



July 12, 2018

Office of the Police Complaint Commissioner
5th Floor, 947 Fort St.
PO Box 9895, Stn Prov Govt
Victoria, BC V8W9T8

Attn: Stan Lowe, Police Complaint Commissioner

Dear Commissioner Lowe,

Re: Service or Policy Complaint Amendment – OPCC File No. 2018-14863

On June 14, 2018, the Union of BC Indian Chiefs (“UBCIC”) and the BC Civil Liberties Association (“BCCLA”) filed a Service or Policy complaint against the Vancouver Police Department (“VPD”) with your office on the practice of “street checks” or “police stops” (OPCC File No. 2018-14863) (the “Complaint”).

On June 14, 2018, Andrea Spindler, Acting Deputy Commissioner for the OPCC, forwarded the Vancouver Police Board (the “Board”) a copy of the Complaint and cited the Board’s obligations pursuant to s. 171(1) of the *Police Act*, RSBC 1996, c. 367 (the “*Police Act*”).

On June 19, 2018, we received a letter from Patti Marfleet, Executive Director for the Board, acknowledging receipt of our Complaint, and confirming that the Complaint will be formally considered at the meeting of the Board’s Service and Policy Complaints Review Committee on September 20, 2018.

We write to your office to amend the Complaint by providing additional information on the practice of “street checks” or “police stops” by the VPD.

1. Additional Data from the Vancouver Police Department

On June 19, 2018, the Vancouver Police Department released additional data under a Freedom of Information request that contain both a race and gender breakdown of the data collected on the practice of

street checks. The new data show that the overrepresentation of Indigenous women is especially striking, in addition to the fact that Indigenous men and Black men are subject to a significantly disproportionate number of street checks.¹

While the numbers of women street checked are small – accounting for approximately one-eighth of the total street checks in 2016 – when only street checks of women are considered, Indigenous women are significantly overrepresented. In 2016, Indigenous women accounted for over one-fifth of all checks of women (21%), despite making up only two percent of the population of women in the city – overrepresentation by a factor of nine.

In 2016, Indigenous men accounted for approximately 12% of all street checks of men and women, despite making up only one percent of the total population of Vancouver – overrepresentation by a factor of 11.² Black men accounted for over 3% of the total checks of men and women, despite making up just over half of 1% of the total population of Vancouver – overrepresentation by a factor of six.

We request that you exercise your authority under the *Police Act* to direct the Vancouver Police Board to include disparities in both the race and gender in the number of street checks as part of the investigation into the Complaint.

2. Police Stops Where No Data Is Recorded

“Street checks”, or police stops, are the practice of stopping an individual when no particular offence is being investigated, questioning them and obtaining their identifying information, and recording the individual’s personal information.

The UBCIC and BCCLA are concerned by reports that the Vancouver Police Department may stop and question people but not record the contact in the PRIME-BC database. These public reports are confirmed by reference in the VPD’s Report to the Vancouver Police Board #1701R01, in which the VPD states that a street check contact “may, where warranted, be recorded in PRIME to document the information obtained

¹ Vancouver Police Department, Published Freedom of Information Requests, *VPD Street Check Data 2008-2017 by Gender and Ethnicity Fields* (Vancouver: 2018) <<https://vancouver.ca/police/assets/pdf/foi/2018/vpd-street-check-data-2008-2017-by-gender-and-ethnicity-fields.pdf>>

² Statistics Canada, *Census Profile*. 2016 Census, Vancouver, CY [Census subdivision], British Columbia and Greater Vancouver, RD [Census division], British Columbia (table). Statistics Canada Catalogue no. 98-316-X2016001 (Ottawa: Statistics Canada, 2017) ["2016 Census"] <<https://www12.statcan.gc.ca/census-recensement/2016/dp-prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=5915022&Geo2=CD&Code2=5915&Data=Count&SearchText=Vancouver&SearchType=Begins&SearchPR=01&B1=All&TABID=1>>

by a police officer.”³ Whether or not personal information is recorded, being stopped and questioned by the VPD about one’s identity, activities, intended destination or other matters is likely to be experienced by the person stopped and questioned as in the same way. However, because the stop is not recorded, these types of police stops are not reflected in the “street check” data. We are not concerned with informal greetings and conversations between police and the public. We are concerned with non-detention non-arrest interactions between police and the public that are intended to elicit personal information from the subject. If this practice is occurring without data being recorded, as VPD’s Report to this Board suggests, this would impact the quality of the data so far released and the validity of any conclusions we might draw from it.

We request that you exercise your authority under the *Police Act* to direct the Vancouver Police Board to include the practice of police stops where no data is recorded as part of the investigation into the Complaint.

We appreciate your continued attention to this matter. Please do not hesitate to contact me for any further information.

Sincerely,



Chief Robert Chamberlin
Vice-President
Union of BC Indian Chiefs



Josh Paterson
Executive Director
British Columbia Civil Liberties Association

cc: Hon. Mike Farnworth, Minister of Public Safety and Solicitor General
Gregor Robertson, Mayor, City of Vancouver; Chair, Vancouver Police Board
Adam Palmer, Chief Constable, Vancouver Police Department

³ Vancouver Police Department, *Proposed Addition of Policy, Procedure and Guidelines for Street Checks PR&A File # 2015-074*, Report to the Vancouver Police Board #1701R01 (2016) at p. 2