

Submission to the BC Police Act Review

Prepared for: The Legislative Assembly of BC's Special Committee on Reforming the Police Act

April 29, 2021

The Simon Fraser Student Society ([SFSS](http://sfss.ca)) is a student-led non-profit organization that represents over 25,000 undergraduate students across the three campuses of Simon Fraser University (SFU) in Burnaby, Vancouver and Surrey, British Columbia. Our mission is to advocate for students, build student power, and provide resources and services that represent, connect and benefit our membership.

The Police Act governs policing power in the province, and we are aware that the Legislative Assembly of BC has appointed the Special Committee on Reforming the Police Act to examine and make recommendations on reforms related to policing under the Police Act. The SFSS recognizes that Black, Indigenous, racialized, and gender-oppressed people, migrants, those living with mental health issues and disabilities, people who use criminalized drugs, and people without housing have experienced disproportionate harm due to policing instead of receiving support. We also recognize that the [“violent infrastructure”](#) of prisons and policing also negatively impacts the land, water, air, and other-than-human beings through environmental degradation, disrupted relations, and capitalist extraction.”

The SFSS [supports efforts towards](#) transformative justice, [challenging the notion](#) that increasing police presence and practices will increase safety. In addition to the recommendations stated below, the SFSS endorses the [demands](#) of the Defund 604 Network with regards to policing.

Throughout its review of the BC Police Act, the SFSS recommends that the Legislative Assembly of BC implement the following considerations from the [BC Civil Liberties Association](#):

1. The Province must work with Indigenous peoples in BC to align the Police Act with the United Nations Declaration on the Rights of Indigenous Peoples.

The history of policing has always been intertwined with colonialism. The North-West Mounted Police was established in 1873 to displace and contain Indigenous peoples onto reserves, to enforce the extra-legal pass system, to punish the practice of Indigenous cultures and ceremonies, and to force Indigenous children into residential schools.

Any investigation into reforming policing must contend with policing as a pillar of settler-colonialism. This includes obtaining free, prior and informed consent from each Indigenous Nation before subjecting them to municipal police forces or the RCMP in BC, and not withdrawing provincial program and service funding for any Indigenous Nation who does not consent to such colonial policing.

2. Ban all police street checks.

A street check is a discretionary, racist and illegal police practice. Data over ten years, from every municipal force in BC, shows that Indigenous and Black people are over-represented in and harmed by street checks. Street checks are not legally authorized by statute or at common law.

Over [8,993 people](#) and [92 organizations](#), including Hogan's Alley Society, Black Lives Matter, Union of BC Indian Chiefs, WISH Drop-In Centre Society, and the BC Civil Liberties Association have been demanding a ban on all police street checks in BC.

3. Shift resources from policing to community safety and decriminalize social issues.

BC has the shameful honour of the country's highest rate of police-involved deaths. Growing proportions of government budgets go into policing, with no legislated audits or evaluation. There is actually very little independent evidence that policing in BC works and, in fact, [reams of evidence suggest the opposite](#). Anti-violence organizations, mental health experts, and youth groups have all pointed out that police officers are not trained in supporting people in crisis. In fact, it is often the opposite: police officers often wrongfully arrest survivors of domestic violence or escalate a situation where someone is in crisis.

Police are almost universally mistrusted by Indigenous, Black, racialized, migrant, undocumented, sex worker, drug user, and homeless communities. Across the country, Indigenous and Black people are [disproportionately killed by police](#). Furthermore, 68 percent of people killed in police encounters were impacted by mental illness or substance use.

The *Police Act* must be amended to limit the scale and scope of policing power. Policing resources must be redirected to non-policing community-based services and upstream safety solutions.

4. Decriminalization

Upstream community safety solutions include:

- Decriminalization of sex work
 - In this respect, we recommend the Legislative Assembly of BC work on decriminalizing the *demand* of sex work instead of only the supply. A [study on sex workers who use drugs in the Downtown East Side](#) describes why this focus is essential:
 - “These findings indicate that despite the policing guideline change, rushed client negotiation due to police presence appeared to have

increased among our sample of female sex workers who use drugs. It was also associated with client-perpetrated violence and other markers of vulnerability. These findings lend further evidence that criminalizing the purchase of sexual services does not protect the health and safety of sex workers.” (Abstract)

- Decriminalization of drugs and simple drug possession
- Decriminalization of public intoxication
- Decriminalization of poverty
- Decriminalization of immigration status
- Decriminalization of Indigenous land defense by Indigenous nations asserting Title and Rights on their lands and waters.

While many of these laws are federal, the *Police Act* must be amended to set provincial guidelines of non-enforcement and policing forces must be directed to not use municipal or provincial resources toward enforcement of these social issues.

5. Moratorium on Police Use of Force and Surveillance Technology

We are witnessing the unfettered increase in the militarization of policing, as well as the rapidly expanding terrain of policing technologies.

The *Police Act* must place stricter limits on the use of weapons, including the use of police dogs and tasers. The use of full-body restraint devices and tear gas must be banned. In addition, the province must also implement a no-carry policy in Indigenous, Black and low-income communities, aimed toward disarming the police in vulnerable communities. Finally, we need an immediate moratorium on law enforcement agencies’ use of facial recognition and algorithmic policing technology. In addition to this, the Police Act must be amended to ban the collection of data on civilians who are not causing harm and ban police

collaborations on programmes with schools (including Universities) and institutions that increase surveillance of civilians and disproportionately impact Black and Indigenous people.

6. Overhaul of Police Accountability, Oversight and Governance Bodies

Police accountability and governance mechanisms lack public trust, are ineffective, and are an appendage—rather than counter—to policing systems. The vast majority of independent investigators staffing policing oversight bodies in Canada are white men who are former police officers. We need a massive overhaul that ensures publicly funded access to justice to fully civilian, transparent, and independent oversight bodies that can make binding orders upon police officers. Similarly, police governance through municipal police boards in BC must be locally and democratically controlled with accountability to communities impacted by police violence. Indigenous nations must have jurisdiction, authority, and conceptions of justice centered in all civilian police board governance and oversight bodies.

The SFSS urges the Legislative Assembly of BC to implement these considerations in its review of the BC Police Act, and to invest in community-based safety supports that benefit everyone in the community. Such investment is vital to ensuring that marginalized communities are truly protected from harm.