



August 22, 2022

1225144 MMHA
630119 PSSG

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 correspondence of March 31, 2022, regarding police resources being allocated to Island Health facilities to oversee patients apprehended under the *Mental Health Act*.

Thank you for sharing the data from 2021 on hospital wait times compiled by Victoria Police Department (VicPD) for their Community Safety Report Card. The data specifically summarizes hours and costs that VicPD spends overseeing patients apprehended under the *Mental Health Act* (the *Act*) at Island Health hospital facilities, and you suggest these time commitments represent a considerable burden on police resources. Finally, you request the implementation of security guards with Special Municipal Constable (SMC) status to help address this matter.

When a person is detained under section 28 of the *Act* by a police officer, they are transported to the nearest designated facility under the *Act*. The officer waits with the person until a physician has completed a comprehensive psychiatric assessment to determine whether the person meets the criteria for involuntary detention and treatment under the *Act*, and the transfer of responsibility from police to the designated mental health facility can take place.

There is no legal authority in the *Act* for hospital security staff to detain patients who are awaiting examination for involuntary admission, nor is there authority in the *Act* for a police officer or constable to transfer the authority to detain a patient to hospital security staff. Hospital security personnel are licensed security workers trained to maintain safety and security of hospital premises. PSSG considers the requirement for police to remain with patients apprehended under the *Act* until they can be assessed by a physician to be a patient safety issue.

In your letter, you have requested reinstatement of security guards with Special Municipal Constable (SMC) appointments to take this work away from police resources. For clarification, hospital security guards were previously appointed as Special Provincial Constables; however, this program was discontinued many years ago due to significant liability concerns.

Should you wish to explore the use of SMCs as hospital security guards, it should be noted that the appropriate course of action available to you on this matter is for the Victoria Police Board and VicPD to further examine the proposal you have suggested. The Victoria Police Board would foreseeably be deemed the employer under such a model, responsible for the salary costs, training, program development, equipment and the liability associated with SMCs performing this function.

In 2018, PSSG and HLTH developed a provincial toolkit to help health authorities and police agencies in the development of joint local protocols/agreements to minimize police wait times with involuntarily apprehended patients in the emergency department. The provincial toolkit includes tools to minimize police wait times and ensure smooth transition from police custody to health care services for persons detained under the *Act* in emergency departments. The toolkit is available on the HLTH website: [police-interface-report.pdf \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/health/health_services/emergency/assault_sexual_abuse/polic_interface_toolkit/police-interface-report.pdf)

We are pleased that dialogue and coordination has occurred between VicPD and Island Health who have identified several initiatives that are underway with regards to police waiting at the hospital with patients until they are assessed. The Canadian Mental Health Association is leading a peer support program in collaboration with Island Health and VicPD. As you mentioned, Island Health has initiated a South Island Working Group focused on wait times for police. The working group is co-chaired by Island Health and VicPD, and there are plans to expand the working group to include Central and North Island.

Lastly, the Special Committee on Reforming the *Police Act* (the “Special Committee”) April 28, 2022, report offers some insight on this subject. The report speaks to the fact that only a police officer or constable may apprehend and transfer a patient to a physician under the *Act*, and that this is what feeds cost and efficiency issues for police organizations. Nonetheless, the report recognizes that the police should not be the primary or only responders to mental health crises. Recommendation #4 of the Special Committee’s report is to create and appropriately fund a continuum of response to mental health, addictions, and other complex social issues with a focus on prevention and community-led responses, including increasing coordination and integration across police, health, mental health, and social services. This is consistent with work the Ministries of Mental Health and Addictions (MMHA), Public Safety and Solicitor General (PSSG) and Health (HLTH) are conducting, working in collaboration on mental health related issues involving police. MMHA is also working with HLTH on broader issues associated with crisis intervention and emergency response services. All these issues will be given due consideration by the PSSG Policing and Security Branch, in partnership with MMHA and HLTH to address the report.

We are also hopeful about the province's study into repeat criminal offenders in BC, to inform the Province's plans to curb escalating chronic crime and random assaults in urban downtown

areas. It will help to ensure that prolific offenders with mental health challenges are connected with the right supports.

Thank you for writing.

Best wishes,

A handwritten signature in blue ink, appearing to be 'SM', followed by a long horizontal flourish.

Sheila Malcolmson
Minister
Mental Health and Addictions

A handwritten signature in blue ink, appearing to be 'Mike Farnworth', with a stylized, looped end.

Mike Farnworth
Minister
Public Safety and Solicitor General

pc: Honourable Adrian Dix, Minister of Health
Keva Glynn, Executive Director, Mental Health and Substance Use Services,
Island Health Authority