

Recommendations and Reflections on the Vancouver Police Board and Police Board Governance Summarized by the Centre for Native Policy and Research

*Kelly MacDonald served as a member of the Vancouver Police Board (VPB) for two years before resigning recently. **She was the first Aboriginal person appointed to the Board.** The duties and functions of the Vancouver Police Department are under the governance mandate of the Vancouver Police Board which provides civilian oversight of policing, sets policies and procedures, and determines the priorities, goals and objectives of the VPD.*

MacDonald participated on many of the VPB's committees, including acting as the Board Liaison to the Chief Constable's Diversity Advisory Committee, the Legal Committee, and she contributed at both the provincial and national level. After resigning, MacDonald provided the Director of Police Services, Ministry of the Solicitor General, a memo outlining her reflections and recommendations on police board governance (January, 2005). She has yet to receive any form of response or acknowledgment of her contribution. Following is a summarized version of her recommendations.

"Although citizens who make up our [Police] boards are well-intentioned, they do not receive the necessary training and direction" (Oppal 1992, p.vi)

In a recent Vancouver Magazine article (April, 2005) Sean Condon wrote that MacDonald provided 22 recommendations to the Solicitor General's office "an unheard of act among departing police board members". In MacDonald's memo to the Director of Police Services, she notes that there was a lack of clarity amongst board members and police executives regarding the governance function of the Board. She recommended that, to improve their understanding, all members should be required to read the overview regarding Boards provided in Mr. Justice Wally Oppal's (1994) report, *Closing the Gap*. While the report is now over 10 years old, many of Oppal's recommendations still resonate today. They were the result of, and informed by, extensive community consultations, research, and submissions, which highlighted numerous community concerns, that are still remain relevant today. MacDonald recommended that an "Implementation Commission" should be struck to review implementation of the recommendations put forth in *Closing the Gap*. This was done in Manitoba, 10 years after a similar public inquiry into policing.

In order to facilitate greater understanding and co-operation between Boards and their police executive, MacDonald noted that it would be of great assistance to have joint training sessions on Police Board governance at local, provincial, and national levels. Although the Canadian Association of Police Boards and the Canadian Association of Chief's of Police conferences overlap and occur in the same location, they do not hold any joint sessions. To enhance the delivery of police services provided to the public, annual joint sessions should be arranged between the two organizations to encourage dialogue on policy and governance.

To further improve the VPB, the selection process of board members needs to be adjusted to reflect community diversity and the importance of local municipalities. The provincial government held an extensive selection process in 2002, and developed a roster of potential candidates. However, only 2 candidates were selected from that process, and subsequent board members have been personally recruited by the Board Resource and Development Office, which is situated in the Premier's office. To avoid the potential for political influence/interference, future members of the VPB should be selected from a roster of qualified "merit-based" candidates who also reflect the diverse demographics of communities in the city of Vancouver. Aboriginal candidates should be specifically sought out for the board because of the significant overrepresentation of Aboriginal peoples in the justice system. In

addition, the current appointment process does not reflect the responsibility of local municipalities in funding and establishing local police services. Therefore, the *Police Act* should be amended to ensure that an equal number of candidates be appointed by both the municipality and by the province, or that a majority be appointed by municipalities.

MacDonald underscored the importance of the provincial government assisting police boards in keeping abreast of new policies (best practices) and any new developments in the law that may require changes to police policies and procedures. She cites as an example the VPD's breaching policy that, despite the Chair of the Board's public commitment to review, was never reviewed or amended. As well, she provides, as an example the recent Supreme Court of Canada case that should initiate a review of the VPD's search, seizure and detention policy (*R. v. Mann*, 2004, S.C.C.).

Despite the fact that the VPB is legislatively mandated to set the budget for the Vancouver Police Department, MacDonald observed that the current police budgeting process does not reconcile with the City's budget process, and "the police board played a very limited role in the budgetary process... the police department was typically described as playing the major role in budget preparation" (Oppal 1992, p.B-80). The *Police Act* needs to be amended to reconcile the Police Board budgeting process with that of municipal council's. In addition, Police Boards need to fulfill their statutory mandate and exercise greater authority and oversight over the police budget.

In order to further improve the VPB's community involvement and public accountability, there needs to be more efforts made to elicit community accountability and input. MacDonald was responsible for organizing a dialogue between police and community members at the Wosk Center. In addition, she set out a plan approved by the Board to meet with the Aboriginal community, youth, community policing representatives, and to host public meetings throughout the city. These efforts were to culminate in a report summarizing the recommendations put forward by citizens of Vancouver. This has not been done. To further promote transparency and accountability, both the Vancouver Police Board and the Police Department should continue to gather community input into their activities and strategic plan. Such actions help build and maintain community relationships, and municipal police boards need to be provided with information and assistance on seeking community input in fulfillment of their governance mandate.

MacDonald suggests that for board members to better understand and represent the diversity within communities, they members should have a "contextualized" understanding of the social conditions of the various "groups" that are victims of crime and/or are disproportionately represented in the criminal justice system, such as Aboriginal peoples. Various reading materials, such as Justice Oppal's Inquiry, as well as cross-cultural and sensitivity training could assist Board members, recruits, and officers in understanding the concerns of such groups.

One part of maintaining and building relations with the community is through community policing. To support community policing, the provincial government followed through with their commitment to return traffic fine revenues to municipalities for the purposes of "improving community policing and crime prevention". Civic governments, however, have not always honoured that commitment and have liberally interpreted the use for which those funds were intended.

MacDonald recommended the review of new civilian over-sight mechanisms such as, the Federated Saskatchewan Indian Nation instituted the Independent Special Investigations Unit to review complaints (by Aboriginal peoples). She cites Mr. Justices Hamilton and Sinclair (1993, p.628), who underscored that

“the problems of an actual and perceived conflict of interest are just too great to expect a police force to be seen as effectively and objectively investigating its own members”.

Contemporary statistics still show a significant overrepresentation of Aboriginal people in the justice system, and numerous reports, judicial inquiries, and academic articles have highlighted the poor relationship between police and the Aboriginal community. To improve this poor relationship, MacDonald recommends the development of cross-cultural training on Aboriginal people with curriculum potentially delivered at the Justice Institute. Furthermore, she recommended the establishment of a provincial Aboriginal Advisory Committee, with a mandate to improve Aboriginal-police relations, and to seek solutions to enhance services to Aboriginal peoples. Representatives should be drawn from the Aboriginal leadership and should include elders, women, and youth. MacDonald cites the custody death of Frank Paul, the Missing Women investigation and the poor relationship between the police and the Aboriginal community as a strong rationale for both the local and provincial governments to strike these committees in an effort to remedy past injustices and improve police relations. MacDonald made a similar recommendation that the VPD strike a committee and that recommendation has yet to be fulfilled. Her recommendation is not novel: Mr. Justice Oppal recommended a similar advisory committee for Vancouver, and Preston Guno and others, on behalf of the Urban Native Youth Association (et al), have been advocating for a similar local advisory committee.

As MacDonald underscored in her memo, her recommendations (outlined in this article) are aimed at improving the efficacy and public accountability of the municipal Police Boards and their ability to govern. To reiterate, the strongest recommendations are:

- **An “Implementation Commission” be struck to review implementation of the recommendations found in *Closing the Gap*;**
- **A Provincial Aboriginal Advisory Committee be struck;**
- **Joint sessions held on Police Board governance between Police Board members and police executives (locally, provincially, and nationally); and,**
- **Joint sessions held between Police Board members and police executives at the Canadian Association of Police Boards and the Canadian Association of Chief’s of Police national meeting.**

With the Vancouver Police Department under greater and greater scrutiny it is a shame that the Director of Police Services did not respond to the reflections and recommendations of someone who obviously worked diligently and cared deeply for community issues and concerns. This may point to a deeper problem which is perhaps at the root of the police board’s ineffectiveness. The lack of support and education of our municipal police boards does little to enhance public confidence in the supposed civilian oversight of police departments that are mandated to serve and protect **all of its citizens**. Newly elected MLA Wally Oppal was recently quoted in the April 2005 Vancouver magazine article as stating that “The police boards have to take a more effective role in holding the police departments accountable... I do think they should scrutinize their police departments” (Condon 2005). Police Board members, such as MacDonald, who are committed to effective police board governance should not feel compelled to resign because they are not being supported in “doing the right thing”. Citizens such as the late Frank Paul deserve better from our Boards members, our Solicitor General’s office, and our police departments.

References

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