



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: September 8, 2020
COMMITTEE MEETING DATE: September 17, 2020
BOARD REPORT # 2009C01

Regular

TO: Vancouver Police Board Service and Policy Complaint Review Committee
FROM: Drazen Manojlovic, Director, Planning, Research and Audit Section
SUBJECT: Service or Policy Complaint #2020-010 Police Response to Marginalized Communities

RECOMMENDATION:

THAT the Vancouver Police Board Service and Policy Complaint Review Committee (Committee) concludes its review of the complaint based on information outlined in this report.

SUMMARY:

This Service or Policy Complaint relates to the perceived treatment of marginalized communities. The complainant makes statements in four specific areas: defunding the police and redirecting resources to address homelessness, creating a mental-health first responder team to respond to mental health related 911 calls instead of police, the arrest of seven protestors during the blockade of the Georgia and Dunsmuir Viaducts, and a call to return Vancouver Fraser Port Authority land that CRAB Park is located on to the three Local First Nations – the Musqueam, Squamish and Tsleil-Waututh.

This report discusses each of these four areas – many of which are driven or compounded by societal issues and historic injustices. On an ongoing basis, the Vancouver Police Department (VPD) continually examines its practices and policies to maximize public safety, including the delivery of service to the most marginalized and at-risk individuals in our community. This dedication to continual improvement has led the VPD to be a recognized leader in North American policing in many areas including its collaborative approach to mental health, addiction, and its transparency in policing protests. Even with these achievements, the VPD welcomes current and future discussions on how public safety can be enhanced, including the ongoing provincial review of policing whose terms of reference include research on many of these topics.

Based on the information detailed in this report, it is recommended that the Committee conclude its review of this complaint.

BACKGROUND:

On June 17, 2020, the complainant sent an email to the VPD as well as the Office of the Police Complaint Commissioner (OPCC). The OPCC categorized the correspondence as a Service or Policy Complaint and notified the Vancouver Police Board on June 19, 2020.

The complainant's email called upon the VPD to take action in the following four areas:

1. Finding long-term solutions to homelessness. The complainant cited recent homeless encampments at Oppenheimer Park as well as CRAB Park and called for the creation of 10,000 units of permanent housing to address homelessness.
2. Advocating for a mental-health first responder team, instead of police, to respond to 911 calls related to mental health. In support of this, the complainant expressed that such a program has been adopted in Eugene, Oregon, and handles one-fifth of 911 calls.
3. Condemning the ongoing criminal charges that are faced by activists who blockaded the Georgia and Dunsmuir Viaducts in support of the call to reestablish Vancouver's Hogan Alley neighborhood, which prior to 1967 was the residential, business and cultural hub for Vancouver's Black population.
4. Returning the land that CRAB Park is currently located on from the Vancouver Fraser Port Authority to the three Local First Nations – the Musqueam, Squamish and Tsleil-Waututh.

In discussing these four areas, the complainant also expressed concern with the VPD's relations with Indigenous, Black and diverse communities. In addition, the complainant commented on the VPD's approach to addiction. Each of these topics are discussed below.

DISCUSSION:

1. Homelessness

Preliminary results from the most recent regional homeless count revealed that there are approximately 2,100 homeless individuals living in Vancouver. Since the homeless count was conducted in early March, the VPD respects that this situation has been exacerbated by the ongoing pandemic, as the need for social distancing has frequently reduced the ability of homeless individuals to find temporary shelter with friends or family.

The magnitude of this issue is beyond the scope of any single level of government. Accordingly, the City of Vancouver has publically called for increased and structured cost sharing between the provincial and federal governments to address homelessness. Proposed government agreements to take action on homelessness include a reimagined Vancouver Agreement that would align and coordinate the actions of all three levels of government – municipal, provincial and federal.

Regardless of what path forward is taken, the VPD recognizes that homelessness requires significant resources and coordination from all three levels of government. The VPD, as a lone agency, does not purport to be positioned to provide a long-term solution to this major societal issue.

The VPD acknowledges that it is frequently called by residential and business owners regarding individuals who have sheltered on sidewalks or in entryways and, as a result, impede the lawful use of property. The ongoing pandemic has increased the number of such calls, with reports of "unwanted persons" rising by 64% and reports of "annoying circumstances" more than doubling – increasing by 103%. Numerous local businesses, who are struggling to cope with the economic implications of the pandemic, have expressed concern about the negative impact such issues

have on their operations. As with any situation, VPD officers take a balanced and measured approach to such situations that seeks to address the needs and rights of all persons involved.

2. Mental Health

VPD's Mental Health Programming

The VPD has been a leader in advocating for the safety of persons living with mental illness. The VPD recognizes that approximately one in five Canadians live with mental illness. Further, the VPD appreciates that persons living with mental illness are, sadly, often targeted by offenders – resulting in persons living with mental illness being 15 times more likely to be a victim of crime and 23 times more likely to be the victim of a violent crime. As such, ensuring that police services support persons living with mental illness is a critical component of serving our community.

For more than 40 years, the VPD has recognized the need to integrate mental health professionals into frontline police response in order to support persons living with mental illness. In 1978, the VPD was a leader in having a dedicated mental health crisis response car – Car 87. This program partners a VPD officer, dressed in plain clothes, with a registered psychiatric nurse to provide on-site mental health assessments and interventions.

The VPD highlighted the need to better address mental health in the 2007 – *Lost in Transition* report ([link](#)). This report highlighted how a lack of capacity in the mental health system was failing individuals living with mental illness and, as a result, was increasingly bringing vulnerable people into contact with the police. The report found that, at that time, 31% of VPD incidents involved at least one person living with mental illness. As such, mental health was overrepresented in our workload – based on the reality that one in five (20%) of Canadians are living with mental illness. Fortunately, over the past 13 years, through increased collaboration with health care providers and the multifaceted programming discussed below, the VPD has reduced by half the percentage of calls that involve a person with mental illness; as a result, mental health is now underrepresented in the VPD's workload.

In 2011, the VPD, Vancouver Coastal Health (VCH) and Providence Health Care launched Project Link – a collaborative initiative to better coordinate and, as a result, improve the quality of life for people living with mental illness. This initiative brings together senior leaders from all three agencies as well as frontline staff. Project Link was the basis for numerous new collaborative programs launched by the VPD and health care providers in subsequent years.

Since 2012, the VPD has partnered with VCH as part of their Assertive Community Treatment (ACT) teams. The ACT teams are comprised of psychiatrists, social workers, nurses, vocational counsellors, occupational and recreational therapists, and peer counsellors. ACT teams focus on supporting the well-being of clients who are experiencing challenges related to community living and who have an extensive history of police involvement and high use of health services. The goal of ACT teams is to provide a higher intensity and greater frequency of support to clients with severe mental health and/or substance use disorders for whom traditional services have been unsuccessful. Impressively, a review of ACT clients found that these individuals experienced a 52% reduction in negative police contacts, a 60% drop in mental health apprehensions, and a 66% drop in the likelihood that these vulnerable clients will be the victim of a crime.

In 2014, the VPD and VCH collaborated to create the Assertive Outreach Team (AOT) which includes psychiatrists, nurses, and clinical supervisors. AOT fills a gap in the continuum of care for individuals with moderate to severe substance use disorders and mental illness who are experiencing functional and behavioural challenges related to community living. AOT serves

approximately 500 high-risk clients each year and is a proactive health care and police partnership that is unique to Vancouver. Through an “Early Warning System” that was developed via VPD and VCH collaboration and innovation, AOT proactively identifies persons living in the community who may be decompensating, are the most at risk, and are in need of help. AOT then proactively assists these clients by providing them access to supports including counselling, psychiatric and addiction services. Notably, a review of former AOT clients found that these clients experienced a decrease in police calls for service (-56%), in client apprehensions under the *Mental Health Act* (-71%), and in clients being the victim of a violent crime (-50%). Additional information on the VPD’s involvement in the AOT and ACT programs can be found in our *VPD Mental Health Strategy*, which is available online (the following are links to our [Mental Health Strategy](#) and an accompanying [video](#)).

In 2017, the VPD initiated the creation of an innovative youth mental health program – Heer4Peers. The program was created in partnership with VCH, the Vancouver School Board, the City of Vancouver and the Canadian Mental Health Association. The program trains high school aged peer leaders who then educate Grade 7 students about mental wellness and available mental health supports. This program was developed in recognition of the reality that 50% of all mental illnesses begin by the age of 14.

In 2018, the VPD and Providence Health Care partnered to launch the Vancouver Police Foundation Transitional Care Centre (VPF TCC) at St. Paul’s Hospital. The VPF TCC supports individual with mental illness and/or substance use disorders who are discharged from St. Paul’s Hospital and require short-term shelter, assistance connecting to community services, or a safe environment following their discharge from hospital. By providing these services, the VPF TCC maximizes the support offered to vulnerable persons and seeks to maximize health outcomes for vulnerable persons living in our community.

The above programs demonstrate the VPD’s lengthy history of adopting and leading the creation of innovative practices to improve its service delivery in support of persons living with mental illness. This dedication to continuous improvement has led to the VPD being a recognized leader amongst Canadian and North American police agencies on its approach to mental health, its support of persons living in the community with mental illness and its level of collaboration with health care professionals.

Crisis Assistance Helping Out On The Streets (CAHOOTS) Program

The complainant advocated for establishing a “mental health first responder team” to respond to “mental health related 9-1-1 calls instead of police.” The complainant cited such a program from Eugene, Oregon – the Crisis Assistance Helping Out On The Streets (CAHOOTS) program. While the VPD is committed to exploring innovative programming, the applicability of this specific program to Vancouver is questioned for several reasons.

In terms of the program’s ability to reduce crime or maximize public safety, it should be noted that Eugene’s crime statistics are in the highest 20% of all US cities. As such, the ability of such programming to enhance public safety in Vancouver would require significant research prior to adoption.

In terms of demographics, Eugene, Oregon is significantly different from Vancouver. Eugene has less than a quarter of the population of Vancouver. In addition, while Vancouver is home to a diverse array of cultures and ethnicities, four-fifths of Eugene residents are Caucasian.

Looking at workload, the complainant cites that the CAHOOTS handles one-fifth of the calls directed to 911. However, per capita Eugene has an extremely high call load, which would equate to Vancouver having over 525,000 calls to police per year – significantly more than the roughly 300,000 annual calls that the VPD handles. The VPD has focussed on efficiently shedding and redirecting calls to partner agencies over many decades. As a result, the VPD has developed robust mechanisms to redirect calls to partner agencies including through 3-1-1, mental health agencies, city by-law officers, animal control, park rangers, and community resources.

Finally, in terms of the level of service provided to clients and the overall integration of police and health services, the CAHOOTS model is unlikely to surpass the numerous and multifaceted programs that the VPD and its health care partners have already launched to support individuals living in Vancouver – the programming detailed above. Creating a new standalone mental health response service would likely create additional silos of service, as opposed to improving and further integrating care.

Arbitrarily selecting one service model, without consideration of other models or rigorous analysis, is an overly simplistic remedy to the complex issue of mental health and its interface with policing and public safety. Fortunately, the recently launched all-party Province of British Columbia's Policing Review includes in its terms of reference, "the role of police with respect to complex social issues including mental health and wellness, addictions, and harm reduction." The VPD is committed to participating and collaborating in this provincial policing review, which will consider leading practices across North America and internationally on how police agencies can best serve the public, including persons living with mental illness.

Of note, while the complainant advocates for redirecting resources from the police to health led services, this logic creates a false dichotomy – that municipal resources (currently directed to policing) must be utilized to achieve better health outcomes. In BC, policing is a core municipal responsibility, while mental health, as a component of the health care system, falls under provincial jurisdiction. Thus, the establishment, or increased deployment, of community mental health resources is the responsibility of the Province and, as a result, does not necessitate a diversion of resources that municipalities provide to ensure public safety.

3. Blockade of Georgia and Dunsmuir Viaducts

Prior to 1967, Hogan's Alley was the residential, business and cultural hub for Vancouver's Black population. Hogan Alley was centred between Main Street in the west, Union Street in the north, Jackson Avenue in the east, and Prior Street to the south.

Sadly, starting in 1967, to prepare for the construction of a proposed highway, residents were displaced and buildings were demolished. While the highway was eventually rejected, the Georgia and Dunsmuir Viaducts were constructed as part of this proposed project. As a result, Hogan's Alley was effectively destroyed.

On the morning of June 13, 2020, protestors erected tents and structures that blocked the Georgia and Dunsmuir Viaducts. The protestors advocated for the restoration of the Hogan's Alley neighbourhood.

After two days of the blockade, protestors – who numbered more than 100 at times – were repeatedly instructed by police to leave the roadway or that they would face arrest. In an effort to resolve this blockade without the need for arrests, four negotiators were part of the VPD officers that sought to end the blockade. In addition, to respect Indigenous persons and rights, an Indigenous Liaison Officer was present.

Seven individuals, who steadfastly refused to leave the roadway after repeated requests and warnings, were arrested. Each of the seven individuals have been charged with Mischief pursuant to s. 430 of the *Criminal Code of Canada* as well as Intimidation pursuant to s. 423(1)(g) *Criminal Code of Canada* for wilfully obstructing this roadway that is a major traffic route into, and out of, Downtown Vancouver.

Of note, while the complainant has expressed their belief that VPD arrested “marginalized persons of colour” as well as “people who have no homes”, an analysis of the seven individuals who were arrested revealed that none were homeless and the majority were Caucasian.

The VPD manages approximately 600 protests, demonstrations and mass gatherings each year. The overwhelming majority of these events occur peacefully with minimal disruption to the public; arrests are extraordinarily rare. The VPD’s approach to policing public gatherings is based on the principles of proportionality, lawful justification, and using the least intrusive means necessary. The VPD has been transparent in its approach to policing public gatherings, including contentious or high-risk demonstrations. Accordingly, the VPD has made its Public Demonstration Guidelines publically available (please follow this [link](#)).

4. CRAB Park Land Rights

The complainant expressed their belief that the land upon which CRAB Park is located should be returned from Vancouver Fraser Port Authority to the three Local First Nations – the Musqueam, Squamish and Tsleil-Waututh.

Resolving land-related disputes through negotiation is an important aspect of reconciliation and respecting Indigenous rights. Such negotiations are typically led by federal and/or provincial governments. The police, including the VPD, are not typically involved in land-related discussions and negotiations. As such, achieving a long-term resolution to this matter is beyond the purview of the VPD.

The complainant expressed their belief that in relation to the encampment at CRAB Park, “the government and the VPD have no right to Indigenous people from their own land.” The encampment at CRAB Park began on May 8, 2020. The VPD took no action in regards to this encampment for over one month. In June 2020, Port Metro Vancouver applied for a court injunction. Representatives for both the homeless persons living in the park and Port Metro Vancouver made submissions to the Supreme Court of British Columbia. The presiding judge – the Honourable Chief Justice Christopher Hinkson of the Supreme Court of British Columbia – granted an injunction on June 10, 2020. The injunction provided campers several days to clear the lot voluntarily without any enforcement action. After that period, the VPD was duty bound to uphold this order of the Supreme Court of British Columbia.

On June 16, 2020, the VPD began enforcement of the injunction at 6 a.m. As with the blockade of the Georgia and Dunsmuir Viaducts, the VPD officers deployed included four negotiators and an Indigenous Liaison Officer. VPD officers worked throughout the day to gain the compliance of individuals in conforming with the court order. While a majority of individuals complied with the court order, after more than 10 hours of dialogue and repeated warnings, 48 persons refused to comply with court order and, as a result, were arrested. Each of these 48 persons were charged with civil contempt of court. The matter is currently before the Supreme Court of British Columbia.

VPD's Community Engagement

In addition to the four specific areas discussed above, the complainant expressed concern with the VPD's relations with Indigenous, Black and diverse communities. Recently, in May 2020, the VPD released its *Community Matters* report (that is available at the following [link](#)). This report details the numerous and multi-layered approach that the VPD takes to maintaining and furthering its relationships with Vancouver's diverse communities. The *Community Matters* report acknowledges that police-community relationships built on mutual trust are critical to public safety. Furthermore, public trust and confidence in police requires police actions to be reflective of community values. To support these outcomes, the VPD's community engagement promotes cultural awareness, public safety, and fosters a collaborative approach to addressing and reducing crime.

VPD's Approach to Addiction

The VPD has consistently acknowledged that addiction is primarily a health issue, not a criminal justice issue. Further, the VPD has been steadfastly dedicated to a Four Pillars approach, which focusses on Prevention, Harm Reduction, Treatment and Enforcement. The VPD has been a leader in advocating for the advancement of all the pillars: in May 2017, the VPD released a report entitled *The Opioid Crisis: The Need for Treatment on Demand* ([link](#)) that publically called for expanded opioid assisted therapy programs and investment in addiction treatment to reduce the harm caused by the opioid crisis.

Further, the VPD has been a leader amongst North American police agencies through its recognition that the opioid crisis is predominantly due to a toxic supply of street drugs. As such, the VPD is proud to be the first Canadian police agency to support, and advocate for, safe supply. In doing so, the VPD recognizes that a medically-led evidence-based approach is required. Our November 2019 report *A Journey to Hope* ([link](#)) provides an overview of the numerous efforts being made by the VPD in response to the opioid crisis.

The VPD has also consistently focussed on ensuring that police are not a barrier for individuals in need of emergency health care. In 2006, the VPD was the first police agency in Canada to cease responding to reports of overdoses in the first instance. As a result, for the last 14 years, the VPD only attends overdose calls when requested to do so, typically due to prevailing safety risks, by paramedics and/or firefighters. Specifically, s. 1.6.28 of our Regulations and Procedures Manual ([link](#)) provides the VPD overdose attendance policy, which restricts police attendance at routine, non-fatal overdoses. Of note, the VPD is one of the few police agencies in Canada that has made its procedure manual publically accessible in order to increase transparency and public access to VPD policies.

The VPD, in its role as the leading agency locally on the enforcement pillar, has focussed its efforts on those that do the most harm – persons involved in importing, manufacturing and trafficking of illicit drugs. In 2006, the VPD changed its drug enforcement strategy to reflect this focus. The VPD does not arrest or charge for simple possession unless a substantive offence has also occurred. Accordingly, the number of charges for personal drug possession have declined significantly and are on pace in 2020 for a 93% decline versus 2006 levels.

The VPD also has a long history of supporting harm reduction services including Insite, since its opening in 2003, and the numerous Overdose Prevention Sites (OPS) that have opened in the community. The VPD supports these low-barrier harm reduction health sites and, accordingly, is mindful of the need to ensure that these locations are accessible to individuals who are most in need of their services. On a daily basis, our officers direct individuals using drugs to utilize local

harm reduction sites to minimize the likelihood of overdose and, as a result, maximize health outcomes. It is acknowledged that the current pandemic poses social distancing challenges, which have led to a nearly two-third decline in the average number of daily visits to OPS locations. This decline, however, is not the result of the VPD or its officers, as the VPD has remained steadfastly supportive of these health sites.

The VPD has continued its leadership on addiction. Recently, on July 9, 2020, Chief Constable Adam Palmer, in his role as President of the Canadian Chiefs of Police, called for the decriminalization of personal possession of illicit drugs at a national press conference.

CONCLUSION:

The VPD is committed to continually examining how its practices and policies can be improved to further public safety, especially regarding the delivery of service to marginalized and at-risk individuals. While the VPD is a recognized leader in its approach to addiction, mental health and community engagement, it welcomes current and future discussions on how public safety can be maximized. Of note, the ongoing provincial review of policing will research these topics. As such, the provincial review will provide a forum for police, government and the community to further collaborate on public safety and how policing in British Columbia can be further enhanced.

Based on the information detailed in this report, it is recommended that the Committee conclude its review of this complaint.

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Submitting Executive Member:

Deputy Chief Steve Rai Date: September 8, 2020