



## **PUBLIC**

**To:** South Coast British Columbia Transportation Authority Police Service  
Designated Policing Board (“Police Board”)

**From:** Chief Officer Suzanne Muir  
South Coast British Columbia Transportation Authority Police Service  
Designated Policing Unit (“Transit Police”)

**Date:** September 5, 2024

**Subject:** Update on the Service and Policy Complaint # 2023-25128  
[Board Report No. 2024-45]

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## **RECOMMENDATION**

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THAT the South Coast British Columbia Transportation Authority Police Service Designated Policing Board:

- A. Receive Report No. 2024-45: Update on the Service and Policy Complaint #2023-25128;
  - B. Approves that, in accordance with Section 172 of the *Police Act*, a copy of this report be provided to the Complainant, the Office of the Police Complaint Commissioner and the Director of Policing and Law Enforcement Services; and
  - C. Directs the Chief Officer to ensure that any outstanding remedial actions as set out in this report are actioned and to refer back to the Board any issues arising.
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## **PURPOSE**

To provide the Police Board with an update on the Service and Police Complaint #2023-25128 and actions to respond to and resolve the Complaint.

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## **BACKGROUND**

This report summarizes the investigation requested by the Police Board under Section 171(1)(a) of the *Police Act* (“the Act”) in response to Service and Policy Complaint #2023-25128 (the

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“Complaint”) made under Section 168 of the *Act*. This report also sets out the actions taken by Metro Vancouver Transit Police (“MVTP”) to respond to and resolve the Complaint.

Subject to the Board’s approval and in accordance with Section 172 of the *Act*, a copy of this report will be provided to the complainant, the Office of the Police Complaints Commissioner (“OPCC”) and the Director of Policing and Law Enforcement Services/Police Services Branch (the “Director”).

**A. Initial Complaint**

On January 4, 2024, the Police Board Chair received a letter from the OPCC advising that on December 24, 2023, the OPCC had received a Service and Policy Complaint involving MVTP. The Complaint involved the following two separate but related issues involving the jurisdiction of Transit Police Officers:

1. Transit Police Officers are acting illegally when making arrests under Section 79 of the *Motor Vehicle Act* which they are not authorized to do; and
2. Transit Police Officers have no jurisdiction outside the Metro Vancouver Regional District which is contrary to signage at every SkyTrain station which states that they are “full provincial police officers.”

The complainant requested that MVTP amend their policies to clarify that there is no authority for their police officers to make *Motor Vehicle Act* (“MVA”) arrests, no jurisdiction outside the Greater Vancouver Regional District (“GVRD”) and for MVTP to review any legislation that their police officers act under to ensure there is adequate authority.

The Police Board met on February 9, 2024 and received the Complaint. Upon consideration of the Complaint, the Police Board requested that the Chief Officer investigate and report to the Police Board on the Complaint pursuant to section 171(1)(a) of the *Act*. The Police Board Chair sent a letter to the complainant advising of this action, dated February 15, 2024.

**B. Complaint Expanded**

On March 5, 2024, the complainant sent a follow-up email to the Police Board Secretary with further comments regarding their Complaint. MVTP sent an email to the complainant acknowledging receipt of their March 5, 2024 email. On April 15, 2024, the complainant sent another follow-up email to the Police Board Secretary which raised new issues, thus expanding the Complaint. The complainant expressed concern about the introduction of Community Safety Officers (CSOs) and requested a copy of a letter received from the Police Services Branch in 2008 (“2008 Letter”). The complainant voiced their general concern that “transit police has ventured too far from being a transit police agency and more toward a supplemental regional police agency.”

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On April 24, 2024, an update was provided to the Police Board regarding the additional emails received from the complainant and the expansion of the Complaint. On April 30, 2024, a letter was sent to the complainant acknowledging the further information received by the Police Board and the expanded scope of the Complaint. The letter also included a request to meet with the complainant in order to ensure that our understanding of the Complaint and investigation would fully address the issues they raised. A copy of this letter was also sent to the OPCC and the Director.

**C. Meeting with the Complainant and Proposed Resolution**

On May 7, 2024, a meeting was held with the complainant in which all the issues they had raised in all previous communications were discussed. At the meeting, the complainant withdrew part of the Complaint. The complainant was also given an opportunity to review the 2008 Letter.

On May 11, 2024, the complainant sent a follow up email to MVTP Sr. Legal Counsel in which they proposed a resolution to the Complaint. The complainant narrowed the Complaint to the issue of communication of Transit Police Officers' jurisdiction, both public and internal, which the complainant believes is inaccurate. The complainant requested the following actions be taken by MVTP as a condition of resolving the Complaint:

- 1) Revise the website information to address inaccuracies;
- 2) Check for any internal documentation that refers to MVTP authority and address inaccuracies; and
- 3) Issue a memorandum or other internal communication to Transit Police Officers regarding their authority.

**D. Actions Taken by MVTP**

On June 18, 2024, MVTP sent a response to the complainant by email, which was also forwarded to the OPCC. The complainant was advised that MVTP are taking the following actions:

- 1) Website information

MVTP sent the complainant a revised version of its public website information that corrected some inaccuracies identified by the complainant.

2) Internal Documentation Check

MVTP has now completed a scan of all records on our network referring to our jurisdiction and have determined that there are no records relating to our geographic jurisdiction that require correction.

3) Issue a Memorandum or Internal Communication

The complainant was informed that MVTP Policy AA020 - Jurisdiction and Mandate Policy is currently being revised due to the recent *Police Act* amendments and once completed, the complainant will receive a copy of the new Policy AA020, along with the explanatory Bulletin circulated to all sworn members.

On July 30, 2024, the complainant sent an email confirming their agreement to the actions taken by MVTP to resolve the Complaint.

**E. Concluding Comments**

The complainant raised important issues in the Complaint. The Police Board considers it of the utmost importance that the public be assured that MVTP is operating within its jurisdiction as a Designated Policing Unit focused primarily on policing transit in the Lower Mainland. The Police Board and MVTP will continue to monitor its internal and external communication to ensure that they accurately reflect the powers and geographic jurisdiction that its sworn members (Transit Police Officers and CSOs) are authorized by their appointment and regulations to exercise.

**F. Recommendation**

The Police Board approves that, in accordance with Section 172 of the *Act*, a copy of this report be provided to the Complainant, the OPCC and the Director. The Police Board directs the Chief to ensure that any outstanding remedial actions as set out in this report are actioned and to refer back to the Police Board any issues arising.

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**Chief Officer Suzanne Muir**

Author: Oscar Allueva, Sr. Legal Counsel

Submitting Executive Member: Chief Officer Suzanne Muir