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REFORMING THE POLICE ACT

Virtual Meeting
Monday, September 21, 2020
Issue No. 4

NICHOLAS SIMONS, MLA, CHAIR

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MEMBERSHIP
Reforming the Police Act

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LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

MINUTES

**Special Committee on
Reforming the Police Act**

Monday, September 21, 2020

9:00 a.m.

Virtual Meeting

Present: Nicholas Simons, MLA (Chair); Jas Johal, MLA (Deputy Chair); Garry Begg, MLA; Bowinn Ma, MLA; Adam Olsen, MLA; Ellis Ross, MLA; Rachna Singh, MLA; Michelle Stilwell, MLA

Unavoidably Absent: Mike Morris, MLA

1. The Chair called the Committee to order at 9:01 a.m.
2. Opening remarks by Nicholas Simons, MLA, Chair.
3. The following witnesses appeared before the Committee and answered questions related to the Committee's review of the *Police Act*:
Ministry of Public Safety and Solicitor General:
 - Mark Sieben, Deputy Solicitor General
 - Brenda Butterworth-Carr, Tr'injà Shär njit dintlät, Assistant Deputy Minister and Director of Police Services
4. The Committee recessed from 10:02 a.m. to 10:04 a.m.
5. The Committee adjourned to the call of the Chair at 10:04 a.m.

Nicholas Simons, MLA
Chair

Karan Riarh
Clerk to the Committee

MONDAY, SEPTEMBER 21, 2020

The committee met at 9:01 a.m.

[N. Simons in the chair.]

N. Simons (Chair): Welcome, members of the Special Committee on Reforming the Police Act.

Welcome, guests.

My name is Nicholas Simons, and I am speaking to you from the territory of the Tla'amin Nation. It's a pleasure to be here to continue this important work.

Today we're going to be hearing from three ministries and the Office of the Human Rights Commissioner on the issue that stands before us. We'll continue to receive background informational briefings over the next few weeks.

I'd like to begin right off the bat by welcoming Mark Sieben and the assistant deputy minister and director of police services, policing and security branch, Brenda Butterworth-Carr, from the Ministry of Public Safety and Solicitor General.

Let's get right to it — into the subject matter at hand. If members of the committee have questions, let's wait till the end. Just indicate by raising your real hand.

Okay. Thank you very much for being here. Go right ahead.

Briefings on Police Act

MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

B. Butterworth-Carr: Thank you and good morning, Mr. Chair and committee. It is my pleasure to have been invited back before the special committee to provide information on opportunities for reform and improving policing in British Columbia. I have some prepared remarks on this topic.

Prior to commencing, and for the committee's awareness, I do, as was noted, have a couple of staff supporting me today. When asked a question, I may need to mute my microphone and confer with them prior to responding.

As well, a PowerPoint presentation has been prepared, which you would have received in advance.

In recognition of our shared goal to transform and modernize public safety, I am confident that the information I provide today will assist in furthering the achievement of that goal. Before discussing opportunities for reforming and improving policing, I'd like to once again highlight the converging pressures and challenges public safety is facing.

We know the Police Act has become outdated and cumbersome. Policing costs are increasing for all levels of government. Public confidence has eroded, as demonstrated by the ongoing protests in British Columbia, Canada and across North America.

Key drivers that support change include economic challenges and recovery efforts associated with COVID-19; social media — the public is demanding more transparency and quicker response to events questioning police actions; growing policing budget pressures; inequities in the funding, structure and the delivery of police services; rapidly evolving technology, which may be underutilized in policing but is also very costly; deteriorating RCMP assets and capital infrastructure; the city of Surrey's transition to a municipal police service; growing demands and expectations on police to respond to complex social issues, such as mental health, addictions and harm reduction where other professional services may be better suited; and the commitment to reconciliation with Indigenous peoples.

The opportunities presented will provide a foundation to address the incredibly important issues the special committee has been tasked with addressing, including the scope of systemic racism and its impact on public safety.

[9:05 a.m.]

As the director of police services, my vision is to advance public safety towards a future state where British Columbians have flexible, efficient, effective policing and public safety services that meet the needs of the communities they serve, a vision that can be accomplished by leveraging the opportunity before us and embarking on whole-scale changes to policing and public safety.

Given the drivers for change, I would like to highlight for the committee the work that is already underway within the mandate of the director of police services, as well as to identify challenges and opportunities for reform.

The presentation is organized into five themes, which are governance, roles and responsibilities, oversight, service delivery and funding. I should note that many of the subjects I'm going to discuss are cross-cutting, and they have been categorized into these themes based on a best-fit approach.

The theme of governance captures the legal framework on which policing is provided as well as the structures that govern integrated teams and specialized units. It includes mechanisms that balance the priorities of government and communities versus the operational independence of policing agencies — for example, the minister's priority letters.

Under the Police Act, the minister, as the Solicitor General and top law enforcement official for the province, is responsible for ensuring that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia. Along with the responsibilities of the minister, the director of police services is responsible for superintending policing and law enforcement. The combined responsibility and fundamental objective is to ensure public safety.

The province's mandate includes all areas, from rural and unincorporated areas, municipalities under 5,000 persons, and large municipal areas across B.C. First Nations

reserves and treaty lands must also receive adequate levels of policing services throughout the province.

The delivery of police services throughout B.C. is largely provided by the RCMP through four agreements involving the province. These agreements, when properly implemented and adhered to, are designed to ensure that adequate and effective policing services are provided in consultation with the appropriate levels of government, ensuring that those responsible for the costs and delivery of the services are held accountable.

These four agreements are.... The provincial police service agreement. This is an agreement between Public Safety Canada and B.C. that allows for the use of the RCMP as the province's provincial police service and to police rural and unincorporated areas as well as municipalities under 5,000 persons. Services are costed between Canada and B.C. on a 70-30 split, respectively. The 70 per cent portion, funded by B.C., is funded in part through the police tax I will discuss later.

The municipal police service agreement. Once a municipality exceeds 5,000 persons, they become responsible to provide police services. If the municipality chooses to continue to have their police services delivered by the RCMP, then the MPSA allows B.C. to subcontract the provincial RCMP to deliver municipal services to that community. I would describe this agreement as a gateway to allow this to take place.

The municipal police unit agreement outlines the responsibilities for the municipality for delivery of its policing services and the expectations of the RCMP in the delivery of those services. The costs for police services move to municipality, with costs shared between Canada and the municipality, either on a 70-30 or a 90-10.... The 90-10 is applicable for those municipalities which exceed 15,000 persons. Under the Police Act, B.C. is not financially responsible for the costs of policing with any municipalities over 5,000 unless agreed to on a case-by-case basis.

The First Nations policing program was developed to provide supplementary police services to First Nation communities beyond those delivered under the PPSA through a community tripartite agreement and allow for additional police activities sought by the community. These additional police services are funded by Canada and B.C., split 52-48 respectively. First Nation communities may also choose to deliver their own policing services under the same funding model, and there is one such police service, the Stl'atl'imx police service.

If a municipality chooses not to use the RCMP for its policing, the Police Act allows them to use another municipal police service or create their own. In all instances, the Minister of Public Safety and Solicitor General remains responsible to ensure that an adequate and effective level of policing and law enforcement is maintained throughout the province.

As you're aware, there are currently 12, soon to be 13,

municipalities policed by municipal police departments. Each department is governed by a police board, which consists of a maximum of nine members. Part 5 of the Police Act establishes various requirements and procedures for municipal police boards.

[9:10 a.m.]

At this time, existing governance structures outlined in the Police Act are not as effective as they could be and can be improved to assist police boards with business practices, accountabilities and transparency with communities.

The lack of government access to B.C.-wide police and police complaint data limits the ability to monitor trends in policing and public safety, therefore also limiting timely policy adjustments. While technology is available to improve business intelligence, the systems are not aligned, which limits the value. In fact, the RCMP struggle to provide adequate business intelligence data, which limits their ability to articulate their current status versus the demands on their services.

Police boards may also be challenged with inadequate business intelligence and specialized support to interpret their policing needs and manage budgets. Also, they are, on occasion, challenged in understanding their roles, which may limit their ability to provide effective governance.

These issues can be addressed by increased clarity on responsibilities and increased provincial governance. Enhancements should expand the authority and control of the province while still maintaining the interests of local policing while aligning provincial priorities and maintaining operational independence of police.

There are opportunities to enhance provincial governance for front-line policing, also known as detachment policing, and policing to Indigenous communities. This could be achieved through identifying tiers of responsibilities for policing and public safety, including improving on hybrid and integrated detachments and regionalization of services within your graphic areas.

It will be important to consider all Indigenous peoples, including Métis, Inuit and urban First Nations, when examining possible options. While the existing PPSA and CTAs require the RCMP to consult with their local First Nation communities, there is an opportunity to develop stronger relationships and an ability for local and Indigenous governments in setting their annual priorities, goals and objectives that better support local police needs.

This may be achieved by embedding provisions in legislation or regulations, such as legislating local or regional boards of governance. Provisions in the Police Act — part 6, the local police committees — that allow the formation of a formal local police committee have not been utilized nor mandated. Addressing the issues associated with part 6 is an opportunity to enhance local and Indigenous governance over front-line policing services.

The province is committed to working with the federal government in examining opportunities to further en-

hance the First Nations policing program, including exploring culturally appropriate alternative service delivery models and the provision of essential services.

I am also in the process of creating a provincial police advisory committee that will advise the director of police services on financial matters and support the existing committee such as the RCMP contract and policy finance operational steering committee. This will be similar to what has been established at the national level and enshrined in the RCMP Act.

As the committee may also be aware, Alberta recently restructured its police funding model to ensure that all Albertans have a say in the future use of their policing resources. Alberta created a similar advisory committee, which provides recommendations on policing resources to the Alberta government and the commanding office of the RCMP within that province.

The concept of an advisory committee could become a formalized structure that would permanently improve the accountability and business acumen and intelligence of the provincial police service.

There are a number of integrated police units and structures operating throughout the province that would benefit from enhanced governance. Integrated teams provide specialized police services to more than one jurisdiction and may be considered integrated if they are comprised of police officers from more than one police agency or from at least two levels of policing — for example, federal, provincial and municipal. They are also considered integrated if multiple policing jurisdictions contribute to funding or staffing.

In municipalities across British Columbia, investigational complexity and police budgets are facing increased pressure amid the growing complexity of policing. To reduce the inefficiencies created by a duplication of effort and the overlap in specialized service delivery, the province supports the integration and consolidation of police services, particularly where they are highly technical, capital-intensive and specialized. Examples of integrated specialized services include forensic identification, homicide units and anti-gang units. Possible future integrated teams could concentrate on hate-based crimes.

[9:15 a.m.]

I have begun reviewing all such services provided by the province through the RCMP to establish a clear understanding of what services are supported in today's landscape, those no longer necessary and those which may require new funding models to ensure that they remain adequate and effective. Despite their benefits, the establishment and governance of integrated policing teams has been a long-standing issue for local governments, police agencies and the province in the Lower Mainland and in the capital regional district.

The province of British Columbia has no single, major population core but rather has major population centres across its landscape. For the RCMP, who police the major-

ity of the province, they refer to these as districts. The core population areas for these districts are situated in and around the Lower Mainland, Victoria, Kelowna and Prince George, by way of example.

There has been a great deal of work done to seek efficiencies in delivering specialized police services in the Lower Mainland with the establishment of the Integrated Homicide Investigation Team, the integrated forensic identification section and several other services, all overseen by the integrated team advisory committee. I believe there is an opportunity to formalize the governance structure through section 4 of the Police Act and create similar efficiencies within other areas of the province and provide strong cost forecasting and accountability through similar governance modeling in these areas.

Further, this special committee could consider what could be implemented or improved to allow for effective, efficient and consistent governance regarding the establishment of integrated teams in the province.

Police boards play a key role in establishing and governing municipal police departments, and they are intended to be free from political interference. However, in British Columbia, the mayor is required by the Police Act to sit as the chair of the police board. This is not the case in any other jurisdiction in Canada.

Most jurisdictions have legislation that provides a process whereby board members select one member to serve as chair and another as vice-chair. Due to the requirement to act as the chair of the police board, mayors in B.C. often find themselves in actual or perceived conflicts of interest, particularly in connection with the police budget process. These challenges are not beneficial to good governance of municipal police departments.

The appointment of vice-chairs is also an issue as, unlike in other jurisdictions, there is no legislated process. In B.C., boards are appointing vice-chairs according to their own initiative, leading to varying practices and the appointment of multiple vice-chairs on some boards. While it is important that police boards are free from political interference, it is also important that all municipal police departments take a coordinated approach to addressing matters of provincial importance.

The minister can establish priorities for policing in B.C. under section 2.1. However, municipal police boards only take these into account, as the minister's priorities are non-binding. In order to ensure that the minister's priorities are appropriately considered and implemented at the municipal level, the special committee could require municipal police boards to align their priorities with those set by the minister.

Policing is a shared responsibility between federal, provincial and municipal governments. Issues falling into the theme of roles and responsibilities are related to identifying services provided by police, determining who the appropriate service provider is and who should pay for the service. Currently there is a lack of clarity in legislation

regarding who is responsible for providing particular services, which leads to uncertainty, inconsistency and confusion.

A recurring theme at the annual UBCM convention is that municipalities feel they are subsidizing provincial resources, that front-line and core policing resources are scarce and that municipalities are often left struggling to understand who has responsibility for governance through these discussions.

The province provides provincial police support resources to solve high-risk incidents, target organized crime and gangs, and capital to support operations, including aircraft and marine vessels. These services are provided across the province to all police agencies. There is an ongoing discussion with the RCMP to ensure that they are appropriately costing for these services and engaging their local governments.

We are working with our partners to ensure that systems and processes are in place that support this initiative and mitigate against future confusion or misunderstanding. Clearly defining which services should be provided by the police and level of government provides the opportunity to develop a robust framework for the continuum of policing and law enforcement across the province.

[9:20 a.m.]

Supporting this approach would enable my office to develop criteria to guide decisions about who should have responsibility for providing particular policing services.

Political support to address the lack of clarity regarding who — federal, provincial or municipal governments — is responsible for what services will empower the work required to address the inequity and patchwork of law enforcement practices and mitigate disagreements or disputes between levels of government.

Due to the expansion of responsibilities, police have assumed roles outside of their core duties and expertise, such as their role in responding to mental health issues. This is largely due to a lack of collaborative and coordinated cross-government approach.

Subsequently, the expansion of responsibilities has impacted the ability to deliver front-line policing. Police have adapted to these new roles, and while there has been demonstrated successes, such as the car programs, which are partnership programs between police and health authorities, there have also been substantial challenges. The public, through their calls to defund police, are now actively questioning if police are the appropriate service providers, and the status quo is unsustainable.

To address the concerns of the public, to reduce budget pressures and to allow police to focus on delivering front-line policing, there is a need to modernize the continuum of policing, law enforcement, security and public safety services across all sectors and ensure that the appropriate legislative, regulatory and policy frameworks are in place to address the increased need for preventative and proactive responses outside the traditional skill sets of police.

The use of the supplemental law enforcement has proven successful in relation to the legalization of cannabis, and I've previously asked the special committee to consider new public safety models that promote proactive community policing, including the utilization and broadening of the not-yet-in-force Community Safety Act. Again, there are other opportunities as well, such as creating new legislation similar to Alberta's Peace Officer Act or a community policing act. We need proactive and preventative measures and to move beyond relying on police to react and respond to all crisis situations.

A cross-government approach is required to respond to issues associated with mental health and substance abuse. There is a need for formalized health care diversion and harm reduction approaches, as well as the participation of health care professionals when responding to those who suffer from mental health and substance use challenges.

Opportunities that could be leveraged include increased communication and access to information between B.C. health authorities and law enforcement and giving increased priority to persons apprehended under the Mental Health Act in hospital settings.

What I'd like to stress to the committee is that the issue of mental health has become a policing challenge to a heightened degree not previously seen. Past decisions on how to respond effectively to those with mental health issues have resulted in police not being at the forefront.

Currently there are several initiatives to support responses to mental health and substance use challenges. The goal should be to formally mandate and expand on these initiatives to achieve outcomes for individuals in a proactive manner, instead of being reactive, and to reduce demand on police. Specifically, identify opportunities for broader coordination and prevent calls from being made to police agencies and seek qualified resources who are not police officers.

The theme of oversight groups, mechanisms that are in place to investigate the misconduct of police officers, such as the OPCC, the IIO and the CRCC, as well as police boards who have oversight over municipal police departments. The Office of the Police Complaints Commissioner, or OPCC, is established in part 9 of the Police Act, and the processes and procedures for the complaint process are outlined in part 11. Part 11 only applies to municipal police officers and not to the RCMP members.

The independent investigative office, or IIO, is established in part 7.1 of the Police Act. The IIO has jurisdiction over both the RCMP and municipal police departments to investigate incidents of police-involved serious harm or death, whether the officer was on or off duty.

The Civilian Review and Complaints Commission, or CRCC, is established under the Royal Canadian Mounted Police Act. The commission is a federal entity separate from the RCMP. The CRCC has jurisdiction over the conduct of on-duty RCMP members.

[9:25 a.m.]

While each of these agencies continue their work, and the OPCC and IIO have made significant improvements, there remains a perceived lack of trust and accountability, especially with the CRCC within British Columbia.

As committee members are aware, on November 25, 2019, the special committee to review the police complaint commission released its report with 38 recommendations to amend part 11 of the Police Act or otherwise improve the efficiency, effectiveness and accessibility of the complaint process. Policing and security branch are currently analyzing the recommendations and identifying next steps and have met with the OPCC.

I would like to use this opportunity to recommend that the committee consider enhancing the governance of police oversight by amending the Police Act to establish a separate oversight act. This would be consistent with the approach of other provinces and significantly improve the structure of our legislative framework.

During my previous presentation, I identified concerns with the CRCC that I would like to reiterate. In B.C. we have oversight bodies for complaints related to misconduct: the OPCC and the complaint process in the Police Act, which only applies to municipal police officers, and the CRCC, which is responsible for complaints regarding the conduct of RCMP members.

With the CRCC, there are long-standing concerns about the timeliness of their investigations. As you are aware, some high-profile investigations have been stalled for well over a year. As well, the CRCC oversight mechanisms are not as robust as those of the OPCC. The CRCC is dependent on the RCMP detachments to conduct its investigations, and it lacks the authority to step into the investigative process. This is a major issue.

During the missing and murdered Indigenous women and girls inquiry, there were numerous concerns expressed by the public and Indigenous families, groups and leaders regarding the timeliness, lack of accountability and transparency of the investigations.

I would like the committee to turn its attention to the differences between the OPCC and the CRCC, to their complaints and investigative process, and to examine if these differences should exist, and potential opportunities for alignment and improvements. As well as the IIO, specifically look to bring the IIO under the OPCC for greater transparency and independence.

Additional challenges exist with the accountability and governance of police agencies. Municipal police departments are not required to align with government priorities, and other police agencies lack the capacity to produce data demonstrating how they are aligning with government priorities. If enhanced government structures are implemented, these can be used to improve provincial oversight.

There are issues with accessing anonymized police data that could be addressed by the committee. Specifically, the province does not own the data, so access is restricted,

in turn limiting the ability to timely monitor trends and respond nimbly to policy changes that may be required. Access to this data will support the development of performance metrics, which will provide robust and meaningful measures that identify gaps and opportunities in current service levels.

Also, improved reporting on information related to police complaints is required. Systemic racism has been acknowledged as existing within police agencies, as well as the fact that many Black, Indigenous and other people of colour who are living within British Columbia have not been treated fairly by police. Complaint reports should provide race-based data regarding complaints and identify how many complaints are found to be unsubstantiated and substantiated.

In addition, it's important to identify the total number of complaints, both substantiated and unsubstantiated, for anonymized officers. For example, if an officer receives numerous race-based complaints, this data is needed to address issues of public trust and ensure accountability.

Service delivery is a theme that has been used to recognize the legal framework that has created distinct federal, provincial and municipal levels of policing and how that layered structure, in turn, impacts the services that are provided by police. Crime typically does not abide by geographic and community boundaries. Structuring policing services based on the same boundaries has caused inefficiencies, including duplication of effort and overlaps and gaps in the services being delivered. For members of the public and policing partners, it is often unclear what level of government is responsible for delivering a particular service.

The current structure and service delivery model has resulted in concerns about efficiency, consistency and equity across the province. I ask you: if we're building a policing model from scratch, would we choose the current model, which consists of the federal RCMP contracted to act as the provincial police service in rural and unincorporated areas?

[9:30 a.m.]

Again, all soon-to-be 13 municipalities with a population over 5,000 policed by municipal police departments governed by independent police boards. Sixty-five municipalities with a population over 5,000 contracted with the provincial government for RCMP municipal services. Thirty-one of these municipalities have populations over 15,000. Thirty-four of these municipalities have populations between 5,000 and 14,999. Across the province there are more than 135 detachments and approximately 20 RCMP community safety offices located across four districts.

We have an opportunity to move to a more regionalized and effective model through a continuum of services, enhanced integration and enhanced centralization. Participation in integrated teams can be mandated and new models, such as regional hubs, can be pursued. Although

present in section 4 of the Police Act, as previously mentioned, it has not been formally instituted.

Service providers are accountable to each municipality for providing police services that meet the community's needs and expectations. The mayors and/or police boards have the responsibility to set out the objectives, priorities and goals, and detachment or unit commanders and chief constables are accountable for implementing and reporting on these initiatives. This is an area that the committee could look to strengthen. This could include mandating comprehensive community safety plans for the communities and regions.

Indigenous peoples continue to be overrepresented in the criminal justice system as both victims and offenders. Crime rates in Indigenous communities are typically higher than in other communities. As part of the provincial police service, the RCMP provides dedicated supplemental police services to 132 First Nation communities through the federally driven First Nations policing program. The program aims to address marginalizing factors through providing dedicated, culturally appropriate enhanced policing. Unfortunately, not all Indigenous communities within the province are part of the program, as a result of the restricted federal funding.

Additionally, it has been identified that Indigenous communities are not satisfied with the level of police resources provided. The under-resourcing of policing services is a contributing factor to the marginalization of Indigenous communities. Resourcing levels under this program are controlled by the federal government. Other provinces and territories, such as Manitoba, the Yukon and Saskatchewan, provide alternative service delivery models. The foundations for these models are found in the Police Acts or, in Manitoba's case, under the Police Services Amendment Act. The special committee could consider if these similar models would be appropriate in B.C.

What is important is that the police service that is provided be reflective and representative of the community it serves. I think there is room for significant improvements with regard to the policing of Indigenous communities.

An ongoing challenge is the increasing pressure placed on police budgets, given the growing complexity of policing and of criminal activity. The provincial government has supported the integration and consolidation of police services that centralize services that are highly technical, capital-intensive and specialized while at the same time decentralizing funds that provide service directly to the problem. The province continues to identify further opportunities for the expansion of the integration of specialized services in the Lower Mainland, the capital regional district and elsewhere in the province.

Another possible solution would be to mandate the regionalization of police agencies. A regional police service can provide economies of scale and can be very effective where there is broad community support. Regionalization continues to be a topic of discussion in the Lower

Mainland and the capital region but has yet to become a reality despite Commissioner Oppal recommending, in the report of the Missing Women Commission of Inquiry, that a unified police service be required for the greater Vancouver area.

Other provinces, including Alberta and Ontario, have permissive statutory provisions for the establishment of regional police services and governance frameworks, while the B.C. Police Act is silent.

While there are multiple efforts underway to combat organized crime in the province, there is no federal strategy. Currently the Combined Forces Special Enforcement Unit is the lead agency that is responsible for collective efforts.

The Organized Crime Agency, OCA, is a provincially designated policing unit but is utilized as a subordinate contingent within the RCMP-led CFSEU. Staff are dispersed among CFSEU in a wide variety of roles. OCA does not currently have its own chief officer or board of governance. OCABC is absent true organizational identity and mandate. The special committee could consider the reconstitution of OCABC to become the lead agency for B.C.'s organized crime efforts.

[9:35 a.m.]

OCA could be positioned to work collaboratively with all RCMP business lines and provincial regulatory agencies to conduct a broad range of coordinated enforcement efforts. They could work with industry, public and private sector institutions to implement cost-effective prevention strategies. An outstanding issue is how OCABC would interact with CFSEU-BC and the RCMP, given that the federal government has exclusive jurisdiction and control over the RCMP. The goal is a B.C.-led comprehensive and evidence-based approach that utilizes all tools in the toolbox to reduce the province's vulnerability to organized crime.

Finally, although the director of police services sets overall standards in some areas of public safety training such as policing, there is no current continuum or coordinated strategy for public safety training in B.C. There are opportunities to leverage existing service providers, such as the Justice Institute of B.C. and the RCMP's Pacific region training centre to establish a less fragmented and more consistent approach to training police.

Training related to systemic racism could be threaded through a provincially mandated, linked training continuum guided by a legislated board with a clear mandate on ensuring that training is reflective of the needs of policing and public safety in British Columbia. I encourage the committee to consider the models in other provinces that have dedicated police and public safety academies that help influence the expected culture desired, that are aligned with academia, that are evidence-based and that can help address this issue.

In order for these types of changes to occur in a nimble manner that suits the needs of British Columbians, the

director of police services must have authority to enact changes despite the political climate.

Funding is a theme that refers to budgeting and expenditures related to policing, including identifying which levels of government are responsible to pay. The current model of funding is perceived as unfair or inequitable by many local governments. Of concern to some are the cost-sharing arrangements between the different levels of government and the current structure and service delivery model, which both contribute to substantial differences in the amount that local property tax payers contribute. RCMP unionization will undoubtedly result in increased costs for both provincial and municipal governments.

Many municipalities feel that they are subsidizing provincial and federal policing by having their municipal police officers involved in an investigation of what they believe are issues that are the responsibility of the provincial or federal governments. Additionally, municipalities that attract a high number of tourists may have greater public safety challenges and increased policing and public safety needs which are paid for by local residents. The mandate of the committee provides an opportunity to review how police services are funded across the province.

I want to ensure that the RCMP is providing good value for money in the provincial police service. As previously highlighted, my office is determining the gaps and opportunities available to strengthen their financial and business acumen the contracted service provider with a goal of identifying the true cost drivers that they are facing.

Increasing the effectiveness of the services and extending scalability of response is another goal of the policing and security branch. The branch has been identifying inequities in the current structure, such as differences in per-capita spending. Further regionalization may provide a model for delivering services more efficiently and equitably by capitalizing on economies of scale. Regionalization continues to be a challenging issue and could be an opportunity to mitigate some of the funding and service equity issues.

Another funding-related area that should be considered for reform is the police tax. Unincorporated and rural areas and municipalities under 5,000 in population are policed by the provincial police service. These areas pay the provincial police tax, which recovers a small portion of the cost of providing general duty and general investigative police services. Through a formula described in the Police Act, the Minister of Public Safety and Solicitor General estimates the cost of these services to all contributing areas and provides the estimate to that Ministry of Finance, which determines the final police tax amount.

The act restricts the police tax to no more than 50 percent of the estimated cost. In 2018, the police tax raised a total of \$31.1 million, which was 32 percent of the province's estimated costs. To be clear, this is 32 percent of the estimate and not the actual costs and does not include

any specialized services, other provincial resources or provincial infrastructure costs.

The police tax amounts assessed on property owners are determined by property classification and the net taxable value of land and improvements, not the actual policing costs in a specific area. Consequently, the amount paid in one contributing area may differ substantially from another contributing area. This has led to various communities raising concerns that the police tax is an inequitable funding model. Consideration could be given to updating the police tax formula or model.

[9:40 a.m.]

The opportunities I've described today are examples of key items that my office has identified. However, they are not the only opportunities or solutions that could be pursued. As mentioned, we do share common goals: to design public safety in a way that makes sense for all British Columbians; to advance B.C. toward a flexible, efficient and effective public safety model; to look beyond the current structure and leverage opportunities and look beyond the status quo; to deliver public safety services in the most efficient and effective manner; and to ensure public safety services are diverse and inclusive, address systemic racism and discrimination and meet the requirements of the Declaration on the Rights of Indigenous Peoples Act.

The committee has an opportunity to make wholesale changes and be at the forefront of the paradigm shift that is happening in Canada and more broadly in North America right now. As I mentioned earlier, if we were to build policing from the ground up, would we choose the current model we have now?

In closing, I thank you for the opportunity to speak to the committee again. My staff and I very much look forward to the committee's report and recommendations.

N. Simons (Chair): Thank you very much, Director. We really appreciate your insight into the complicated issues that we're deliberating over today. With that — that was very comprehensive, and it's much appreciated — there are some questions.

J. Johal (Deputy Chair): Ms. Carr, thank you so much for your presentation. I found it very informative. Some good points in regard to what we need to be looking at in regard to recommendations as well.

One of the issues that you brought up was the further integration and regionalization of policing. Can you give me an update on what, at this point, is integrated? I think of IHIT and maybe a few other programs. Do you have a sense of what we are doing here already that's regionally integrated, in the Lower Mainland specifically?

B. Butterworth-Carr: I do, yes. Thanks.

Just to differentiate between the integration and the regionalization within the Lower Mainland, we refer to the Integrated Homicide Investigative Team, the Integrated

Forensic Identification Services, the integrated police dog services, the integrated emergency response team and the integrated traffic services as an actual regionalized group of services. So although they're all integrated, they're regionalized because the geographical boundaries that they're responsible for are from Boston Bar and Sea to Sky Highway and everywhere in between. That's an example of regionalized services.

We also have additional integrated services, by way of example, on Vancouver Island: the Vancouver Island Integrated Major Crime Unit. We are currently looking at opportunities to expand that particular service as well as replicate many of the regionalized services that are currently within the Lower Mainland. We can certainly provide the exhaustive list to the committee so you have it in writing.

J. Johal (Deputy Chair): One of the things, Ms. Carr, you also brought up was just the.... You've talked a little bit about regionalization.

Is there a police force or a policing service in Canada that has a model — something we can look at — that integrates a large swath of the population of a major centre, like Vancouver, that you think does it well in regard to delivering some of these services? Not all police forces are perfect. But is there a service you think that we can look at that, hopefully, guides us in regard to where we need to be? I think of Vancouver as a major hub. I think of Victoria and the whole region as one. But is there a service that you think, in Canada, we should be looking at as a potential model?

B. Butterworth-Carr: There are. Certainly, examples exist within Ontario. We do have examples here that we can provide as a template but that really could benefit from further expansion of an integrated and regionalized model.

By way of example, we do have distinct integrated detachments throughout the Lower Mainland and the province. You've got provincial resources in addition to municipal resources in addition to some federal resources. We can certainly provide that in writing, because there are examples elsewhere within Canada that the committee could benefit from reviewing.

[9:45 a.m.]

G. Begg: Thanks, Brenda, for your presentation. It was very comprehensive.

I want to follow up. Perhaps you've already answered this with Jas's question. I'm interested if you're aware of other policing models, particularly from across the country, that you think we could replicate — sort of in the method of not trying to reinvent the wheel. Certainly, there must be jurisdictions that have a good model, or a series of models or practices, that could be replicated here to the benefit of all. If I understand your answer, there are,

and you are in a position to advise us which you think we might look at.

B. Butterworth-Carr: Thank you for your question. There absolutely are examples of regionalized services, particularly within the Ontario area. Whether that's Halifax regional — that, obviously, is in eastern Canada — as well as the regional policing that happens and the expansion of same within Toronto, Peel regional services, we have a variety of examples that we could provide to the committee.

We'll certainly look to do that in writing and compile that list while, as I was mentioning, differentiating between our current integrated detachments and our current regional services. Again, I use cybercrime as an example. That's another area where we could benefit from a regionalized approach, right? So there's detachment regionalization, and there are services that could be regionalized and further integrated.

G. Begg: I would ask, as well, if you're able to provide some rural and remote examples of policing practices — again, perhaps, in Ontario, with the north of Ontario or areas that are similar to our northern parts of British Columbia — that have stand-alone detachments or police services that we might like to look at here.

B. Butterworth-Carr: Absolutely.

N. Simons (Chair): Well, Garry, thank you for that.

B. Ma: Maybe following up on the questions of Jas and Garry, I wonder about other countries and models in other countries that maybe have produced better outcomes than here in B.C. I just throw that into the mix there. I've got a few questions — two for the ministry and maybe one for the Clerk of Committees.

Brenda, in your presentation, you mentioned addressing systemic racism, in part by identifying whether complaints are substantiated or unsubstantiated. That seems to imply that each of these acts is in fact due to individualized racism rather than systemic racism, which is much more difficult to pinpoint on a case-to-case basis but is instead the result of an overall system. That's the term "systemic."

I was wondering if you might share with us what definition of "systemic racism" you are working off in these presentations.

B. Butterworth-Carr: Thank you for that question. We're relying on the literal definition of systemic racism and, to your point specifically, absolutely understanding institutionalized systemic racism versus the individual. I do think that there's space available that we could learn and benefit from collecting data as it pertains to particular individuals and at least having that data made available.

Frankly, I think it provides a clearer and broader picture than what we currently have now.

[9:50 a.m.]

Again, if a certain group is overrepresented in unsubstantiated complaints, that could be a sign of potential systemic racism that we would need to look at. It's a very multi-pronged approach, but in the absence of data, that is challenging for us.

B. Ma: Okay. Thank you so much for clarifying that.

My next question. In your presentation, you had made a recommendation that mayors be removed from municipal boards in order to kind of remove the politics out of policing. I was thinking about what you were saying as you were presenting it.

For me, it's clear that policing is a highly political service, that what's deemed acceptable or not is largely based on what the public deems acceptable or not; what kind of services that are needed that are appropriate for police to respond to change with the social culture of the public; whether police are expected to kettle, use firearms, engage or not engage or treat drug usage as criminal or as health issues; or whether a break and enter into a car is more or less of a priority than a white-collar crime that affects millions of people.

All of these things are very highly political matters that evolve over time with the culture of our society and, thus, policing, as the service is in fact highly political.

With that in mind, I wondered that.... It strikes me that the mayor is often the only member of the police force directly elected by the public and, thus, the only member of the police force that is directly accountable to the public, but your recommendation is to remove them from that position.

My question is: who, then, with that change, would be the accountable elected official? Do you envision it being the Solicitor General up at the provincial level? Or are there other mechanisms that would appropriately ensure that policing is responding sufficiently to, basically, the changing, the evolution, of our social culture?

B. Butterworth-Carr: Thanks for that question. I appreciate that certainly, policing can be shaped by the external environment.

One of the things I identified within the report was very much about consultation and that mayors and councils, particularly mayors under the contractual agreement with the provincial police service.... And then, of course, the police boards have a responsibility to consult with the community in terms of how the community would like to see policing services delivered, particularly the priorities, objectives and goals.

There's definitely an expectation of consultation — again, appreciating that publicly, it can influence policing. What my concern is, is that with the mayors, specifically,

they do play a dual role, and there are frequently actual or perceived conflicts of interest.

In terms of having or ensuring there's that connectivity within the municipal councils, I believe that there is an opportunity to have [audio interrupted] from the council on the board. Simply, I'm asking for consideration that it may not be the mayor.

B. Ma: I see. Thank you so much for that clarification.

I'm wondering if you can expand a little bit about these perceived conflicts of interest or actual conflicts of interest. Can you give examples — without naming names, of course? What sorts of conflicts come up?

B. Butterworth-Carr: A point in case is when it comes to police budgets. We've seen that play out in the media as of recent. I think there are certain decisions that mayors and councils will make and may pass a resolution. It can be perceived as a conflict when the mayor is chair of the police board and the police board may go in a different direction, because the police board has their own statutory authority and responsibility for the police.... So there, again, is another potential conflict.

B. Ma: My last question is maybe for Katey. I'm really struggling to keep straight what acts and different committees affect provincial police — like different roles — municipal police forces or RCMP.

I'm wondering. Would it be possible for the Clerk of Committees to put together a table that summarizes where things lie? My understanding is that not all of the Police Act applies to the RCMP. If that's the case, what does, and so forth. That would be really helpful to me, and I suspect....

[9:55 a.m.]

N. Simons (Chair): Thank you, Bowinn, and thank you for that response.

Our last speaker on our list is Ellis.

E. Ross: Thank you for the presentation. I read it beforehand. It was quite comprehensive.

My expertise lies on the First Nations policing. My experience is chief and council for 15 years, both as chief councillor as well as councillor. I'm the guy that had to sign those reports that actually came in from our police agreement that we had signed years ago.

In all of those years, I had never once heard that the policing needs a cultural aspect — never once from my people or anybody else, for that matter. Over the years, I kind of summarized it all in saying: "Actually there are two components to Aboriginal issues in regards to policing." There's the on-reserve policing, which chief and councils want more of. They want more flexible hours in terms of weekends and after hours.

Really, you know, the community — my community,

for example — accepts policing. They embrace them. They make it part of their community, and they don't want anything to change except for the full force of the law to be applied, including consequences. I never once heard that we should soften up in it or actually have a hybrid model.

Where I really heard that was on Aboriginal issues facing people that lived in the Lower Mainland, in urban settings. There was no real advocacy group to actually change what was perceived to be the negative consequences, for lack of a better word. You had political groups, advocacy groups like the AFN or the Summit. You had those groups, but you had nobody.... It's actually a no man's land, because technically those people are still under the Indian Act and under the jurisdiction of the federal government. There's a grey area in regards to the provincial government versus the federal government.

I don't see how we fix the perception of Aboriginal issues as related to racism incidents as a one-size-fits-all when it's actually.... There are different layers of complexities when you are talking about issues facing Aboriginals.

I've seen the self-governing policing models. I've seen the partnerships. I've seen all the RCMP coming into the reserves under agreement with the chief and council. So how does the policing...? How do they differentiate between all these different issues in regards to Aboriginal issues in B.C.?

B. Butterworth-Carr: That's a very complex question. What I would say to you is that through the course of my presentation what I was really trying to drive home is that all services pertaining to our Indigenous communities across this province need to be relevant and reflective of what community you're looking at.

As you have identified, there is a very big gap in relation to services provided within our urban Aboriginal and Indigenous communities, right? By way of example, although there are certainly liaison officers as well as others that are working, whether it's with the friendship centres and so forth, from policing services, we do not have a space, by way of example, under the First Nations policing policy which addresses that. It doesn't provide services outside of the service provider.

Currently in Surrey, it's the RCMP until it transitions to Surrey police service. It's the same with Vancouver police service. They're expected to create those relationships and, again, work with the community to be responsive to their needs. What I'm suggesting is that there's further space to, in fact, ensure that communities in our large urban centres have the ability to set goals and priorities and objectives, similarly as our First Nation communities that have CTAs.

On the CTA note, I also want to highlight that not every community is satisfied with the current response that they're receiving from their communities. There's a variety of communities that have been very vocal, not only to myself as the director of police services, but certainly communicated that to Mr. Farnworth in his capacity as

Minister of Public Safety and Solicitor General. We're certainly happy to identify those communities with respect to it.

Again, where the friction occurs is when these community tripartite agreements were being put in place, the whole soul of the intent and purpose was to ensure that they were supplemental resources. In many of our communities, they are not. They took existing provincial police positions and converted them. So the work didn't lessen, and they really are not benefiting from supplemental services.

[10:00 a.m.]

E. Ross: Can I follow up with what you just said? In terms of the complaints for the CETAs, are the complaints really based around that they're not adequate, that they're not servicing what the community needs in terms of policing, versus, say, that you're not getting racist complaints for the RCMP coming onto reserve? It's actually: "We want more of it." Is that what you're seeing?

B. Butterworth-Carr: What we're definitely seeing is that there are complaints in relation to the service that's being provided, and there are complaints specifically related to the detachment commander or the people that are supposed to be dedicated to the community tripartite agreements. They're either not providing the service, or they're not taking into consideration the priority and goals that have been let out.

E. Ross: Perfect. Thanks.

N. Simons (Chair): Thank you, Ellis.

Thank you, Dr. Butterworth-Carr.

That is the end of my speakers list. The information we got is really appreciated. Looking to committee members for any further comment.

What we need to do now is.... If I could ask the committee members to just stay around while I thank the assistant deputy minister and the deputy minister, as well as the other officials who are known collectively as ministry officials, for being here and for helping us with our important work. Thank you, all, for being here and for the presentation. We will sit quietly as we watch you depart, but thank you very much for being here.

Committee members, please stand by. It looks to me like we have committee members only here. As you probably have seen....

K. Riarh (Clerk to the Committee): Nicholas, can we call a recess?

N. Simons (Chair): We can call a recess. Let's call a recess.

The committee recessed from 10:02 a.m. to 10:04 a.m.

[N. Simons in the chair.]

N. Simons (Chair): Due to the circumstances in which we find ourselves, I will seek a motion to adjourn this committee.

Motion approved.

N. Simons (Chair): Thank you very much, committee members. All the best to you all.

The committee adjourned at 10:04 a.m.

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For inquiries contact:

Hansard Services
612 Government Street
Victoria, BC V8V 1X4
Telephone: 250-387-3681
Email: hansardservices@leg.bc.ca

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