AGENDA
Police Board Meeting
Tuesday, April 27, 2021 4:00 PM
Zoom Virtual Meeting

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 # 987 0099 1715

1. CALL TO ORDER:

2. APPROVAL OF AGENDA

3. ADOPTION OF MINUTES:
   3.1 Regular Meeting
      Minutes - 2021.03.23 DRAFT

4. STANDING ITEMS:
   4.1 Accountability Report - Chief Bernoties
      • No changes from March

   4.2 Provincial Police Act Reform - Chair Murdoch
      Rpt. 1 - Oak Bay Police Board Response FINAL DRAFT Version 4

   4.3 Strategic Plan Development

5. DEPARTMENT REPORTS:
   5.1 Financial Report
      Rpt 1 - Q1 Expense Report

   5.2 Overtime Reports
      Rpt. 1-Salaries and Overtime Q1 2021
      Rpt. 2-OT January 2021
5.3 Chief Constable’s Monthly Update
- Covid Update
- New Hire
- Special Municipal Constable
- Security Cameras
- Training Room

6. ADJOURNMENT:

Recommendation:
*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 by Zoom Video Conference on Tuesday, March 23, 2021 at 4:00 p.m.

PRESENT: Board Members: Kevin Murdoch, Chair
         Blair Littler
         Wendy Zink
         Christine Hall

         Deputy Chief Constable
         Police Board Secretary
         Mark Fisher
         Barbara Sherman

REGRETS: Board Member
         Chief Constable
         Mary Kelly
         Ray Bernoties

1. CALL TO ORDER:

Chair called the meeting to order at 4:03 p.m.

2. APPROVAL OF AGENDA

MOVED and seconded: To adopt the agenda of the March 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 February 23 be adopted as circulated. CARRIED

4. STANDING ITEMS:

   4.1 Strategic Plan

RFP’s for consulting services to develop the strategic plan will be reviewed during the in camera portion of the meeting.

   4.2 Accountability Report

Deputy Chief Fisher presented the February 2021 Accountability Report to the Board. There were no questions from the Board.

MOVED and seconded: That the February 2021 Accountability Report be received. CARRIED
4.3 BCAPB Update

Chair Murdoch advised the Board that the BCAPB Subcommittee on Reforms to the Police Act has completed a draft submission document. The submissions reflect the broader general motions passed at the BCAPB conference. Chair Murdoch will circulate the draft to Police Board members for their information.

5. DEPARTMENT REPORTS

5.1 Chief Constable’s Monthly Update

Deputy Chief Fisher gave a verbal update on several ongoing topics.

- Electric Vehicle Purchase: Working with the supplier and RadioWorks to overcome some electrical issues with converting vehicle to police vehicle.
- Training: All members have recently received training in disclosure and report documentation.
- Covid: An announcement has been made giving first responders priority for vaccination. Waiting for details on logistics.
- Crime: There has been a notable increase in the number of sexual assaults reported. Assailants have been known to the victim in all cases.

MOVED and seconded: That the verbal Chief Constable’s Monthly Update be received. CARRIED

6. NEW BUSINESS

6.1 Police Act Reform Process

A discussion was led by Chair Murdoch seeking input on the Oak Bay Police Board submission to the B.C. Provincial Special Committee on Police Reform. There are likely to be very many submissions and it was agreed to that being brief and clear was important. Some of the priorities raised were:

- Governance and training for both board members and police
- Systemic racism is a societal issue, not limited to police
- Clarity and plain language in the re-writing of the Police Act

Small agencies like Oak Bay PD will have special challenges ahead. The relationship with Saanich PD is a good example of how agencies can work together on complex matters.

The Board has a responsibility to look at police reform through a risk lens, taking into consideration their relationship with the community and fair, appropriate oversight of police. BC Chiefs of Police and the BC Police Association are also making submissions.

Action: Chair Murdoch will draft and circulate a submission paper for input by the Board, the Chiefs and the Police Association executive. Must be finalized by the April 27 Board meeting as submissions are due on April 30.
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 5:14 p.m.

Certified Correct:

_____________________________  ______________________________
Secretary, Oak Bay Police Board  Chair, Oak Bay Police Board
British Columbia Legislature
Special Committee on Reforming the Police Act

Oak Bay Police Board Submission

April 30, 2021

Oak Bay Police Board serves within the traditional territory of the Coast and Straits Salish Peoples; specifically the Lekwungen-speaking Peoples, known today as the Songhees and Esquimalt Nations, and we recognize that their historic connections to these lands continue to this day.
The Police Act: It’s not broken, but it can be better

There is substantial risk to society if trust in police is lost. The important work of the Special Committee on Reforming the Police Act can create a lasting framework supporting best practices, effective structures, and trusted oversight models which allow police to succeed.

What Experience Can Oak Bay Share?

Years of work by Oak Bay police officers, executive, union, and board members have resulted in nationally-recognized leadership in community policing. Some key indicators include:

- Documented high community opinion and trust
- Approaching gender balance on force
- Despite being next to a high-crime city core, Oak Bay remains one of the safest municipalities in BC
- Crime prevention is very effective in nearly all categories
- Officer-to-victim personalized contact and follow up
- Productive Municipal Council and Police Board relationship
- Board members with experience and history in community
- Innovative & sustainable service agreements with other police agencies to support modern professional standards
- Unique and flexible staffing models to protect mental and physical health of front line officers
- Extensive experience in RCMP and municipal policing, integrated units, First Nations, BC Police Ethics committee, event security, and governance leadership
The language and framework of the Act, particularly around governance, discipline, and training, can improve the effectiveness of policing, by supporting systems that instill public trust in the police and fulfillment in the policing workplace.

Trust is a by-product of clarity, transparency and accountability.

Fulfillment requires a chance to succeed and is a by-product of governance, culture, and clarity of expectations.

**Risks to Effective Policing**

**Reduced Trust or Fulfillment in Policing**
- Perception of bias or racism
- Perception of overuse of physical force
- Perception of militarism
- Perception of unclear or disproportionate discipline
- Unclear police responsibilities
- Negative stereotyping creating hostile work environment
- Perception of police disconnected from community they serve
- Perception of lack of accountability or oversight

**Opportunities**

**Increased trust in policing and a more respectful workplace**
- Clearer language in Act to define expectations of police, boards, investigators, and ultimately the public
- Understanding purpose, role, & intended outcomes of policing
- Improvements to discipline / investigations
- Crime prevention through community engagement
- Police reflecting community faces and values
Governance

Civilian oversight by Police Boards is a very effective model that creates local accountability and therefore trust. Some principles and practices which can help achieve good governance and inter-agency cooperation include:

**Arms Length from Council:** both being arms-length from Council and having an active liaison with Council are beneficial to Police Boards; the Act should not discourage joint planning between Councils and Police Boards

**Board Terms:** The Police Board maximum appointments should have longer terms, such as 8 years. Intermittent matters such as Chief recruitment, collective bargaining, and financial matters would benefit from tenure.

**Transparency of Meetings:** the Act would benefit from making clear the expectations for public access to Police Board information and meetings (see Div. 4/5 of Municipal Act).

**Integrated Units:** Provincially standardized governance and funding of regional integrated units should be implemented to reduce conflict between the police agencies that share these services.

**Role of the Chair:** If the Mayor is Chair, the Act should clarify the Chair’s responsibility to reflect the Board’s decisions. Clarity on Chief vs. Chair in media representation is needed.

**Board Makeup:** The Board appointment process should ensure and improve community and/or Council input.

**Bargaining:** The Act should help provide tools or a framework for coordinated employer bargaining to assist with consistent labour practices.

The Act should clarify governance when considering potential new policing models such as within healthcare-based mental health teams.
Police need to be held to high levels of ethical and professional behaviour, but supporting such behaviour requires more than discipline alone. The Act should focus on supporting structures that set clear expectations, encourage accountability, and ensure a fair, consistent, and effective investigative process.

**Standards:** Ethical and professional standards should be set, with police support, uniformly across the province. This role could be Provincial (i.e. part of police standards and discipline), through a “College” model (i.e. College of Registered Nurses), or other structure as appropriate.

**Investigating Police:** perception of conflict of interest exists when police investigate police. Public and police trust would improve with a properly resourced and trained independent investigation office, with oversight to keep public trust.

**Shared Costs:** having investigation costs carried by the Province or shared between Police Boards and Province would optimize investigations of potential issues.

**Proportionality:** Police discipline can appear too soft (serious infractions receiving minimal punishment) and too harsh (presumption of guilt, judicial investigations). The Act must ensure there are clear rules with transparent consequences, and allow learning from minor mistakes using a “quality assurance” or “quality improvement” methodology. A standards body would assist in a more nuanced discipline model.

**Time is Trust:** Delay in discipline impacts complainant and public trust, staff morale, and staffing capacity, so the discipline structure within the Act should support timely resolution.
To build community trust, encouraging a positive workplace culture should be a priority of the Act. Setting clear expectations, developing appropriate training, and providing supports are critical. A great police culture attracts great police candidates and helps ensure victims trust police enough to come forward. Some suggestions to improve culture include:

**Police as agents of change:** Police deal regularly with victimized and marginalized populations, and have motivation and opportunity to take a leadership role in addressing racism.

**Allow Success:** the range of duties expected of Police officers has expanded significantly. Clearly defining, with standards, the police services expected will make it easier to meet expectations and measure success.

**Trauma Informed Practice:** The Act should fundamentally support the voices of the most vulnerable. There must be trust issues will be investigated thoroughly, victims will be treated with respect, and victim feedback will inform future practices.

**Training:** as societal expectations shift and the demands of modern policing evolve, lifetime learning of hard (technical) and soft (social, cultural awareness, etc.) skills will be essential in retaining great officers. Close links to local cultural associations help with “localization” of cultural awareness.

**Public Guided Policies:** Development of police training, policing standards, and other policies should incorporate public priorities in that development. This would differentiate BC police culture from American police culture and help proactively address issues such militarization, racism, and others that impact public trust.
The best way to ensure long-term public support of police and avoid potential risks is to ensure everyone involved is trained well. Training should be informed by societal values as well as police best practices (see “Public Guided Policies” on prior page). Training pays dividends in recruitment, retention, public trust, and service excellence. There are many areas of training that can be undertaken, and sufficient investment in the Justice Institute is critical; we list some additional potential training areas for consideration:

**Board Training**
- Board and Police Board best practices
- Respectful workplace
- Principal-Agent model and operational oversight
- Police Chief and Board evaluations

**Police Training**
- Trauma Informed practices
- Cross-Cultural, Racial, and gender awareness
- First Nations experience (perhaps include serving in indigenous communities within training)
- Unconscious bias
- Mental health and addictions
- Interacting with the health care system
- Time management, service professionalism, and communications
- “quality assurance” methods to review and share lessons learned from negative events in a way that promotes ongoing operational improvements.
Good Foundations are aPeeling

When Sir Robert Peel established the London Metropolitan Police in 1829, he laid out rules to build trust between the police and the people they serve. Still relevant today, they should guide the Police Act. Paraphrased, the principles are:

- Police are the public and the public are the police
- The job is to prevent crime and disorder; prevention should be the measure of effectiveness
- The power of police is dependent on public approval
- Public will observe law where law and police are respected
- Public favour comes from service without regard to social standing, wealth, race, gender, etc.
- Physical force should only be used as a last resort; any use of physical force reduces public cooperation
- Police and judiciary must fulfill distinct roles

Police, as part of the community, share both the positive and negative traits of that community, including systemic racism. Negatively labeling police alone in this context is harmful both to seeing positive change and to recruiting and retaining diverse staff. The corollary is that police should be expected to embrace a role as community leaders in the fight against racism and hate.
Policing forms an integral part of our society. Policing is also a challenging career made more difficult when trust is lost with the broader community. With care and attention, the changes the Special Committee on Reforms the Police Act makes to the Act can help ensure police are trusted members of the community they serve and that policing is seen as a rewarding career for the best and brightest of all backgrounds.

The Oak Bay Police Board would like to recognize and thank the BC Association of Police Boards (BCAPB), the BC Association of Chiefs of Police (BCACP), and the BC Police Association (BCPA) for their submissions. This report is intended to build on, not be exclusive of, those submissions.

**Submitted by:**
Oak Bay Police Board
Wendy Zink
Blair Littler
Mary Kelly
Christine Hall
Kevin Murdoch, Chair

**Next Steps:**
This submission was kept intentionally brief. The Oak Bay Police Board, or Board with Executive, would value the opportunity to meet with the Committee to answer questions and expand on the points raised.

**Contacts:**
Oak Bay Police Board Chair Kevin Murdoch: mayor@oakbay.ca
Chief Constable Ray Bernoties: rbernoties@oakbaypolice.org
### Quarter 1 Expense Report prepared for the Oak Bay Police Board
March 31, 2021

<table>
<thead>
<tr>
<th>Account</th>
<th>Percentage Used</th>
<th>Notes</th>
<th>YTD</th>
<th>Budget</th>
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</thead>
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<tr>
<td>POLICE BOARD</td>
<td>7.4%</td>
<td>No travel-related expenses due to Covid-19</td>
<td>$893</td>
<td>$12,000</td>
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<tr>
<td>ADMINISTRATION</td>
<td>27.7%</td>
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<td>$159,837</td>
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<td>PROTECTIVE SERVICES</td>
<td>21.0%</td>
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<td>$4,341,200</td>
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<td>BUILDING EXPENSES</td>
<td>11.0%</td>
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<td>$6,624</td>
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<td>VEHICLE MAINTENANCE</td>
<td>17.2%</td>
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<td>$9,885</td>
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<td>COMMUNITY PROGRAM</td>
<td>0.5%</td>
<td>Few community programs due to Covid-19</td>
<td>$100</td>
<td>$18,900</td>
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<td>OTHER EXPENSES (INTEGRATED UNITS)</td>
<td>10.1%</td>
<td>Integrated units are primarily invoiced at the end of the year</td>
<td>$15,407</td>
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<td>OPERATING EXPENSES</td>
<td>21.2%</td>
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<td>$1,106,108</td>
<td>$5,219,500</td>
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# SALARIES AND OVERTIME

## 2021 Quarter 1

**TARGET FOR THIS QUARTER:** 25%

Gray cells are calculated for you and generally should not be altered.

<table>
<thead>
<tr>
<th>Police Wages (Operational)</th>
<th>YTD Actuals</th>
<th>2020 YTD</th>
<th>YTD Targets</th>
<th>YTD Variance</th>
<th>2021 Budget</th>
<th>Percentage Used</th>
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<td>Salaries</td>
<td>$575,347</td>
<td>$533,161</td>
<td>$650,625</td>
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<td>Overtime</td>
<td>$7,461</td>
<td>$75,378</td>
<td>$32,825</td>
<td>($25,364)</td>
<td>131,300</td>
<td>5.68%</td>
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<td>Salaries Recoverable (Secondments)</td>
<td>($23,736)</td>
<td>($27,975)</td>
<td>($85,225)</td>
<td>($61,489)</td>
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<td>TOTAL Police Wages (Operational)</td>
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<td>$580,563</td>
<td>$598,225</td>
<td>($162,132)</td>
<td>$2,392,900.00</td>
<td>23.36%</td>
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## Monthly Overtime Report

**Month of: January 2021**

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<th>Overtime Type</th>
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<th>Overtime Hours Paid Out</th>
<th>Overtime Hours Banked</th>
<th>Year to Date Hours Worked</th>
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<td>Investigation</td>
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<tr>
<td>Court</td>
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<tr>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>124.0</strong></td>
<td><strong>51.0</strong></td>
<td><strong>73.0</strong></td>
<td><strong>124.0</strong></td>
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<td>Overtime Type</td>
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<td><strong>TOTAL</strong></td>
<td><strong>121.0</strong></td>
<td><strong>41.0</strong></td>
<td><strong>80.0</strong></td>
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