

VPD Strategic Plan 2022-2026 Stakeholder Input: UBCIC

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INTRODUCTION: UBCIC'S MANDATE

The Union of British Columbia Indian Chiefs' (UBCIC) mandate is to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect our Lands and Waters, through the exercise and implementation of our own laws and jurisdiction. The UBCIC strengthens Indigenous Nations to assert and implement their Aboriginal Title, Rights, Treaty Rights and Right of Self Determination as Peoples. The UBCIC works collectively amongst Indigenous Nations in British Columbia (BC) and acts as an advocacy body to provide a cohesive voice (regionally, nationally and internationally) to support Indigenous Nations and communities as they promote and protect their sovereignty within their traditional territories.

An integral part of UBCIC's mission is the commitment to address the institutionalized racism against Indigenous peoples that is deeply rooted in colonialism, patriarchy, and hierarchy, and which is prevalent in and exacerbated by policing practices. By Resolution 2018-17, 2019-25, 2020-02, and 2021-33, UBCIC has a strong mandate to address racism and the lack of protection afforded to Indigenous Title and Rights that is reflected across all aspects of society, including in the overrepresentation of Indigenous peoples in the child welfare and criminal justice systems, continued cases of racial profiling and biased policing, the anti-Indigenous racism in the BC health care system highlighted by the 2020 [In Plain Sight](#) report, and the excessive force and pervasive bias shown in the law enforcement response to Indigenous land defenders stewarding their territories and lands. To inform the Vancouver Police Department's (VPD) Strategic Plan for 2022-2026, our following submission will draw upon UBCIC's extensive experience and ongoing work to end discriminatory and oppressive policing – including surveillance, racial profiling, and excessive force – that is tied to the colonial legacy of institutionalized racism against Indigenous people. The cases and patterns of policing we highlight in this submission occur across the province and Canada and are indicative of the relationship the VPD holds with Indigenous peoples in Vancouver – they highlight a colonial model of policing that is prevalent across all regions in BC and which the VPD perpetuates and feeds into.

ADOPTING A HUMAN RIGHTS FRAMEWORK: WHAT THE VPD CAN DO BETTER

The previous objectives of the VPD's strategic Plan for 2017-2021 included enhancing public safety by improving road safety and addressing the opioid health crisis, engaging the community by fostering trust amongst a diverse community, and fighting crime, particularly violent crime and its causes. However, UBCIC would like to highlight several troubling trends that have arisen in these areas over the past four

years which are indicative of still deeply entrenched and systemic anti-Indigenous racism and colonial violence:

1. Over-policing and under-serving: continued practices of racialized policing, excessive force, and violent police tactics against Indigenous peoples.

On December 20, 2019, Maxwell Johnson and his twelve-year-old granddaughter Tori-Anne, who are members of the Heiltsuk Nation, were racially profiled, wrongly accused of fraud, and handcuffed while trying to open a bank account at a Bank of Montreal (BMO) branch in Vancouver. In an open letter sent on January 23, 2020, to the Vancouver Police Board (VPB), UBCIC condemned BMO's attempts to minimize and frame the incident as "unfortunate" and a "learning opportunity," and called on the VPB to conduct an impartial, independent review of VPD that would thoroughly examine the racial profiling and racist dynamics at play. Recognizing the importance of setting a precedent for redressing anti-Indigenous racism and holding those accountable for their racist misconduct, UBCIC passed Resolution 2021-33 "Support for UBCIC Intervention in Maxwell Johnson's Human Rights Complaint," to fully support Maxwell Johnson and Tori-Anne in their complaint filed with the BC Human Rights Tribunal against the VPD.

The wrongful arrest of Maxwell Johnson and his granddaughter and their efforts to launch a human rights complaint demonstrates how Indigenous and other visible minorities continue to have their safety and rights infringed upon and are repeatedly forced to procure justice, accountability, and transparency from the VPD. This incident is part of the burgeoning number of cases of racialized policing in Canada that point to a bleak reality – Indigenous peoples continue to die and suffer needlessly at the hands of the police. On July 8, 2021, Jared Lowndes of the Homalco First Nation was shot and killed by Campbell River RCMP, making him the third Indigenous person [shot](#) by RCMP on Vancouver Island in the past five months and the second to be [killed](#). Overall, 27 Indigenous people have been [killed in Canada by the RCMP](#) in the past four years.

In what is a troubling indicator of police mentality, Canada's highest ranking police officials have in the past [denied](#) that systemic racism is a problem within the RCMP. In particular, the death of Jared Lowndes shows an appalling and systemic lack of empathy, de-escalation, and trauma-informed action from the police, especially in their public response and treatment of Jared's death. Disregarding his experiences as an Indigenous man that likely left him fearful, re-traumatized, and acting in self-defence, the police put Jared into an unnecessary, preventable

situation that forced him to act under extreme duress and fear. In the aftermath of the shooting, the dehumanizing treatment of Jared by the police and media was disturbing and indicative of deeply entrenched discrimination. Jared's life – his past experiences with the police and institutions, his fatherhood and involvement in his Indigenous community – were completely excised from the narrative and replaced with news coverage of the police service dog that was killed. The VPD must learn from Jared's case and consider how their treatment and portrayal of Indigenous peoples in the media and public reinforces negative racial stereotypes, and, in some cases, incites further public hatred and systemic racism towards Indigenous peoples.

2. Indigenous women and girls continue to be subjected to discriminatory, negligent, and harmful treatment from the police that only exacerbates the MMIWG2S crisis.

The VPD needs to ensure that as BC develops its Path Forward to end the systemic causes of violence against Indigenous women and girls, it acknowledges the historic and current role police have played in fueling the MMIWG2S crisis. The VPD needs to align its actions and practices with the *Calls for Justice*, including implementing:

Call 9.5: Standardization of protocols for policies and practices that ensure that all cases of missing and murdered Indigenous women, girls and 2SLGBTQQIA people are thoroughly investigated.

Call 9.6: Establish an independent, special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous peoples within their police service.

Call 9.7 Partner with front-line organizations that work in service delivery, safety, and harm reduction for Indigenous women, girls and 2SLGBTQQIA people to expand and strengthen police services delivery.

Call 9.8 Establish and engage with a civilian Indigenous advisory committee for each police service or police division

Call 9.11 Develop and implement guidelines for the policing of the sex industry in consultation with women engaged in the sex industry, and create a specific complaints mechanism about police for those in the sex industry.

These calls point towards a framework that prioritizes safety, de-escalation, and harm reduction by relying on front-line organizations and crisis intervention to strengthen police services delivery and move away from more forceful and violent tactics. Furthermore, they respond to the police's lack of understanding, respect, and compassion in how it approaches and handles cases of sexual exploitation, gendered violence, and abuse; they respond to the systemic discrimination and bias within police institutions that have led to cases of MMIWG2S being improperly and negligently investigated and to Indigenous people being unable to trust police when seeking help or reporting a crime.

UBCIC points to the recent case of Christin West, an Indigenous woman found murdered in her apartment in Prince George on August 7, 2021. Prior to her murder she had reported to RCMP she was being harassed and stalked by someone in the community. However, as is the all too common and normalized response to Indigenous women, girls, and two-spirited people seeking support from the police, Christin was dismissed, insulted, and made to feel like her experiences of violence and stalking held no validity. Her unnecessary and tragic death is a direct result of the gendered and systemic racism that is ever-present in police institutions and serves as a reminder to the VPD that they must rebuild its relationship with Indigenous peoples, rectifying the harm, fear, distrust, and trauma it has caused from its ongoing colonial practices.

Another integral component of the VPD's efforts to align itself with the Calls for Justice must include work to end sexual exploitation and human trafficking, all without criminalizing sex workers. UBCIC recognizes consensual survivor sex work as valid and recognized form of work that many women rely on and willingly choose to engage in, and does not conflate it with coercive, exploitative, and violent sexual exploitation, including when women are trafficked and forced to carry out sex work against their will. UBCIC's mandate and position is based on upholding the human rights and self-determination of all Indigenous peoples and that importantly includes the agency of individuals and their right to determine how they use their body and the form of work they engage in. We recognize and support women who choose to do sex work and impress upon the VPD the importance of respecting and ensuring their rights, agency, and safety. The VPD should respect the free, prior, and informed consent of all Indigenous women and continuing work to end to human trafficking without criminalizing or disempowering sex workers.

3. The lack of a strong human and Indigenous rights framework guiding the VPD's conduct and the need for stronger action against rising hate crimes.

On January 15, 2020, the BC Human Rights Tribunal released a report authored by Ardith Walpetko We'dalx Walkem QC, titled [Expanding Our Vision – Cultural Equality and Indigenous Peoples' Human Rights](#), which identifies a prevailing sense of isolation and lack of protection of fundamental human rights experienced by Indigenous peoples that is reflected across all aspects of society, including the overrepresentation of Indigenous peoples in the child welfare and criminal justice systems and the racial profiling and service denial seen in the BMO bank situation. By UBCIC Resolution 2020-02 "Incorporating Indigenous Rights and Identity into the BC Human Rights Framework," the UBCIC Chiefs Council fully supported the implementation of the recommendations for amending and improving the BC human rights framework contained in *Expanding Our Vision* and called upon provincial government to treat the advancement of Indigenous human rights as a matter of urgent priority. The VPD and police institutions have an important role to play in achieving this and safeguarding the human rights of Indigenous peoples, including by respecting and aligning its actions with the *United Nations Declaration on the Rights of Indigenous Peoples* and other appropriate international instruments.

Significantly, the VPD will need to take substantive action to address the issue of Indigenous land defenders who continue to experience surveillance, harassment, and violence in the assertion of their Title and Rights, their defense of the environment within their territories, and their refusal to capitulate in the face of institutionalized violations of their fundamental human rights. Notably, the Tiny House Warriors, a group of Secwepemc land defenders, have faced criminalization, intimidation, surveillance, and harassment from the police as they oppose the ongoing expansion of the Trans Mountain Pipeline and the construction of associated work camps that pose unacceptable risks to the safety and welfare of Indigenous women and girls. Going into the future, the VPD needs to ensure they respect the Title and Rights, sovereignty and jurisdiction of all Indigenous land, environmental, cultural, and human rights defenders and prioritize peaceful conduct and negotiations over violence and excessive force.

Unfortunately, the COVID-19 pandemic has introduced unprecedented challenges to the Title and Rights of Indigenous peoples and has produced an unprecedented surge of hate crimes and discrimination towards racialized minorities that has exacerbated the vulnerability of Indigenous and human rights. Since early 2020, the significant increase in reported hate-related incidents in B.C., has highlighted an urgent need for an inquiry into the disturbing surge of hate in the pandemic and on August 18, 2021, Human Rights Commissioner Kasari Govender announced British Columbia's first public human rights inquiry that will examine hate in all its forms – not only racism and racial hate, but also hate directed at groups protected under B.C.'s *Human*

Rights Code (hate perpetuated on the basis of religion, gender identity, disability, Indigeneity, sexual orientation, poverty or homelessness). VPD will need to support the consultation, findings, and recommendations of this inquiry and ensure that BIPOC individuals that experience racism or hate crimes are supported and not treated with further discrimination and bias from the police, which has all too often been the case.

VPD'S MAIN POLICING PRIORITIES IN THE NEXT FIVE YEARS:

- **Ending violent and racially motivated police tactics against Indigenous people and land defenders, including surveillance, profiling, and excessive force, and improving the way it portrays and treats Indigenous peoples in the media and public.**
 - *Moving forward the VPD needs to actively acknowledge that systemic racism exists within its force and that its historical and current relationship between Indigenous women, girls and 2SLGBTQQIA people and the justice system has been largely defined by colonialism, racism, bias, and discrimination.*

Moving forward the VPD needs to acknowledge and take full accountability for how its treatment and portrayal of Indigenous peoples in the media and public reinforces negative racial stereotypes, and, in some cases, incites further public hatred and systemic racism towards Indigenous peoples.

Moving forward the VPD needs to integrate into its operations and services culturally sensitive and safe communication that doesn't erase or distort Indigenous trauma and experiences

Moving forward, rather than criminalizing a population that faces systemic racial profiling and is overrepresented in the criminal justice system, the VPD needs to work with community members and front-line organizations to prioritize non-violent tactics and harm reduction, including considering a crisis intervention program in which medics and crisis workers handle 911 calls related to mental health, homelessness and addictions.

Moving forward the VPD must continue to expand and improve its cultural safety and trauma informed training of its forces, noting that Indigenous cultural traditions must be incorporated into this training and that a single, cursory day of training does not

constitute a renewed approach to policing. Training must include opportunities to learn about First Nation communities' history, laws, local organizations, cultural and spiritual practices, and unique challenges, as well as the realities of working in a specific region or setting.

- **Supporting the implementation of the MMIWG2S Calls for Justice and the BC Path Forward to ending violence against Indigenous women and girls**

- *Moving forward the VPD will need to support the MMIWG Calls for Police Services and establish pathways to justice, healing, and safety that supports opportunities for Indigenous women, girls, and two-spirit people to exercise their agency while feeling safe and validated.*

Moving forward the VPD will need to improve its protocols for policies and practices to ensure all cases of missing and murdered Indigenous women, girls and 2SLGBTQIA people are thoroughly investigated.

Moving forward the VPD will need to partner, consult, and collaborate with front-line and Indigenous organizations and allocate funds to improve and provide culturally safe services that prioritize harm reduction and crisis intervention.

Moving forward the VPD will need to improve its response to sexual exploitation, trafficking, and abuse, including consulting with women engaged in the sex industry to develop guidelines for the policing of the sex industry that respects women's rights.

- **Supporting the implementation of a strong Indigenous and human rights framework that is guided by the UN Declaration on the Rights of Indigenous Peoples and other relevant human rights instruments.**

- *Moving forward the VPD must ensure its conduct and processes are guided by a strong Indigenous and human rights framework that is currently being established in the Province through various legislation and initiatives, including the Declaration on the Rights of Indigenous Peoples Act, the MMIWG Calls for Justice and National Action Plan, and the emergent [Anti-Racism Act](#).*

Moving forward the VPD must review its response to hate and racially motivated crimes, including working to address the barriers and concerns related to law enforcement that prevent BIPOC victims from reporting a hate crime to police.