

**POLICE ACT SECTION 42 PHASE II REVIEW:
ANALYSIS OF “FRAMEWORK AGREEMENT”
ISSUES REGARDING POLICING IN THE CITY
OF VICTORIA AND THE TOWNSHIP OF
ESQUIMALT**



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I wish to thank Brenda Butterworth-Carr, Assistant Deputy Minister and Director of Police Services, and David Pilling, Director, Police Governance, Policing and Security Branch, for entrusting me with this interesting and important assignment, and for their support throughout the analysis.

I conducted numerous interviews, including of Mayor Lisa Helps of the City of Victoria and Mayor Barb Desjardins of the Township of Esquimalt, and other representatives of both municipalities; Chief Constable Del Manak and other representatives of the Victoria Police Department (VicPD), and representatives of the Police Board. All of those interviewed were generous with their time and knowledge, including making themselves available on days off and at odd hours, and all provided any assistance requested.

This review is constructed from interviews, a review of government documents, police data, academic literature, and a variety of other sources listed in the References. I have attempted to represent the information I obtained in a fair and objective manner; any errors in that process are mine alone and not of those persons I interviewed.

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EXECUTIVE SUMMARY

Purpose, Independence, and Methodology

In 2002, as a result of problems in the Esquimalt Police Department, the Solicitor General ordered that it be amalgamated with the Victoria Police Department. The purpose of this Phase II Review is to provide an analysis of “rubbing points” under the current policing Framework Agreement (“the Agreement”) between the City of Victoria (“Victoria”), Township of Esquimalt (“Esquimalt”), and the Victoria and Esquimalt Police Board, and to make recommendations for their resolution. It was commissioned by Police Services Branch but conducted independently. The methodology included examination of various reports and literature, interviews of key stakeholders, and interviews of others with relevant information.

Views of the Parties to the Agreement

Victoria does not have concerns with the language of Agreement but would prefer not to be part of an amalgamated policing model. It noted challenges to productive communications with Esquimalt. It is concerned with the costs of policing and the quality of the data and other information provided by the Victoria Police Department (“VicPD”). Victoria has a great interest in reducing policing costs by exploring alternative methods to dealing with societal problems such as mental health incidents that currently fall to the VicPD to deal with.

Esquimalt also desires reduced policing costs. It supports the current language in the Agreement, but is concerned with a lack of compliance and consultation around issues including reallocation of resources from Esquimalt Division; initiatives that benefit only one municipality but for which funding is shared; performance metrics and statistics; selection of the Inspector in charge; and determining priorities, goals and objectives. Esquimalt is emphatic in stating its preference to not continue in an amalgamated policing model.

Police Board representatives support the Agreement and find it a useful guide but notes there has been inconsistent compliance with its provisions. It emphasizes the importance of the Chief Constable having operational flexibility. It believes the VicPD is responsive to information requests but should consult more with senior municipal staff before finalizing information to reduce questioning of data. The Board also believes the VicPD is progressive and innovative regarding alternative policing methods.

The VicPD notes the efforts it has made to improve the data it produces, including its new “Community Safety Report Card,” but advises it has a lack of analytical capacity, such as not being able to track police hours consumed by calls in each municipality. It has initiated several new programs to use its resources more efficiently, including a Special Municipal Constable program and participating in multidisciplinary Assertive Community Treatment teams for the mentally ill, documenting such matters in a “Transformation Report.” VicPD acknowledges where there has not been sufficient consultation but has committed to compliance with the Agreement going forward.

Analysis

There is some natural tension between the two municipalities, the VicPD, and the Police Board given the Board's significant statutory governance duties, including developing a provisional police budget, and the municipalities' duty to fund policing. There have also been some trust issues between the two municipalities that have impaired communications, despite the professionalism, knowledge, and dedication of the stakeholders to their municipalities.

These challenges can be mitigated by an increased focus on excellent communication processes, and a renewed commitment to utilizing the processes set out in the Agreement, particularly with respect to ss. 4.5, 6 and 12.2. Both objectives could be assisted by using an expert facilitator to develop a formalized communications framework and to assist with working through challenging issues, such as agreement on staffing levels in the dedicated municipal divisions and with performance metrics, per s. 4.5 and s. 6 of the Agreement, respectively.

The stakeholders and others interviewed for the Review with similar challenges identified several best practices to support improved communications in the future, including clear understanding of each others' roles, regular scheduled meetings to stay on top of issues and build relationships, excellent information sharing, and opportunities for senior municipal staff and councillors to become more knowledgeable about policing issues, such as through meetings with VicPD staff and "ride-alongs."

A significant concern of the municipalities is a lack of some types of information/data from the VicPD. VicPD has made notable efforts to improve the information it provides but suffers from a lack of analytic capacity. Having robust analytic capacity is key to effective and efficient deployment of expensive policing resources. As a core city in a metropolitan area, the VicPD's public safety challenges are similar to those of the Vancouver Police Department (VPD), albeit on a smaller scale. A case study is provided regarding the VPD's recognized best practice approach to analytics to demonstrate the potential positive impacts of investing in such resources.

Given Victoria and Esquimalt's interest in the potential for reduced policing costs (or at least slowing the increase in demand) and exploration of alternative strategies to address public safety issues, the benefits of an "operational review" of the VicPD are described. Unlike previous reviews, it is recommended that terms of reference be developed by all parties to the Agreement, as well as selection of the consultants. An operational review could develop recommendations for improvements in efficiency and effectiveness, assess sworn and civilian resource needs, and examine alternative public safety strategies, such as for addressing mental health incidents.

Conclusion and Recommendations

The Agreement remains a valuable document to guide stakeholder relations. However, there has not always been compliance by all parties with the Agreement, or effective communication. This has negatively impacted trust and relationships. A renewed commitment by all parties to abide by the provisions of the Agreement is necessary, particularly around ss. 4.5, 5, 6, and 12. To support improved communications and more trusting relationships, it is recommended that the parties contract a neutral facilitator to assist in developing a structured framework for communication. Expected discussions

under s. 4.5 regarding future staffing levels in the dedicated municipal divisions will provide an opportunity for testing this framework. These will be challenging discussions; therefore, it is also recommended that the facilitator be used to support these discussions. Further, the VicPD and the Police Board must do the advance work necessary to ensure all necessary and available data is provided to support these discussions.

This Review also makes recommendations with respect to staffing levels, alternative deployment models, orientation information for VicPD members assigned to Esquimalt Division, analysis of the budget impact of municipality-specific policing initiatives and mitigating factors, and the importance of Victoria and Esquimalt identifying in writing to the Board and VicPD the specific additional information it seeks. Further, it is recommended that the VicPD identify in writing reasons it is unable to provide any desired data and how to mitigate them. An independent operational review is recommended, with the terms of reference and selection of the consultants to be determined by the parties to the Agreement.

PURPOSE

Phase I of the *Police Act* s. 42 Review, which was the subject of a previous report, dated September 15, 2020, was to develop a new Budget Allocation Formula pursuant to the “Victoria Esquimalt Policing Agreement” between the City of Victoria, the Township of Esquimalt, and the Victoria Esquimalt Police Board.

The purpose of this Phase II Review (“the Review”), is to identify and examine other key issues or rubbing points under the Framework Agreement, including the use of key performance indicators like calls for service, that will enhance compliance with the Framework Agreement in a manner consistent with its purpose and make recommendations for resolution that reflect the policing needs of the respective municipalities.

INDEPENDENCE

Doug LePard, a retired police chief (operating as Doug LePard Consulting), was contracted by Police Services Branch as an independent consultant. While Police Services Branch provided relevant documents and logistical support, there was a clear mandate that the Review was to be developed independently without any direction from Police Services. That independence was maintained throughout.

METHODOLOGY

- Examination of previous reports and audits and their recommendations;
- Review of Management Committee meeting minutes;
- Miscellaneous additional research regarding various relevant policing issues, including but not limited to police analytics and police operational reviews; and
- Interviews of:
 - Mayor Barb Desjardins, Chief Administrative Officer Laurie Hurst, and Director of Community Safety Services Blair McDonald, representing the Township of Esquimalt;
 - Mayor Lisa Helps and City Manager Jocelyn Jenkyns, representing the City of Victoria;
 - Chief Constable Del Manak, Deputy Chief Constables Colin Watson and Jason Laidman, and Controller Steven Hurcombe, representing the Victoria Police Department (VicPD);
 - Current and past members of the Victoria and Esquimalt Police Board;
 - RCMP E-Division Finance staff;

- External municipal and police department staff responsible for police finance issues; and
- Representatives of Police Services Branch.

BACKGROUND

In 2002, as a result of concerns with serious problems in the Esquimalt Police Department,¹ the Solicitor General ordered that it be amalgamated with the Victoria Police Department.² Neither the City of Victoria nor the Township of Esquimalt was pleased with the result and the relationship was fraught with challenges from the beginning. Eventually, in 2013, a Framework Agreement (“the Agreement”) that is the subject of this Phase II Review was negotiated between the two municipalities to guide collaborative decision-making regarding the amalgamated Victoria Police Department.³

The Agreement is a comprehensive, 22-page document. Its main goals are to ensure there is “adequate policing and law enforcement” in the two municipalities; adequate accommodation equipment and supplies for the amalgamated police department, including a detention facility; fair and equitable allocation and use of police resources; efficient development of the annual police budget; and early resolution of any disputes.⁴ The Agreement expires December 31, 2023.

There have been several concerns raised by the municipalities regarding the operation of the Agreement. A significant one was the need for a new “Budget Allocation Formula” (“BAF”). Section 11.2 of the Agreement required that work on the development of a new BAF be commenced by June 2017. This did not occur but was addressed by the Phase I Review, which produced a new proposed BAF. The other concerns about the operation of the Agreement are the subject of this Phase II Review.

DISCUSSION

Current Concerns of the City of Victoria Regarding the Framework Agreement

The following is a summary of the comments and concerns of the representatives of Victoria (“Victoria”).

- Victoria expressed its concerns with the challenges of managing the relationship with Esquimalt and would prefer not to be a party to the amalgamation but does not have concerns with the language in the Agreement.

¹ See: Ministry of Public Safety and Solicitor General, Policing and Community Safety Branch, Police Services Division (July 2002). Esquimalt Police Department Review. Available at http://docs.openinfo.gov.bc.ca/d14729813a_response_package_jag-2012-02346.pdf.

² Ministerial Order No. M 365. Accessed at http://free.bcpublishings.ca/civix/document/id/mo/hmo/2002_m365

³ A much more detailed description of the history leading to the development of the Agreement was provided in the September 15, 2020 Phase I report regarding a new BAF and will not be repeated here.

⁴ Framework Agreement (April 17, 2014), p. 1. Available at <https://vicpd.ca/wp-content/uploads/board/Reports/Policing-Framework-Agreement-dated-April-17-2014.pdf>.

- Victoria expressed its admiration for the members of the VicPD who “put themselves in harm’s way every day.” However, Victoria desires lower police costs. It believes that previous efficiency reviews had been “done in the same old paradigm” and wants “to look at who does what so police do what police need to do like deal with serious crime, serious drug dealers and someone else needs to look at mental health calls and disorder, which our police are run off their feet taking care of.” Victoria expressed great interest in participating in government-initiated pilot studies on alternate methods of delivering current policing services that could benefit Victoria and other communities as well.
- Victoria expressed a concern with VicPD’s apparent inability to share data in the same way that City departments do for budgeting purposes, while recognizing that the VicPD is not a City department, is independent of the City, and reports to a Police Board. Nevertheless, Victoria expressed its concern with what it perceives to be a lack of adequate information sharing from the VicPD as required by the Agreement. It expressed that at a “deep level” Victoria didn’t know what it was paying for or whether the VicPD operates efficiently.
- Further, with respect to the Agreement, Victoria believes that if it had better data, it could help Council understand what it is paying for. Notwithstanding an ongoing concern with the amalgamation, Victoria advises it accepts and does not seek changes to the contents of the Agreement, absent its concerns around the depth of data provided by the VicPD.

Current Concerns of the Township of Esquimalt Regarding the Framework Agreement

The following is a summary of the comments and concerns of the representatives of Esquimalt (“Esquimalt”):

- Esquimalt expressed its appreciation for the excellent service provided by members of the VicPD. However, it desires both lower policing costs and to be released from the Ministerial Order imposing the amalgamation.
- The Framework requires that Esquimalt’s assigned resources not be moved but believes there are problems with interpretations of the Agreement. Some of it is caused by movement of staff resulting in a lack of knowledge regarding the Agreement. For example, regarding optional services, if the Chief wants to deploy extra officers in downtown Victoria funded by overtime, Esquimalt believes there should be a process to consider whether that is an optional service for Victoria that it should fund, rather than “an operational decision.” Esquimalt is concerned the Board gets the information only after the initiative is started. “Everyone’s told we have to do this because we have to get a handle on it.” Concern was expressed that when an initiative benefits only one city, both are paying and there needs to be a process for this to be addressed.
- Esquimalt understands the need for reallocating resources and has no objection as long as dedicated resources are not moved. Esquimalt noted that s. 4.5 of the Agreement sets out

certain requirements that have not been adhered to, such as reassigning or decreasing Esquimalt Division resources. Esquimalt agrees that if the proper discussion happened under s. 4.5 there would not be so much disagreement under 5.1 regarding what are optional resources.

- Esquimalt is concerned there is a lack of clarity regarding the difference between routine operational matters and long-term policing initiatives. It takes no issue with short term projects, but noted the example of a 1-year project that is drawing resources from Esquimalt, and raised the question of whether this is an optional resource issue, or a new way of policing that Esquimalt may not support.
- Esquimalt raised concerns that when Esquimalt Division resources are required in Victoria for exigent reasons, Esquimalt is supposed to be provided a report about why that occurred, but believes it receives a lack of adequate information in this regard. It is provided statistics about the number of occasions Esquimalt Division officers cross the bridge into Victoria, or vice versa, but desires fuller information on this matter.
- Esquimalt expressed concerns about changes to agreed-upon measurements of policing activities without sufficient consultation with all parties to the Agreement.
- Esquimalt noted the importance of understanding the role of the Police Board with respect to the Agreement, and the challenges of considerable attrition, which affects continuity of knowledge. Esquimalt noted a troubled history on the Board with at one point there being no provincial representatives when a new chief was being hired.
- Despite its concerns with adherence to the Agreement, Esquimalt noted its high level of satisfaction with the current Inspector in charge of the Esquimalt Division, but raised a concern about whether its dedicated resources are remaining in Esquimalt when the Inspector is not on duty. It also expressed the importance of Esquimalt Division officers understanding Esquimalt is a different community than Victoria with an independent Council, its own set of bylaws, and different community expectations around their enforcement.
- Esquimalt expressed its concern with VicPD's failure in the past to assiduously follow the Agreement regarding selection of the Inspector in charge of Esquimalt Division, particularly around consultation. It had no concerns with the police officers chosen but stressed the importance of following the process set out in the Agreement.
- Esquimalt agrees that when the Framework was negotiated, it was not a contract for service, but rather reflects an amalgamated police department. Esquimalt described the Agreement as "a goodwill document between everyone wanting to work together to make things work." Esquimalt has no desire to make the Agreement denser with more "legalese." It noted that despite its concerns, the Agreement has for the most part been effective, and that Esquimalt simply wants to be treated fairly.

- Finally, Esquimalt noted its satisfaction with the Director of Police Services' work as the chair of the Management Committee and expressed optimism for the future.

Other Concerns from the Municipalities

From previous Management Committee meeting notes it appears both Victoria and Esquimalt have also emphasized the importance of:

- the Police Board engaging in consultation with both communities prior to determining priorities, goals and objectives and in relation to composition and strength of the VicPD;
- the need to explore “alternative approaches” to policing as contemplated in s. 3.4 of the Agreement;
- the need for a regular review of the staffing in the dedicated divisions as required by s. 4.5 of the Agreement, with adequate data being provided to the municipalities by the Police Board;
- the need for adequate information on performance metrics provided to the municipalities to inform budget discussions;
- that the option of Reserve police officers be more fully explored; and
- that an appropriate Budget Allocation Formula be developed (addressed in the Phase I report).

Police Board Views

Current and former Victoria Police Board members were interviewed, including the two mayors. The following is a summary of key points made in the interviews:

- The chairing of the Police Board rotates between the two mayors. This “co-leading” is challenging, given the different priorities each mayor brings to the role.
- The Agreement is generally viewed positively but was viewed as being of more interest to Esquimalt than Victoria. The Agreement was seen as positive recognition that Esquimalt is a different community, and this is reflected in the separate Esquimalt Division set out in the Agreement. The importance of a framework to guide decision-making was noted, as was the challenge of interpreting the Agreement.
- While Esquimalt was concerned with what it saw as unfairness in the funding allocation, the Victoria mayor's commitment to pay its fair share per the Agreement was appreciated. It was recognized that the new BAF should have been developed earlier, but it was noted that the issues surrounding the suspension and then termination of the previous VicPD Chief Constable

consumed an extraordinary amount of time and energy and during that time the Agreement was a lesser priority.

- While some Board members were interested in the Agreement and in using it as intended, other Board members were less interested. Sometimes the Agreement was used as somewhat of a cudgel rather than as a helpful policy guide to resolve concerns.
- When an Esquimalt representative on the Board would raise an issue about the Agreement, the Chief Constable would recommend that the Board should come to a position and bring it to Police Services, but it appears that never occurred. A Board member noted the importance of the Phase II work in improving adherence to the Agreement explaining that “I don’t think we were ever going to do it organically...”
- The importance of the Chief Constable having deployment flexibility was understood and it was noted the Chief generally kept the Board well informed, but it was recognized that the “action” was generally in Victoria. This generated concerns over funding allocations, i.e., Esquimalt paying 14.7% of overtime generated for protests and other events in Victoria because of the prescriptive nature of the Agreement regarding funding. For this reason, consideration of a budget for significant events in Victoria funded outside the Agreement’s budget allocation formula was attractive.
- The VicPD’s extensive efforts to share information and to be responsive to requests were noted, and that VicPD was a leader in this regard, but it was also observed that their tools and technology did not always match the expectations. This impacted on the VicPD’s ability to provide adequate information as envisioned in the Agreement. Further, it was suggested that to avoid questioning of the accuracy of data, VicPD should engage in more consultation with senior municipal staff before numbers were finalized. It was suggested that the reporting requirements in the Agreement should be revisited if VicPD is not able to meet them. (It was also noted that on ridealongs there was surprise at the “antiquated” computers and reporting systems in use by operational members.)
- Regarding alternative policing methods (per s. 3.4 of the Agreement), the Board members were impressed with the Chief and his team’s efforts and openness to trying new policing methods, such as the Special Municipal Constable program. Other examples were given, such as VicPD partnering with a restorative justice agency to make enforcement of distractive driving more educational and improving coordination with external agencies regarding dealing with the mentally ill.
- With respect to working with the two Councils, it was recognized that each has different needs and “you just cannot make everyone happy.” It was seen as positive that in recent years, consultation with the two councils and senior city staff regarding their views was valuable, as was the opportunity to provide information, particularly regarding the rigorous budget

development process engaged in by the Board. Concern was expressed about some councillors “getting into the weeds” regarding the budget and that being the role of the Board.

- With respect to VicPD’s significant resource concerns, there was recognition of their workload and that it is “VicPD’s members who do the heavy lifting, solving other people’s problems, regional issues but no regional support.” It was also recognized, however, that while VicPD needs more resources, there are competing priorities and that the public doesn’t understand the issues, including how efficiently resources are currently being used.
- Finally, one Board member opined, “The framework is actually successful. Yes, there are some friction points but by looking at them we can make it better for everyone...We’re well served here.”

Victoria Police Department Views

The Chief Constable, both Deputy Chief Constables, and the Controller of Finance were interviewed for this Review regarding the Agreement generally and the comments of the Victoria and Esquimalt representatives specifically. The following is a summary of their comments:

- Regarding providing sufficient information and data, the VicPD noted that for several years they have gone to both Councils to determine what information they desired and have provided call volume and workload data, but this was not always well received, nor was information about data limitations. VicPD acknowledges both municipalities’ concerns regarding the costs of policing.
- VicPD has had to contract with an outside consultant – work that is ongoing – to conduct deeper data analysis because it does not have the internal research and data analytics capability necessary. VicPD strongly desires to improve its data analysis capacity so that it can provide better information but has not received budget support in this regard.
- VicPD acknowledges Esquimalt’s desire to have a more robust annual process involving the Police Board to discuss the dedicated municipal positions and is committed to supporting such a process. It notes that the Board has made extensive efforts to consult with both Councils regarding the VicPD Strategic Plan and budgeting process. Further, VicPD advises it tries to support the Board and has been providing data to both municipalities on staffing usage and recently developed a new agreement regarding accountability measures. It advises it does provide each February all the data its has regarding its Q4 call load the previous year, but acknowledges it could do a better job of having a separate meeting to go through the data with the municipalities to help them to understand it and to discuss workload issues.

- With respect to accountability metrics, VicPD has developed a new “Community Safety Report Card”⁵ which is based on Statistics Canada research on police performance metrics.⁶ Further, VicPD acknowledged the municipalities’ frustration with crime statistics not being separated by municipality by Statistics Canada. VicPD notes that in the near future it will be able to provide separate reports, including Crime Severity Index (CSI) information.⁷ VicPD expressed its concern with the lack of civilian analysts to provide deeper analysis of existing data.
- Regarding alternative approaches, VicPD notes that in 2020, it initiated a Special Municipal Constable (SMC) Program where unarmed sworn peace officers, who are paid significantly less than police officers, are assigned to low risk/low complexity incidents to more efficiently deal with calls for service.⁸ VicPD is in the process of hiring four SMCs. VicPD understands the municipalities also want the Department to examine the expanded use of volunteers and Reserves for programs such as traffic control, CPTED (Crime Prevention Through Environmental Design) assessments, Speed Watch programs, and to have citizens on patrol on bikes being “extra eyes and ears” for police. It is already engaged in these matters and noted they are difficult to enhance because of various challenges but is attempting to do so. VicPD noted that various previous reviews have identified a lack of adequate resources, but this information is not welcomed by the municipalities.
- In July 2019, the VicPD put out a “Transformation Report”⁹ and advised that some of its proposals for change had been implemented, some were in process, and some were not possible. It noted the Police Board adopted that report but VicPD feels hampered by the lack of resources, and also has to address Union concerns, for example with the Special Municipal Constable initiative.
- VicPD noted its view that an investment in new resources would allow it to work towards efficiencies that could reduce the need for increased resources in the future given the upward trend in demands for services. It noted, for example, that VicPD has a partnership with Island

⁵ The current Q1 Community Report Card is a comprehensive document with quantitative and qualitative information, available at <https://vicpd.ca/report-card/2020-q1/>.

⁶ For further information, see Benjamin Mazowita & Cristine Rotenberg (September 11, 2019). “The Canadian Police Performance Metrics Framework: Standardized indicators for police services in Canada.” *Canadian Centre for Justice Statistics – Statistics Canada*. Accessed at <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00004-eng.htm>.

⁷ The CSI tracks changes in the severity of police-reported crime by accounting for both the amount of crime reported by police in a given jurisdiction and the relative seriousness of these crimes. In the CSI, each type of offence is assigned a seriousness “weight” derived from actual sentences handed down by courts in all provinces and territories. See: <https://www150.statcan.gc.ca/n1/en/pub/85-004-x/85-004-x2009001-eng.pdf?st=ndOOmdrG>.

⁸ The program would be modelled on the Vancouver Police Department’s Special Municipal Constable program, one element of which is “Community Safety Personnel,” Special Municipal Constables who engage in lower-risk tasks – see <https://joinvpd.ca/special-municipal-constable/>.

⁹ See: <https://vicpd.ca/2019/07/31/vicpd-transformation-report-released/> and <http://online.fliphtml5.com/cbck/nwkg/#p=10>.

Health to look at an alternate response to mental health calls involving a civilian-led model for attending the lower risk calls. That initiative is in progress and VicPD is expecting an interim report in late 2020. Further, VicPD noted it is examining other models and partnerships involving civilians. For example, VicPD recently increased its ACT (Assertive Community Treatment) officers from one to three. Because of a lack of support from Victoria Council for two new officers, VicPD had to redeploy two officers from its existing strength to invest in what it believes is an important program to reduce the number of mental health calls for police. (Notably, a study of the Vancouver Police Department's ACT noted the vast majority of ACT clients experienced improved quality of life and negative police contacts were reduced by 50% compared to one year prior to intake. Further, they experienced a 23% reduction in victimization, and a 70% reduction in non-urgent emergency department visits.)¹⁰

- With respect to the funding of projects targeted to one municipality, VicPD acknowledged this has occurred, but pointed out the overtime to run such projects was immaterial as a percentage of the entire overtime budget. For example, one project focused on downtown Victoria cost \$50K to \$60K out of an overtime budget of approximately \$8M. Further, VicPD noted that both municipalities have benefited from certain programs that were not budgeted separately. For example, VicPD noted at one point it housed all three School Liaison Officers in Esquimalt and ran a summer action plan out of Esquimalt on Thursday, Friday and Saturday nights with two extra officers in Esquimalt on bikes, operated by Esquimalt Division with two Victoria Division officers dedicated to Esquimalt. VicPD pointed out the importance in an amalgamated police department of flexibility and that on average, it believes both municipalities benefit equally from various projects. VicPD is concerned that it would be a slippery slope to try to become more granular in budgeting various initiatives separately.
- Regarding consultation on the Inspector in charge of Esquimalt Division, VicPD agrees that the process did not proceed as smoothly as desired historically. Going forward, VicPD is committed to early consultation with Esquimalt and to be fully in compliance with the Agreement. VicPD noted it is already in consultation with Esquimalt regarding the next Inspector as the current one is planning to retire.
- Regarding Esquimalt's concern that inadequate information is provided regarding time spent by Esquimalt Division officers in Victoria, VicPD noted it does not track on-duty hours specific to each assigned file or incident, but has provided a number of briefings about the reasons police units may travel between the Divisions. These include high priority calls or because of an on-view incident while Esquimalt Division members are leaving Headquarters, for example. VicPD advised it would have to examine approximately 4,000 incidents per quarter to provide more detailed information, but does not have the analytical capacity to do so and does not believe this information would assist decision making as it is confident its Esquimalt Division officers are being deployed appropriately, including during night shift.

¹⁰ <https://www.publicsafety.gc.ca/cnt/cntrng-crm/plcng/cnmcs-plcng/ndx/snpss-en.aspx?n=483>

- Regarding Victoria’s concerns about VicPD providing adequate budget information, VicPD notes they provide full budget information to Victoria’s budget analyst on a line-by-line basis, and that the only difference in the process is the VicPD’s budget is approved by the Police Board. VicPD raised concerns that Victoria Council has historically not always demonstrated an understanding of the role of the Police Board in governing the VicPD and attempted to insert itself inappropriately into the budgeting process. VicPD noted its Police Board Finance Committee Chair solicits input from Council before the budget is prepared and VicPD meets with the senior municipal staff to go through the budget. VicPD noted its appreciation for a process that it believes has been greatly improved in the last two years in terms of working with both Councils.
- Regarding providing adequate information to the two Councils, VicPD noted it is only two quarters into the new “Community Report Card,” and that the Chief Constable appears before Council every quarter with its metrics. VicPD further noted the overall monitoring of crime trends is the responsibility of the Police Board, but that the only data the Councils are not provided is operational/tactical information. VicPD again noted their lack of a research unit to produce additional analytical products that would better inform the Board and the Councils.

ANALYSIS

Communication Issues

There is some frustration between senior municipal and VicPD representatives regarding the level of information provided by the VicPD. This is not unexpected, given that the municipalities bear the significant cost of funding policing, but do not have a statutory oversight or governance role.¹¹ In contrast, while not a funding body, the Police Board’s responsibilities include being the legal employer of all police department staff, establishing policies and setting the direction for the police department, and developing the annual budget for approval by the municipality. Further, the Police Board has an important role to act as a “buffer” to insulate the police department from political interference.¹² This model can generate a natural tension with the funding body wishing to have more control but has been recognized internationally as a best practice to avoid politicization of the police.¹³ Although it is the Board’s responsibility to develop an annual budget, it is recognized that the municipality is an important

¹¹ Police Act [SBC 1988] Chapter 53, s. 15. Accessed at <https://www.bclaws.ca/civix/document/id/94consol18/94consol18/88053#section23>.

¹² Ministry of Public Safety and Solicitor General Police Services Division (February 2015). BC Police Board Resource Document on Roles and Responsibilities Under the Police Act, s. 8. Accessed at <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/boards/bc-police-board-handbook.pdf>.

¹³ See for example David H. Bayley & Philip C. Stenning (2016). *Governing the Police – Experience in Six Democracies*. Routledge Taylor & Francis Group, London and New York.

stakeholder and it is expected that development of the budget will be “done in a cooperative, collegial manner, with council and the board working together to ensure effective policing in their community.”¹⁴

With respect to senior staff, this natural tension can be mitigated by processes that support excellent communication, which has been challenging at times. Further, VicPD agrees with the municipalities that in some cases it is not able to provide analysis to satisfy their expectations, but that it is due to a lack of capacity, not willingness (to be discussed further below).

All parties to the Agreement interviewed appear to be highly knowledgeable and committed representatives of their communities. Further, they express interest in working towards improved communications, but trust has been an issue.

It is important going forward that all parties re-commit themselves to using the Agreement to address and resolve concerns. To support this process, it appears a more formalized structure for consultation and communication may benefit all parties. Specifically, it may be helpful for the parties to work collaboratively to develop a formal framework to support consistent, effective communication practices for the future. Development of such a framework could be greatly assisted with an expert facilitator mutually agreed upon by the parties.

Further, while meetings between senior VicPD and municipal staff occur on an as needed basis, it may be helpful to have regularly scheduled meetings to provide an opportunity to address concerns more expeditiously.

Notably, both Victoria and Esquimalt are concerned with the costs of policing and seek lower costs. With respect to Esquimalt, the Phase I report recommending a new Budget Allocation Formula demonstrated that there is an opportunity to significantly reduce policing costs by having its staffing level better aligned with the demands for service.

There is a process set out in s. 4.5 of the Agreement that all parties must follow to modify staffing levels. The process provides for either municipality to advise the Police Board of a request for “any changes or modifications to the Dedicated Divisions’ strength or deployment.” The purpose of s. 4.5 is to ensure all parties are able to participate in a discussion with appropriate information, including VicPD metrics, to allow for an informed decision. Moreover, the Agreement requires that the Police Board formulate a response, in consultation with the Chief Constable, consistent with the goals set out in s. 4.1 of the Agreement. If a Municipality is not satisfied with the Board’s response, under s. 12.2 of the Agreement, it may “seek assistance of the Administrative Committee to resolve any dispute, concern or issue.”

Historically, this process has not been utilized as envisioned. For the future, it is strongly recommended that all parties to the Agreement renew their commitment to comply with s. 4.5. Further, expected discussions pursuant to s. 4.5 may be greatly assisted by using the facilitator proposed above regarding

¹⁴ Ministry of Public Safety and Solicitor General Police Services Division (February 2015). BC Police Board Resource Document on Roles and Responsibilities Under the Police Act, s. 8. Accessed at <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/boards/bc-police-board-handbook.pdf>.

the development of a communications framework. In fact, the s. 4.5 discussion may present an excellent opportunity to utilize such a framework with the assistance of a neutral facilitator.

In the author's experience, the right facilitator can make an extraordinary difference in the effectiveness of communications between parties attempting to come to resolution on difficult issues. An effective facilitator, with knowledge of the issues requiring resolution and an understanding of the legal and governance environment in which the police operate, could assist the parties to the Agreement as follows:

- Create a safe non-threatening space to surface areas of disagreement between the parties.
- Provide guidance to the parties in helping each other understand the interests behind the areas of disagreement.
- Use facilitation skills to find common interests and guide the participants to mutually beneficial outcomes.
- Overcome areas of distrust and build upon the work completed in the facilitated sessions to allow for trusting respectful communication between the participants moving forward.

Specific responsibilities of the facilitator would include:

- Reviewing key documents and speak to key players to understand the positions of the participants and then prepare objectives and a high-level agenda.
- Reinforcing value-based respectful interaction at the facilitated sessions.
- Using facilitation skills to allow the voice of all participants to be heard.
- Guiding the group into examining the areas of disagreement and use problem solving techniques to resolve the rubbing points."
- Allowing the participants to create options for resolution of areas of disagreement.

Additional Best Practices for Enhancing Communications Between VicPD, the Police Board and the Municipal Councils

The VicPD and Police Board have each made extensive efforts to communicate effectively with the two municipal councils in a challenging environment and have been successful in many respects due to the dedication and professionalism of various participants. However, historically at least, trust between the parties has been challenged at times. Based on their own experiences and those of peers in other municipalities interviewed for this Review, the following best practices are synopsized for consideration as methods to enhance trust and communications:

- VicPD and the Police Board must ensure they have an in-depth understanding of the two municipalities' budget processes.

- All stakeholders (the municipalities, Police Board and VicPD) need to ensure there is clarity on which body drives the budget process, i.e., the Police Board oversees the VicPD's development of a budget. This should occur collaboratively with senior staff in the two municipalities to ensure it is informed by the two municipalities' views (i.e., that of Council), but it is the Police Board's responsibility to develop a provisional budget for submission to the two municipalities. While historically it is not uncommon that senior municipal staff act as a "gatekeeper" regarding what will be submitted to Council for budget approval, and it is important to seek input and support where possible, it is the Police Board's responsibility to determine what goes into the provisional budget.
- If there is information required by either or both municipalities (e.g., performance metrics as described in s. 6 of the Agreement), it is the responsibility of the Police Board to ensure that VicPD is able to provide that information.
- Information sharing and education of stakeholders is essential. Recommended strategies include: in camera "workshop" briefings, e.g., quarterly, of the two Councils by the VicPD to provide financial results and information about crime and disorder trends; offering councillors meetings with key VicPD staff for Q&A sessions; and providing councillors and senior municipal staff ridealongs with operational members. Each of these strategies provide opportunities for stakeholders to become more informed about what actually occurs in policing and why certain needs exist, and to build relationships between key staff.
- It is important that the VicPD and Board communicate clearly and openly to Council about the pressures it faces and help it understand policing as much as possible.
- Council faces many competing priorities and there must always be VicPD and Police Board recognition of this, and a willingness to compromise and reflect Council's priorities in VicPD's strategic planning wherever appropriate, while fulfilling the Board's responsibility to provide independent governance of the police free from political interference.
- Relationship building between the VicPD and senior municipal staff (up to and including the City Manager and Chief Administrative Officer, respectively) in both municipalities is important in attempting to build consensus between the municipalities regarding policing issues, including budgets.
- The Police Board needs to seek opportunities to meet directly and regularly with Council and with senior VicPD staff, given its governance responsibilities, including development of a provisional budget. For example, a quarterly or twice-yearly meeting between the VicPD and Victoria and Esquimalt Police Board and each Council would provide an opportunity for direct, two-way communications that would contribute to improved mutual understanding.¹⁵

¹⁵ Of interest, on July 8, 2020 Vancouver Council passed a resolution "That Council direct staff to arrange and schedule separate quarterly brings in Q3 and Q4 from the...Vancouver Police Department and the Vancouver Police Board...to help inform budget decisions of Council for 2021."
<https://council.vancouver.ca/20200708/documents/cfsc20200708min.pdf>

- When either Council has questions about policing matters (other than specific investigations) the VicPD and Police Board should take all reasonable steps to provide as much clear and accurate information as possible.

VicPD's Analytical and Operational Capacity

A key concern of representatives from Victoria and Esquimalt is the VicPD's capacity to provide useful metrics, such as using its Computer Aided Dispatch data to determine the total policing hours consumed by dispatched calls in Victoria and Esquimalt. (This type of analysis is possible with the appropriate tools and capacity.)

First, it should be said that in 2020, the VicPD implemented a new initiative, the "Community Report Card," which includes extensive data on calls for service in each municipality; response times for each municipality; the combined crimes and "clearance" (or solve) rates; the combined Crime Severity Index; public satisfaction and perceptions of crime in each municipality; overtime costs, broken down by the reason the overtime was generated; and other important information. The amount of information made publicly available is impressive, particularly when compared to that of many other police jurisdictions.¹⁶ Further, VicPD has been working with a consultant to conduct more in-depth analysis of its data to support its decision-making.

Nevertheless, VicPD has not been able to satisfy all requests from each municipality, and in some cases is only able to provide information for both municipalities combined. Further, it is unable to extract and provide Computer Aided Dispatch data on how much time is consumed by calls for service in each municipality. While the work VicPD has done to improve the information it can provide is commendable, for in-depth analysis of its data it has had to rely on an external consultant. This has created a significant barrier to being able to quickly respond to some requests for information. As well, it hampers VicPD's ability to target its limited resources in the most efficient manner possible. This goal would be better supported with close to real time information from the PRIME-BC records management system and other VicPD databases.

Academics have noted that a barrier to police agencies being truly intelligence-led is a lack of "sufficient resources [for] developing a strong analytical infrastructure that is integrated into police policy and operations."¹⁷ Further:

A key element of the transformation of the organizational structure of a police service to facilitate ILP is building a strong analytical component, build around highly trained crime

¹⁶ The purpose of this report is not to criticize other police jurisdictions so examples are not named here, but it is easy to look at the websites of several other significant police agencies in B.C. and see that they provide almost zero statistical information to the public. For example, one agency with over 100 police officers has an extremely rudimentary website on which the most recent information is the number of calls for service attended in 2017, and its website has not been updated since 2018. Another police agency with over 100 officers has a much more informative website, but its last "community report" included only basic data up to the end of 2018, and its last quarterly report was from Q3 in 2019. VicPD's publicly available information far exceeds these examples.

¹⁷ Ryan Prox & Curt Taylor Griffiths (2014): Special issue, *Police Practice and Research: An International Journal*, p. 3. DOI: 10.1080/15614263.2014.972611.

analysts, many of whom are civilians. An emerging best practice is for civilian analysts to work in concert with sworn officers in a hybrid model of collaboration: the analysts conduct sophisticated analyses of data and sworn members assist in the interpretation of the results of the analysis, using their expertise and experience in policing.¹⁸

The Power of Analytics – A Case Study

In the 1990s, the Vancouver Police Department's authorized strength was decreased several times despite crime and call load increasing and it became increasingly unable to cope with the workload, contributing to several serious organizational failures.¹⁹ However, between 2001 and 2010, as a result of in-depth staffing analyses, including a major operational review led by an external consultant hired by the City of Vancouver,²⁰ major investments were made in policing. The VPD's sworn strength increased from 1061 to 1327 and its civilian staffing increased from 213 to over 400, including approximately 22 civilian analyst positions.²¹ Notably, the City's consultant recommended *more* professional civilian staff than the VPD had originally requested, recognizing the importance of analytical capacity to intelligence-led policing.

This infusion of resources was important in allowing the VPD to transform itself in the 2000s. In the mid-2000s, the VPD was the first Canadian police department to introduce "Compstat"²² and it is seen as a best practice organization in North America with respect to its analytics.²³ The VPD also implemented a system called CRIME (Consolidated Records Intelligence Mining Environment) which houses:

a province-wide data warehouse that provides the capacity to apply advanced analytics to multi-jurisdictional crime issues in record time. Analytic processes that used to take days to complete can now be done in a matter of hours...Most records are updated every 24 hours but crucial details, such as those found in the dispatch system are updated in almost real-time.²⁴

¹⁸ Ryan Prox & Curt Taylor Griffiths (2014): Special issue, *Police Practice and Research: An International Journal*, pp. 3-4. DOI: 10.1080/15614263.2014.972611.

¹⁹ For example, see: British Columbia. Missing Women Commission of Inquiry. "Forsaken: the report of the Missing Women Commission of Inquiry." Wally T. Oppal, Commissioner, Volume IIB, at pp. 261-262.

²⁰ An overview of the Operational Review is available at <https://council.vancouver.ca/documents/rr1onfile1.pdf>.

²¹ Source: Various VPD records, including authorized sworn and civilian strength data.

²² Compstat is used to compile information on crimes, victims, times of day crimes took place, and other details that enable precinct officials to spot emerging crime patterns. The result is a computer-generated map illustrating where and when crime is occurring. With this high-tech "pin-mapping" approach, the police can quickly identify trouble spots as well as causal relationships and then target resources to fight crime strategically.

Source: <https://www.innovations.harvard.edu/compstat-crime-reduction-management-tool>.

²³ The program received awards from the CACP in 2008 and the International Association of Law Enforcement Intelligence Analysts (IALEIA) in 2010 for the progressive blending of technology and organizational capability under a unified program. Source: https://www.blueline.ca/images/uploads/issue/pdf/81/BLM_2010-11.pdf.

²⁴ Prox, R. G. (2012). *Breaking the cycle: A story of transformational change within the Vancouver Police Department*. IntelScope, IALEIA, September Ed.

Expertise and the use of technology to be intelligence-led, combined with adequate resources, allowed the VPD reduce its unacceptable response time to priority calls for service, and evolve to being much more proactive and able to target crime problems and criminals, particularly involving gang violence. Major proactive, multi-disciplinary investigations such as “Project Rebellion” had extraordinary results.²⁵ This resulted in the VPD driving crime down dramatically in the 2000s, faster than the average in Metro Vancouver, B.C., and Canada.²⁶ Most notably, because of excellent analytic capacity to support various proactive strategies, the VPD dramatically reduced its “shots fired” incidents, e.g., from 72 in 2007 to 28 in 2010, and gang-related murders, from 13 in 2007 to 3 in 2010. By significantly reducing gang-related murders, it reduced its total homicides from being regularly over 20 (and as high as 41) up until the mid-2000s to its lowest numbers in history, going down to nine in 2010 and as low as six in 2013²⁷ (and remaining below 20 homicides per year ever since²⁸). In 2010, the VPD was also widely praised for its policing of the Winter Olympics.²⁹ The VPD was described as a “...model of policing”;³⁰ won a Public Sector Leadership Award in 2009 and two International Association of Police Chiefs awards for Excellence in Criminal Investigation for “revolutionizing an approach to deal with modern day investigation” and for Excellence in Forensic Science in 2012;³¹ and other British Columbia police forces were encouraged “to emulate this commitment to being a best-practices learning organization.”³²

Without adequate resources, however, any police agency will struggle to keep up with demands for service, and it becomes more difficult to be proactive rather than reactive. Notably, in 2019, in seeking additional resources (as had been approved by a previous Council in 2017), Chief Constable Palmer noted that the VPD had reached its “breaking point” and that “city-imposed budget restraints saw the department operate with 58 fewer officers and 27 fewer civilian staff in 2017 than in 2009.”³³

Nevertheless, the VPD has continued to implement leading-edge crime analytics and technology to improve its effectiveness and efficiency and to mitigate increasing resource pressures caused by a

²⁵ See, for example, Kim Bolan (March 4, 2009). “Arrests a breakthrough in fight against gangs: police.” *Vancouver Sun*, p. A1. Accessed at <https://www.pressreader.com/canada/vancouver-sun/20090304/284696202828333>; <https://council.vancouver.ca/20090324/documents/a15.pdf>; and, Kim Bolan (April 24, 2009). “7 more gangsters face charges – Police say they have ‘functionally dismantled’ Sanghera crime group as Project Rebellion’s scope widens.” Accessed at <https://www.pressreader.com/canada/vancouver-sun/20090424/282686158166602>.

²⁶ Stats Canada yearly crime statistics; Vancouver Police Department Annual Reports, Author’s files.

²⁷ Vancouver Police Department Annual Reports, available at <https://vancouver.ca/police/about/publications/index.html>.

²⁸ Ibid.

²⁹ See, for example, Vancouver Sun (March 4, 2010). “Police Deserve a medal for their performance.” Accessed at <https://www.pressreader.com/canada/vancouver-sun/20100304/textview>; and Gerry Bellett and Larry Pynn (March 2, 2010). “VPD deputy chief has sore hands from all the high fives.” *Vancouver Sun*. Accessed at <https://www.pressreader.com/canada/vancouver-sun/20100302/284485749683972>.

³⁰ British Columbia. Missing Women Commission of Inquiry. “Forsaken: the report of the Missing Women Commission of Inquiry.” Wally T. Oppal, Commissioner, Volume III, at p. 20.

³¹ Police Chief (January 2013). Volume LXXX, Number 1. *International Association of Chiefs of Police*. Accessed at <https://www.policechiefmagazine.org/wp-content/uploads/PoliceChief-January2013.pdf>.

³² Ibid, note 30.

³³ Mike Howell (December 3, 2019). “Vancouver police chief makes pitch for 25 new cops.” *Vancouver Courier*. Accessed at <https://www.vancourier.com/news/vancouver-police-chief-makes-pitch-for-25-new-cops-1.24026408>.

growing municipal and regional population driving up calls for service.³⁴ For example, in 2015, the VPD implemented another crime-fighting tool, “GeoDash,” a system that makes detailed, searchable crime information available to the public, but internally provides much greater functionality: almost real-time on-line mapping of crime, crime patterns and trends, and a visual display of critical information on the in-car police laptops.³⁵ Further, in 2017, it was the first police department in Canada to implement industry leading “predictive policing” technology as well after a pilot in 2016 demonstrated its utility to reduce property crime.³⁶ Excellent analytical capacity is not a panacea for inadequate resources, but it can help ensure that resources are used as effectively and efficiently as possible.

The Benefits of an Operational Review for the VicPD

The VPD is obviously a much larger organization than the VicPD with greater economies of scale, but it is important to note that VicPD faces very similar challenges to Vancouver’s, just on a smaller scale. For example, it must deal with a concentration of homelessness, mental health issues, and crime, partly as a result of being the core city in a much larger metropolitan area with multiple police jurisdictions (as described in more detail in the Phase I Budget Allocation Formula report). Its high police officer to population ratio and per capita costs³⁷ can be misleading because VicPD must deal with crime and disorder issues that are significantly influenced by its core city status and the (non-resident) regional population’s impact, not to mention the impact of tourism, homeless tent encampments, and protests at the Legislature. And no matter how innovative and intelligence-led a police organization is, without the adequate resources, including sworn and civilian staff, it will struggle to be successful.

It is beyond the scope of this Review to conduct an analysis of the adequacy of VicPD’s current resources and the efficiency with which they are deployed. It is notable, however, that VicPD has the highest crime rate (by a considerable margin) and the highest *Criminal Code* case burden per officer of all communities policed by a municipal police force in B.C.³⁸ Further, the VicPD’s 68 full-time civilian staff comprise about 21 percent of its total full-time staff complement of 317, while the average for civilian staff in police agencies in Canada is significantly higher at 28 percent.³⁹ Finally, VicPD’s analytical capacity appears low for a police department of its size, especially considering the volume and complexity of issues it faces. It has one tactical analyst, one strategic analyst, one intelligence analyst, and one policy analyst. The VicPD is the second largest municipal police force in B.C. and on a

³⁴ Ibid.

³⁵ <https://www.blueline.ca/vancouver-police-adopt-geodash-to-predict-property-crime-4565/>

³⁶ Matt Meuse (July 22, 2017). “Vancouver police now using machine learning to prevent property crime.” *CBC News*. Accessed at <https://www.cbc.ca/news/canada/british-columbia/vancouver-predictive-policing-1.4217111>.

³⁷ VicPD has the lowest resident population per officer and consequently the highest cost per capita of the 11 municipal police forces. Vancouver has the second lowest resident population per officer and the second highest cost per capita. Source: Police Resources in British Columbia, 2018, p. 10. Accessed at <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/statistics/police-resources.pdf>.

³⁸ Ibid.

³⁹ In 2018, there were 68,562 police officers in Canada and 26,851 civilian personnel. Source: Patricia Conon, Jodi Robson and Sharon Marcellus (October 3, 2019). Police resources in Canada, 2018. *Statistics Canada*. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00015-eng.htm>.

proportional basis, its analytical capacity is far less than that of the Vancouver Police Department, with which the VicPD shares the most in common in terms of the challenges of policing in a core city.⁴⁰ But even in comparison to the neighbouring Saanich Police Department, a force of 161 officers with a per officer *Criminal Code* case load 60 percent of VicPD's,⁴¹ it is notable that it has a Research and Policy Unit comprised of three policy analysts.

As described earlier, it is very difficult to be proactive without sufficient analytical capacity and the resources necessary to take action; an investment in resources, if efficiently deployed, has the potential to decrease demand (or at least decrease *increases* in demand) by preventing crime, disorder and calls for service that would otherwise occur.

Notably, the VicPD has been the subject of several reviews of since 2012. These include a 2012 examination by the University of the Fraser Valley that recommended additional resources for the VicPD and an increased focus on crime reduction strategies; a 2017 review of VicPD's financial management by Inverleith Consulting Inc. that found "VICPD has a reasonably strong financial accountability framework in place";⁴² a 2017 "Efficiency Review" by MNP LLP that made numerous recommendations, including the addition of sworn and civilian staff;⁴³ and a 2018 review of VicPD's resource levels and deployment model by a former police chief contracted to Police Services which concluded "VicPD's policing model is consistent...with other leading-edge police agencies."⁴⁴

However, it appears the previous reviews did not have sufficient buy-in from Victoria and Esquimalt and the result was a lack of confidence in their findings. While the municipalities did not find these previous reviews compelling, there was support expressed during the current Review for another examination of VicPD's efficiency and deployment model. However, there was also a strong sentiment that a review must look beyond traditional police approaches to examining and piloting different models that have the potential to reduce VicPD's workload rather than to simply justify increasing resources to match increases in demands for service.

A better model to conduct such an examination and arrive at results both municipalities can have confidence in is to conduct an "Operational Review" which involves – from the outset – senior representatives from both municipalities, the VicPD, and the Police Board. All parties should reach consensus on the Terms of Reference and could also serve as a steering committee for independent consultants with the appropriate experience and expertise. (Such reviews have been conducted elsewhere in B.C. and Canada.) Research suggests a comprehensive operational review:

has the potential to counter unsubstantiated arguments from various interest groups about the delivery of policing services and the expenditures of police resources; and allow senior

⁴⁰ For example, in its Planning and Research Unit alone, the 1,327-officer VPD has a combination of 16 sworn and civilian staff and has crime analysts for each Patrol District and each of multiple investigative sections (e.g., Major Crime Section, Specialized Investigation Section, Property Crime Section).

⁴¹ Police Resources in British Columbia, 2018, p. 10. Accessed at <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/statistics/police-resources.pdf>.

⁴² Inverleith Consulting Inc. (August 13, 2017). Review of Victoria Police Department Phase One Report.

⁴³ MNP (March 15, 2017). Efficiency Review of Victoria Police Department.

⁴⁴ Peter Lepine (August 13, 2018). Review of the Victoria Police Department's Resource Levels and Deployment Model Phase One. Ministry of Justice Policing and Security Branch.

administrators to make informed decisions on policy and practice and to facilitate organizational reforms. The findings from ORs can also be used to educate police boards, municipal councils, and other funders who often have little information about policing other than that gleaned from the media.⁴⁵

Further, with appropriate Terms of Reference, an operational review can assess the potential for the implementation of policing best practices based on the latest evidence. For example, the exponential increase over the last two decades in mental health-related incidents, resulting in part from a lack of funding for mental health services, has greatly impacted policing in Canada and elsewhere.^{46 47} It is estimated that almost one in five contacts with police in Canada involves a person with a mental health or substance use disorder.⁴⁸ Regarding mental health-related incidents alone, 2019 VicPD PRIME-BC data reveals that 20 percent of incidents attended involved mental health as a factor.⁴⁹

VicPD is challenged by a high number of mental health-related incidents and Victoria has expressed keen interest in looking for ways to significantly reduce VicPD's burden with respect to this demand on their resources. The VicPD is already engaged in known best practices, such as Assertive Community Treatment teams,⁵⁰ but other jurisdictions have implemented or are examining additional strategies.

For example, in Canada, some police agencies are implementing the HealthIM system. The manufacturer reports that "in the first 12 months after launching the program, police departments see an average drop of 46 per cent in the number of people apprehended after a police call, along with a 39-per-cent decrease in emergency wait times and a 37-per-cent increase in admission rates."⁵¹ Eugene, Oregon and Denver, Colorado have implemented the Crisis Assistance Helping Out in The Streets (CAHOOTS) and Support Team Assisted Response (STAR) programs, respectively, which divert

⁴⁵ Curt Taylor Griffiths, Nahanni Pollard & Tom Stamatakis (2015). Assessing the effectiveness and efficiency of a police service: the analytics of operational reviews. *Police Practice and Research*. Vol. 16, No. 2, 175-187, <https://doi.org/10.1080/15614263.2014.972621>.

⁴⁶ The Honourable Frank Iacobucci (July 2014). Police Encounters with People in Crisis, p. 74. Accessed at https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf

⁴⁷ See, for example, The Honourable Frank Iacobucci (July 2014). Police Encounters with People in Crisis, p. 37. https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf; Erin Anderssen (October 26, 2019). "Forced to the frontlines of mental health: Police have become the new first responders for vulnerable Canadians." *Globe and Mail*. Accessed at <https://spon.ca/forced-to-the-frontlines-of-mental-health-police-have-become-the-new-first-responders-for-vulnerable-canadians/2019/10/27/>; and, Ben Ferguson (October 23, 2013). "Mentally ill people are taking up a huge amount of police time." *The Guardian*. Accessed at <https://www.theguardian.com/society/2013/oct/23/police-response-mentally-ill-people>.

⁴⁸ Jillian Boyce, Cristine Rotenberg and Maisie Karam ((2015). Mental health and contact with police in Canada, 2012. *Canadian Centre for Justice Statistics*. Accessed at <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2015001/article/14176-eng.pdf?st=xBgm3Z8k>.

⁴⁹ VicPD PRIME-BC data.

⁵⁰ See, for example, <https://www.islandhealth.ca/our-services/mental-health-substance-use-services/assertive-community-treatment> and <https://www.uvic.ca/news/topics/2018+act-health-teams-police-integration+ring>.

⁵¹ Erin Anderssen (October 26, 2019). "Forced to the frontlines of mental health: Police have become the new first responders for vulnerable Canadians." *Globe and Mail*. Accessed at <https://spon.ca/forced-to-the-frontlines-of-mental-health-police-have-become-the-new-first-responders-for-vulnerable-canadians/2019/10/27/>.

mental illness calls and drug overdose calls to a non-policing agency.⁵² The CAHOOTs program reports that of the “the 24,000 calls it responded to in 2019, about 150 of them required police backup.”⁵³ Victoria Council has already apparently approved a motion to review such programs,⁵⁴ but should such a program be implemented, coordinating with VicPD and ensuring complementary policies will be important.

There are other programs being piloted to reduce reliance on police as first responders to mental health calls as well. For example:

- In San Francisco, California, there are plans to implement in late 2020 a different kind of program, described as:

among the largest and boldest urban police reform experiment in decades...teams of professionals from the fire and health departments — not police — to respond to most calls for people in a psychiatric, behavioral or substance abuse crisis...these types of crisis calls will mostly be handled by new unarmed mobile teams comprised of paramedics, mental health professionals and peer support counsellors.⁵⁵
- In Dallas, Texas, the “RIGHT Care”⁵⁶ program involves a three-person team of a police officer, a paramedic and a social worker and is dispatched to 911 calls with a mental health component. “Police secure the scene, paramedics rule out medical crises, and then a social worker evaluates the individuals involved and helps come up with a course of action.” The program has reportedly helped divert “nearly 30% of its calls from jails and ERs and connected nearly 18% of people they've interacted with to mental health care...”⁵⁷
- In North Yorkshire, UK, since 2013 there have been mental health street triage teams that work with North Yorkshire Police (NYP) and attend incidents where mental distress is a factor.⁵⁸ In 2016, police added mental health nurses in its “Force Control Room” to monitor calls and provide advice to staff and officers on the ground when dealing with a person in a mental health crisis.⁵⁹

⁵² <http://www.denverjusticeproject.org/2020/06/08/press-release-alternative-public-health-emergency-response-pilot-launches-in-denver/>.

⁵³ Christina Maxouris (October 10, 2020). “These mental health crises ended in fatal police encounters. Now, some communities are trying a new approach.” *CNN*. Accessed at <https://amp-cnn-com.cdn.ampproject.org/c/s/amp.cnn.com/cnn/2020/10/10/us/police-mental-health-emergencies/index.html>.

⁵⁴ Lindsay Kines (June 19, 2020). “Victoria eyes civilian mental-health team to deal with calls now handled by police.” *Times Colonist*. Accessed at <https://www.timescolonist.com/news/local/victoria-eyes-civilian-mental-health-team-to-deal-with-calls-now-handled-by-police-1.24156055>.

⁵⁵ Eric Westervelt (October 19, 2020). “Removing Cops From Behavioral Crisis Calls: ‘We Need To Change The Model’.” *NPR*. Accessed at <https://www.npr.org/2020/10/19/924146486/removing-cops-from-behavioral-crisis-calls-we-need-to-change-the-model>.

⁵⁶ <https://www.parklandhospital.com/news-and-updates/right-care-team-responds-to-mental-health-crisis-c-1488>.

⁵⁷ Christina Maxouris (October 10, 2020). “These mental health crises ended in fatal police encounters. Now, some communities are trying a new approach.” *CNN*. Accessed at <https://amp-cnn-com.cdn.ampproject.org/c/s/amp.cnn.com/cnn/2020/10/10/us/police-mental-health-emergencies/index.html>.

⁵⁸ <https://northyorkshire.police.uk/what-we-do/public-safety-and-welfare/mental-health/>

⁵⁹ *Ibid*.

- In Stockholm, Sweden, authorities introduced the Psychiatric Emergency Response Team, an ambulance staffed by two mental health nurses and a paramedic, dedicated only to mental health cases, and responds to about 130 calls per month, the majority involving suicidal risk.⁶⁰ The program is considered “a huge success by police, nurses, healthcare officials, as well as by the patients.”⁶¹

The issue of mental health calls is just one example where an operational review could potentially assist with recommendations for best police practices to support alternative methods of responding to mental health calls, reduce police workload, and improve service to the community.

CONCLUSION

The Framework Agreement agreed to by the Victoria and Esquimalt Police Board, the City of Victoria, and the Township of Esquimalt in 2014 was and remains a valuable document to guide the relationship between the three stakeholders. However, there have been some ongoing issues that have created friction and a lack of trust between the parties. Underlying the concerns is the reality that both municipalities would rather not be parties to an amalgamated police service and this reality colours discussions.

For Esquimalt, in addition to that overarching concern, a key issue is that it believes it is paying a disproportionate amount of the VicPD’s budget based on its share of the workload. This impacts on Esquimalt’s relationship with Victoria. Victoria acknowledges Esquimalt’s concerns and is committed to ensuring Esquimalt is paying only its fair share. In Phase 1 of the Review, a new Budget Allocation Formula was recommended. It is hoped that if both municipalities approve adoption of the proposed BAF, this major source of friction will be alleviated.

Victoria has few concerns with the Agreement itself but has a strong desire to see policing costs reduced by ensuring the VicPD is operating as effectively and efficiently as possible. Further, Victoria is keen to see that potential innovations are explored to reduce the demands on policing (e.g., by alternative models for responding to mental health-related incidents), rather than maintaining the existing model. These objectives could be advanced via an operational review whose Terms of Reference are agreed to by all parties to the Agreement.

Esquimalt believes the Agreement has been effective for the most part, appreciates the work of the Director of Police Services chairing the Management Committee, and expressed optimism for the future. However, it has several concerns, not with the language of the Agreement itself, but with compliance to the Agreement. For example, it is concerned it must pay a share of costs for initiatives that it believes only benefit Victoria and should not be included in the cost sharing formula. On this issue, it should be

⁶⁰ Lorna Reed (April 12, 2017). “Stories of Change: The World’s First Mental Health Ambulance.” *Social Innovations Exchange*. Accessed at <https://socialinnovationexchange.org/insights/stories-change-worlds-first-mental-health-ambulance>.

⁶¹ Ibid.

noted that until 2019, the most significant Victoria event funded by overtime and cost-shared between the two municipalities was policing for Canada Day. Since then (although it was cancelled in 2020), Victoria has agreed to fund this cost separate from the VicPD budget, so Esquimalt does not bear any of the costs. VicPD is concerned that creating additional separate budgets for initiatives funded by overtime could create a slippery slope; however, this issue is worthy of further analysis to determine whether, overall, Esquimalt is being disadvantaged and, if so, how this might be mitigated.

Esquimalt is also concerned with a lack of information regarding the amount of time Esquimalt Division resources spend in Victoria, and insufficient consultation on matters such as reallocation of resources, performance metrics, and the selection of the Inspector for the Esquimalt Division. VicPD, along with the Police Board, advise they are committed to providing the best information available. Further, VicPD acknowledges insufficient consultation on the selection of the Inspector previously but is committed to compliance with the Agreement going forward and is engaged in the consultation process now regarding the next Inspector for the Esquimalt Division.

Police Board representatives noted that the Agreement is a valuable document to guide decision-making but the process to resolve disagreements related to the Agreement (e.g., under s. 4.5) had not been utilized. They also were open to exploring the creation of a budget outside the BAF for special projects focused in Victoria.

A final overarching theme that emerged in interviews with stakeholders was the need for improved trust among the parties to the Agreement, and that improved communications would contribute to this objective. Expected near-term discussions regarding staffing levels in the two policing Divisions provide an opportunity for a “reset” on how the Agreement is utilized, and to improve trust between the parties.

To accomplish this, several important elements must be in place.

- First, all parties must commit to having the staffing levels discussion consistent with s. 4.5 of the Agreement.
- Second, to ensure a productive discussion, the Board and VicPD must provide all necessary performance data in advance of discussions to provide for informed decisions, i.e., data describing the actual use and deployment of resources in the Dedicated Municipal Divisions, as well as other information as set out in ss. 6.1 to 6.6 of the Agreement. (The utility of this data would be greatly enhanced if capacity could be developed in the VicPD to provide actual total police hours consumed by dispatched incidents in each Division, rather than being limited to the number, type and priority of the incidents.) Further, VicPD must bring deployment model options that model different scenarios (e.g., a reduction in Esquimalt Division strength while ensuring adequate surge capacity, and redeploying the officers to Victoria Division, non-front-line policing roles, or eliminating them from the authorized strength of the VicPD).
- Third, the use of a professional, neutral facilitator to help the parties develop a structured framework for communication, to work through the challenging issues related to staffing levels,

and to improve trust is highly recommended, for the reasons described earlier. The expected discussion pursuant to s. 4.5 is an opportunity to assess the benefits of a facilitator.

This Phase II Review makes several recommendations to address the key concerns identified but recognizes that all the parties to the Agreement are experienced and sophisticated representatives of their organizations. Therefore, the recommendations are focused on:

- Consideration of suggestions to increase and enhance opportunities for meaningful dialogue between the two municipal Councils, the VicPD, and Police Board members;
- The importance of compliance with the Agreement, and utilizing the processes set out to resolve disputes; and
- Addressing the issue of VicPD's capacity, including analytical capacity, and the importance of exploring innovative practices to increase effectiveness and efficiency, including alternative models to address work that currently falls to the VicPD.

Finally, it is recognized that there are some underlying concerns with the amalgamated policing model that have impacted previous discussions. In fact, both Victoria and Esquimalt would prefer not to continue with an amalgamated police department in the absence of broader police amalgamation in the CRD. While respectfully recognizing this desire, examining the issue of continuing the amalgamation is outside of the scope of this Review. Further, no information surfaced during this Review to suggest changes to the model are likely in the foreseeable future.

The current Agreement is in effect until December 3, 2023 and remains a valuable guide for decision-making if all parties to it renew their commitment to its success. In this regard, the parties are encouraged to take advantage of opportunities to improve the level of trust and communication through consideration of strategies set out in this Review, including the use of a professional facilitator for pending discussions regarding staffing levels in the dedicated municipal divisions. While it is recognized that improved communications will not address the desire of the parties to withdraw from the amalgamation, better communications and increased compliance with the Agreement will help to ensure that the citizens of Victoria and Esquimalt receive the most effective and efficient police service possible within the current model.

RECOMMENDATIONS

1. In response to the Phase I BAF report, Esquimalt expressed its desire to reduce its allocation of police officers to match their policing demands more closely and thereby reduce costs. This will have implications for Victoria as well. The parties must utilize the process under s. 4.5 of the Agreement to resolve this matter, including the matter of whether any resources removed from the Esquimalt Division are moved to the Victoria Division, moved elsewhere in the VicPD, or eliminated from the authorized strength. Further, the VicPD must be consulted regarding the impact on the current deployment model and potential alternative models. This will help ensure that future deployment in Esquimalt is efficient, effective, and resilient to surges in demands for service;
2. The VicPD, in consultation with Esquimalt, should develop deployment model options for consideration given Esquimalt's stated desire to reduce the size of the Esquimalt Division, and the challenges created in terms of capacity to adequately address demands for service, including surges in call load. These alternative deployment models must provide for reasonably efficient and effective deployment, but also recognize Esquimalt's individuality as a municipality;
3. To ensure an informed discussion regarding Recommendations 1 and 2, the Police Board must ensure that the data contemplated in sections 4.5 and 6 (in its entirety) of the Agreement, to the extent reasonably practicable, is provided by the VicPD;
4. The VicPD, in recognition of Esquimalt's different community characteristics and policing expectations, should develop a concise orientation package for any members assigned to the Esquimalt Division so that they better understand Esquimalt's expectations;
5. The VicPD, in consultation with Esquimalt and Victoria, should conduct analysis to determine the amount of cost-shared overtime for policing initiatives focused in Victoria, and whether this is reasonably offset by initiatives and other extra policing services focused in Esquimalt. This information should inform discussions about whether steps should be taken to mitigate any potential inequities;
6. The VicPD should identify in writing to the Police Board and the two municipalities the obstacles to providing enhanced data, separated by municipality, including crime rates, the crime severity index, and call load, including total time consumed by dispatched calls (to increase the utility of existing data regarding the number, type, and priority of calls) so that the parties can work collaboratively to improve VicPD's data analysis capacity;
7. Pursuant to section 6 of the Agreement ("Performance Metrics"), Victoria and Esquimalt should identify specifically, in writing, to the Police Board and VicPD what additional information it desires (e.g., improved performance metrics, improved information for budget discussions). There should be a full discussion between the parties to reach consensus on what should and can be provided, and the Police Board should ensure that VicPD is able to – and does – provide

this information, or identifies any additional resources required (e.g., for analysis) to fulfill these expectations;

8. The parties to the Agreement should consider an independent, expert operational review of the VicPD to determine if there are potential efficiency improvements, including best practices to reduce current police workload, such as differential responses to some mental health incidents, as well as the adequacy of its sworn and civilian resources. The parties to the Agreement should collectively determine the Terms of Reference for any such operational review; and
9. Communications between the parties to the Agreement have at times been challenging. The Review has identified several best practices to improve communications, summarized on pages 14-15. These suggestions are recommended for careful consideration by all parties to the Agreement. Further, it is recommended that the parties consider working together to develop a written framework or structure to support consistent, effective communication practices that will enable long term effective communications that will withstand turnover of those on the Police Board and in elected office. It is strongly recommended that this framework be developed with the assistance of an expert facilitator mutually agreed upon by the parties. Such a facilitator might also be of substantial assistance in supporting the s. 4.5 discussions envisioned in Recommendation 1, which could provide the opportunity to explore new communications strategies. Disputes regarding what constitutes “optional services” as set out in s. 5 of the Agreement may also lend themselves to a facilitated discussion. Any party to the Agreement can also access the dispute resolution process set out in s. 12.5(c) when necessary.

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