

**Delta Police Department  
BOARD REPORT  
Regular Meeting**



To: **Delta Police Board**

From: **Neil Dubord, OOM, AdeC**

Date: **June 22, 2020**

**Defunding the Police**

▪ **RECOMMENDATION(S):**

A. THAT the Board receive this report for information.

▪ **PURPOSE:**

To inform the Board of the current discourse throughout North America on the topics of:

1. Defunding police departments
2. The status of the Delta Police Department in regard to prominent recommendations on use of force
3. Differences between Canadian and US policing models.

▪ **DISCUSSION:**

In light of the tragic death of George Floyd, police departments and municipalities throughout North America are engaged in discussions about policing and use of force. A prominent feature of these discussions is a call to “defund the police.” Although there is no formal definition of what defunding the police means, a number of initial interpretations have come forward that can assist in an open and candid dialogue about what defunding the police means.

One definition calls to remove all the funding from the police so they can no longer operate, doing away with police all together. Police departments typically comprise the largest portion of a municipal budget, with 85-90% of those budgets allocated to salary dollars, directly paying police officers and civilian staff. If this funding is removed, a new model of community safety would be created.

Generally speaking, this new model of community safety has not been well defined in most North American cities where the proposal has been brought forward. Nonetheless, this definition calls to eliminate policing as it is currently known, making room for whatever the alternative option may be.

An alternative interpretation of the meaning of defunding the police takes us back to the very foundation of policing, Peel's Principles. This interpretation of defunding the police does not mean doing away with the police, but focuses on exploring a concept many police leaders have been asking for decades: "What does society want/expect from the police?" Are police, "a sworn officer with law enforcement powers," best suited to address issues in society such as drug and alcohol addiction, mental illness, hunger, joblessness, homelessness, truancy, poverty, etc.? Or are experts trained in appropriate disciplines better suited to focus on these challenges?

This interpretation also requires a larger examination on what, and to what extent, societies choose to allocate tax dollars. Does society appropriately fund mental health and addiction treatment, or even early childhood intervention programs? Is this funding a federal, provincial or municipal responsibility? Should municipal tax dollars be spent on public health issues which are a provincial responsibility? These questions go well beyond the scope of what can be addressed in this short report.

However, it seems that a tiered or potentially multi-disciplinary approach could be examined so that armed officers are not necessarily the first option when the public calls for assistance in dealing with issues such as mental health, addiction, and homelessness. Police do work with community care providers to triage these interactions as they arise, but consideration to earlier outreach may be required.

The issue that cannot be overlooked in this discourse is when there is a discussion about defunding the police, so to must societal systems be reformed, particularly those which criminalize homelessness, addiction, and mental illness. Of necessity social services systems must also be reformed, which depend on multiple layers of government working in unison.

Systemic reforms include the logical concept of appropriate allocation or reallocation of funding so that the best services may be provided by those that have expertise to more effectively address these social needs. It should be noted though that those services will be required to be delivered safely, for all parties, including the public, with an appropriate degree of oversight and in a timely manner

### **Police Use of Force**

The issue which sparked the discussion of defunding the police concerns police use of force, particularly in those instances that result in death. Encounters with police in Canada do not often result in deaths, particularly deaths that are later deemed to be criminal in nature.

A CBC story looking at deaths that occurred during police encounters determined that Canada experiences an average of 27 deaths per year.<sup>1</sup> The authors concluded that 70% of those who died in these incidents suffered from mental health or substance abuse issues. On the other hand, media in the United States estimate that the country experiences about 1,000 in custody deaths per year.<sup>2,3</sup> The differences in these numbers are not accounted for by population sizes.

While the deaths in Canadian police custody are obviously concerning, broader questions are also being asked regarding potentially racist, illegal or just inappropriate policing practices, particularly in instances where force is used.

### **Differences between Canadian and US Law Enforcement**

Differences between the two countries are apparent in recruiting, training practices and also in how law enforcement behavior is accounted for in court.

In Canada, potential police officers go through a comprehensive selection process which includes psychological testing, polygraph testing, including testing for bias at the Delta Police Department, and numerous interviews. This is a rigorous process uncommon for most professions. Officer training in Canada includes Field Training Officers who model expectations of behaviour. They also coach recruits on legal matters, effective communication skills, and crisis intervention and de-escalation.

In BC, municipal police officers train at the Justice Institute of BC. Total hours spent training are 341 hours, versus 243 hours on average in the US (US data from Police Executive Research Forum 2015). Backing up this training are Provincial Standards for police in BC, while not all states have State Standards. As part of these standards, A Subject Behaviour Officer Response (SBOR) report must be submitted for every action exceeding cooperative handcuffing. Additionally, a provincial database for use of force is kept.

Canada and the United States have a number of differences in regard to how officers must account for their past behaviours, when present in court. In a landmark ruling referred to as the McNeil case, the Supreme Court of Canada found that the police and other investigating agencies must disclose to the prosecuting Crown, as first party disclosure material, findings of serious misconduct by police officers involved in the investigation of the accused. The Court determined this information may be relevant to the police officer's credibility and reliability. All misconduct information that concerns acts of serious misconduct by police officers who may be called as witnesses or who were otherwise involved in the investigation of the accused, must be provided to the Crown by police without prompting. At the Delta Police Department, this information is tracked on a monthly basis, to ensure any relevant materials are disclosed as required.

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<sup>1</sup> <https://newsinteractives.cbc.ca/longform-custom/deadly-force>

<sup>2</sup> <https://www.cnn.com/2020/06/08/us/us-police-floyd-protests-country-comparisons-intl/index.html>

<sup>3</sup> <https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/>

## 8 Can't Wait

A grassroots organization in the United States, called Campaign Zero, which emerged from the police protests in Ferguson, Missouri, put together the following eight ideas to assist police, City and state legislators, to respond to protests against police brutality.

The ideas include conduct remedies like banning chokeholds, changing reporting systems for use of force incidents, requiring officers to intervene when they witness misconduct, and more. The graphic below shows a summary of the conduct remedies.



The below noted information outlines the policies and processes that are in place at the Delta Police Department, in comparison to these demands. Note, the 2020 Amended OB10 Use of Force Policy is currently in the second stage of approval process, before the Board.

1. *Ban Chokeholds and Strangleholds*
  - a. Officers are prohibited from the intentional use of chokeholds unless the officer has reasonable grounds to believe that lethal force is justified. (As per paragraph 71, OB10).

2. *Require De-escalation*
  - a. Delta Police officers are taught to de-escalate a tense or potentially violent situation using as little force as possible. To maximize the ability for officers to avoid force, the DPD has trained all officers in an innovative program - ICAT (Integrating Communications and Tactics). Dialogue is a critical component.
  - b. This is a requirement under the Delta Police Use of Force Policy (paragraph 4) and procedure (paragraph 18)
3. *Require Warning Before Shooting*
  - a. Delta Police procedure (para. 11) requires a warning before the use of any weapon. Warning shots are not permitted (para. 134)
4. *Exhaust all other means Before Shooting*
  - a. This is required as per multiple sections in Delta Police Policy (Procedure 12-14)
5. *Duty to Intervene*
  - a. This is not required as per policy, but DPD procedure is in accordance with Provincial Policing Standards requiring “duty to report suspected use of force.” (Procedure para. 54 and 55.)
6. *Ban shooting at moving vehicles*
  - a. This is allowed, but has to meet the threshold for shooting in the first place (Procedure para. 135.)
7. *Require Use of Force Continuum*
  - a. This is required. (Policy para. 2a and then covered in Procedure 56 and 57.)
8. *Require Comprehensive Reporting*
  - a. This is very thoroughly covered. It is specific to all but “soft control” use of force where no injury resulted (Procedure 9, 19 – 28, then 29 – 44, and then also 45 – 49)

### **Accountability and Communication**

At the start of this report, Sir Robert Peel, the father of modern democratic policing, was invoked. One of his nine principles of policing notes police must “recognise always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.”

While fair and impartial application of the law is critical, so too is communication with the public, so that they have awareness of actions the police are undertaking, the rationale behind those actions, and the confidence to speak up if a problem is perceived.

Delta Police Department believes public communication is critical. This is embedded throughout the organization, from requiring officers to always greet the public they are interacting with, introducing themselves by name when possible, to our commitment to serve the media, and to provide ongoing updates and information on a regular basis, such as through our website, variety of social media channels, podcast and more.

Public communications can also serve as a force multiplier, such as with traffic enforcement. By ensuring drivers are aware of ongoing traffic enforcement initiatives as well as priorities, such as stopping impaired drivers, police communication seeks to positively influence driver behaviour.

Media coverage is sought and social media is used to promote community engagement, and police successes from our Patrol and Investigative Branch sections.

DPD's Communication regularly reinforces the department's motto – No Call too Small. That's something which is very important to the community, and is a source of pride for many, including Delta Police officers. No call too small stories are shared regularly with the community, with the most recent detailing how a DPD member was in the right place at the right time to help bandage up an injured young cyclist, and get him home safely. With this outreach Delta Police seek to be accountable and to show transparency. Regular communications also help show the public that they can trust police, and that police are indeed engaged in keeping them safe.

### **Further Reforms**

While much work has been done, and is continuing in the realm of training, communication and more, DPD strongly upholds the principles of continuous improvement. Simply put, we can always do better. There are two areas in which the department is currently exploring potential improvements in service delivery, accountability and public trust: Community Safety Officers and Police worn body cameras.

### **Community Safety Officers**

Through a two-year pilot project, DPD is planning to hire paid and unarmed Community Safety Officers (CSO). The primary function of CSOs will be to assist DPD in enhancing service delivery to the community by assisting with lower-level, lower-risk tasks to relieve regular police officers from such duties. The CSOs will be highly engaged with the community adding value to DPD's strong model of community policing and the "No Call too Small" approach.

CSOs would be hired from the DPD's existing Reserve Constable program, and would wear a modified reserve uniform. CSOs would receive an additional 40 hours of training in order to fulfill their duties. The creation of the CSO program would provide the department with additional capacity to serve the community and to maintain high visibility while patrolling neighbourhoods.

### **Police Worn Body Cameras**

Body cameras act as a silent witness, and can collect evidence for court. Currently, Calgary Police is the only department in Canada utilizing body cameras. Significant privacy issues exist concerning the use of body cameras and having police officers film persons with whom they interact. For example, officers regularly interact with: victims in highly sensitive case of domestic violence; youth suspects whose identity must be protected; potential impaired drivers; and people in possession of or suspected of

trafficking drugs. As a result, very careful consideration must be given to the management, storage, retention and potential disclosure of such videos.

The Provincial Government has issued strict rules (Provincial Police Standards) that would apply, if any police agency were to consider using body cameras. The Provincial Information & Privacy Commissioner has also issued very specific guidelines. The potential benefits and drawbacks of using body cameras have been considered in numerous national and international policing studies.

There are significant cost implications that would need to be considered in addition to the initial purchase price and storage of video data. Video technicians would be required to prepare video for court disclosure, for example blurring the faces of bystanders. To date, DPD has not issued body cameras to officers. If DPD was to use body cameras in the future, a careful study would first be required to ensure compliance with the many regulatory requirements that apply to police using body cameras. Consideration would also need to be given to the community's wishes, and they would have an opportunity to provide input.

▪ **IMPLICATIONS:**

There are no financial implications for this report.

▪ **RELATED POLICY:**

OB10 – Use of Force

▪ **CONCLUSION:**

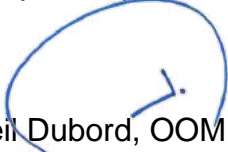
Are officers with full use of force tools the best trained and the most appropriate response to people struggling with issues such as addiction, homelessness, poverty and mental health crises? It can be discussed both in support and opposition.

However, this discussion must involve all levels of government as well as the public, to ensure that the society collectively comes to an agreement on the most appropriate responses to these issues. If this is truly a moment of history where society is considering all possibilities, then this means governments must reform the way public service is provided throughout the community, not just through police. This requires partnership at all levels of government and the will to see and do things differently.

In the interim, can police implement better training, consider different service arrangements, or implement improved procedures and policy to oversee how such interactions are conducted? Absolutely. A police service that fails to adopt an approach of openness to continuous improvement is one that fails to serve the public to the best

of its ability. Police departments can always do better and be better. And with guidance from the Delta Police Board, and the community at large, DPD welcomes the opportunity to make changes.

Respectfully Submitted:



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