatically overwhelmed by the death, will look to the police on scene for direction and assistance with making arrangements to remove the deceased from the scene.

WHEREAS Assisting the family with arrangements to remove the deceased is not a police responsibility. Additionally, the police will also be required to stay on scene longer, while waiting for arrangements to be made and for the deceased to be removed. This is a further strain on policing resources and will prevent the police from attending other public safety priorities.

WHEREAS Calls for service in next-of-kin notifications will also be affected, specifically in situations where the deceased has no family in the vicinity. In those situations, if the Coroners Service does not attend nor make arrangements to remove the deceased from the scene of death, the family will have to make immediate arrangements from afar, with the knowledge that the deceased may have been left unattended. That scenario has already occurred in Vancouver and described in detail in the Supplementary Information section.

WHEREAS There is a provision in the Coroners Policy for "exceptional circumstances" when they will make arrangements to remove the deceased from the scene of death. However, specific criteria are applied to "exceptional circumstances", and only considered upon police request by the Coroner Supervisor or Intake Coroner. THEREFORE, BE IT RESOLVED: that the British Columbia Association of Police Boards recommend that the Coroners Service reconsider its recent policy revisions, where in some cases, it is now the family's responsibility to arrange for the removal of the deceased from the scene of death, which will require the police to remain on scene thereby placing an additional strain on policing resources.

Supplementary Information

On Friday November 1, 2019, the Coroners Service notified police agencies in British Columbia regarding revisions to their Field Operations Policy to be effective on Monday, November 4, 2019. The most significant changes are:

1. The Coroners Service will be reducing their attendance to Sudden Death calls.
2. Except in exceptional circumstances, Coroners will not take custody of decedents when the circumstances of death do not meet the reporting requirements of the *Coroners Act*.

Before the changes, the Coroners Service always made arrangements to remove a deceased from the scene of death unless the family had already made prior arrangements. Now, there may be situations where the family is responsible for making immediate arrangements for the removal of the deceased from the scene of death. The revisions also significantly impact VPD operations in the following areas:

1. If it is the family's responsibility to make the immediate arrangements to remove the deceased from the scene of death, VPD officers that are already on scene are effectively placed into a position to assist the family with making such arrangements, even though this is not a policing responsibility. In the first instance, a sudden death notification often leaves family members traumatized. As such, the family often turn to the police for direction and assistance with arrangements for the deceased. Officers may provide assistance; however, potential liability concerns arise if the family is dissatisfied with the arrangements and the VPD's involvement.
2. VPD officers will be required to stay on scene longer while waiting for the arrangements to be made for the deceased to be removed from the scene. This will have a negative effect to policing resources by preventing officers from attending other public safety priority calls for service.

Appropriately, the Coroners Service does make a provision for "exceptional circumstances", defined in their email as:

1. Except in exceptional circumstances, Coroners will not take custody of decedents when the circumstances of death do not meet the reporting requirements of the *Coroners Act*.

One of the criteria for an exceptional circumstance is

> …if the nearest relative was not present or was unable/unwilling to contact a funeral provider.

Therefore, in response to the recent changes to the Coroners Policy, the VPD has provided the following interim direction to their Operations Division, specifically in regards to advising the Coroners Service of incidents that would be considered "exceptional circumstances":

Immediate Direction to Patrol re: Coroner Notification and Body Removal

1. *All sudden death investigations procedure remain the same as per VPD RPM 1.6.38 (to contact the Coroners Service for every sudden death call).*
2. *If the Coroner does not attend the scene and does not arrange for custody of the remains, members shall inquire if the family has made prearrangements or are willing to make immediate arrangements with a funeral provider.*
3. *If the family is unable/unwilling to make immediate arrangements, members shall request for the Patrol Supervisor to contact the Duty Officer.*
4. *The Duty Officer shall contact the Coroner's Supervisor or the Intake Coroner and advise that this incident be considered an "exceptional circumstances" (as per the wording in the BC Coroners Service Field Operations Policy: Except in exceptional circumstances, Coroners will not take custody of decedents when the circumstances of death do not meet the reporting requirements of the Coroners Act. The Coroner should only take possession of the decedent if the death met the reporting requirements of the Coroners Act or if the nearest relative was not present or was unable/unwilling to contact a funeral provider.) The Duty Officer shall advise the Coroner to make arrangements for the custody of remains as no other options are available.*
5. *Members are to remain on scene until the deceased has been transported away; an exception to leave the scene may be authorized by the Duty Officer. An example of an exception that the Duty Officer should consider includes (but not limited to): if the deceased is in an assisted living facility or in a retirement home, where there are third party employees who can facilitate the removal of the deceased and assist with attending family. The Duty Officer may also take into account the circumstances of the sudden death scene - where family members are emotionally prepared to make decisions as to the disposition of the deceased AND where body removal arrangements have been made AND where there is an incident where the immediate redeployment of the members at the scene is necessary; then the Duty Officer may release the members from the scene.*

The Coroners Service policy revisions also adversely impact the notification of next-of-kin (NOK). By way of example, following the policy revisions, a police agency in rural BC investigated a sudden death. The deceased was discovered in his cabin while on a hunting trip. Due to the nature of the death, which was not suspicious, the Coroner did not attend the scene nor arrange for the removal of the deceased. That assigned police agency contacted the VPD to conduct a NOK in Vancouver where the spouse and deceased lived. The assigned police agency did not remain on scene. VPD officers completed the notification which included informing the spouse that the deceased was left unattended and the spouse was responsible to make arrangements to remove the deceased. This was an exceptionally difficult situation for VPD officers to manage and was made unnecessarily more difficult by the body of the deceased being left unattended in a remote cabin. Fortunately, there was a funeral provider in the area of the remote cabin that was contacted by the spouse and arrangements were able to be made to remove the deceased.

Conclusion

The recent revisions to the Coroners policy has produced an undue burden to both the public and police. Although the Coroners Service have made provisions for "exceptional circumstances", there are still situations where the responsibility to arrange for the removal of the deceased from the scene of death will fall upon the family, and because the police will be on scene, the family may look to the police for direction and assistance. The police will be put into a position to assist the family on a non-policing related matter. Also, since the VPD's policy is to not leave a scene until the deceased has been removed, policing resources in Vancouver will be adversely affected.

Therefore, the VPD recommends that the VPB approve this resolution and submit it to the BCAPB for their consideration to support a request to the BC Coroners Service to reconsider their recent changes to their Field Operations Policy.

Resolution: 2020-8
Submitted by: Saanich Police Board
Resolution: To amend Part 4 of the *Motor Vehicle Act* to include a provision that permits police officers to issue an immediate roadside prohibition (IRP), and impound the vehicle being operated, when a driver is found operating a motor vehicle, contrary to Part 3.1 of the *MVA* - use of electronic devices while driving

WHEREAS road safety is a priority in the Province of British Columbia; and

WHEREAS there has been a proliferation of the use of electronic devices by persons operating motor vehicles; and

WHEREAS the use of electronic devices while operating a motor vehicle, commonly referred to as "Distracted Driving", is one of the leading causes of injury and non-injury motor vehicle accidents in the Province of British Columbia; and

WHEREAS the fine for a single distracted driving violation ticket is $368, and 4 penalty points applied to the driver's record; and

WHEREAS additional fines are levied through penalty point premiums and additional convictions; and

WHEREAS two or more convictions within a 12 month period may result in a 3-12 month driving prohibition; and

WHEREAS the current penalty system does not appear to be having a significant deterrent on distracted driving behavior; and

WHEREAS just like street racing, an immediate roadside license suspension and vehicle impoundment will have a significant physical and psychological impact on driver behavior and understanding of the consequences of distracted driving; and

WHEREAS road safety and public safety should take precedence over the inconvenience a driver will experience when driving privileges are immediately suspended at roadside and the vehicle being operated is towed from the scene; and

WHEREAS current IRP legislation in relation to impaired driving (when a driver is found operating a motor vehicle with a blood alcohol content of 50 mg% to 80 mg%), empowers police to issue a 3-day roadside driving prohibition (first offence), and discretion to impound the vehicle; a 7-day roadside prohibition (second offence within 5 years), and discretion to impound the vehicle; and a 30-day roadside prohibition (third offence within 5 years), and mandatory 30-day vehicle impoundment; and

WHEREAS the IRP program has had a positive impact on the reduction of impaired driving and has significant potential to do the same for distracted driving;

THEREFORE BE IT RESOLVED that the British Columbia Association of Police Boards (BCAPB) refer the proposed Resolution to the British Columbia Association of Chiefs of Police (BCACP) BCAMCP Traffic Safety Committee for review and discussion. Further, that the BCAMCP Traffic Safety Committee make a recommendation to the BCAPB in favour or opposed to the Provincial Government incorporating revisions to Part 4 of the *Motor Vehicle Act* to permit police officers to issue an Immediate Roadside Prohibition (IRP), and impound the vehicle being operated, when a driver is found operating a motor vehicle while actively using an electronic device, contrary to Part 3.1.

Proposed Resolution BCAPB 2020

Resolution: 2020-9
Submitted by: West Vancouver Police Board
Resolution: Speculation & Vacancy Tax Revenue Sharing

WHEREAS there are approximately 1,700 vacant homes in the District of West Vancouver;

WHEREAS In 2018 the Province of British Columbia collected $58 million through the Speculation and Vacancy Tax (SVT);

WHEREAS $6.6 million of the SVT collected, almost 11 percent, was collected from vacant homes located in West Vancouver;

WHEREAS the Province of British Columbia gave the City of Vancouver the power to impose its own vacancy tax which has provided Vancouver with approximately $40 million in additional revenue;

WHEREAS having a significant number of vacant homes impacts public safety in a variety of ways, increasing demand for police service and increasing the costs of policing the jurisdiction;

AND WHEREAS the SVT is currently dedicated entirely to the provision of affordable housing, which is a laudable goal but ignores the costs of vacant homes to the community;

THEREFORE BE IT RESOLVED that the British Columbia Association of Police Boards call upon the Province of British Columbia to:

a) share the revenues gained from the Speculation and Vacancy Tax with local governments where vacant homes have been identified; and
b) grant local governments the power to impose their own vacancy tax to offset the increased costs of policing that are consequent to a significant number of vacant homes.

From:	Barbara Sherman on behalf of Board Secretary
To:	Andy Brinton; Blair Littler; Brian Rendell; Kevin Murdoch; Mary Kelly; Ray Bernoties; Wendy Zink; Blair Littler-personal; Brian Rendell-personal; Mary Kelly - personal; Wendy Zink-personal; Barbara Sherman
Subject:	FW: Joint Police Board meeting - Saanich Police and Oak Bay Police Boards

-----Original Appointment-----
From: Board Secretary <Secretary@spdboard.ca>
Sent: Thursday, February 6, 2020 1:58 PM
To: Board Secretary; Barbara Sherman
Subject: Joint Police Board meeting - Saanich Police and Oak Bay Police Boards
When: Monday, May 25, 2020 1:00 PM-2:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Saanich Police Department 760 Vernon Avenue - Kirby Room

Good afternoon Barb,

Thank you for confirming the Oak Bay Police Board's availability for Monday, May 25, 2020. This will be held at the Saanich Police Department's Kirby Room. Board members can check-in at the Front Desk. Limited parking in the front, with additional visitor parking located in the back and alongside Municipal Hall. I will set up refreshments and snacks.

The meeting will begin with roundtable introductions and then cover the following topics:

1. Employee Wellness
2. Police Workplace Injuries and WorkSafeBC Response
3. Collective Bargaining
4. Regional Policing
5. Police Act Section 11 – Police Complaints, Service and Policy Complaints
6. Working with Other Agencies – Island Health, BC Housing, Act Team, etc.
7. Shared Services
8. Extended Service Contract

If you have any further agenda items, please forward it to me – mid-May at the latest. I will send a formal agenda closer to the date.

Reach out if you have any questions and thank you again!

Lynn

_____

Lynn George | Saanich Police Board Secretary | Telephone: 250-475-4377 | Email: Secretary@spdboard.ca <mailto:Secretary@spdboard.ca>

OAK BAY POLICE DEPARTMENT
MEMORANDUM

DATE: February 21, 2020

TO: Oak Bay Police Board

FROM: Chief Constable Brinton

RE: Department Restructure

Summary

OBPD management intends on restructuring the Support Services within the department to provide a more effective use of existing resources. There will be no additional costs and the platoons providing 24/7 coverage will not be affected. A review of potential restructuring of the department's Support Services was one of the Chief's Priorities in 2019.

Authorized Strength

OBPD currently has an authorized strength of 23 sworn police officers that includes:

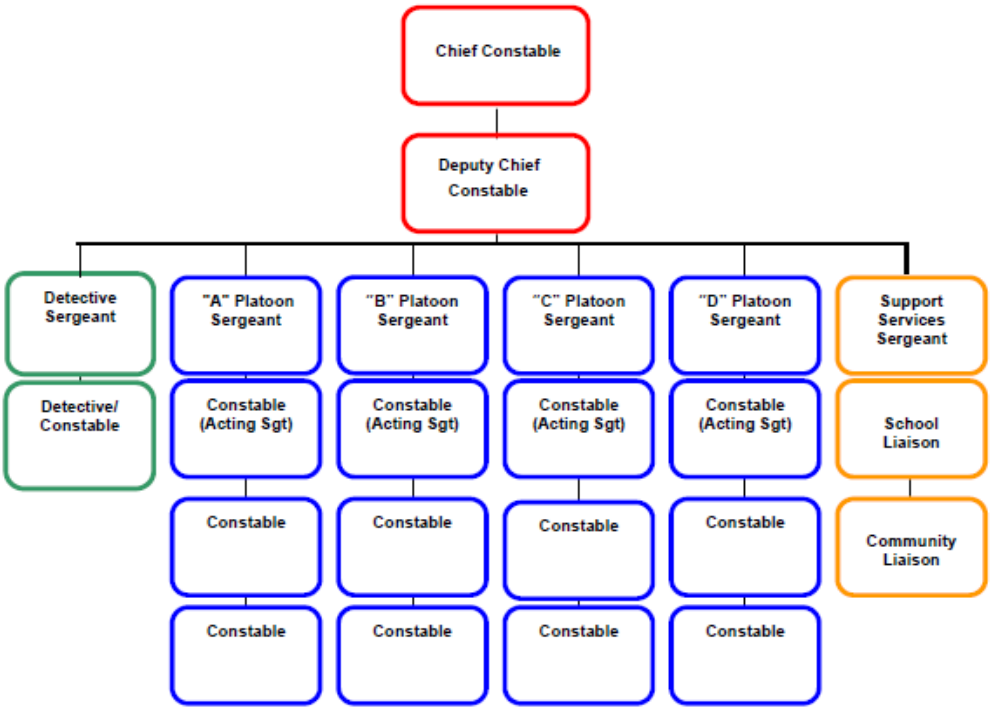
- 1 Chief Constable
- 1 Deputy Chief
- 6 Sergeants
- 15 Constables

These resources are organized by:

- Executive - Chief Constable and Deputy Constable
- Patrol - 4 Sergeants and 12 Constables
- Support Services - 1 Sergeant and 2 Constables
- Detective Services - 1 Sergeant and 1 Constable

The proposed reorganization would impact the Support Services and Detective Services only.

Current Organizational Chart



Discussion

<u>Detective Services</u> - OBPD has recently ended a pilot project that had the Detective Constable position embedded in the Saanich Police Detective Service. The goal of the pilot was to assess the viability of building this arrangement permanently into the Oak Bay/Saanich Police Service Agreement. The Detective Sergeant position was left vacant during the pilot and all detective work was done by this integrated detective service. The pilot has ended and seen to be a success. We are currently working on a new Service Agreement which will continue to include Detective Services. This will be a modified agreement with Saanich PD, or a new agreement with another service provider. Regardless of the outcome, we do not see maintaining the current Detective Service model within our organization. We know that the cost of a Service Agreement is going to increase regardless of the service provider and we will require some funding associated to our detective positions to off set any increase. This could be done by using the salary dollars, by embedding one or more members into the service provider's structure, or a

hybrid of both. The OBPD Detective Sergeant position will become redundant as there will be no supervisory role and constables would be easier to place in another agency if that is the is a model we settle on. Through attrition, both the OBPD Detective Sergeant and Detective Constable positions are currently vacant and will remain so pending finalizing a new service agreement.

Community Policing - The current Support Services Sergeant position oversees the School Resource Officer constable and Community Liaison Officer constable positions. We also look to this sergeant to address ongoing community issues through a problem-solving perspective and to develop operational plans for events such as parades and festivals in the community. In addition to the core duties, this sergeant conducts a number of administrative duties for the department and provides continuity of ongoing matters due to working a regular work week versus the shift rotation of the Patrol Sergeants. These extra duties typically draw this member away from the core duties, in particular overseeing, the department's community policing functions.

Administrative Functions - There are a number of administrative duties including policy updating, mandatory reporting, coordinating training, seized property custodian (exhibits), and project management that we have difficulty managing day to day. We are seeing BC Police Services developing more detailed policing standards that require considerable local policy development and training to implement. OBPD also has seats on regional committees and working groups that the Chief Constable or Deputy Chief attend when other representatives come from lower levels within the other participating agencies. There is value in consolidating all these duties into a single position.

Pending Reorganization

Detective Sergeant position be reduced to a constable rank which results in 2 Detective Constables for consideration in the upcoming Service Agreement renewal.

Support Services Sergeant position be redeployed as a Community Policing Sergeant with the School Resource Officer constable reporting to this sergeant. This will form a 2 member Community Policing Unit responsible for all community outreach and problem solving initiatives within the community. This sergeant would be expected to take an active role in this service delivery.

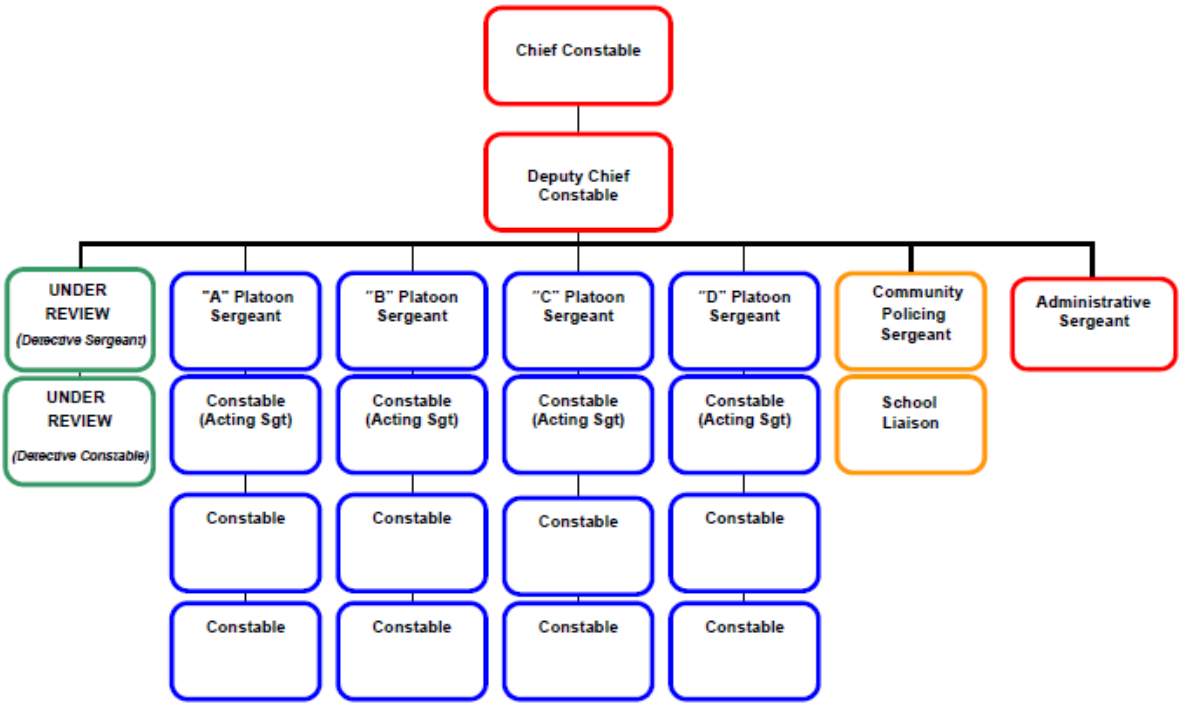
Community Liaison Officer (constable) position be reclassified as an Administrative Sergeant. This will provide continuity and capacity for many of the department's administrative functions. It would also provide more appropriate representation on some of the regional committees and working groups.

Retaining the sergeant rank is seen as important. This restructuring will maintain the supervisory capacity of 6 sergeants within the department. With the size of the department all sergeants are expected to be generalists and have a role in supervising

investigations. With the Community Policing Sergeant and Administrative Sergeant working a regular work week it will provide oversight and coordination for ongoing matters that overlap platoons. These positions will be assigned operational planning for upcoming events. It will also assist when there are supervisory vacancies as we would be able to temporarily re-deploy these 2 positions when required. Another important consideration for retaining the rank is it important to have a career path for the constables, and opportunity for sergeants to rotate through different job functions during their career. This speaks to career opportunities and retention.

Financial impacts would be non-existent as this does not create an additional sergeant position but rather re-classifies three of the current positions.

New Organizational Chart



Police Association Consultation

The Oak Bay Police Association (union) was consulted on this reorganization. While there was no endorsement, no issues were raised in regard to the redeployment or reclassification of positions as laid out in this report. There was concern raised with the potential to lose a position(s) as a means to offset any additional costs associated to the renewal of the Police Service Agreement. This concern will be considered when

finalizing the service agreement with a view to ensure there are no negative impacts on the capacity or service delivery of our organization.

Thank you

Andy Brinton
Chief Constable