

19 March 2015

VIA - Email

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Vancouver Police Board  
2120 Cambie Street  
Vancouver, BC V5Z 4N6  
Attn: Gregor Robertson, Chair

**Re: Recruitment of new Chief Constable for the Vancouver Police Department**

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Dear Mr. Mayor,

Thank you for your letter of February 25, 2015, asking for our input on what to look for in recruiting a new Chief Constable for the Vancouver Police Department. Pivot is happy to provide our opinion on what the Board should prioritize in looking for a new Chief. For ease I will frame my response in relation to the questions you have posed in your letter.

*What is going well? What would you like the VPD to continue?*

While Pivot Legal Society's mandate is to represent the interests and protect the rights of marginalized residents in Vancouver's Downtown Eastside and beyond, and that has often led to analysis and criticism of how the Vancouver Police Department interacts with marginalized individuals, we are cognizant of the fact that the VPD remains one of the more progressive police departments in North America in certain areas.

Sex Work: The VPD has made significant progress over the past five years in building relationships with sex worker organizations and prioritizing sex worker safety over enforcement. The Sex Work Enforcement Guidelines, adopted in January 2013, were produced collaboratively by the VPD, WISH, Pivot, BC Coalition of Experiential Communities, PEERS and PACE, and have served both as a mechanism for relationship building and a code of conduct embodying mutually supported goals and strategies.

Pivot would like to see the VPD continue to advance the work that has already been done, and commit themselves to deepening trust by consulting sex workers directly on policies that affect them, while prioritizing sex worker safety and human rights above enforcement.

Harm Reduction and Drug Policy: Pivot believes the VPD's overall position on harm reduction services, and its support of Insite, has been going well and we would certainly hope that this would continue in the future under a new Chief. The VPD's support of the NAOMI and SALOME studies has been a productive step forward, and

the VPD's decision not to interfere with the expansion of peer support programs training in the administration of Naloxone (Narcan) has also been a welcome decision.

Housing: Pivot supports the VPD's homeless outreach constables, and is in agreement with the department's decision not to enforce the provisions of the *Assistance to Shelter Act*, which allows for an officer to arrest a homeless individual and forcefully take them to a shelter.

DTES Policing: Preliminary numbers suggest that the enforcement of bylaws against survival street vendors has declined in the last year, and the VPD has agreed to work with the City and vendor's groups to establish an off-street location for vendors to use throughout the week. We see these developments as positive and hope to see a continuation of the dialogue we have had with the VPD about enforcement of bylaw and minor criminal offences towards marginalized residents of the Downtown Eastside.

We have also been happy to see Chief Chu take the position that all departments should welcome independent investigation of all police complaints, not just those of serious harm, and the creation of a regional professional standards section. The Chief's position on body-worn cameras, and the introduction of pilot programs to look at their feasibility, has also been welcomed. We hope to see the department to continue to cooperate with the introduction of greater provincial accountability measures in the coming years.

*What changes would you like to see?*

Despite some positive movement on the issue of survival street vending, the VPD continues to espouse and implement the theories of "proactive policing". Proactive policing, and the use of bylaw offences to gather information and express control on a section of the population, has long been shown to adversely effect people of colour and marginalized communities, and in our opinion it has resulted in one of the worst relationships between the VPD and residents of the Downtown Eastside in recent memory. We continue to see animosity and distrust expressed by community members due to the "ticketing blitz" of 2008 when the VPD cynically handed out hundreds of bylaw tickets indiscriminately against residents. The fact that these policies have had an adverse impact on community relations with the VPD was acknowledged and emphasized in Commissioner Wally Oppal's report on missing and murdered women, yet we continue to see a reluctance for the VPD to make substantive changes in how minor offences are prioritized. We would like to see a new Chief step back from this philosophy and move towards a model of policing which responds to the specific needs of marginalized communities.

We would also like to see the introduction of a community policing strategy towards sex work to supplement the operational sex work enforcement guidelines. We envision that the new chief would use a community policing strategy to:

- Treat all sex workers with dignity and respect, and with attention and sensitivity to the particular needs of sex workers who are Aboriginal or part of the LGBTI community;
- Endorse a policy that takes a discretionary approach to warrant enforcement, recognizing that enforcement of outstanding warrants may deter sex workers from reporting violence, and that it is preferable to treat violence against sex workers as a serious crime and to address it when and where it occurs;
- Take a health and rights-based approach to sex work and to all services oriented at reducing the harms experienced by sex workers (e.g., violence and the transmission of sexually transmitted infections);
- Facilitate access to HIV/drug/sexually transmitted infection prevention, treatment and care services;
- And support the continued work of the Sex Industry Liaison Officer and request resources to expand her capacity, including by hiring experiential people to work with her.

We also believe that there should be changes to the enforcement of federal and local drug laws, especially at the intersection of those laws with public health policy. Specifically we would like to see:

- Clear instruction to VPD officers not to interfere with the administration of Naloxone (Narcan) by residents who have been trained in the use of Narcan kits;
- An end to VPD officers confiscating and destroying harm reduction paraphernalia including pipes used to smoke cocaine or methamphetamine;
- When VPD officers do confiscate small amount of drugs without criminal charge they will issue a receipt or some other form of written record confirming this so the individual is not later subjected to violence due to that confiscation;
- An increase in the use of the Vancouver Detox for individuals who have been arrested for being intoxicated in public, as per the recommendations of the Frank Paul Inquiry;
- Support for all safer injection sites and harm reduction programming, not just the harm reduction facilities at Insite.

Generally speaking we would like to see changes in the VPD's attitude towards the use of force, and better tracking on the demographics relating to who it is used against, including race and gender. We believe it is time for the department to shift away from the incarceration of individuals for poverty and intoxication related offences, predominantly enforced against aboriginal people, which often results in force being employed for non-

compliance or non-cooperation. The amount of people who have negative interactions with the VPD and wind up injured, despite never having been accused of a criminal offence, is unacceptable.

Comments made by the VPD administration in the wake of new provincial regulations regarding police dogs, which effectively stated that the VPD maintains it does not have any problems with how it deploys their dogs, are not supported by provincial statistics, and we would like to see greater reform in this area. The VPD was found to have the highest number of police dogs in service, the highest rate of dog bites per population, and continues to train its dogs in the “bite-and-hold” method of training. We believe that changes in how the VPD trains and deploys its dogs are long overdue; otherwise the already high rate of litigation on police dog cases will continue to increase.

*What do you think are the top challenges for the new Chief?*

Vancouver, and demographics of its neighbourhoods, is quickly changing, with the gap between its richest and poorest residents continuing to increase. One challenge for the new Chief will be to balance the rights of community members who use and access public spaces. Low-income residents, many of whom are homeless or marginally housed in SRO hotels, depend on public spaces including local parks and sidewalks to gather and rest as they have no alternative private space in which to do so. As the Downtown Eastside continues to develop, and as higher income residents and new businesses enter the neighbourhood, there is a risk that economic tensions will continue to rise and the VPD will be asked to play an increasing role as mediator in these conflicts. How the new Chief responds to these changes will be critical in defining the department’s relationship with marginalized residents of the Downtown Eastside.

Another challenge for the new Chief will be to navigate the overly complicated system of accountability created by the provincial *Police Act*, while maintaining working relationships with all of the different bodies that hold a place within that system. Balancing the interests of a very powerful police association with the interventions of the Police Complaint Commissioner requires patience and a belief that oversight and accountability are important to a properly functioning democracy.

*What particular attributes will the new Chief need?*

We believe the new Chief should be aligned with modern theories of policing, and understanding of the complicated demographics that exist in our society. We think the new Chief will need to be open to reforming the more antiquated sections of the department, and must be willing to rise above cultural practices that encourage protection of officers above all else (often referred to as the “blue line”). Also we believe that the new Chief must be willing to foster an internal environment within the force that addresses the mental

health concerns of its own members, while striving to continually better its relationship with members of the general public.

*What are some of the ways you will know the new Chief is doing a good job?*

We believe the true marker of how a Chief does in their term of office is often not measured in specific policies, or practices, but in how well they are able to adapt and shift police culture during their time in command in the right direction. This is because police culture is often the driver of whether or not policy and practice will be effectively implemented and followed. Given recent events across North America involving police use of force and race relations, and with the increasing introduction of body worn video, the conversation around what the public expects from its police forces is rapidly changing and evolving. How the new Chief is able to guide the cultural response of the department to these pressures will be critical in evaluating their effectiveness on the job.

We thank you again for your invitation to participate, and hope our submissions will be of guidance in determining the process for picking our next Chief Constable.

Sincerely,

**PIVOT LEGAL SOCIETY**

A handwritten signature in black ink, appearing to read 'Douglas King', is written over a light grey rectangular background.

per:

Douglas King  
*Barrister & Solicitor*