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Subject: Final Police Act Review Submission
Attachments: CoV - Police Act Submission (2021-04-30).pdf

Dear Mayor and Council

Please find attached the final version of the submission to the Special Committee on Reforming the Police Act. Please note staff made the following revisions:

- Added in the additional recommendations to the Province as directed by Council;
- Added in the contextual information as noted for Council would happen; and
- Made some small revisions to several recommendations after receiving new information (intent is the same as Council approved, but some items were clarified).

The submission will be sent to the Special Committee shortly.

Best,
Paul

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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθn̓θəm (Musqueam), l̓oʔəwú 7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.



Decriminalizing Poverty and Supporting Community-led Safety Initiatives

Submission to the Special Committee
on Reforming the *Police Act*

City of Vancouver
April 30, 2021

I. EXECUTIVE SUMMARY

On July 8, 2020, the Legislative Assembly created the Special Committee on Reforming the *Police Act* (the “Special Committee”).

Concurrent with the announcement of this Special Committee, Vancouver City Council heard from over 400 speakers and passed a motion titled “*Decriminalizing Poverty and Supporting Community-led Safety Initiatives*” (“Decriminalize Poverty motion”) on July 27, 2020. In addition to directing staff to report back on options to “de-prioritize policing as a response to mental health, sex work, homelessness, and substance use, and to prioritize funding community-led groups, non-profit societies and others with the experience and training to deliver harm reduction and safety initiatives in these areas,” the motion directed staff to “prepare a written submission with Council’s input to the Special Committee on Reforming the Police Act, with a special focus on how provincially funded and delivered services must be transformed in order to successfully refocus resources at the municipal level.”

Sources of Information

Council heard about the need for decriminalization from a variety of situations and circumstances, including the intersecting impacts of poverty, gender, race and systemic discrimination on interactions with, from over 400 speakers during the public hearing on the Decriminalize Poverty motion.

In preparing this submission, in addition to reflecting on the perspectives shared by speakers, City staff also reviewed what the City has heard from recent engagement with multiple stakeholders related to several City initiatives that include:

- poverty reduction plan development that included people with lived experience of poverty;
- urban Indigenous community development and work on Reconciliation, including discussions with Metro Vancouver Aboriginal Executive Committee and Council’s Urban Indigenous Peoples Advisory Committee;
- engagement with and submissions from Black and African diaspora communities on historic discrimination and ongoing anti-Black racism;
- women’s safety;
- sex worker safety;
- engagement with gender diverse populations;
- ongoing engagement with the Vancouver Community Action Team that includes people with lived experience of illicit substance use, front line workers, clinicians, and first responders involved in the overdose crisis response; and

- a number of Council motions and staff reports to Mayor and Council (please see attached as Appendix A), including community feedback arising during the discussions.

In addition to drawing from these sources of community-based information, submissions to the Special Committee from other organizations, including the BC Urban Mayor's Caucus, Union of BC Municipalities, the DTES Women's Centre, the Federation of Community Social Services of BC, Pivot Legal Society, and the Vancouver Police Department (VPD), were considered.

Recognition: Communities Most Impacted

Safety is important to all of us, however there are equity denied groups in society that are at greater risk of harm due to the lack of investment and/or insufficient or inequitable systems that fail to address the root causes of crime. These are the same groups of people, often with intersecting issues and identities, who have more and often repetitive interaction with law enforcement.

The impacts of intergenerational trauma also need to be recognized as an issue that affects all segments of the human population, but particularly historically marginalized individuals. Intergenerational trauma is defined as the passing on of historical trauma from one generation to the next. The sources of the trauma vary widely, but for the purposes of this submission, intergenerational trauma is applied in terms of the impacts of colonization, historically discriminatory policing practices, and interactions between historically marginalized populations and the criminal legal system and law enforcement in general. It is important to note that these same impacts of colonization and historical discrimination underlie our collective provincial and national histories and thus interactions with all public institutions in British Columbia, including all levels of government, education, health care, and other public systems.

The impacts of intergenerational trauma often present as social issues, such as poverty, internalized racism, mental and physical health, and substance dependency issues. While the *Police Act* review provides a significant opportunity, given this reality, governments must look beyond legislative changes as the overall solution to policing concerns and apply a holistic approach to investments and systemic changes across health and social service sectors.

For the purposes of this submission, historically marginalized and equity denied groups include: Indigenous communities; Black and African diaspora and other racialized communities; people with low incomes; people experiencing homelessness; women; sex workers; residents with precarious immigration status; people using illicit drugs; people with serious mental health illnesses; people with disabilities including learning/hidden disabilities and head injury; and TSLGBTQ+ and gender non binary communities.

The following key themes arising from the review noted above form the basis of this submission:

1. Governance, structures, and transparency;
2. Systemic biases, discrimination, and racism;
3. Shared community safety responsibility that includes the responsibilities of senior governments in relation to early intervention and prevention; and
4. Beyond the *Police Act*: Overall Systemic Change.

SUMMARY STATEMENT

The City appreciates the employees and officers of the VPD who come to work with the goal of community safety and well-being within the context of both the existing legislative frameworks that are set out for our local communities and the social development programs funded by senior levels of government. The City recognizes the proactive efforts made by the Vancouver Police Department (“VPD”) to improve the delivery of its services to the residents of Vancouver, including their progressive position on substance use issues, advocacy for evidence-based medical treatment, harm reduction, safe-supply of street drugs, their integrated mental health programming, and their established Sex Worker Guidelines.

At the same time, it is also important to recognize and acknowledge the lived experiences of the community members who experience marginalization, including those who engaged with Council during the public discussion of the motion and with staff during diverse community engagement activities on work such as poverty reduction, sex worker safety, Murdered and Missing Women and Girls Inquiry Calls for Justice review, overdose crisis, and other social development initiatives. These experiences point to room for evolution of approaches with policing’s interactions with community members and potential changes to legislative frameworks such as the Police Act, as well as significant gaps in senior government services and supports that increase inequities and marginalization.

It is also important to note that people live, work, recreate, and are connected with community and family across multiple jurisdictions. Accordingly, impacts of experiences with common systems such as education, health care and policing traverse these jurisdictions as well.

In addition, it is important to recognize that true police reform requires fundamental structural change at all levels of government, long-term capacity and financial investment by the Province in social programs and accountability measures, and a commitment to establish new minimum standards based on the principles of equity, fundamental human rights, and accountability between all levels of government. A review of efforts made in other jurisdictions has shown that shifting the focus from policing and criminalization to community-led support and harm reduction services is an effective way to serve marginalized communities and decrease the strain on the criminal legal system as a whole.

While the City recognizes the importance of the Government-Police separation of powers in principle, we also acknowledge the importance of public service accountability and transparency. It is not the City's intention to infringe upon the independence or the mandate of the Province or the VPD. Rather, the City submits the following recommendations in the spirit of collaboration and a shared concern and responsibility for public health and safety and general wellbeing of communities.

II. RECOMMENDATIONS

- A. Governance, structures, and transparency
- B. Systemic biases, discrimination, and racism
- C. Shared community safety responsibility that includes the responsibilities of senior governments in relation to early intervention and prevention
- D. Beyond the *Police Act*: Overall Systemic Change

A. GOVERNANCE, STRUCTURES & TRANSPARENCY

As recognized by the Minister of Public Safety, the *Police Act* is an outdated piece of legislation that does not reflect the current needs of British Columbia's Indigenous peoples, communities, and Nations, nor a growing and increasingly diverse population.

The modernization of the *Police Act* is a tall order that will require a commitment to change at all levels of government including long-term investments from senior governments and a willingness to understand and acknowledge historic harms and listen and be responsive to community realities and lived experiences.

Governance & Independent Oversight

One of the most significant concerns the City heard from the over 400 residents who spoke at a Council meeting on the motion in July of 2020 was their concern with a lack of transparency and independent oversight related to policing. Many speakers expressed a lack of faith in the current governing structure, as well as in the current complaints system and investigation processes.

Specifically, they noted that *Police Act* requires independent oversight mechanisms that ensure accountability and transparency at all levels of the governing structure. Additionally, while the *Police Act* does provide a process for addressing complaints via the Office of the Police Complaints Commissioner, the process is neither simple nor transparent, which prevents and discourages

historically marginalized populations with grievances from coming forward to have their complaints registered and addressed.

The need to rebalance powers and authorities

There exists a clear imbalance of power between those that wield power and authority through the *Police Act* and those most affected by these powers. The *Police Act* empowers the Minister to make “regulations to enhance, provide or reorganize policing and law enforcement in any and all areas of British Columbia. . .” the costs of which are to be borne by any municipality with a population of more than 5,000 people. In simple terms, the *Police Act* employs a top-down approach to policing that leaves little room for municipalities and communities to tailor their policing efforts to the unique needs of their populations. There are mechanisms whereby the Minister may hold a municipality accountable for not abiding by the *Police Act*, but very little recourse or opportunities for input from the municipalities and communities to ensure that their needs are met.

While it is important to establish minimum policing standards of general application, there must also be an acknowledgement that a one-size fits all approach to policing is ineffective at its best and harmful at its worst. Municipal governments and communities must be empowered to provide policing that meets the specific needs of their populations.

Use of Force

Across BC and Canada, there have been a number of police involved critical injury and deaths. These incidents raise public concern and public questions about avoidance of such events. We have heard repeated questions from the community as to whether deaths or critical injuries may have been prevented or could be preventable if either different de-escalation strategies were or could be employed or if non-policing interventions could have made or could make a difference. A typology of police-involved deaths published in 2012 identified four primary types: alcohol or drug overdose; natural causes such as cardiac or other medical conditions; violent deaths; and suicides.¹ Preventing deaths requires attention to the underlying causes of each of these types of incidents and early intervention.

Accountability

Other commentary we have received from community is that there is a lack of (transparent?) action and accountability following a police involved critical injury or shooting death. While the *Police Act* has established the Independent Investigations Office to address police involved critical injury and death, the IIO process is not experienced to be efficient, accessible, or transparent for many

¹ David MacAlister, “Deaths in police custody: Towards a typology” in *Police Involved Deaths: The Need for Reform*. BC Civil Liberties Association, 2012.

community members who have engaged with the City, in particular communities who have experienced marginalization. As a result of this perceived or experienced lack of transparency and/or accountability, these residents have called upon the VPD, the City of Vancouver and the Provincial Government for greater accountability. We have heard that accessible investigation results and transparent action are necessary to improve accountability. Lack of action, perceived lack of action, and/or lack of transparency reinforces a public perception that access to justice is reserved for those who can either afford to pursue their suits or have the capacity to navigate a complex system. Based on this feedback, action needs to be taken to ensure that the community experiences an accessible and transparent process.

Trust

Canada's founding colonial system sought to assert and maintain control over disenfranchised populations, particularly Indigenous peoples, communities, and Nations and racialized communities through legislation (e.g., Indian Act, immigration laws), structures (e.g., Indian Residential School System, segregation), and enforcement (e.g., policing). The historic and ongoing marginalization, stigmatization, and discrimination towards specific populations has resulted in an inherent lack of trust in the criminal legal system and policing in impacted communities. It is important to note that this same lack of trust and confidence infuses many of these community's relationships with other public institutions beyond policing.

We have heard from community members who experience marginalization that their trust in the criminal legal system and law enforcement is compromised. Addressing the issue begins with the *Police Act* and legislative changes at the provincial level. If trust in law enforcement is to be improved, the *Police Act* must reflect current circumstances by encouraging police departments to work collaboratively with municipalities to improve relationships with local populations. The City supports and encourages VPD's ongoing efforts to improve relations with communities experiencing marginalization.

Further, we have heard from communities that power imbalances can be exacerbated when police officers lack the training, knowledge, and/or experience to deal with situations through a trauma informed lens that recognizes the historic and colonial context and the impacts of intergenerational trauma experienced by marginalized communities. These types of interactions coupled with a sense of lack of transparent accountability of police officers creates a system of fear and mistrust between police officers and the populations they are committed to serving and protecting.

We have heard that respect and feelings of respect between police and equity denied communities must be reciprocal, be experienced to be reciprocal, and must be rooted in the structures of policing: if communities are expected to respect and trust in police forces, then policing must recognize the strengths within communities and be responsive to communities. Further, we have heard

from community members that police officers employed to serve and protect communities must receive the training to support this work and the oversight necessary to ensure any unintentional or intentional misuses of power are dealt with swiftly and transparently when these arise.

Community-Police Collaboration

The *Police Act* is silent on where the role of law enforcement begins and ends, but we have heard extensively from community that there are many interactions that would be better directed away from policing and to health or community based interventions.

However, there is a disconnect between the public service sectors that lead to negative or traumatizing interactions between police and community members who are marginalized due to poverty and other social or health conditions which could be avoided if service sector agencies and communities, including peer based approaches, were properly supported to provide well-coordinated supports to communities. These interactions are exacerbated for Indigenous peoples Black and African diaspora and other racialized and marginalized populations who have experienced and continue to experience discrimination across society, which reinforces or compounds their marginalization.

Over recent years, the VPD has made efforts to respond to gaps in service delivery, including mental health, as there has been a lack of investment in the necessary health and social systems and collaboration on a larger scale. Police officers are increasingly expected to answer calls that would be better addressed by the social or health sectors. However, a lack of sufficient funding and jurisdictional authority has prevented those best suited to address social issues, such as mental health and substance dependency experts and peers to answer those calls.

Legislative change and investments in mental health, social supports, including income, and housing must occur at the Provincial level in order for meaningful and lasting change to occur at the municipal and local community level. Health and community sectors should be a first response to de-escalate and redirect social and health related situations to appropriate and well-funded, well-coordinated programs and supports.

RECOMMENDATIONS

1. Legislative changes are required to implement stronger accountability and transparency measures to bridge the gaps in the delivery of public services, including:
 - Strengthen accountability measures by reporting back to people who have lodged a complaint against a police officer(s) so that they understand the

steps that were taken to address the complaints and how the complaint was dealt with.

- It is understood that privacy is a primary concern and are recommending that the balance between privacy for the officer and accountability and sense of safety for complainant be rebalanced differently.
2. Increased transparency into and public reporting related to police budgets is required to increase public confidence in the institution and to enable City Councils who fund policing greater insight into these services.
 3. Municipalities and communities can and ought to share in the overall responsibility for public health and safety. Policing is regulated by the Province, however the costs associated with policing is a municipal responsibility. This disconnect makes the tailoring of police services to the needs of the community challenging. To address this issue, the City recommends the following:
 - a. Currently, the *Police Act* permits the Mayor of a community and one other municipal representative to participate on police commission boards. Further, the control of who is appointed to police commission boards rests with the Province. It is recommended that the Province review the relationship between municipalities as funders of police service and police boards as the governing body of the police department to ensure that policing efforts meet the specific needs of the populations they serve, including local Indigenous Nations, urban Indigenous communities and other racialized populations.
 - b. We recommend that opportunities for regular feedback and complaints support be provided to stakeholders and historically marginalized populations. The creation of independent community steering or oversight committees or boards populated by stakeholders who represent the interests of historically marginalized populations will foster police-community collaboration and ensure community needs are being met. This can be structured in a way that respects the principle of independence.
 4. That local First Nations be represented on Police Boards.
 5. The Independent Investigations Office (“IIO”) and the Police Complaints Commission Office (“PCCO”) processes must be improved:
 - a. The OII and PCCO processes must be properly funded and supported in order to address public grievances and police misconduct in an efficient and just manner.
 - b. The OII and PCCO processes must be made accessible to the most marginalized and vulnerable populations.

- c. Part 7.1 of the *Police Act* must be strictly enforced when investigating a police involved critical injury, death, or police misconduct. Police officers involved in the incident must be compelled to cooperate with investigators and to provide her or his statement in a timely manner to minimize the impacts to the individuals and families impacted by the incident.
- 6. Stricter penalties for police officers who breach their ethical and legal responsibilities.
- 7. Annual police performance reviews and public reporting out about how police performance is being assessed should be implemented to achieve transparency and improve public confidence in the institution.

B. SYSTEMIC BIASES, DISCRIMINATION, & RACISM

As an urban center situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and sə́lilwətaʔt (Tseil-Waututh) Nations, the City of Vancouver is in a unique position to improve upon the relationships and interactions between the municipal service sectors and the population at large. The City has been working closely with local First Nations and other stakeholders historically impacted by systemic discrimination and racism to better understand and address the systemic issues inherent in a variety of municipal and community social service sectors.

Lasting Impacts of Colonization

European colonization and its systems were built upon notions of European superiority and the dehumanization and oppression of Indigenous and non-European populations, including people of African descent and of Asian descent. Historic Canadian policies and practices such as the *Indian Act*, the Indian Residential School System, the enslavement of people of African descent, the Chinese Head Tax, and preferred immigration lists are all examples of historic practices that underlie the systems we have today. As a country built upon such colonial roots, proof of the lasting impacts of colonization on communities can be found in the disproportionate involvement of Indigenous, Black and other racialized people in the criminal legal system. Further, evolving recognition of fundamental human rights of equity denied groups, including women, 2SLGBTQ+ and gender non binary people, sex workers, and those struggling with serious mental health conditions and/or substance use, requires ongoing examination and questioning of our systems and structures, including the criminal legal system and policing.

Within the context of law enforcement, we have heard that the historic disenfranchisement of these populations continues to be perpetuated each time a police officer stops and searches a person without cause based on social

profiling or when crimes against these populations are ignored or under processed. Further, because communities are connected across geography, experiences of a community resonate across geography, reinforcing the importance of ongoing relationships and dialogue at the local level.

Addressing historically ingrained systemic biases will require the decolonization of the *Police Act* and police forces, as well as a redistribution of power that recognizes the value and importance of inclusivity and collaboration with historically marginalized populations in the delivery of police services.

Over-incarceration of Indigenous Peoples

While efforts have been made to address the over-incarceration of Indigenous peoples, such as the introduction of *Gladue* Reports at sentencing, the incarceration rate of Indigenous peoples continues to rise. On January 21, 2020 the Correctional Investigator of Canada released a statement and supporting information indicating the incarceration of Indigenous peoples has reached a historic high in Canada. Specifically, Dr. Zinger shared the following statistics, which he deemed “disturbing and entrenched imbalances”:

- Indigenous peoples account for 5% of the Canadian population, but +30% of the prison population;
- Since April 2010, the Indigenous inmate population has increased by 43.4%, while the non-indigenous inmate population has declined by 13.7%;
- Indigenous women account for 42% of the women inmate population in Canada; and
- At this pace it is anticipated that Indigenous peoples will account for 33% of the prison population in Canada by 2023.

Dr. Zinger referred to this trend as an “Indigenization” of Canada’s prison system and furthered stated that Indigenous inmates are:

- Disproportionately classified and placed in maximum security institutions;
- Over-represented in use of force and self-injurious incidents;
- Historically, more likely to be placed and held longer in solitary confinement;
- Serve a higher percentage of their sentence behind bars before being granted parole; and
- Reoffend or are returned to custody at much higher rates (up to 70% for Indigenous men in the Prairie region).²

² Government of Canada. *Indigenous People in Federal Custody Surpasses 30% Correctional Investigator Releases Statement*. Online: <https://www.canada.ca/en/public-safety->
(footnote continued)

There is no question that this historic trend is a direct result of the impacts of colonization and disenfranchisement of Indigenous peoples as a whole. Addressing this requires commitments from all levels of government to decolonize the criminal legal system through genuine and meaningful collaborations with Indigenous stakeholders. The solution to this problem cannot come from legislative changes alone, but from mandatory education, anti-racism initiatives and investments into intervention and restorative justice options.

Concerns from Black and African Diaspora Communities

Excerpts from *Addressing anti-Black racism: Black and African diaspora community recommendations*, a document created to support City's anti-Black racism town hall in September 2020 (<https://vancouver.ca/files/cov/anti-black-racism-community-recommendations-detailed-summary.pdf>).

Many of the calls to action from Black and African diaspora communities received by the City demand reform of the policing practices and a re-imagining of the role of police in our society. Community groups have expressed the need for the following reforms including: ban the use of street checks, which have a harmful impact on the Indigenous, Black and low-income communities that are disproportionately the subject of this practice; redesign the way data is collected; transparently and thoroughly provide reports on arrests and police interactions with civilians, including accurate numbers on missing and murdered trans individuals; and demilitarize the use of firearms.

Besides these specific changes, some community groups have called for a broader reconsideration of the role of police. This includes diverting financial resources from the police toward initiatives that demonstrably support long-term community safety, such as the following: childcare support, education, comprehensive mental health intervention and social support, local restorative justice services, employment programs, access to recreational facilities, community-directed public investment, peer-based programming, culturally-led policies and more.

The purpose of these actions, as articulated by community groups, is to improve social conditions for individuals across the city, which will require the City to advocate broadly to other levels governments, authorities and service providers, in addition to taking action at a municipal level for matters within our jurisdiction.

The 2019 report *Towards a Healthy City: Addressing Anti-Black Racism in Vancouver* identified a series of reforms to VPD to bring its practices in line with recommendations from the UN Working Group of Experts on People of African Descent on its Mission to Canada. The report recommended that the VPD formalize this commitment by specifically addressing anti-Black racism in its strategic plan. VPD is in the process of establishing this committee and their 2020 Business Plan has specific commitments to

[canada/news/2020/01/indigenous-people-in-federal-custody-surpasses-30-correctional-investigator-issues-statement-and-challenge.html](https://www.vancouver.ca/news/2020/01/indigenous-people-in-federal-custody-surpasses-30-correctional-investigator-issues-statement-and-challenge.html)

engagement with Vancouver's Black and African diaspora communities to build positive relationships. These same recommendations could apply to policing across BC generally.

(<https://sustain.ubc.ca/about/resources/towards-healthy-city-addressing-anti-black-racism-vancouver>).

Other recommendations in this report include: ensuring that all forms of racial profiling are discontinued; provide more unconscious bias and de-escalation training for police; increase the representation of people of African descent in law enforcement and correctional services; and periodic external independent audits to monitor policing practices.

Gender Inequality & Violence Against Women

As expressed by local women-serving community groups, systemic biases, discrimination and racism are experienced on a greater scale by racialized women, victims of domestic violence, and sex workers. In an effort to address these issues, the City works with stakeholders to inform sex worker safety, the decriminalization of drug use for people with serious addictions, and to support women's safety in partnership with a number of women serving organizations through the provision of grants, social space, shelters and supportive housing. The City also advocates for TSLGBTQ+ and gender non-binary peoples inclusion. Despite these efforts, progress has been slow because these issues are not limited to the City. Changes of this nature require legislative changes and funding support of the province and federal government.

Victim Experiences: Shaming & Blaming

A major theme during our engagement sessions was the reluctance of historically marginalized people, particularly women, to call the police when they require assistance. The reluctance stems from a fear that they will be further victimized and blamed for their circumstances. Although this is not always the case, victim shaming and blaming is experienced frequently enough that a survey undertaken by the Downtown Eastside Women's Centre revealed that less than 15% of women surveyed would consider calling the police when in need. The overall sentiment is that calling the police for help will lead to further legal trouble, including the involvement of the Ministry of Child and Family Development ("MCFD") and the apprehension of children.

Poverty, Mental Health, & Substance Use

The lack of sufficient senior government investment in eradicating poverty, mental health, and substance use has resulted in the over-policing of historically marginalized populations encountering these issues. Police officers are meant to enforce the law and are not trained to serve as social or mental health workers, nor do they have the capacity to address both crime and social issues. The continuum of violence for Indigenous, Black and other racialized people

individuals and other historically marginalized populations who suffer from mental health and poverty issues coupled with biases and under-funded social and health systems leads to a lack of effective interventions. Legislative changes and systems level investments are required in order to create a separation of powers and delegation of responsibility that recognizes the difference between social issues and criminal issues and the need for coordinated service delivery and supports.

Mandatory Police Training on Social Issues

Directly related to the criminalization of poverty, mental health, and substance use is the need for regular and ongoing training for police officers. While addressing social issues is better suited to health professionals and community-led safety initiatives, the reality is that the police are currently overwhelmed with repeated calls related to these issues. Until a clear delegation of responsibility between the public service sectors is established, it is crucial that new and existing police officers receive mandatory training. Without such training, systemic bias, discrimination and racism will continue to be issues of great concern as police officers are not equipped or provided the support necessary to recognize and address social issues of this nature.

RECOMMENDATIONS

1. British Columbia's commitment to reconciliation must begin with a recognition that systemic bias and racism does exist in the current law enforcement/legal system in BC.
2. The *Police Act* must be brought into harmony with UNDRIP, the *Human Rights Act*, and other calls to action (Missing Women Commission of Inquiry (2013), Red Women Rising (DTES Women's Centre), Truth and Reconciliation Calls to Action, etc.) to ensure that all members of society are treated fairly and justly.
3. All existing and future police officers should undergo mandatory entry level and *continued* regular human rights, anti-racism, mental health, trauma-informed practice, and cultural sensitivity education and training. This includes education and training specific to the Indigenous Nations whose traditional territories encompass the municipalities.
4. Mandatory investigations and guidelines when investigating missing persons reports must be made public and accessible, and disaggregated data for reports and responses made public to ensure community members can trust that reports were taken seriously and all efforts were made and, for families and loved ones, they must receive transparent and accessible information that all efforts were or are being made.

5. Clear or improved policies and regulations when answering domestic violence and child welfare calls must be created so women and children who find themselves in dangerous situations feel comfortable asking for help.
6. Prohibit street checks based on racial profiling and prohibit arbitrary stops and random checks.
7. Improve accessibility for victims/targets of crime through lower barrier reporting processes.

C. SHARED COMMUNITY SAFETY RESPONSIBILITY

History has shown that addressing social issues cannot be achieved in isolation. The safety and well-being of BC residents is a shared responsibility between the Federal government, the Province, municipalities, and communities. The modernization of the *Police Act* is a step in the right direction, but to achieve meaningful and long lasting change, municipalities and communities will require the support of the Provincial Government to address funding and capacity gaps in areas of social development, such as affordable housing, livable income, and health and addictions supports.

Impacts of Intergenerational Trauma

As noted above already, intergenerational trauma is an issue that affects all segments of the human population, but particularly historically marginalized individuals. The impacts of intergenerational trauma often present as social issues, such as poverty, internalized racism, mental and physical health, and substance dependency issues. Given this reality, governments must look beyond legislative changes as the overall solution to policing concerns and apply a holistic approach to systemic changes in all social service sectors.

Early Intervention

The impacts of intergenerational trauma must be addressed before the impacts present as social issues. Investments made in early intervention strategies and community-led safety initiatives are an effective way to break the cycle of intergenerational trauma, poverty, mental health challenges, and substance dependency issues.

Early access to and investment in social services such as education, family support, affordable housing, added income assistance, child welfare, and mental health support will improve individual well-being and community safety and decrease the strain on the criminal justice system.

Community-led Safety Initiatives

The importance and value of community-led safety initiatives cannot be overstated. A jurisdictional scan of communities that have employed a shared strategy to community safety points to positive results. The use of a grassroots approach to early intervention and ongoing support has shown that the inclusion of local residents and those with the expertise to respond to social issues decreases the pressure placed on police officers and increases overall community safety. The City would be pleased to share results of jurisdictional scans if the Special Committee would find the information useful.

RECOMMENDATIONS

1. A re-delegation of responsibility for social issues is necessary to relieve the pressure placed on police officers to address social issues. Community-led safety initiatives must be empowered to assist police officers and where appropriate, answer non-emergency calls.
2. A reallocation of funding and resources to support community-led safety initiatives must occur to relieve the pressure placed on police officers and the criminal justice system to address social issues, including, but not limited to reallocation in the following areas:
 - a. Restorative Justice Options
 - b. Indigenous Courts & DTES Court
 - c. Alternatives to incarceration
 - d. Community outreach & liaison
3. Establish clear jurisdictional regulations regarding who should address social issue calls (police, health, MCFD, community outreach, etc.) so that people have options for help beyond Fire-Police-Ambulance to include mental health professionals and other highly skilled workers to avoid armed police attending health-based situations which can escalate tensions.
4. Additional efforts must be made, including increased investments for coordination, to improve engagement between police departments, community-led safety initiatives and historically marginalized populations.
5. Mandatory and continued community engagement and collaboration efforts with local IBPOC and other representative communities to continually improve police processes.
6. The Province review the Canadian Mental Health Association (CMHA) Peer Assisted Crisis Team (PACT) model as a possible framework for non-police mental health intervention and allocate seed funding for a pilot in Vancouver, North/West Vancouver, Victoria, and additional interested municipalities.
7. The Province mandate inter-agency protocol agreements between police, child and youth health, and justice agencies to improve sharing and coordination

services. VPD already has such inter-agency information sharing protocol agreements that could be used as a basis for others across the province.

D. BEYOND THE *POLICE ACT*: OVERALL SYSTEMIC CHANGE

The Province is responsible for funding health and social service sectors, which have a direct impact on social determinants of health, marginalization, and ultimately criminalization of poverty and its associated impacts. Increased senior government investments in the areas that follow are recommended to both improve individual and community well-being and safety and to relieve some of the pressure placed on policing and criminal legal systems through social development.

RECOMMENDATIONS

1. **The decriminalization of poverty, drug possession, and sex work** must occur in order to improve the safety and well-being of historically marginalized and disenfranchised populations.
2. **Preventative Measures:**
 - a. Early childhood care and learning including culturally safe provision for Indigenous children and families and child care at \$10/day for families that need care for their children.
 - b. Increased educational supports for children not succeeding in the public school system, including children with learning disabilities.
 - c. Increase access to affordable rental housing, as well as supported housing with proper supports in place.
 - d. Increased income assistance rates so that basic needs can be met with dignity.
 - e. Explore living wage policy.
 - f. Provide access to traditional healing and wellness supports for Indigenous communities.
 - g. Provide public education and school curriculum on violence prevention, anti-racism and anti-hate.
 - h. Consider a Province-wide expansion of the Vancouver School Board's SACY program.
3. **Early Intervention:**
 - a. Increased access to mental health and addictions programs for people with complex needs. Police officers are being used as a means to address gaps in the mental health and addictions systems. The VPD responded to nearly 5,000 calls for mental health-related problems in 2019, more than double the number 10 years ago. Police officers are being used to fill the

gaps where urgent social support and health care are required. (BC Urban Mayors' Caucus)

- b. Increased access to safer supply. While the Province has initiated access to safer supply we are hearing that the current system lacks adequate health professional supports, including doctors with adequate training and understanding of addictions.
- c. The creation of low barrier employment programs. We recommend the Province to increase investments in low barrier employment including EMBERSWorks and other similar programs in Vancouver and across BC. Research supports that people living with mental health and addictions experience greater stability in their lives, use less drugs, achieve higher income, and enjoy an overall improvement in their well-being if they have access to meaningful work with the proper supports (Dr. Lindsay Richardson research).

The City supported the creation of EMBERSWorks in the DTES in partnership with EMBERS and a DTES Coalition of non-profit agencies and has been their main funder for the past five years. Recently, the Ministry of Advanced Education and Training awarded 1.5M to EMBERSWorks which represents a good start.

- d. Increased funding supports for victims of crime is required to improve access to counselling for historically marginalized individuals such as Indigenous women and other equity denied stakeholders.

4. **Access to Justice:**

- a. Increased investment and access to legal representation, including an increase to the maximum number of hours Legal Aid lawyers are permitted to spend on complex and/or files that carry the potential for lengthy incarceration sentences.
- b. Greater access to pro-bono lawyers for individuals who do not qualify for Legal Aid, but cannot afford to pay for legal representation.
- c. Increased access to *Gladue* Reports and the establishment of *Gladue* and Indigenous Courts throughout the Province.

5. **Human Rights:** Increased funding support and access to human rights protections and complaints process for historically marginalized populations, victims of racism, sex discrimination, and gender inequality.

6. **Task Force:** The Province strike an urgent, expert-led mental health and addiction task force to address the continuum of needs, from harm reduction to treatment.

7. **Review of Existing Supports:** The Province, in collaboration with the City and community service agencies, undertake a review of Downtown Eastside services with the goal of creating a coordinated service delivery framework that effectively delivers a range of services, including coordinated outreach strategy, critical mental health and addiction treatment, as well as access to appropriate housing, basic health care needs, and other services.

III. CONCLUSIONS

The City of Vancouver appreciates the opportunity to provide input into consideration of changes to the *Police Act*. As noted at the beginning of the submission, this submission is offered within the context of the Council motion “Decriminalizing Poverty and Supporting Community-led Safety Initiatives” and the majority of these recommendations come from what the City has heard from Vancouver residents who experience marginalization.

We take the health and safety of all of our residents seriously as do all municipalities across the province. We also recognize the limitations of the *Police Act* in addressing related systemic barriers that fall outside of the *Act*, specifically noting where policies and investments related to services in communities to keep people safe and healthy that range from early childhood development to housing to education, health, and income supports reside in terms of Provincial jurisdiction. However the reform of the *Police Act* presents significant opportunities to shine a light on improvements needed for the benefit of everyone and we trust that the other needed investments that relate to community safety through social development will be considered by those ministries with responsibility.

APPENDIX A

Related Council directions

March 2021: Direction to staff to implement the United Nations Declaration on the Rights of Indigenous Peoples in the City of Vancouver (Member's Motion B.2) which includes Vancouver's efforts to implement UNDRIP with existing provincial law. <https://council.vancouver.ca/20210310/documents/pspc5.pdf>

March 2021: Direction to staff to continue with the implementation of the Women's Equity Strategy and Next Steps
<https://council.vancouver.ca/20210310/documents/pspc1.pdf>

November 2020: Council directed that a federal exemption from the Controlled Drugs and Substances Act be sought to decriminalize personal possession of illicit substances within the City's boundaries for medical purposes, in order to address urgent public health concerns caused by the overdose crisis and COVID-19
<https://council.vancouver.ca/20201125/documents/cfsc20201125min.pdf>

July 2020: Council directed the Mayor to write to the Vancouver Police Board to inform the Board that while Council deeply appreciates recent efforts to reform policing services and the efforts of the Police Department to quickly implement related changes, Vancouver City Council's priority is to end the practice of street checks in Vancouver.
<https://council.vancouver.ca/20200722/documents/pspc4.pdf>

June 2020: Community-based Crisis Management Through Understanding and De-escalation Motion asks Council to commit to a community-based crisis management strategy that promotes public safety and prioritizes non-policing interventions as appropriate; directs staff to develop a pilot community-based crisis management program and that the Mayor write to senior government requesting increased investments directed to poverty, public safety, unstable housing, mental health and addictions and support for a community-based crisis management strategy.
<https://council.vancouver.ca/20200624/documents/pspc6.pdf>.

June 2020: Mental Health and Addiction Reform: An Expert-Led Cross-Jurisdictional Task Force (Sept 2020) Motion called for the establishment of an emergency task force on mental health and addictions, examination of current service delivery and outreach frameworks, and that Council direct the Mayor, on behalf of Council to write to senior politicians
<https://council.vancouver.ca/20200915/documents/b5.pdf>

June 9, 2020: Standing up to the Rise in Anti-Asian Racism, All Racism and Hate Crimes calls on senior government to enhance work on
<https://council.vancouver.ca/20200609/documents/b3.pdf>

March 2020 and January 2020: Safety for Residents with Precarious Status directs staff to deliver on Access to Services without Fear Policy as well as writing to the VPD Chief Constable and the Premier of the Province of BC
<https://council.vancouver.ca/20200311/documents/pspc8.pdf>

2020 Budget: Council supported one-time funding of \$200,000 in the 2020 budget to initiate work to address anti-Black racism

2020 Budget: Included funding to support the finalization and initial implementation of the Equity Framework

2020 Budget: Included \$50,000 in one time funding to support the finalization of the review of Red Woman Rising and the Murdered and Missing Indigenous Women and Girls Inquiry recommendations and which of these apply to the City of Vancouver.

2020 Budget: Included \$72,000 in one time funding to support the finalization of the UN Safe Spaces for Women and Girls Scoping Study.

2019: A collaborative and new approach to Oppenheimer Park and other Public Spaces. Motion direct staff to develop a collaborative decampment plan with Park Board approval with the goal of restoring the park for broad public use and additional programming; support the Vancouver Police Department (VPD) in its call for increased mental health support through a new improved method of delivering Cars 87 and 88, and related funding from Vancouver Coastal Health (VCH); and call on the Province to increase vital wraparound services
<https://council.vancouver.ca/20191023/documents/pspc4.pdf>

2019: Council direct staff to continue to actively pursue partnership funding with senior levels of government for an SRO Revitalization and Acquisition Fund to improve living conditions, secure affordability and enable the replacement of SRO congregate-style housing with self-contained shelter rate social housing for low-income residents AND prioritize advocacy to the Province for annual rent increase restrictions in accommodation designated under the Single Room Accommodation By-law ("SRA By-law") to better protect marginalized, low-income tenants from homelessness.
<https://council.vancouver.ca/20201007/documents/pspc1a.pdf>

2019: Four Pillars Drug Strategy Review and Additional Resources motion directed staff to review the Strategy, ensure adequate resources and review approaches similar to the Portugal model.
<https://council.vancouver.ca/20191023/documents/pspc7.pdf>

2018: Council passed 32 actions in response to the Mayor's Overdose Emergency Task Force recommendations that included as key themes: Investing in Indigenous Healing and Wellness; enabling a peer based network for people who use illicit drugs to strengthen opportunities for engagement at the municipal level; increase investments in private and publicly funded SROs to prevent overdose deaths; expand harm reduction and access to safe supply and treatment options; and take collective action for systemic change including funding and educational/training resources for the VPD. A safe space for sex workers along Kingsway was also adopted as part of the final recommendations. <https://council.vancouver.ca/20201124/documents/b4.pdf>

2018: Grant to Support the Continued Operations of the Saa-ust Centre in City owned space, created in response to the Missing and Murdered Indigenous Women and Girls Inquiry to provide traditional healing and wellness supports, counselling and other resources for survivors and families of victims. <https://council.vancouver.ca/20180620/documents/pspc2.pdf>

2018: Grant to reinstate the Mother's Day Traditional Pow Wow in Vancouver as part of the City's response to the Missing and Murdered Indigenous Women and Girls Inquiry. The Mother's Day Traditional Pow Wow aligns with City of Reconciliation goals and is grounded in healing and wellness and supports traditional, spiritual, and cultural practices in order to more fully support urban Indigenous women and their families. <https://council.vancouver.ca/20180417/documents/a9.pdf>

2018: Council directs staff to implement phase 1 of the Accessibility Strategy for the City and form a Task Force including the Persons with Disabilities and Seniors Advisory Committees and people with lived experience who formed part of the Mayor's Task Force on Mental Health and Addictions. <https://council.vancouver.ca/20180918/documents/a16.pdf>

2017: Council directs staff to provide an update on a poverty reduction action plan. <https://council.vancouver.ca/20170613/documents/regu20170613min.pdf>

2016: Supporting Trans, Gender Variant and Two Spirit inclusion at the City of Vancouver : <https://vancouver.ca/files/cov/trans-gender-variant-and-two-spirit-inclusion-at-the-city-of-vancouver.pdf>

2014: Vancouver makes a commitment to designate itself as a City of Reconciliation in recognition of the City's commitment to addressing the intergenerational impacts of the IRSS on Indigenous peoples in Canada,

including their access to services, justice, and full equitable participation in Canadian society. <https://council.vancouver.ca/20141028/documents/rr1.pdf>

2014: Mayor's Task Force on Mental Health and Addictions includes 23 staff recommendations under the following themes: Work Better Together to Address Gaps in Systems; Create a Peer Informed System; Address Stigma; Focus on Youth and Wellness for Indigenous Peoples, and enhance Addictions Knowledge <https://council.vancouver.ca/20140917/documents/cfsc1.pdf>

2014: Council passed the Healthy City Strategy, the City's first social sustainability plan and in 2015 passed the first Healthy City Action Plan. This plan included as an action that staff prepare a Poverty Reduction Plan for Council approval. <https://council.vancouver.ca/20141029/documents/ptec1.pdf>

2013: Report back on the Missing Women Commission of Inquiry and City Task Force on Sex Worker Safety and Sexual Exploitation. The City was accountable for three Inquiry recommendations to enhance sex worker safety in Vancouver; further the task force identified recommendations that included increased training and awareness to reduce stigma and increased housing affordability. <https://council.vancouver.ca/20131218/documents/cfsc7.pdf>

2011: Preventing Sexual Exploitation and Protecting Vulnerable Adults & Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan that endorsed a framework and actions contained in this report providing a comprehensive approach to addressing sexual exploitation and sex work through enhanced prevention, opportunities for exiting, and improved health and safety for all Vancouver citizens and neighbourhoods and direct staff to review license and enforcement policy and report back to Council with recommendations that will enhance prevention, health and safety, mitigate negative neighbourhood impacts, and support responsible. <https://council.vancouver.ca/20110922/documents/penv4.pdf>

2001: Council adopted the Four Pillars Strategy: A Framework for Action and Approach to Vancouver's Drug Problems. <https://council.vancouver.ca/010430/rr1.htm>