



2019 National Indigenous Day Celebration hosted by
Transit Police and TransLink at Sapperton Building



METRO VANCOUVER
**TRANSIT
POLICE**

Strengthening
Transit Police Support
To Indigenous Peoples



EXECUTIVE SUMMARY

In recognition of their governance and oversight of the Transit Police, the Transit Police Board Governance Committee requested that the Transit Police Executive review the 2018 Final Report of the Thunder Bay Police Services Board Investigationⁱ for learnings and any considerations for the Transit Police and its Police Board. This report provides a brief overview of the Thunder Bay Police Services Board Investigation (“Investigation”) and findings, and considers the arising recommendations in comparison to the situation of the Transit Police and its governance and operational environment.

This comparative report to the Transit Police Board identifies the governance structures and many of the various protocols and measures in place within British Columbia and the Transit Police Board, to support good governance and oversight, and fulfilment of the Transit Police mandate. The report highlights initiatives taken or planned (consistent with the Transit Police Strategic Plan) and makes recommendations with respect to:

- Enhancing Transit Police and the Police Board’s cultural awareness and understanding of Indigenous Peoplesⁱⁱ and their past and current realities;
- Improving safety and Transit Police support for Indigenous Peoples and ensuring of thorough investigation of crimes;
- Promoting fair and impartial policing; and
- Building Transit Police relationships, trust and confidence with Indigenous Peoples and other vulnerable communities.



In addition, included in this report is an update on Transit Police initiatives in relation to serving and supporting Indigenous Peoples, and investigative protocols in place for missing persons (see Appendix “A”).



BACKGROUND TO THUNDER BAY POLICE SERVICES BOARD INVESTIGATION

The following information is an extrapolation from the Investigation report only; for the full document and context/analysis refer to [Thunder Bay Police Services Board Investigation - Final Report](#).

Introductionⁱⁱⁱ

Between July 2017 and October 2018, an investigation was undertaken by the Honourable Senator Murray Sinclair regarding the Thunder Bay Police Services Board ("TBPS Board"). The Investigation was in response to concerns of the First Nations leaders from Nishnawbe Aski Nation, Grand Council Treaty 3 and the Rainy River First Nations regarding the TBPS Board's oversight of police services following a series of deaths and race-based violence against Indigenous Peoples in Thunder Bay.

The Ontario Civilian Police Commission ("OCP"), an arms-length agency of the Ontario government, retained Senator Murray Sinclair to lead the Investigation, with a particular emphasis on the TBPS Board monitoring of the relationship between the Thunder Bay Police Service ("TBPS") and the Indigenous community. The Investigation examined the TBPS Board's:

1. Performance in carrying out its responsibilities pursuant to the Ontario *Police Services Act* ("PSA") to ensure the provision of 'adequate and effective' police services in Thunder Bay;
2. Role in determining 'objectives and priorities' with respect to police services in Thunder Bay, pursuant to the PSA;
3. Role in establishing policies for the effective management of the police service, pursuant to the PSA; and
4. Role in ensuring that police services provided in Thunder Bay are provided in accordance with the Declaration of Principles set out in the PSA.

The arising Investigation Report provided an overview of the process followed to undertake this Investigation; issues, trends and concerns the Investigation identified; and recommendations and remedial measures proposed to address those concerns.

The Context^{iv}

The current state and structure of policing in Thunder Bay is inextricably linked to the city's historical relationship with the First Nations who inhabited the region for millennia. In the early years of the fur trade, the Thunder Bay area was a meeting place for Indigenous trappers and French traders, with the Kaministiquia River serving as a point of entry and transit for western settlement. British interest in securing lands for settlement and



development led to the 1850 Robinson-Superior Treaty, which provided the Crown with access to 43,000 square kilometres of land. The Treaty defined hunting and fishing rights and promised annual payments to First Nation signatories. Since signing the Treaty, however, privileges and reserve land have been eroded and rescinded. Land was expropriated to facilitate settlement and development through a series of “surrenders”, depriving First Nations of both land and livelihoods, and leading to their increasing marginalization in the social, political and economic life of the growing urban centre. The rapid expansion in the twentieth century of transportation services and industry led to prosperity and population growth, primarily among European-based demographic groups. When the present city of Thunder Bay was formed in 1970, its history and structure already embodied many of the elements that give rise to the concerns addressed in the Investigation.

The city’s position as a transportation, education, health care and service hub for First Nations across Northern Ontario has attracted a large permanent and transitory Indigenous population. This group, however, has not by-and-large shared in the prosperity; First Nation residents are under-represented in the governance, economy and institutions of the city, and over-represented in its criminal justice and social support systems. The circumstances that gave rise to the Investigation – an extreme level of racism, differential treatment by police towards Indigenous Peoples in missing person and death investigations, and violence against Indigenous Peoples generally in Thunder Bay – are not new phenomena, but long standing issues, well documented in media articles and various studies on racism in Thunder Bay. This is the complex environment in which the TBPS and TBPS Board are called on to provide service.

The Findings^v and Investigation Outcome^{vi}

The Investigation found that Indigenous Peoples of Thunder Bay experience racism, both overt and systemic, on a daily basis. There were high-profile cases of murder and violence; every Indigenous interviewee had a personal story, ranging from inferior service, verbal insults, and racial profiling to physical assaults, threats of violence, and, in many cases, the death by violence of friends or family members. This general climate of racism was most powerfully described by those who experience it daily; it was also reflected in an analysis of media coverage, statistics on rates of violent and race-based crime, and prior studies on these issues.

As a result, the Indigenous community in Thunder Bay lost its confidence in the ability and, in many cases, the commitment of the TBPS to protect them. There is a relationship between the Indigenous community and police characterized by suspicion and distrust, with several contributing factors:



- A perception that police will minimize, dismiss, or fail to investigate complaints of violence against Indigenous People with diligence, particularly if intoxicants are involved;
- Poor communication with Indigenous victims of crime and their families by the TBPS;
- A fear that formal complaints by Indigenous individuals directed to the TBPS will result in repercussions against the complainant; and
- A general failure by TBPS to address recurring categories of crime against Indigenous People in a comprehensive and systemic way.

Negative perceptions of the TBPS by the Indigenous community have been exacerbated over the years by incidents in which unmistakable racism is displayed by individuals within the TBPS. These have ranged from well-documented public mockery and the dissemination of racist stereotypes, to use of excessive force against and humiliation of Indigenous individuals, to disturbing deaths in custody. Apart from its contribution to the climate of fear and suspicion, a further consequence of this distrust is a strong reluctance on the part of Indigenous victims or witnesses to report crimes, or to avail themselves of the police protection that non-Indigenous People take for granted.

In a community with a high level of violence directed against a specific segment of the population, it is reasonable to expect that special efforts would be made to ensure the safety and security of that population, and to put resources, plans and policies in place to protect them. Several such initiatives were taken in the past and some provided evidence of a measure of success. However, the climate of mistrust persists. This suggests that the failure of the TBPS to adequately protect the Indigenous community goes beyond actions and attitudes displayed by a few racist “bad apples” on the TBPS; it is the manifestation of a deeper and more systemic problem.

In summary, the Investigation found that the TBPS Board failed to recognize and address the clear and indisputable pattern of violence and systemic racism against Indigenous Peoples in Thunder Bay. Moreover, the TBPS Board’s failure to act on these issues, in the face of overwhelming documentary and media exposure, is indicative of willful blindness. The results of this failure are clear:

- Absence of plans and policies to address the crisis in violent crime;
- An oversight body disengaged from its basic functions of planning, policy development and community engagement; and
- A major municipal institution lacking many of the basic instruments of good governance and oversight.



Considering the findings, the Investigation determined that bold measures were required and that police services boards need to be cognizant and capable of carrying out all of their statutory responsibilities. In the TBPS Board situation, capacity to fulfill their statutory duty was not demonstrated; the Investigator recommended that the OCPC exercise its authority under the PSA and appoint an Administrator on an emergency basis. *(The Administrator would temporarily exercise all of the powers of the TBPS Board until new board members are appointed and appropriately trained, and other necessary measures in place. The details of the recommended powers and duties of the Administrator were set out in Part IV of the Investigation Report.)*

Additional recommendations were identified through the Investigation to address needs and issues, including the specific functions of the TBPS Board and Ministry to address the systemic discrimination that exists in policing of Indigenous Peoples in Thunder Bay.

RECOMMENDATIONS AND COMPARISON TO TRANSIT POLICE BOARD

By considering the recommendations from the Investigation on the TBPS Board, the Transit Police Board is able to reflect upon the Transit Police operating environment and the Police Board's own governance in relation to legislative mandate and community expectations, and expectations for a public governance body. While many appropriate measures may already be in place and felt sufficient, the comparison provides an opportunity to identify areas where improvements could be made to support good governance and the pursuit of excellence in transit policing.

TBPS Board Investigation - Summary of Recommendations ^{vii}		Transit Police Board/Transit Police Service Comparison	Status
Regarding Board Governance Policy:			
R.1	It is recommended that there be a clear statement of the role of the Board in governing the police service, defining the key instruments required to provide governance, and specifying the authorities and constraints on the Board.	Transit Police Board Governance Manual – Parts A to C Provincial Police Board Handbook also exists.	✓
R.2	It is recommended that a person who does not carry out any other municipal role, especially one at the executive level, be appointed to provide services to the Board in the capacity of a Secretary.	Independent Police Board Secretary in place. Role in Transit Police Board Governance Manual – Part C6.	✓



R.3	It is recommended that the Board Chair, with support from the Chief, presents the budget to the municipal government that includes remuneration for an Executive Director.	Police Board has its own allocated budget and paid staff. A Police Board Finance Committee in place. Police Board Chair provided opportunity to participate with TransLink in budget discussion	√
R.4	It is recommended that the Board develop a policy regarding relations between the Board and the Chief that clearly delegates operational responsibility to the Chief, but also outlines the Chief's duties at a high level to include: 1. The duty to manage the TBPS effectively and efficiently; 2. The duty to implement the policy direction of the Board; 3. The duty to ensure a service that reflects the community it serves; 4. The duty to provide information to the Board on the TBPS' performance, its compliance with policies, community relations, developing trends or significant incidents that would affect plans or changes to police services and annual training and reports on performance in delivering services free of bias, racism, discrimination and harassment; and 5. The duty to brief the Board on serious incidents that can affect the community, either past or anticipated.	Chief's role and responsibilities are in Transit Police Board Governance Manual – Part C5, as well as the multi-party MOU with TransLink/TSML/Transit Police/Police Board. BC Provincial Policing Standards and Transit Police Strategic Plan include objectives related to community engagement, diversity within staffing, etc. Ongoing reports to the Police Board, e.g., strategic plan updates, human resources, crime trends, complaints and files of note, audits and reviews, emerging issues/governance matters. Annual Chief's Planning Tool outlines scope of reports to be submitted to Police Board over the year; includes requiring updates when sensitive issues arise. In addition, this is outlined in SOP55 – Notification of Sensitive Issues and required by specific policies such as Firearms, Use of Force, Respectful Workplace, and Complaints.	√
R.5	It is recommended that the Board establish a Governance Committee to review and propose revisions where necessary to all existing policies, including its Missing Person	Governance Committee in place, with terms of reference. Robust policy development and review process in place, with Governance Committee and Police Board role. Missing Persons Policy on High Risk	√



	Policy, and to oversee the development and regular maintenance of Board policies.	<p>policy list of Police Board, and most recently revised and approved by the Police Board in July 2019. The Transit Police Manual has a policy development chapter.</p> <p>Annually, Police Board Members are provided a current Transit Police policy disc.</p>	
R.6	It is recommended that the Board undertake development of a Board Policy Manual to address governance and other matters that are general to all police forces, as well as those that are unique to the circumstances of the Thunder Bay Police Service	Comprehensive Police Board Governance Manual in place and regularly reviewed (by Governance Committee) for any necessary amendments.	√
R.7	It is recommended that the Board engage with First Nation organizations, including the Bear Clan and education authorities and local schools, to conduct a formal review of the Missing Persons Policy.	<p>The Province developed a number of initiatives regarding missing persons and Indigenous Peoples arising from the BC Missing Women Commission of Inquiry, including addressing how police agencies respond to missing person reports, the sex trade/sex trade workers, marginalized and Indigenous women and other 'at risk' persons/groups. That review engaged extensively with many Indigenous groups, which helped inform actions to be taken. A BC policing standard on missing persons arose and was the model for the recent replacement missing person policy for the Transit Police.</p> <p>Protecting vulnerable persons is an operational priority of the Transit Police and missing person investigations are to be undertaken at a high standard, appropriate to the risk. This is also addressed in the MOU with the JPDs, who are the primary agency for missing person investigations; thus making it crucial for cooperation between police</p>	A.1



		agencies. (See Appendices “A” and “C” for more discussion.)	
R.8	It is recommended that the Board develop and adopt an anti-racism strategy and policy for itself and the TBPS.	<p>Transit Police ‘Values’ and Strategic Plan include commitment and related strategic action. As previously reported to the Police Board, a provincial policing standard/policy on fair and impartial policing is under development. Once issued, a Transit Police policy will be developed and presented to the Police Board for consideration.</p> <p>In 2018, Transit Police Officers took the new BC Fair and Impartial Policing training as part of their Cycle 2 training. The training included important content on the legacy of colonization in Canada and legislation that has negatively impacted Indigenous Peoples, with an emphasis on the devastating impact of residential schools (including the history of residential schools in BC), and the TRC findings in 2015. The officers were also asked to consider the impact of these decisions on police legitimacy today; and the potential for discrimination when interacting with Indigenous Peoples. New Transit Police Officer hires continue to receive this training.</p>	A.2 A.3
R.9	It is recommended that all Board policies be publicly and easily accessible.	Transit Police policy manual is posted on website for public access (redacted only where needed for FOIPPA); regularly updated.	√
R.10	It is recommended that the Governance Committee post all draft policies on the Board’s website for public review.	While there has been occasional consultation on draft policy or SOP content, it is issue specific. Application of this concept is not deemed practicable for <u>all</u> policies, in consideration of need for operational efficiencies, risk	A.4



		mitigation, and compliance with policing standards.	
Regarding Board Planning:			
R.11	It is recommended that the Board develop a Policy on Business Planning.	Such a policy is required by BC policing standards and covered by Transit Police policies: AA030 – Role and Direction, AE010 – Strategic Planning, and Section E3 of the Police Board Governance Manual. Also included in multi-party MOU with TransLink/TSML/Transit Police/Police Board	✓
R.12	It is recommended that the Board develop a Policy on Trend Analysis, Critical Points and Risk Management.	Covered by Transit Police Manual policies: AE020 – Research and Analysis, and AE040 – Information Management. A Risk Matrix is submitted to the Finance and Audit Committee. Operational mechanisms included, Daily Duty Report, monthly Command Accountability Review and weekly Tactical Team Management	✓
Regarding Recruitment, Retention and Promotion:			
R.13	<p>It is recommended that the Board direct the Chief to submit, for its approval, a multi-year plan for the diversification of the TBPS, to include:</p> <ol style="list-style-type: none"> 1. Specific targets for recruitment and a timeline for their achievement; 2. Recruitment strategies that focus on marginalized communities not represented or under-represented in the TBPS; 3. An analysis of existing barriers to recruitment, selection, retention and advancement of under-represented groups, and measures to address those barriers; 	<p>Workforce analysis and updates provided to the Police Board's Human Resources and Compensation Committee, and then Police Board.</p> <p>Increasing staffing diversity is within provincial policing standards, Transit Police policy AB010 – Recruitment and Selection, and Transit Police Strategic Plan – Action 3.2.3 (reported on in the semi-annual updates).</p> <p>New hire profiles to the Police Board outline backgrounds of candidates.</p> <p>Recruiting Unit planning considers diversity aims and how to enhance outreach. (See R.14 for actions of the</p>	A.5



	<ol style="list-style-type: none"> 4. Creation of a multi-stakeholder advisory group to support initiatives for retention and recruitment; 5. A plan for the training and support of existing and newly recruited staff to explain and promote the value of a representative service; 6. A development and promotion plan for current Service members from First Nations and other under-represented groups; 7. A monitoring and reporting system that enables the Board to receive accurate and timely reviews of progress to measure results; and 8. Formalizing the requirement that the Chief and the Deputy Chief have knowledge or experience with Indigenous Peoples, cultures, histories, and policing. 	<p>Community Engagement Team to help support recruitment.)</p> <p>The Chief's Community Council, with Indigenous member(s), is used to help with outreach and provide advice.</p> <p>Some mentoring and leadership development training has been done to help promote and/or retain Indigenous and ethnic diverse Members but there is no separate developmental plan for under-represented groups. In November 2019, two indigenous Members will be taking a training program on working effectively with Indigenous Peoples, and Indigenous recruitment and retention.</p> <p>Transit Police staff previously provided the training – 'Spirit has no Colour'; now all sworn (including executive) are completing the CPKN course on 'Aboriginal & First Nations Awareness'. National Indigenous Peoples Day celebrated internally with staff, and opportunities provided to participate in Indigenous and other cultural awareness /diversity events (e.g., PRIDE).</p> <p>In 2017, Members were required to complete the CPKN course to orient them on missing person investigations re new BC Missing Persons Standards and <i>Missing Persons Act</i>. All Transit Police hires continue to be required to complete this mandatory course.</p>	
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		Recruiting Unit prepares monthly sworn diversity/gender hire statistics and reports to CAR. Gender statistics included in the Strategic Plan KPIs and reported to the Police Board.	
R.14	It is recommended that the Board develop, in conjunction with the Chief, a plan to build partnerships with First Nations, educational facilities and other partners to encourage Indigenous recruitment into the TBPS.	<p>The Transit Police liaises with the Vancouver Aboriginal Community Policing Centre and its volunteers and such groups as Indigenous Perspectives Society, Native Education College (Douglas College), Urban Native Youth Association, and University of the Fraser Valley. Some ride-alongs and mentoring has occurred with post-secondary students and youth from the Pulling Together Canoe initiative. Presentations are also given to a variety of university students.</p> <p>The Transit Police Community Engagement Team is exploring a two new initiatives:</p> <ul style="list-style-type: none">- Linking with the UBC Indigenous Enrollment Team to help inform Indigenous young people of policing career; and- Creating an Indigenous Youth Cadet Program for youth ages 12 to 15, located in East Vancouver; which will also help them transition into other cadet programs geared to older youth (e.g., Vancouver Police). <p>Another Identified concern is how to address barriers to employment of Indigenous People, such as outstanding transit fines, and outstanding debt which prohibits obtaining a driver's licence and impacts employment opportunities. Restorative justice approach is</p>	A.5



		recommended for Indigenous youth and young adults to alleviate this type of barrier. Transit Police to explore how to implement a restorative justice component to direct Indigenous youth and young adults from the criminal justice system.	
Regarding Oversight of the Chief and Deputy Chief:			
R.15	<p>It is recommended that the Board develop a policy regarding relations between the Board, the Chair, and the Chief that clearly delegates operational responsibility to the Chief, but also outlines the Chief's duties at a high level to include:</p> <ol style="list-style-type: none"> 1. The duty to manage the TBPS effectively and efficiently; 2. The duty to implement the policy direction of the Board; 3. The duty to ensure the TBPS reflects the community it serves; 4. The duty to report to and provide information to the Board; and 5. The duty to brief the Board on serious incidents that can affect the community, either past or anticipated. 	<p>Roles within Police Act and BC policing standards. Police Board's and Chief's respective role and responsibilities outlined in Transit Police Board Governance Manual. Roles are also within the multi-party MOU with TransLink /TSML/Transit Police/Police Board.</p> <p>Role of Chief and Deputy also covered off in many Transit Police Policies, e.g., AA030 – Role and Direction, AA040 – Supervision, AA060 – Policy Direction, TSML No. 006 Respectful Workplace.</p> <p>Serious incident reporting is covered by both policies and SOPs, and part of the annual chief reporting tool – as discussed earlier in this report</p>	√
R.16	<p>It is recommended that Board policy on Relations with the Chief specify the Chief's responsibility to report to the Board on operational matters that may become matters of concern to the Board, including:</p> <ol style="list-style-type: none"> 1. The performance of the TBPS, specifically in delivering services free of bias, racism, 	Covered in Police Board Manual Section C5	√



	<p>discrimination and harassment;</p> <p>2. TBPS compliance with policies;</p> <p>3. The state of community relations;</p> <p>4. Developing trends or significant incidents that would affect plans or changes to police services;</p> <p>5. Implementation of operational and training plans; and</p> <p>6. Board input or decisions required.</p>		
Regarding Communication and Transparency:			
R.17	<p>It is recommended that, consistent with practice of many boards across the country, the following steps be taken by the TBPSB to make itself publicly accessible:</p> <p>1. Creation of its own website, with a separate look and feel from the PoliceService;</p> <p>2. Use of social media tools embedded in the site to encourage input;</p> <p>3. Posting of meaningful information on police activities such as the budget, performance reports, etc.; and</p> <p>4. Development of Board-specific policy and protocols for representation of the Board, crisis communication, Board confidentiality, and other internal and external communication needs.</p>	<p>Transit Police Board has its own section within the Transit Police website. This is common approach for police boards in BC. There are tools within to make contact with the Police Board and request to speak to the Police Board at board meeting or raise issue.</p> <p>Police Board public agenda, minutes and reports posted (includes budget updates, annual reports). Performance and community reports released on website. Approved Transit Police policy manual posted on website.</p> <p>Police Board Governance Manual includes policy on communications, code of conduct, conflict of interest, and board members terms of reference (includes confidentiality).</p>	√
R.18	<p>It is recommended that the Board develop and publish online an annual outreach and consultation plan, identifying:</p>	<p>Transit Police Board has open invite for its public meetings. Special outreach for meetings in the community periodically occurs, e.g. recent meeting at MOSAIC, with</p>	A.6



	<ol style="list-style-type: none"> 1. Groups that it plans to consult on specific issues or general matters; 2. First Nations affected by population flow between them and Thunder Bay; and 3. Indigenous organizations with actual or potential linkages to TBPS programs, services, and operations 	<p>multiple partners speaking. Social media outreach occurred to promote opportunity for the public to attend.</p> <p>Transit Police is active in outreach and engagement with diverse communities, and informs the Police Board on it.</p>	
R.19	<p>It is recommended that the TBPSB create a policy statement committing to the principle of openness and transparency in its communication. Specific measures reflecting this policy should include</p> <ol style="list-style-type: none"> 1. Commitment to open meetings, accessible to the community, with formal notice of the rationale for any closed or in-camera sessions or meetings; 2. Meetings held in non-police service facilities, with a minimum of security barriers or clearances necessary to gain access; 3. Publication of meeting notices, meeting agendas, supporting material, and minutes with sufficient detail to clarify the proceedings; 4. Online publication of Board policies, with opportunities for community members to provide input on policies under development; 5. Producing and posting video coverage of all public meetings; and 6. Any other measures consistent with the principle of openness and transparency. 	<p>Transit Police Governance Manual part C7 provides some guidance.</p> <p>Transit Police Board continues to increase the business conducted in its public meetings, and to release reports publically following approval of drafts.</p> <p>Public meetings are held in public accessible spaces. Notices of meetings, agendas and minutes, and public reports are available online.</p> <p>Transit Police Policy Manual, as approved by the Police Board, is posted to website for public access.</p> <p>Media and public may attend meetings and video if they choose. The Police Board may wish to explore technical options and related financial resources required to produce video coverage.</p> <p>Various forms of outreach used in the strategic planning development phases.</p>	<p>A.7 A.8</p>



Regarding Relationships with Indigenous Groups:			
R.20	It is recommended that the TBPS Board formally and explicitly adopt principles of reconciliation and recognition of Indigenous Peoples in their governance and service delivery models.	<p>No formal statement exists within the Transit Police Board Governance Manual or in annual plans. Certain approved Transit Police policies have recognized need to consider vulnerable persons, including Indigenous Peoples.</p> <p>Transit Police is currently reviewing its arrest policy (and has identified some other policies) to advance amendment to address incidents involving Indigenous individuals and for members to consider whether the public interest has been or can be served without arrest and prosecution, including through restorative justice methods, alternative measures, Indigenous community justice practices, or administrative or civil processes. (See Appendix “A” for additional comment)</p>	A.9 A.10 A.11
R.21	It is recommended the Board establish a specific policy with respect to both the Board and the TBPS’ relationship with First Nations communities, People, governments, organizations and service providers setting out the Board’s goals, objectives, strategies, communication and consultation protocols, and other measures to facilitate more effective relationships.	<p>In March 2019, Transit Police Board informed of Transit Police hiring, training and community outreach initiatives in place that relate to the findings of the 2015 Truth and Reconciliation Commission of Canada (“TRC”) Final Report and 2019 Final Report on Missing and Murdered Indigenous Women and Girls.</p> <p>The Transit Police Community Engagement Team has been developing a mental health strategy and the situation of Indigenous Peoples and vulnerable persons considered within. See Appendix A for additional discussion.</p>	A.9 A.10



		<u>An updated Status Report, with initiatives, is now prepared and attached as Appendix "A")</u>	
R.22	It is recommended that the Board establish formal agreements with First Nations governance bodies to share information and raise cultural awareness.	Transit Police has established relationships with a number of First Nations bodies within the transportation service region and is open to closer working relationships. As a supplemental police unit, Transit Police is respectful of the need work in cooperation with its JPD partners. (See Appendix "C" for a list of First Nations covering the Metro Vancouver area)	✓
R.23	It is recommended that Board direct the TBPS to develop formal Terms of Reference for the Aboriginal Liaison Unit.	There is a shared Indigenous Liaison portfolio within the Transit Police Community Engagement Team. This is currently comprised of two First Nations Members (Cst. Rattray/Neighbourhood Police Officer and Sergeant Simpkin/Patrol Support Section – Community Engagement Team). They work in coordination with Jurisdictional Police Indigenous Liaison Units/staff, while respecting the Transit Police designated role and operating protocol in place.	A.12 A.13
Regarding Board and Police Training:			
R.24	It is recommended that the Board, in co-operation with OAPSB and funded by the Province, develop a compulsory, standard orientation package for new Board members that will include: 1. Briefing by the Chair on: <ul style="list-style-type: none"> • Oath of confidentiality; • Conflict of interest statement; • Relevant legislation, especially the governance 	Oath of Office taken after appointment issued. Transit Police Board Governance Manual - Part D covers conduct and conflict of interest. Provincial code of conduct for public appointments applies. Transit Police Governance Manual - Part E5 covers Board Member orientation; extensive orientation plan and checklist in place that is facilitated by the Police Board	A.14



	<p>provisions of the <i>Police Services Act</i>;</p> <ul style="list-style-type: none"> • Strategic (Business) Plan for the Service: process and content; • Overview of current budget, and of the budgeting process; • Board policies and procedures; • Roles, powers, authorities, limitations and expectations of a Board member; • Review of current issues; • Review of confidential issues; • Communication protocols; and • Meeting schedule, planning, agendas, minutes, and protocols. <p>2. Overview of the Police Service by the Chief of Police:</p> <p>3. Outline of the organization, personnel and deployment;</p> <p>4. Tour of facilities;</p> <p>5. Meeting with senior and frontline officers; Briefing on Current Challenges and Community Developments; and “Ride Along” with frontline officers.</p>	<p>Secretary; all items suggested are covered off in the current manual.</p> <p>The Governance Committee periodically reviews the Governance Manual and suggests updates to the orientation program.</p>	
R.25	It is recommended that newly appointed Board members not be able to vote until they have completed this training.	Where possible, incoming Police Board members are invited to attend a meeting(s) prior to their appointment and orientation is started as soon as is practicable. However, a Member’s legislative authority comes into effect once the oath of office is taken following appointment.	✓
R.26	It is recommended that the TBPSB undertake on-going series of cultural	Invitations of specific groups to public Police Board meetings has	A.15



	awareness training sessions in which it invites various parts of the community to help it better understand their issues with respect to public safety.	<p>occurred in the past. Recently, this included presentations from First Nations representative Norm Leech of the Vancouver Aboriginal Community Policing Centre, as well as two First Nations Transit Police officers.</p> <p>Transit Police Board Members also have the opportunity to receive a variety of training through the BC Association of Police Boards and Canadian Association of Police Boards. In August 2019 at the CAPB conference, there was a session on police governance using the TBPS Board Investigation as a case study (two Police Board Members attended). Further, in May 2019, one Police Board Member took the Provincial training on 'Governing in the Public Interest' training that included a session on Indigenous Cultural Training and Reconciliation.</p>	
R.27	It is recommended that TBPSB use the training and development resources available from the Canadian Association of Police Governance and Ontario Association of Police Service Boards.	Transit Police Board Members have taken advantage of training through the BC Association of Police Boards, Canadian Association of Police Boards, Ministry of Public Safety and Solicitor General, and Transit Police.	√

[Note: Recommendations 28 to 45 of the Investigation Report are related to the Ontario government and their support/direction to police boards, training of new appointees and appointment of an administrator to replace the TBPS Board. Consequently, those recommendations are not considered within this report.]



[Cst. Rattray, Cst. Chua, Sgt. Simpkin, Kevin Kelly - Kwantlen First Nation and Chief Officer Jones at the October 3, 2019 Red Dress event in Surrey that honoured Murdered and Missing Indigenous Women and Men]



Suggested Actions for the Transit Police Board and Transit Police Service		TBPS Investigation Report Recommendation Reference #
A.1	Consult with Indigenous partners and Transit Police Indigenous Liaison Officer(s) when the missing person policy is next set for review (or earlier upon emerging issues).	R1
A.2	Develop Transit Police specific policy upon release of BC policing standards on fair and impartial policing so that compliance assured and common standard applied.	R8
A.3	Require all Transit Police supervisors (and other relevant positions) to complete Status of Women/Gov't of Canada gender-bases analysis introductory training course.	R8
A.4	Transit Police to consult with appropriate partners on drafts of certain policies (or seek input on the issue) which may be of public interest.	R10
A.5	Transit Police to advance analysis of existing barriers to recruitment, selection, retention and advancement of under-represented groups, and identify measures to address those barriers. This should also include gender/diversity based analysis for the promotional developmental and promotional processes.	R13/R14
A.6	Consider expanding community based meetings of the Police Board. [Board]	R18
A.7	Consider vetting of the Police Board Governance Manual and post to the Police Board section of website. [Board]	R19
A.8	Consider amending the Police Board Governance Manual to include a commitment to open and transparency in communication, and principles of reconciliation and recognition of Indigenous Peoples. This would be complementary to the approved Transit Police values (Integrity, Professionalism, Accountability, Respect and Teamwork). [Board]	R19
A.9	In consultation with the Province, Police Board to seek Indigenous representative for appointment to Police Board. [Board]	R20/R21
A.10	Consider TRC lens and aims within the new strategic planning process, and apply in Transit Police policy review and development. [Board]	R20/R21
A.11	Provide training to Members on:	R20



	<p>A. BC Prosecution Service 'Indigenous Justice Framework' and their 2019 policy changes aimed at reducing overrepresentation of Indigenous Peoples in the criminal justice system (including consideration of <i>R. v. Gladue</i>, [1999] 1 S.C.R. 688 and <i>R v. Ipeelee</i>, 2012 SCC 13. Para 60); and</p> <p>B. Trauma Informed Care to assist vulnerable people (one NPO Member trained so far).</p>	
A.12	Establish a full-time Indigenous Liaison Officer ("ILO") position and framework for involvement of other Members in the liaison function.	R23
A.13	Advance within the Patrol Support Section business planning, the principles /goals in relation to TRC, including exploring a new protocol to have Transit Police criminal files with Indigenous Peoples involved (offenders or victims) include consultation with the ILO and/or designated Indigenous Members. Also, explore options for providing back-up resources when ILO or designated officers are not on duty. (See Appendix "A" for more detail on concept.)	R23
A.14	Consider having the Police Board Chair remind new appointees to the Police Board of the importance of completing the orientation program. [Board]	R24
A.15	<p>Police Board to consider identify areas of TRC/cultural awareness training that would enhance their role and effectiveness, and build into annual meeting plans. [Board]</p> <p><i>NOTE: A recommended training program for consideration of both Transit Police Board Members and Transit Police staff is the 'Circle of Understanding' training that is currently, facilitated by the Vancouver Aboriginal Community Policing Centre. This training also provides an opportunity for voluntary participation in a cultural sweat lodge ceremony.</i></p>	R26



(Transit Police and TransLink enterprise recognize Orange Shirt Day at September 30, 2019 Town Hall event.)



CONCLUSION

The Transit Police Board and Transit Police Service operate within the framework for policing and public safety in British Columbia, which includes multiple layers of oversight such as the Ministry of Public Safety and Solicitor General, Office of the Police Complaint Commissioner, Independent Investigations Office, the law, and the public.

The information provided in the comparative chart outlines many of the positive measures in place to promote and demonstrate good governance, transparency, accountability and effectiveness of the Transit Police Board. There are a number of best practices incorporated into the day-to-day administration and work of the Transit Police Board and protocols/practices continue to evolve as a result of Police Board composition, training, emerging issues, experiences, and stakeholder input. However, the presented comparison also identifies areas where the working relationship with the Transit Police and community, and overall police service delivery could be enhanced. Additional steps could be taken to build stronger relationships and engagement with Indigenous Peoples, governments and organizations; and to be more culturally aware and responsive to the needs and circumstances of Indigenous Persons and other diversity within the transit community and Transit Police workforce.

In consideration of the material presented, follow-up actions were identified for the consideration of the Transit Police Board and police service itself. It is important to recognize that there will be human resource and financial cost implications to consider. As the current Transit Police Strategic Plan is near completion, it is timely to be mindful of the issues considered within this report when conducting the environmental scanning, community engagement and developing the next 3 to 5 year Strategic Plan.

Prepared by: Transit Police Strategic Services Section, October 2019

ⁱ Senator Murray Sinclair - Lead Investigator, "Thunder Bay Police Services Board Investigation – Final Report", November 1, 2018.

ⁱⁱ For the purposes of this document, and in line with the Federal Government's recognition of First Nations, Inuit, and Métis as Indigenous Peoples, Transit Police is referring to these populations as Indigenous; this is also consistent with standard terminology used in the United Nations Declaration on the Rights of Indigenous Peoples. The term Aboriginal is used when referring to existing organizations or materials using that term.

ⁱⁱⁱ Senator Murray Sinclair - Lead Investigator, "Thunder Bay Police Services Board Investigation – Final Report", November 1, 2018, page *iv*.

^{iv} Ibid. Page *v*.

^v Ibid. Pages *vi-vii*.

^{vi} Ibid. Page *viii*.

^{vii} Ibid. Pages 105-119.



Initiatives Related to Indigenous Peoples and Truth and Reconciliation

PURPOSE

This report provides an update on the Transit Police commitment and initiatives to build relationships and trust, and provide support to Indigenous Peoples. This work helps advance the findings and principles of the Truth and Reconciliation Commission of Canada ("TRC") Final Report, National Inquiry into Missing and Murdered Indigenous Women and Girls ("MMIWG") Reportⁱ and, more recently, the 2018 Investigation Report on the Thunder Bay Police Services Board.

BACKGROUND

The Transit Police has previously updated the Police Board on many of the police service's efforts that relate to the TRC Final Report and National Inquiry into MMIWG Report recommendations.

TRC Final Report – The TRC Final Report acknowledged that, for over 100 years, the central goals of Canada's policy towards Indigenous Peoples had been to "eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal Peoples to cease to exist as distinct legal, social, cultural, religious and racial entities in Canada."ⁱⁱ As part of this policy, at least 150,000 First Nation, Metis, and Inuit students were taken from their homes,

often by force, and placed in the care of the Residential School system.

The TRC focus was to determine the truth of what had occurred and to lay the groundwork for 'reconciliation', based on a commitment to mutual respect and a greater understanding amongst Canadians about the harmful impacts that the residential schools had, and continue to have, for Indigenous Peoples. The TRC defined reconciliation as an *"ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust by making apologies, providing individual and collective reparations, and following through with concrete actions that demonstrate real societal change."*

The TRC Final Report contained 94 calls to action under 22 different categories, including education, health and justice. While no calls to action were specific to municipal police agencies in Canada (one call to action addressed RCMP independence), there are numerous actions related to supporting education and employment for Indigenous Peoples. There were a number of actions that affect the justice system, including:

- calling for all levels of government to reduce incarceration rates of Indigenous Peoples;
- creating Indigenous specific victim programs and services;

Metro Vancouver Transit Police Initiatives Related to Indigenous Peoples and Truth and Reconciliation

- providing annual reports that show progress on reducing the rate of criminal victimization of Indigenous Peoples; and
- providing education to public servants on the history of Indigenous Peoples.

MMIWG Final Report – In 2016, the National Inquiry into Missing and Murdered Indigenous Women and Girls was launched as a key government initiative to end the disproportionately high levels of violence faced by Indigenous women and girls. The Inquiry was also the Government of Canada's response to the Truth and Reconciliation Commission's Call to Action #41. The National Inquiry conducted in-depth study and analysis between 2016 and 2018 on missing and murdered Indigenous women and girls, including LGBTQ and Two Spirit people ("2SLGBTQQIA people"), collecting information from community and institutional hearings; past and current research; and forensic analysis of police records. The Inquiry also gathered evidence from over 1,400 witnesses, including survivors of violence, the families of victims, and subject-matter experts and Knowledge Keepers.

On November 1, 2017, an Interim Report on the MMIWG was issued. On June 3, 2019, the National Inquiry into Missing and Murdered Indigenous Women and Girls presented its Final Report to families, survivors, Indigenous leaders, as well as federal, provincial and territorial governments.

The MMIWG Final Report was far-reaching and dealt with many underlying systemic issues. Recommendations were directed towards multiple levels of government and various stakeholders, to establish a holistic and effective path forward that will empower Indigenous women, girls, and 2SLGBTQQIA people and address violence against them. There are specific recommendations to police agencies in Section 9: Calls to Police Services.

Transit Police Commitment – The continuing negative effects of residential schools and the importance of reconciliation cannot be understated, and supporting the recommendations of the TRC Final Report and the MMIWG Final Report are priorities within the Transit Police. The intent and spirit of these calls to action has helped to inform the initiatives implemented and continues to be advanced by the Transit Police in support of reconciliation and safety for Indigenous Persons.

Transit Police staff continue to be educated on the impact that Indigenous Peoples past experience with government and police can have in those individuals' day-to-day interactions. Transit Police continues to take advantage of learnings and resources from the community and our jurisdictional police partners, and to seek out new opportunities to enhance policing services and to build greater trust with Indigenous communities across Metro Vancouver.

OVERVIEW OF TRANSIT POLICE INITIATIVES

2016-2020 Strategic Plan

The Transit Police recognizes that its officers and civilian staff interact with Indigenous Peoples in a variety of contexts: as transit customers, as transit employees and as community members surrounding the transit system. The 2016-2020 Transit Police Strategic Plan contains many goals, objectives and actions to help improve Transit Police ability to respond to and investigate incidents on and surrounding transit for vulnerable groups.

Over and above responding to calls for service, the community based Service Delivery Model (“SDM”) introduced in 2015 provides for increased opportunities to develop relationships and shared understanding between police and Indigenous Peoples. The Transit Police has a committed Community Engagement Team that is composed of six Neighbourhood Police Officers and two Client Services Officers. For police and other law enforcement personnel, understanding the unique history and culture of Indigenous Peoples is an important part of interactions within the community on a daily basis.

Operational Priorities

Transit Police work is further guided by four publicly stated operational priorities,

of which two priorities have a direct connection to support for Indigenous Peoples on and around transit, as follows:

- Priority – Reducing Sex Offences

Research has shown that sexual harassment and assault on public transit is an issue worldwide. Indigenous youth, women and other Indigenous persons with vulnerabilities have been identified as one ‘at risk’ group that uses public transit and, therefore, may be particularly vulnerable to this type of offending. Since 2014, the Transit Police has worked to raise awareness about the issue of sexual offending on transit. A significantly enhanced and large scale advertising campaign took place on Metro Vancouver transit between July and October 2018, and expanded bus advertising in summer 2019.

In 2018, a new sexual offences investigation policy was approved and rolled out, and training on sexual offence investigations occurred, which was enhanced by training on phased interviewing. In addition, there was training on recognizing behaviours of common sexual offences on transit (e.g., groping, indecent acts and voyeurism). In 2019 Q4, Transit Police will be delivering presentations to Station Attendants, Transit Security and Transit Supervisors on recognizing sexual offending behaviours on transit and Transit Police resources. The Transit Police has worked closely with community partners to reduce

Metro Vancouver Transit Police Initiatives Related to Indigenous Peoples and Truth and Reconciliation

victimization and enhance victim support, such as Battered Women's Support Services, BC End Violence against Women, and BC Women's Hospital – Sexual Assault Service.

- Priority – Helping Vulnerable People in Crisis

Transit Police Officers encounter Indigenous Peoples on transit on a daily basis, and some of those individuals struggle with mental health and poverty. The Transit Police works closely with partners such as Police Mental Health Liaison Officers, health teams and community organizations across Metro Vancouver to provide the necessary assistance to those who are struggling with issues of mental health and other challenges. A significant focus of this partnership work is on early intervention, crime prevention and referrals to community services.



Community Engagement and Relationship Building

Strategic Action 2.1.1 of the Strategic Plan is to 'Advance full implementation of the community-based Service Delivery Model.' As part of the "SDM", the six Neighbourhood Police Officers ("NPOs") have developed specialized knowledge about the communities served by the transit system, and in particular the Community Service Area's ("CSA") unique characteristics. Each NPO also focuses outreach activities to specific vulnerable sector communities within Metro Vancouver and their use of public transit.

Cst. Kirk Rattray is the Transit Police NPO for Vancouver East (CSA 2) and he also serves as a Transit Police Indigenous liaison. Cst. Rattray identifies as Indigenous and is currently a Board Director with the Vancouver Aboriginal Community Policing Centre ("VACPC"). Transit Police Officer Cheryl Simpkin is another Indigenous officer and was recently appointed as Sergeant responsible for the Patrol Support Unit, formed in summer 2019. She too is actively involved in Indigenous outreach and support.

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Initiatives led by the Patrol Support Unit – Community Engagement Team:

- Transit Police participation in a number of annual events related to Indigenous culture, traditions and history, to develop and build a shared understanding between Indigenous Peoples and police, such as:
 - **Women's Memorial March** – Honours the lives of missing and murdered women, and all women's lives lost in the Downtown Eastside;
 - **Surrey Red Dress Event** – Acknowledges the strength and resilience of Indigenous women and girls in Canada and honour those who have been murdered and gone missing;

- **Musqueam Community Safety Forum** – Provides safety information for members of the Musqueam community, organized by the Musqueam Safety Unit;
- **Waking the Canoe Ceremony** – A Coast Salish tradition where canoes are “woken up” following the winter season;
- **Pulling Together Canoe Journey** – This annual initiative links different First Nations communities throughout lower British Columbia. It aims to enhance the understanding between public service agencies and Indigenous Peoples. Both Cst. Rattray and Sgt. Simpkin participated in the journey in summer 2019. Youth are engaged within the journey and it provides opportunities for mentorship;



- **National Indigenous Peoples Day** – Held annually on June 21st, this day celebrates the culture and

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- heritage of Indigenous Peoples. Transit Police were involved in a variety of community celebrations. This included a special celebration held for TransLink enterprise staff, with Sgt. Simpkin emceeding (discussed later in this document);
- **Aboriginal Veterans Day** – Commemorates the many Indigenous veterans who have served in the Canadian Armed Forces;
 - **Hoobiye** – A festival that celebrates the Nisga'a of Ts'amiks New Year over two days;
 - **Orange Shirt Day** – A recognition held September 30th to honour residential school survivors by wearing an orange shirt. Transit Police provided awareness through social media and the TransLink Town Hall (over 400 transit leaders); and
 - **Backpack to School** – Held at the Vancouver Aboriginal Friendship Centre, this event offers a celebration luncheon for Kindergarten to Grade 12 students returning to school.
- As part of Cst. Rattray's regular community outreach activities, he has developed relationships with a large number of local Indigenous groups and organizations, including but not limited to:
- **Circle of Eagles Lodge Society** – Indigenous Elders and volunteers that provide a variety of services including employment training and addiction counselling;
 - **Collingwood Neighbourhood House** – Promotes the well-being of the Collingwood community by providing a place of connection, belonging and inclusion;
 - **Indigenous Perspectives Society** – A charitable and not-for-profit society that offers training, consulting and projects to help foster a deeper understanding of indigenous perspectives;
 - **Native Education College (Douglas College)** – Provides a supportive learning environment, including cultural activities, which create connections to the Indigenous community of Metro Vancouver; and
 - **Urban Native Youth Association** – Provides a range of services, including jobs and skills training, to Vancouver's Indigenous youth.
- **Vancouver Aboriginal Community Police Centre** – In partnership with the VACPC and Vancouver Police Constables' Lavallee and Hanuse, Cst. Rattray assists in delivering the Circle

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of Understanding; this initiative communicates the impact of colonization of Indigenous Peoples to JIBC policing and Sheriffs recruits. Cst. Rattray has joined Cst. Lavallee in presenting to Indigenous Social Worker students on the relationship between police and Indigenous children in care.

- **University of the Fraser Valley** – Sgt. Simpkin delivers awareness sessions on colonization of Indigenous Peoples and overrepresentation in the justice system to 2nd year criminology students at the University of the Fraser Valley.
- **Aboriginal Transformative Justice Services Society** – Cst. Rattray volunteers with this Vancouver organization. The Society's activities are based on principles of restorative justice and are similar to the healing circles that Cst. Rattray has been trained to assist with for Indigenous victims and offenders.

While Cst. Rattray and Sgt. Simpkin play an important liaison role, other NPOs, Dog Team Members and Transit Police Officers assist with community outreach initiatives to engage Indigenous Peoples, where operationally feasible. (Refer to Police Board Report No. 2020-01/Appendix "D" for liaison information.)



Fair and Impartial Policing Strategy

Strategic Action 2.1.2 of the Strategic Plan is to 'Deliver a bias free policing strategy.' In 2018, Transit Police Officers have taken the new BC Fair and Impartial Policing training as part of their Cycle 2 training. The training included important content on the legacy of colonization in Canada and legislation that has negatively impacted Indigenous Peoples, with an emphasis on the devastating impact of residential schools (including the history of residential schools in BC), and the TRC findings in 2015. The Officers were also asked to consider the impact of these decisions on police legitimacy today, the long-term effects of residential schools on Indigenous Peoples in Metro Vancouver, and the potential for discrimination when interacting with Indigenous people. New Transit Police Officer hires continue to receive this training.

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Protect and Assist Vulnerable Persons

Strategic Action 2.3.1 of the Strategic Plan is to 'Work with partners to enhance Transit Police crisis intervention capabilities and operational response to safety concerns of vulnerable persons.' One forum to increase engagement and feedback from vulnerable user groups is the Transit Police Chief's Community Council ("TPCCC"), which meets five times per year. The TPCCC seeks to improve safety and security for the transit community by providing a forum to promote dialogue and collaboration with stakeholders (including the public, community groups, TransLink, and the Transit Police). A new TPCCC member is Donna Dickson, an Indigenous Elder from the Stl'atl'imc First Nation. She brings valuable insights and recommendations from the Indigenous community to enhance Transit Police service delivery and new initiatives, and to help strengthen the relationship and trust between Indigenous Peoples and Transit Police.

Transit Police continues to play a key role in educating transit staff on how to deal with vulnerable individuals, including those with mental health issues and those in crisis. Regular training is provided to transit operators, station attendants and supervisors on crisis de-escalation, suicide prevention, mental health support, and reviewing the protocol for incident response.

Within the Patrol Support Unit role is the client support program for transit passengers experiencing mental illness and facing problems using transit (in some cases impacting operators and other riders). As of September 30, 2019, two of the nine clients being supported by Transit Police client services were Indigenous Peoples. In 2019, an orientation to victim services was delivered to patrol Members during cycle training – to familiarize them with current victim service resources available, with an emphasis on vulnerable persons.

Employee Diversity

The Transit Police is committed to diversity in employee hiring. As of September 30, 2019, Transit Police had three Transit Police Officers who have identified as Indigenous ancestry; this is 2% of actual sworn strength. (Note: The 2016 Canadian census showed that 2.5% of the total Metro Vancouver population were of 'aboriginal identity'ⁱⁱⁱ. The Indigenous Peoples population is growing in Canada.) The percentage of visible diversity Transit Police Officers within actual strength is now at 27% (2019), up from 14% in 2014. As employees voluntarily disclose their ethnicity, it is known that these numbers under-represent actual diversity within the Transit Police. (Statistics on civilian employees have not yet been gathered.)

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Training

The Transit Police has delivered a number of training initiatives in support of the aims of TRC and MMIWG final reports:

- VPD Aboriginal Cultural Competency Training – Prior to 2018, Transit Police had last presented this training and associated Indigenous speakers during Cycle 1 training in 2013. The training was also delivered to civilian staff at that time. The Transit Police training team has now re-engaged this initiative and are providing it to all new hires during their initial orientation. The plan is to continue delivering the training bi-annually to all Transit Police staff;
- BC Fair and Impartial Policing training in 2018, as mentioned previously;
- Aboriginal & First Nations Awareness Course – This online course offered by the Canadian Police Knowledge Network (“CPKN”) and currently utilized by both the VPD and the RCMP. The course content was created by the Ontario Police College, funded by the Government of Canada’s Sector Council Program. The six-hour course provides basic knowledge of the history and geography of Aboriginal Peoples, as the foundation to the contemporary issues pertaining to Aboriginal lands, cultures, and communities. This awareness and understanding is an important part of effective communication and

interaction with Indigenous Peoples served by police. By December 2019, all Sworn Members are required to complete the course;

- ‘Circle of Understanding’ at the Justice Institute of BC – The Circle of Understanding serves as cultural competency training for all municipal police recruits (including Transit Police recruits) completing their Block 3 training sessions. This training is designed to increase knowledge and understanding of Indigenous culture, history and heritage, with an emphasis on the history of colonization in Canada and the impact of residential schools upon Indigenous Peoples. During the training, the film “The Spirit Has No Colour” is shown to recruits and they hear stories from residential school survivors, which helps them better understand the extent of trauma and suffering endured. An Elder often attends to impart wisdom and culture through singing and drumming, and the Transit Police Indigenous Liaison Officer helps to lead a smudging ceremony. Cst. Rattray works collaboratively with VACPC and Vancouver Police Constables Lavallee and Hanuse in providing this training to police and corrections recruits.

When the Transit Police implements its proposed Community Safety Officer Program in 2020, the intent is to provide the CSOs with appropriate training on Indigenous Peoples (possibly one or both of the courses mentioned above) to

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enhance relationships with the Indigenous communities in Metro Vancouver.

Enhancing Awareness within the TransLink Enterprise



You are invited to join
TransLink staff in celebrating

National Indigenous Peoples Day

Date:
June 21, 2019

Time:
12:00 – 1:00pm
(Doors open at 11:45)

Location:
Room 427 & 428
at Sapperton

For more information,
visit Q

The event will include:

- Sampling of Indigenous snacks from Salishan Catering (Musqueam Indian Band)
- A performance by Tsatsu Staquayu (Coastal Wolfpack)

Join us for this unique and fun event to acknowledge the communities and urban Indigenous peoples where we work, operate and serve.



The Transit Police is active on a new TransLink Enterprise committee tasked



with promoting diversity and inclusivity within the transit family. One recent staff engagement initiative was the celebration for National Indigenous Peoples Day at Sapperton; it involved sharing of food prepared by a local First Nations, cultural awareness and the Tsatsu Staquayu Coastal Wolf Pack performers. Sgt. Simpkin was the emcee for the event and numerous Transit Police staff attended.

At the TransLink Leadership Town Hall (over 400 participants) held on September 30, 2019, Sgt. Simpkin explained the history behind Orange Shirt Day. Further, she provided a First Nation's welcome and outlined the many unceded First Nations territories that cover the TransLink transportation service region.



TransLink and Transit Police headquarters are located in the Qayqayt First Nation traditional territory and Chief Larrabee has presented at a number of significant Transit Police special events.

Metro Vancouver Transit Police Initiatives Related to Indigenous Peoples and Truth and Reconciliation



Enhancing Service Delivery

Policy – Strategic Action 1.1.3 of the Strategic Plan is to 'promote investigative excellence generally, and sex offence investigations particularly'. Over the past few years, a number of policies were amended or newly developed to advance this strategic action, topics including Sex Offence Investigations and checklists, third party reporting of sexual offences, sudden death, missing persons, suspect interviews, and vulnerable persons - violence in relationships. These policies are supported with related training, bulletins and squad briefings. The situation of vulnerable and high-risk persons is a consideration in such policies and training. Delivery on this strategic action will help the Transit Police ensure that incidents of violence and

victimization of Indigenous women are taken seriously and investigated thoroughly.

The Transit Police arrest policy is currently under review and it will be revised. The review will take into account the Government of Canada Bill C-75 and the new direction of BC Prosecution Service to change the way it deals with cases that involve Indigenous Peoples as victims, witnesses, and accused. The BCPS charge assessment policy has been revised to include specific provisions to address the unique cultural and historical circumstances of Indigenous persons, as accused and as victims, and the need to reduce the overrepresentation of Indigenous persons in the criminal justice system. Further, prosecutors are to exercise principled restraint in all bail matters, paying particular attention to the circumstances of Indigenous accused, while Crown Counsel are to exercise appropriate restraint in seeking and enforcing probation conditions for all offenders, and consider the unique systemic or background factors that may have played a part in bringing the offender before the court.

Police officers have discretion and justice does not require every provable offence to result in an arrest and the recommendation to Crown counsel that a charge be prosecuted. In deciding whether to exercise the discretion to arrest and seek prosecution, police must consider the public interest, among other factors. In consideration of Transit

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Police's support for reducing the overrepresentation of Indigenous persons in the criminal justice system, this would include taking into account: the overrepresentation of Indigenous women and girls as victims of violent offences; bias, racism, or systemic discrimination that played a part in a person coming into police contact; and whether the public interest has been or can be served without arrest and prosecution, including through restorative justice methods, alternative measures, Indigenous community justice practices, or administrative or civil processes.

Investigative Support – The Patrol Support Unit – Community Engagement Team is currently exploring the introduction of a protocol for all Transit Police criminal files involving an Indigenous Person to be flagged via PRIME to the team's Indigenous Liaison Officer(s) so that they can assist, as appropriate. For example, this could take the form of monitoring the file, restorative justice options, offering cultural perspective (including understanding victimization of Indigenous women, girls, and 2SLGBTQQIA people), providing support to offender/victim/family, and identifying culturally relevant community resources.

Missing Persons Investigations – Protecting vulnerable persons is an operational priority of the Transit Police and missing person investigations are to be undertaken at a high standard, appropriate to the risk. The BC *Missing*

Persons Act was established in 2014 and *Regulation* in 2015. In 2016, a BC Provincial Policing Standard ("BCPPS") 5.1 on missing person investigations came into effect. See Appendix "B" for the principles set out in that standard. A BC Police Missing Persons Centre was then created to provide guidance and support to all police in the province for missing person investigations, and to coordinate and support unidentified human remains investigations.

The Transit Police, in accordance with the operational memorandum of understanding with Jurisdictional Police, will usually not remain as the primary agency for missing person investigations (unless exigent circumstances exist). However, pursuant to BCPPS 5.1, there is an initial obligation for the receiving agency to accept a missing person report (without delay), pending confirmation of jurisdictional responsibility and file transfer. Cooperation between police agencies is crucial to missing person investigations. All missing person investigations are deemed high-risk until a risk assessment is completed and file transfer to the police of jurisdiction is completed. Transit Police policy requires a Transit Police Supervisor to be consulted immediately by Members with respect to the scope of Transit Police involvement in a missing person investigation. A critical role for the Transit Police when it takes an initial missing person report is for the investigating Member to interview the complainant to obtain as much detail as possible in order to complete the "Missing

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Persons Risk Assessment”. Within the risk assessment there are many important considerations, for example:

- Are there suspicious, dangerous or unknown circumstances surrounding the person’s disappearance which suggest the person may be the victim of a crime?
- Has the person been involved in a violent or threatening incident prior to going missing (e.g., domestic violence)?
- Is the person part of an identifiable group that is statistically at an increased risk of harm (e.g., Indigenous women)?
- Is the person vulnerable due to age, addiction to drugs/alcohol, infirmity, inability to communicate or other factors?
- Has the person been subject to bullying/elder abuse?
- If previously missing, did they suffer any harm at that time, or were they designated as a high-risk missing person by the Transit Police or another agency?
- Do you believe that the person is at increased risk due to the length of time that they have been missing?

Adherence to the missing person policy assists Transit Police in supporting MMIWG inquiry recommendations set out for policing agencies, as well as similar principles set out in the BCPPS 5.1 on Missing Persons Investigations. The basis for that standard and model policy arose from the recommendations from Commissioner Wally Oppal and the

extensive BC Missing Women’s Commission of Inquiry. The aim is to provide standardized processes and expectations related to missing and murdered Indigenous people investigations and equitable policing to all.

The Ministry of Public Safety and Solicitor General developed an online awareness course, ‘Missing Person Investigations in British Columbia’, for BC police agencies. This course orients police to the BCPPS for missing person investigations and the *Missing Persons Act*, and tools available. Transit Police Officers took this course in 2017 and all new officers hired are required to take this mandatory course (a total of 223 Transit Police staff to date). This training was augmented by the ‘Fair and Impartial Policing’ course, which is mandatory for Transit Police Officers to take.

In addition, the new BCPPS (2019) on major case management helps ensure that police response to a serious incident is appropriate to the needs of an investigation while maintaining substantive services to the community. This standard creates a protocol to support the timely and seamless implementation of multi-agency teams and coordination of multi-jurisdiction investigations. This BCPPS also supports recommendations arising from the BC Missing Women’s Commission of Inquiry.

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The Transit Police missing person policy is available to the public on the police service website.



Updated by Strategic Services – October 2019

ⁱ Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Retrieved from <https://www.mmiwg-ffada.ca/final-report/>.

ⁱⁱ Truth and Reconciliation Commission Final Report (2015) "Honouring the Truth, Reconciling for the Future". Retrieved from http://nctr.ca/assets/reports/Final%20Reports/Executive_Summary_English_Web.pdf

ⁱⁱⁱ Government of Canada. Aboriginal Peoples Highlight Tables, 2016 Census. Retrieved from www12.statcan.gc.ca/census-recensement/2016/dp-pd/hlt-fst/abo-aut/Table.cfm?Lang=Eng&T=103&SR=26&S=88&O=A&RPP=25&PR=59&D1=1&D2=1&D3=1.



PROVINCIAL POLICING STANDARDS

Principles

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BCPPS 5.1 Missing Person Investigations

The purpose of the BC Provincial Policing Standards for Missing Person Investigations is to establish the overall approach to be taken in missing person investigations in British Columbia. The intent is to ensure that all missing person investigations are prioritized and undertaken at a high standard appropriate to identified risks.

These Standards were developed in response to recommendations made by Commissioner Wally Oppal following the Missing Women Commission of Inquiry. While many police forces have already begun to implement changes consistent with these recommendations, these Standards will ensure a consistent approach is maintained throughout the province and safeguard the important lessons of the Pickton cases and other missing and murdered women investigations.

The underlying principles of the Standards are that:

- **There should be no barriers to reporting a missing person and investigations should begin without delay.**

A report must be accepted, the missing person entered on police information systems and an investigation commenced promptly regardless of the characteristics of the missing person, the length of time the person has been missing, the relationship between the reportee and the missing person, or jurisdiction.

It is the responsibility of the police force to which the report is made to accept the report.

The standards set out the criteria and process for determining jurisdiction; however, the start of an investigation should not be delayed by jurisdictional concerns. If jurisdiction later transfers, information obtained by the police force that initiated the investigation must be promptly transferred to the police force of jurisdiction.

- **Investigations into persons reported missing should initially be approached as high risk until a risk assessment is completed.**

Missing person investigations are a high risk area of policing. A swift initial response may be critical to the missing person's wellbeing and/or the success of the investigation. It is easier to scale back the initial response than to recover lost early investigative opportunities.

A police officer must conduct a risk assessment without delay and, in consultation with a supervisor, determine the resources to be applied, the urgency with which to apply them, and possible lines of enquiry.

- **Aboriginal women and girls are at an increased risk of harm.**

Risk is influenced by the unique circumstances surrounding a missing person's disappearance. However, risk may also flow from the profile of the missing person, in particular their inclusion in groups that are at an increased risk of harm, such as Aboriginal women and girls. Research has established that Aboriginal women and girls are disproportionately represented among missing and murdered women throughout Canada. This must be considered when determining the appropriate response and resources.

- **If foul play is suspected, the case must be assigned to a serious or major crime section.**

Officers assigned to an investigation should have the skills and capacity appropriate to the circumstances of the case. Risk must be re-assessed throughout the investigation.

- **The safety and wellbeing of the missing person should be the primary concern driving investigative tasks and decisions.**

Finding the missing person safe and well is the paramount objective.

Requests for assistance within or between police forces must be carried out promptly by all involved. Forms and documentation are meant to guide and assist an investigation, ensure follow-up and accountability, and support subsequent investigation by another investigator where needed. The pursuit of investigative leads, however, is the first priority.

- **Police officers need discretion to address the unique needs of each case, with accountability for decisions through supervisory review.**

Provincial standards establish the overall approach to be taken to missing person investigations in British Columbia. The police force's policies and procedures provide more specific direction consistent with local needs and structure.

Templates and checklists required by the standards guide decision-making and ensure that investigative avenues are considered, but they do not eliminate officer discretion.

Senior officers and supervisors are responsible to ensure that investigations are given the right level of priority and resources, and are thoroughly investigated. This includes day-to-day supervision by immediate supervisors throughout an investigation as well as documented reviews at key milestones. The decisions and actions of both investigators and supervisors must be documented in the case file and appropriately reviewed for quality assurance purposes.

- **Cooperation between police forces is crucial to missing person investigations.**

People can move easily across jurisdictional boundaries; communication and collaboration between policing jurisdictions can be critical in these situations.

Cooperation can include ensuring that case information is promptly entered onto police information systems and that entries are kept up to date, providing a swift and fulsome

response to requests for assistance, and accepting transfers of jurisdiction without delay where the circumstances of the case dictate. This is closely related to the principle that finding the missing person safe and well is to be the primary concern driving tasks and decisions. Consistency in practices and terminology also facilitates cooperation between police forces.

A designated missing person coordinator at the police force, detachment or district level provides an additional resource to support open communication and cooperation on cases crossing jurisdictional boundaries.

- **Families and reportees must be kept appropriately informed of the progress of an investigation, and treated with compassion and respect.**

A missing person event is stressful and family members and reportees must be appropriately informed of supports available to them. Family members and reportees are potential resources to aid in an investigation and open lines of communication should be maintained. Family members and reportees should always know who to contact if they have questions about or information relevant to the investigation and should be informed of key developments in the investigation in an appropriate manner, and wherever possible, prior to any public announcements.

A plan for ongoing communication in long term cases should be established in consultation with the family/reportee.

- **A proactive approach should be taken towards missing person investigations.**

Action should be taken to identify and address recurring reports involving the same locations, missing person profiles, or individuals. Where problems or patterns are observed, the police force should liaise with outside agencies such as local health or child protection authorities to discuss solutions or mitigating strategies.

When a missing young person is located, an attempt should be made to determine whether they suffered any harm or exploitation, and identify interventions that might help ensure their safety and prevent future occurrences.

A problem-solving approach can help to resolve underlying issues and ultimately reduce the volume of avoidable reports and/or ensure that the reporting process and ensuing investigations run more smoothly.

- **Going missing is not in and of itself a crime.**

People go missing for many reasons. A right to privacy must be balanced with police responsibility to ensure the safety and wellbeing of a missing person.

Police must scrutinize what information is conveyed to the public about a missing person, what information is shared with concerned persons, and what information is retained in police files.

POLICE BOARD REPORT NO. 2020-01 / APPENDIX “C” First Nations within Metro Vancouver Region

There are 11 First Nations in the Metro Vancouver region, including two without lands.

<u>Hwlitsum First Nation</u>	(without lands)
<u>Katzie First Nation</u>	
<u>Kwantlen First Nation</u>	(a member First Nation of the Sto:lo Tribal Council)
<u>Kwikwetlem First Nation</u>	
<u>Matsqui First Nation</u>	(a member First Nation of the Sto:lo Nation)
<u>Musqueam Indian Band</u>	
<u>Qayqayt First Nation</u>	(without lands; also known as the New Westminster Indian Band)
<u>Semiahmoo First Nation</u>	(a member First Nation of the Sencoten Alliance)
<u>Squamish Nation</u>	
<u>Tsawwassen First Nation</u>	(a treaty First Nation member of Metro Vancouver, the GVRD and GVWD)
<u>Tsleil-Waututh Nation</u>	(also known as the Burrard Indian Band)

First Nations outside the Metro Vancouver Region

A large number of First Nations outside the region (e.g., including those in the Fraser Valley and on Vancouver Island) also have traditional territories and asserted claims involving lands within this region. Here is a listing of the Tribal Councils representing these First Nations. Also listed is one independent First Nation.

<u>Hul'qumi'num Treaty Group</u>	(six First Nations)
<u>Sto:lo Nation</u>	(11 First Nations)
<u>Sto:lo Tribal Council</u>	(eight First Nations)
<u>Te'Mexw Treaty Association</u>	(five First Nations)
<u>Tseycum First Nation</u>	(one independent First Nation)

Source: <http://www.metrovancouver.org/services/first-nation-relations/first-nations/Pages/default.aspx>, 2019 October 7. NOTE: In respect of treaty negotiations and land designations, no current map is available.

POLICE BOARD REPORT NO. 2020-01 / APPENDIX “D”
Metro Vancouver Transit Police – Indigenous Liaison

- Vancouver Aboriginal Community Policing Center (Incl. Board of Directors Member)
- VACPC Art Studio
- Vancouver Police Department Indigenous Protocol Officer
- Vancouver Police Department Indigenous Liaison Officer
- Vancouver Police Department Musqueam Liaison Officer
- Vancouver Aboriginal Friendship Center
- Urban Native Youth Association
- Pulling Together Canoe Society
- Native Education College (Vancouver)
- Musqueam Indian Band Community Safety Office
- Hip Hop Drop In
- Britannia Community Center Teen Drop In
- Semiahmoo RCMP First Nations Policing Officer
- Vancouver Aboriginal Transformative Justice Services Society
- Missing and Murdered Indigenous Women and Girls March Organization (Vancouver)
- RCMP First Nations Policing Section at Green Timbers
- Stl’atl’imx Tribal Police Service
- Winnipeg Police Service
- KidSafe Society (although not a First Nations organization, they have a large population of Indigenous children in their program)
- Nisga’a Ts’amiks Society
- Collingwood Neighbourhood House
- Mt. Pleasant Neighbourhood House
- Grandview – Woodlands Community Policing Center
- Fraser Region Aboriginal Friendship Centre Association

[October 2019]