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 Peoples, known today as the Songhees and Esquimalt First Nations, and that their historic connections to these lands continue to this day.

NOTICE OF THE REGULAR MEETING OF THE OAK BAY POLICE BOARD
DUE TO A GLOBAL PANDEMIC, THIS MEETING WILL BE HELD BY ZOOM VIDEO CONFERENCE
MEETING ID # 979 8078 0752

Page 1

1. CALL TO ORDER:
2. APPROVAL OF AGENDA
3. ADOPTION OF MINUTES:
   3.1 Regular Meeting
      Minutes - 2021.02.23 DRAFT
3 - 5
4. STANDING ITEMS
   4.1 Strategic Plan Update
   4.2 Accountability Report - Deputy Chief Fisher
      Rpt. 1-Accountability Report February 2021
   4.3 BCAPB Update - Chair Murdoch
5. DEPARTMENT REPORTS:
   5.1 Chief Constable's Monthly Update - Deputy Chief Fisher
6. NEW BUSINESS:
   6.1 Police Act Reform Process - Discussion led by Chair Murdoch
      Rpt. 1 - Oak Bay Police Board Framework for Response
   9 - 13
7. ADJOURNMENT:

Recommendation:
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.

Page 1 of 13
MINUTES of the open portion of the regular meeting of the OAK BAY POLICE BOARD held by Zoom Video Conference on Tuesday, February 23, 2021 at 4:00 p.m.

PRESENT:  
Board Members:  
Kevin Murdoch, Chair  
Blair Littler  
Wendy Zink  
Mary Kelly  
Christine Hall  
Chief Constable  
Ray Bernoties  
Deputy Chief Constable  
Mark Fisher  
Police Board Secretary  
Barbara Sherman

1. CALL TO ORDER:

Chair called the meeting to order at 4:11 p.m. The Board welcomed newly appointed Police Board member, Christine Hall.

2. APPROVAL OF AGENDA

MOVED and seconded: To adopt the agenda of the February 23, 2021 regular board meeting as circulated.  
CARRIED

3. 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 26, 2021 be adopted as circulated.  
CARRIED

4. STANDING ITEMS:

4.1 Strategic Plan
A request for tender for consulting services has gone out and bids have been received. Bids will be reviewed in camera.

4.2 Accountability Report
A statistical report was presented by Deputy Chief Fisher. Chief Bernoties referred to a letter to the editor complaining of racial profiling by OBPD that was referred to the OPCC. Investigation revealed that this alleged incident involved interactions with another police department. The Police Act investigation is ongoing.

MOVED and seconded: That the January 2021 Accountability Report be received.  
CARRIED

4.3 BCAPB Update
Chair Murdoch updated the Board on the process to revise the Police Act. Wayne Rideout has been
announced as the new ADM of Police Services.

5. DEPARTMENT REPORTS

5.1 Financial Report
Deputy Chief Fisher presented the Quarter 4 Year-End Expense Report for 2020. The police department was under budget in 2020, primarily due to Covid-related restrictions on Training and Community Services activities. Total expenses were at 89.6% of the annual budget.

MOVED and seconded: That the Quarter 4 2020 Year-End Expense report be received. CARRIED

5.2 Calls for Service and Crime Statistics for 2020
Deputy Chief Fisher presented the report on Calls for Service and Crime Statistics for 2020. Consistent with other police agencies, Oak Bay crime statistics were down overall in 2020, most likely related to Covid-related restrictions. With more people staying at home, motor vehicle collisions were down, as were residential break and enters. Far fewer violation tickets were issued during the period of reduced person-to-person contact. An increase in mental health related calls have been noted during the past few months.

A question came from the Board, asking for the role of police in bylaw enforcement. Deputy Chief Fisher noted that noise and other after-hours bylaw enforcement primarily fell to police.

Another question came from the Board, asking what the impact of Covid has been to the number of domestic violence incidents. Deputy Fisher explained that while Oak Bay did not have an increase in the number of assaults, it may be that domestic violence is under-reported in a less densely populated area of single-family dwellings. The stigma of reporting domestic violence is likely another contributing factor.

The Board indicated that they would like the domestic violence file counts to be included on the next report on file counts and crime statistics.

MOVED and seconded: That the Calls for Service and Crime Statistics report be received. CARRIED

5.3 Chief Constable’s Monthly Update

• Electric Vehicle

Chief Bernoties advises that bids have been received from the recent RFP for an electric police vehicle. Three different vehicles are being considered. Several issues are being reviewed prior to a recommendation being made, including suitability of size and ability to convert vehicle for police use.

• Board Orientation Package

A new Police Board Orientation Package is being drafted by staff, with input from the Board being sought.
6. COMMUNICATIONS

6.1 Police Board Training

Correspondence received from Police Services Division updating Boards on upcoming training initiatives that they are working on to support police boards in the province. Currently a 60-minute training/information session followed by a Q & A session is being offered.

MOVED and seconded: That the Board pursue the training that is being offered by the Province.  
CARRIED

Action: Police Board Secretary to send a reply to Police Services requesting training.

7. NEW BUSINESS

7.1 Appointment of Board Representative to GVLRA

The Greater Victoria Labour Relations Association requires an elected official be appointed from each represented party.

MOVED and seconded: That Kevin Murdoch be appointed as the Oak Bay Police Board representative to the GVLRA.  
CARRIED

7.2 Regional Policing

Chair Murdoch advised the Board that area mayors are meeting to develop a governance model as oversight to Integrated Units.

ADJOURNMENT:

MOVED and seconded: 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.

CARRIED

The open portion of the meeting adjourned at 4:51 p.m.

Certified Correct:

__________________________  ____________________________
Secretary, Oak Bay Police Board  Chair, Oak Bay Police Board
ACCOUNTABILITY REPORT

Reporting Period: February 2021

<table>
<thead>
<tr>
<th></th>
<th># new</th>
<th>#ongoing</th>
<th>YTD</th>
<th>Not accepted*</th>
<th>Unsub.</th>
<th>Substantiated</th>
<th>File numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPCC Complaints</strong></td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td>OPCC 21-19098 (Concluded)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 21-19289 (Concluded)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 21-19281 (Monitor)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 20-17320 (ongoing)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 20-18719 (ongoing)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 20-18885 (ongoing)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OPCC 20-18899 (ongoing)</td>
</tr>
<tr>
<td><strong>IIO Notifications</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Harassment incidents</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Respectful Workplace incidents</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use of Force Reports</strong></td>
<td>0</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>21-332</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>21-625</td>
</tr>
</tbody>
</table>

*Not accepted by OPCC and/or IIO

Mark Fisher
Deputy Chief Constable
Background:
The Special Committee on Reforming the Police Act was formed on July 8, 2020 to examine, inquire into, and make recommendations to the Legislative Assembly on the following:

- Reforms related to independent oversight, transparency, governance, structure, service delivery, standards, funding, training and education, and any other considerations which may apply respecting the modernization and sustainability of policing under the Police Act (R.S.B.C. 1996, c. 367) and all related agreements. A full list of regulations and legislation related to policing can be found [here](#).
- The role of police with respect to complex social issues including mental health and wellness, addictions, and harm reduction; and in consideration of any appropriate changes to relevant sections of the Mental Health Act (R.S.B.C. 1996, c. 288).
- The scope of systemic racism within British Columbia's police agencies, including the Royal Canadian Mounted Police, independent municipal police and designated policing units, and its impact on public safety and public trust in policing.
- Whether there are measures necessary to ensure a modernized Police Act is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (2007), as required by section 3 of the Declaration on the Rights of Indigenous Peoples Act (S.B.C. 2019, c. 44).

After a hiatus for a Provincial election, the Committee was reinstated and determined it would open up feedback more broadly than a select number of invited individuals and organizations. A response will be provided through the BC Association of Police Boards (BCAPB), and individual Police Boards are also invited to provide responses.

Submission Format:
All responses are due by April 30th, 2021. All responses are public. Responses may be submitted in written, audio or video forms. Select respondents will be invited to address the committee.

One response format option would be to follow the structure of the Terms of Reference (ToR) for the Special Committee on Police Reform (see four bullet point above). Another would be to focus on just a limited number of points the Oak Bay Police Board (OBPB) sees as key messages. If the Board wishes to address the Committee, the format or structure of the response may be altered to reach that goal. Areas outside of the direct response may be considered, and could include:

- Explanation of Expertise and Background (why listen to OBPD?)
- Key Issues Identified (What is the problem being solved?)
- Philosophical Foundations of response (how can these be solved?)
- Other
Summary of Terms of Reference and Minister Farnworth’s Mandate Letter:

**ToR 1: Governance, Training, and Operations:** Reforms related to independent oversight, transparency, governance, structure, service delivery, standards, funding, training and education, and any other considerations which may apply respecting the modernization and sustainability of policing under the Police Act (R.S.B.C. 1996, c. 367) and all related agreements.

- a. Mandate Letter: Focus on serious crime
- b. Mandate Letter: Decriminalization of all drugs
- c. Mandate Letter: Cracking down on drug dealers
- d. Other Potential Topics: Crime Prevention, Community Policing, Oversight and Investigation, or other of interest to your Board

**ToR 2: Addressing Social Issues:** The role of police with respect to complex social issues including mental health and wellness, addictions, and harm reduction; and in consideration of any appropriate changes to relevant sections of the Mental Health Act (R.S.B.C. 1996, c. 288).

- a. Mandate Letter: Integration of Social Services
- b. Mandate Letter: Action plan to end gender-based violence
- c. Other of interest to your Board

**ToR 3: Systemic Racism:** The scope of systemic racism within British Columbia’s police agencies, including the Royal Canadian Mounted Police, independent municipal police and designated policing units, and its impact on public safety and public trust in policing.

- b. Mandate Letter: Dedicated Hate Crime Units
- c. Mandate Letter: Review of “wellness checks”
- d. Other of interest to your Board

**ToR 4: Reconciliation:** Whether there are measures necessary to ensure a modernized Police Act is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (2007), as required by section 3 of the Declaration on the Rights of Indigenous Peoples Act (S.B.C. 2019, c. 44).

- a. Mandate Letter: Create opportunities for indigenous people
- b. Other of interest to your Board
Summary of the BC Association of Police Boards (BCAPB) submission framework.

The BCAPB is planning their focus four main areas aligned with the Terms of Reference:

- The role of police in responding to calls involving mental health issues, wellness checks and addictions.
- Promoting equity, diversity and inclusion and combatting racism within police agencies.
- Promoting excellence in governance of police agencies.
- Advancing effectiveness and efficiency in the organization of police agencies in BC.

Refresher: Peel Principles for Modern Policing

- To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
- To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
- To recognise always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
- To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
- To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life.
- To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
- To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
- To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
- To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.
Options for Oak Bay Police Board submission for discussion:

Introduction with the “qualification” of the Board and Police Department.

- Demonstrated leadership in community support and trust,
- Gender makeup,
- Experience in Policing and other Governance
- Other

General principles/benefits currently built in to the Act worth supporting. (Some work already done on this for BCAPB), examples are:

- Not the US
- Demographic reflection of the community each Board serves
- Arms-length relationship from Council and the Province, with liaison
- Budget appeal or mediation, and/or arbitration process worthwhile
- Peel principles

Importance of tone in this process and by leadership to show support for police who are overwhelmingly doing good work and in a very stressful and often dangerous work environment. Looking for shared goals such as

- High ethical behaviour
- Lifelong skills development
- Strong discipline for unethical behaviour
- End of discrimination based on race, gender, or other
- Other

Role of Police in Mental Wellness Calls

- Recognition that police are needed at many such calls to deal with or prevent violence
- Police in support roles, leaving once situations are stabilized
- Need for more provincial investment as use of police moves costs onto municipalities and limits Police Boards from policing as the community needs
- Act could clarify where non-police can take on policing roles (i.e. emergency room staff, social workers, other)
- Other
Oak Bay Police Board  
Response to the B.C. Provincial Special Committee on Police Reform  
Report for Discussion and Direction

Equity, Diversity and Inclusion

- The BCAPB has a significant response on this area  
- Consideration of response related to just policing or society at large?  
- Can the Act or Province support initiatives to have minority rep. groups involved in Board projects to show the work underway and learn from each other?  
- It is becoming normalized to frame police as racists, which both demoralizes the existing members and makes it harder to recruit high quality new recruits. Change of tone and phrasing to set expectations for highly ethical and inclusive force

Promoting excellence in governance of police agencies

- Standardization of Governance and funding of shared/integrated units  
- Consideration of longer maximum terms for Board Directors, perhaps to 8 years.  
- Provincial coordination or other support for bargaining  
- Don’t merge police governance before municipal governance  
- Board training on board / governance / financial skills  
- Board training on policing and operational needs of modern policing

Other and miscellaneous:

- Other topics to be covered?  
- Submission format (density, imagery, structure, inclusion of video)?  
- Board Submission? Include Executive, Union, other?  
- How to draft / work allocation?  
- Other?