



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: 2022-06-08
BOARD MEETING DATE: 2022-06-23
BOARD REPORT # 2206C01
Regular

TO: **Vancouver Police Board Service and Policy Complaint Review Committee**

FROM: Sergeant Mike Loeppky #2155 – Operations Division / District 2

SUBJECT: Service or Policy Complaint #2022-008 re: perceived Vancouver Police Department's lack of attendance and response to ongoing issues that occur within close proximity of the complainant's residence

RECOMMENDATION:

THAT, the Vancouver Police Board (VPB) Service and Policy Complaint Review Committee conclude its review of the complaint based on the information outlined in this report.

SUMMARY:

On December 31, 2021, the complainant, a resident on East Hastings Street, made a service or policy complaint to Office of the Police Complaint Commissioner (OPCC). The complainant believed that the Vancouver Police Department (VPD) was not responding properly to the issues of homeless individuals who had set up tents on the sidewalks in front of their residence. The complainant believed the VPD were unwilling or unable to remove the tents and individuals. The Service and Policy Complaint sub-committee reviewed the complaint and requested a report back from the VPD.

The address of the complainant's residence is located in the Downtown Eastside (DTES). The DTES struggles with many complex social challenges including homelessness, affordable and quality housing, poverty, unemployment, mental health, drug use, and crime. There are many people living in tents throughout the Vancouver with many in the DTES. There has been an ongoing discussion between the VPD and the City of Vancouver (COV) regarding potential solutions and responsibilities for these complex social issues.

If structures and individuals are on private property the owner can request that the police assist in removing said individuals and structures pursuant to the *Trespass Act*. If the structures and parties are on public spaces such as sidewalks, the COV has a specific engineering crew that removes these structures under Street and Traffic Bylaw 2849 *Section 71(a)*. The VPD will stand by if requested by COV Engineering staff to ensure the safety of the staff but does not remove items or people. The COV may re-locate structures or parties if the decision is made.

VPD is mindful that COV bylaws could be found to infringe with an individual's rights under S.7 of the *Canadian Charter of Rights and Freedoms*, placing the governing by-law and related enforcement in jeopardy.

Given that the tents are not located on the property of the complainant's address but are located on COV sidewalks, VPD officers do not remove structures from the sidewalks unless assisting COV staff with by-law enforcement. It is unknown if the DTES has enough shelter space to accommodate all of the individuals who are living on the street. This report also summarizes numerous efforts being made by the VPD to manage the ongoing crime and public safety concerns described in the complaints.

The VPD recommends that Service and Policy Complaint Review Committee conclude its review of the complaint based on the information outlined in this report.

BACKGROUND:

On December 31, 2021, the OPCC received a complaint from a resident of East Hastings Street outlining their concerns related to the VPD's lack of attendance and response to ongoing issues that occur within close proximity of the complainant's residence. The issue appeared to be homeless individuals setting up tents on the sidewalks in front of the complainant's residence. The complainant states that police have been unwilling or unable to remove the tents and individuals. According to the complainant, this has resulted in entrances and exits being blocked, needles on the sidewalk, and people defecating on the street. The complainant stated that these problems have appeared to be getting worse during the COVID-19 pandemic.

In September 2018, residents of the complainant's building made a similar complaint (OPCC #2018-14790 and Board Report #2018-132) regarding perceived funding cuts to police which enabled crime in the area to worsen. The Vancouver Police Board Service and Policy Complaint Review Committee dismissed that complaint with reasons.

In the current complaint, the complainant listed six times the police were called to illustrate the lack of action by the VPD. The following is a brief description of the calls:

2021-213709 – Suspicious circumstance call

On December 29, 2021, at 17:36 hrs, the complainant called to report tents set up in front of their building selling bicycles. The complainant believed them to be stolen. The complainant believed the people in the tent had sold guns in the past. The call was closed and remarks were added in the call by the supervisor on duty. Police did not attend but it is procedure to refer the caller to the COV 311 non-emergency phone number to lodge complaints that may not require police attendance.

2021-213827 – Unwanted persons call

On December 29, 2021, at 23:02 hrs, the complainant called to report 20 people hanging out in front with a tent set up and would like them moved along. The call was closed and remarks were added in the call by the supervisor on duty. Police did not attend but it is procedure to refer the caller to the COV 311 non-emergency phone number to lodge complaints that may not require police attendance.

2022-2190 – Weapons call

On January 5, 2022, at approximately 14:50 hrs, another resident of the residence called police when they took a picture of a large structure in front of the residence and an unknown male took offence to their actions. Both parties were about to engage in a physical fight when the unknown male suspect took out a knife. The resident retreated into the building and called police. Police arrived on scene and spoke with the resident. The resident did not want to participate in criminal charges but wanted the COV to address the issue of structures and garbage accumulating on the street in front of the building. Police could not locate the unknown male with the knife.

2022-2311 – Drugs call

On January 5, 2022, at approximately 20:06 hrs, the complainant called to report a male was taking cash and handing out little baggies in front of the residence. Police arrived on scene and investigated and no drugs were found on any of the parties.

2022-2898 – Sudden Death call

On January 7, 2022, at 16:42 hrs, an ambulance requested police for crowd control at a neighbouring building for a female on the street in cardiac arrest. The female died from a suspect drug overdose. Police locked down the scene until the body was removed by the coroner.

2022-3187 – Unwanted persons call

On January 7, 2022, at 16:54 hrs, the complainant called police to say there was a group of unwanted parties loitering outside the residence. The complainant alleged that one male made threats towards them. Police attended and spoke with the unwanted parties. They alleged the complainant had initiated the altercation by harassing them and pulling a fence toward them. The males left the area.

Initiatives in the DTES

District Two management recognizes that proactive initiatives can have positive results in the DTES, and they have been overseeing them for years. There are also regular projects being conducted by the Major Crime Section and Organized Crime Section that focus on criminal targets that operate in the DTES. The following are a number of initiatives introduced to assist the complex issues in the DTES:

Community Outreach – Historically the Beat Enforcement Team (BET) has engaged in community outreach and continues to do so with any group in the DTES that want to discuss public safety and ways to improve public safety. The BET has always encouraged a direct line of communication for immediate issues specific to any group asking for assistance.

Street Vending Team Members – Their primary function is to concentrate on illegal street vending, public safety issues and street disorder. Street Vending Team members are responsible for accompanying COV staff to keep them safe while performing their duties.

Homeless Outreach Coordinator – The VPD also maintains a permanent full time position for an officer whose primary role is the VPD's Homeless Outreach Coordinator. For obvious reasons, this officer must spend an extensive amount of time working within the DTES. This officer coordinates regularly with the Street Vending Team Members, BET officers, and BET supervision.

DISCUSSION:

The VPD attempted to speak with the complainant via telephone and emailed the complainant four times, with no reply. This issue appears to stem from tents being set up on the sidewalk on the 100 block of East Hastings specifically in front of the complainant's residence.

If structures and parties are on private property the owner can request that the police assist in removing said parties and structures. If the structures and parties are on public spaces such as sidewalks, the COV has a specific Engineering crew that removes structures on these public spaces. The VPD will stand by if requested by COV Engineering to ensure the safety of the COV crew, but the VPD doesn't remove items or people. The COV may re-locate structures or parties.

The VPD is mindful of the Supreme Court decision in 2015 (*Abbotsford vs Shantz*) where Chief Justice Hinkson concluded that Abbotsford's by-laws to dismantle homeless camps infringed on S.7 of the *Canadian Charter of Rights and Freedoms* and the by-laws were rendered void. In his decision, the Chief Justice went on to say, "cities need to get their by-laws in line with the Charter". Hence, any by-laws enforcement may not be upheld in the court and would not be supported by the COV for fear of liability. It could leave enforcement officers in a precarious position, if force is used in the enforcement process.

The VPD has been made aware of pamphlets handed out to marginalized persons living on the streets by the DTES Stop the Sweep Coalition - (see attachment). The Sweep Coalition portrays a COV worker as a bull dog and a VPD officer as a pig in uniform. It is advocating against the COV and the VPD clearing the sidewalks of people, tents, and other structures. It was created by the PIVOT Legal Society and has the following website listed: www.stophesweeps.ca.

As part of this complaint's investigation, the VPD observed the front and back of the complainant's residence. There is blue fencing around the entrances and exits to keep people away from the doors to the building. These fences appear to be on the sidewalks. The parties observed appear to be camping out on the sidewalk and not on private property. This appears to be up to the COV to remove structures and tents from the sidewalks.

ANALYSIS:

The complainant listed six VPD incident calls regarding non response from the VPD. Four out of six calls appeared to be "unwanted persons or drug calls". When dispatching calls, incidents are assigned in priority due to limited resources. When deciding priority the major factor considered is threat to public safety. Calls like homicides, sex assaults, robberies and the like are considered to have the greatest priority due to the extensive threat to public safety. Calls that are a threat to public safety are dispatched in a timely manner. Calls like unwanted person calls or drug calls have a lower priority due to a lower risk to public safety. Due to the extensive demands of policing in the DTES, some calls will have a longer wait time or not be dispatched if the priority is low enough.

Due to the fact that individuals living in tents on the sidewalk may have complex issues including homelessness, lack of affordable or quality housing, extreme poverty, unemployment, mental health issues and drug addiction, the VPD empathizes with individuals in these circumstances.

VPD programs like Community Outreach, the Street Vending Team and the Homeless Outreach Coordinator aim to improve the area against crime and lawlessness while also assisting marginalized people in the DTES. It is unrealistic to expect dramatic change in the DTES by the

actions of the VPD alone. Assistance from all levels of government are needed to substantially improve the quality of life in the DTES.

The complainant's residence is located in the heart of the DTES. The complainant believes that it is the VPD's responsibility to remove structures, people, and tents from the sidewalk. The structures are on public property (the sidewalk). The DTES struggles with many complex challenges including homelessness, affordable and quality housing, poverty, unemployment, mental health, drug use and crime.

If structures and parties are on private property the owner can request that the police assist in removing said parties and structures. If the structures and parties are on public spaces such as sidewalks the COV has a specific engineering crew that removes these structures. As previously mentioned, the VPD will stand by if requested by Engineering to ensure the safety of the COV crew but the VPD doesn't don't remove items or people. The COV may re-locate structures or parties if the decision is made.

CONCLUSION:

The complex social challenges in the DTES go far beyond the control of just the VPD. Many different agencies including those in the federal, provincial, and municipal government need to work together to try to resolve the complex social problems occurring in the DTES. The VPD adapts through partnership with these federal, provincial and municipal agencies when appropriate. As a result, the VPD continues to take all the steps it can within its available resources while acting lawfully. The VPD is also aware that in order to achieve success in improving the safety and liveability for all residents of the DTES, an ongoing partnership with the community, our civic partners, and other agency partners is essential.

This report also summarizes numerous efforts that are in place currently being made by the VPD to manage the ongoing crime and public safety concerns described in the complaints. Tents and structures can be put up and taken down in different areas in the DTES, including in front of the complaint's residence, they are dealt with on a case by case basis.

The VPD recommends that Service and Policy Complaint Review Committee conclude its review of the complaint based on the information outlined in this report.

Author: Sergeant Mike Loepky

Date: 2022-06-08

Submitting Executive Member:

Deputy Chief Howard Chow

Date: 2022-06-08

OUR WORK SO FAR

The campaign to end Street Sweeps began in fall 2021.

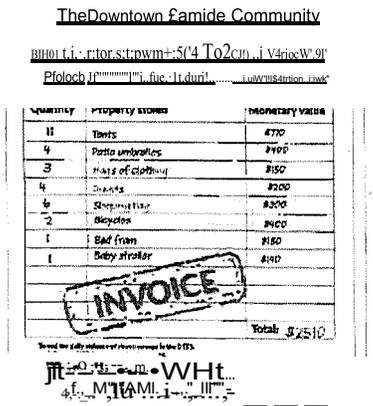
During Homelessness Action Week 2021 (Oct 10-14, 2021), volunteers surveyed 100 community members and observed CUPE 1004 City workers and Vancouver Police Department (VPD) constables as they harassed and stole property from unhoused residents of the Downtown Eastside.

In October 2021 we presented the City of Vancouver with an invoice representing the theft from OTES Community Members.

In April 2022, Pivot published #StopTheSweeps: Ending Cyclical Displacement & Criminalized Poverty in Vancouver, informed by the October 2021 counter-patrol and including a legal backgrounder and position paper.

In May 2022, Pivot will be publishing #StopTheSweeps: Ending Cyclical Displacement & Criminalized Poverty in Vancouver, informed by the October 2021 counter-patrol and including a legal backgrounder and position paper.

Our campaign is in solidarity with all unhoused people, fighting for survival and access to public space on unceded territory.



OUR DEMANDS

- 1) Eliminate the enforcement of Street and Traffic By-Laws against people who rely on public space.
- 2) Defund City Engineering & Police Budgets and redirect funds currently allocated to Street Sweeps, in order to redistribute resources and funds for cleaning to local organizations and individuals who reside in affected areas.
- 3) Implement directives related to the confiscation of belongings from people who rely on public space, which recognize that this practice has continued potential for harmful and discriminatory impacts.
 - a. In the rare event that belongings must be confiscated, directives should:
 - clearly detail how City staff are to protect the rights and dignity of those
 - who are impacted, including rights to procedural fairness.
 - City staff must provide 24 hours of advance notice prior to seizure.
 - If someone's belongings are justifiably confiscated, City staff must be provided a receipt that details what was taken, and clear instructions on how to retrieve personal belongings.
- 4) Provide funding to storage facilities in an easily-accessible area.
 - Any confiscated belongings must be stored at a facility located within the Downtown Eastside.
 - Storage facilities must be secure, easily accessible, of an adequate size, and informed by best practices and cultural safety for people who rely on public space.
 - Retrieval processes must respect the limited access unhoused people have to identifying documentation.
 - Storage facilities must provide long-term, low-barrier storage space (i.e. 3-6 months).
- 5) Conduct a peer-led stigma audit to specifically review the operations of City Engineering Services to identify instances of potential discrimination on the basis of social condition.
- 6) Drastically expand permanent parklets, green spaces, hygiene facilities, garbage disposal sites, and other public outdoor amenities such as covered cooking facilities, and cultural programming sites through the OTES, as these are essential public spaces.
- 7) Lobby the provincial government to add "social condition" as a protected ground in BC's Human Rights Code, as recommended by the Office of the Human Rights commissioner.

WWW.STOPTHESWEEPS.CA



STREET SWEEPS HARM UNHOUSED NEIGHBOURS THROUGHOUT BC.

IN VANCOUVER. CUPE 1004 WORKERS DESTROY THE BELONGINGS OF UNHOUSED PEOPLE IN THE DTES EVERY DAY. WE WANT TO END THIS PRACTICE.

