



1204442

October 6, 2021

Via email: mayorandcouncil@victoria.ca

Their Worship Lisa Helps
Mayor of the City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps:

Thank you for your letter of April 7, 2021, addressed to the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General, and copied to me, in relation to the use of police resources for individuals apprehended under the *Mental Health Act* (the Act). I apologize for the delayed response.

Thank you for identifying the problem and presenting constructive solutions. The interface of public safety, police resources, mental health, and addictions is a priority for our government and is reflected in several of the mandate letter instructions given to me by the Premier. We are working on solutions and across government we feel the urgency of the situation in communities, particularly because of the impacts of the pandemic. You can read our ministry's mandate letter in full here: <https://news.gov.bc.ca/files/MMHA-Malcolmson-mandate.pdf>.

You requested that "special constable status" be given to Island Health security staff to take custody of patients apprehended under the Act upon arrival at the hospital. As well, you requested that Island Health take responsibility for ensuring that patients in custody who have left the hospital unescorted are returned to custody as required. Finally, you requested that Island Health find alternative ways to return patients home following mandated mental health and or addiction treatment.

The ministries of Public Safety and Solicitor General (PSSG) and Mental Health and Addictions (MMHA) are working in collaboration on mental health related issues involving police. The Ministry of Health is also working with MMHA on broader issues associated with crisis intervention and emergency response.

Here's what I've learned about ways to advance your suggestions:

...2

PSSG has advised that hospital security personnel are licensed security workers trained to maintain safety and security of hospital premises. PSSG considers it a patient safety requirement that police remain with patients apprehended under the Act until they can be assessed by a physician. PSSG also advises that the issues around special provincial constable appointments are complex, involve multiple ministries, legislation, and liability issues. There is no immediate plan to issue special provincial constable appointments to hospital security personnel, however, it may well be a recommendation of the Special Committee on Reforming the *Police Act*.

The committee is examining the role of police with respect to complex social issues, including mental health and addictions, and may recommend changes to the *Mental Health Act*. For further information on the Special Committee please see the following link:

<https://www.leg.bc.ca/parliamentary-business/committees/42ndParliament-1stSession-rpa>

In terms of “finding alternative ways to return patients home following mandated mental health and or addiction treatment,” some patients receiving involuntary psychiatric treatment are authorized under the Act to leave the hospital if the leave is longer than 14 days. In those cases, hospital staff or a community physician continue to have responsibility for the treatment, care, health, and safety of the patient while on leave. A specific *Mental Health Act* form must be completed and signed by the attending physician outlining the conditions of leave, including transition support to help the patient return and re-establish themselves safely within their home.

To minimize police wait times with involuntarily apprehended patients in emergency departments in 2018, the ministries of Health and Public Safety developed a provincial toolkit to help health authorities and police agencies develop local protocols/agreements. The provincial toolkit includes tools to minimize police wait times and ensure a smooth transition from police custody to health care services for persons detained under the Act in emergency departments.

The toolkit is available on the Ministry of Health website:

<https://www2.gov.bc.ca/assets/gov/health/managing-your-health/mental-health-substance-use/police-interface-report.pdf>

In addition, MMHA has been in contact with Kelly Reid, the Interim Executive Director of the Vancouver Island Health Authority (Island Health) who is responsible for the management of mental health and substance use services. Mr. Reid advised that a Joint Greater Victoria Police Partnership Committee was established five years ago with representatives of the Saanich, Victoria, and Esquimalt police departments, the RCMP, and Island Health to address emergency department police wait times with patients detained under Section 28 of the Act. A joint protocol and various tools were developed and police wait times were reduced over time. Since the onset of the COVID-19 pandemic, this committee has not met. Mr. Reid indicated that the committee will be reconvening in the fall and welcomes participation from additional participants from the region to explore options to minimize police wait times in hospital emergency departments and address issues concerning involuntary patients under the *Mental Health Act*. Mr. Reid can be reached at Kelly.Reid@viha.ca.

I hope that one of those three pathways is helpful in the near term, while we continue to work on police resources and mental health services. Thank you for bringing this important issue to my attention.

Best wishes,



Sheila Malcolmson
Minister

pc: Honourable Mike Farnworth, Minister of Public Safety and Solicitor General
Honourable Adrian Dix, Minister of Health
Kelly Reid, Interim Executive Director, Mental Health and Substance Use Services,
Vancouver Island Health Authority