

#STOPTHESWEEPS

ENDING CYCLICAL DISPLACEMENT
& CRIMINALIZED POVERTY
IN VANCOUVER



STOP THE
SWEEPS.CA

ACKNOWLEDGEMENTS

Our office is located on the sovereign, unceded ancestral territories of the x̣ṃəθḳẉəỵəm (Musqueam), Skwxwú7mesh (Squamish), and sə́ilwətaʔṭ (Tsleil-Waututh) Nations. We are grateful to Indigenous Peoples for their continuous relationship with their lands and are committed to learning to work in solidarity as accomplices in shifting the colonial default.



Coalition of Peers
Dismantling the Drug War



Defund 604 Network



Pivot Legal Society



Vancouver Area Network
of Drug Users (VANDU)



Western Aboriginal Harm
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Homelessness Action Week
October 12, 2021
Photo: Meenakshi Manoe

EXECUTIVE SUMMARY

In Vancouver, the “Street Sweep” refers to the daily practice of City Engineering Workers and VPD officers moving throughout the Downtown Eastside (DTES), notionally in order to ‘clean’ City property. This practice draws its authority from several different bylaws depending on the particular location, and the main justification is Street and Traffic By-Law, which prohibits people from placing objects, structures, obstructions, or garbage on a City street (which includes sidewalks). Street Sweeps can infringe on constitutional and human rights law in two main ways: by endangering people’s lives and security of the person, in violation of section 7 of the Charter; and by discriminating against protected groups, including Indigenous people, Black people, People of Colour, drug users, and people with disabilities. The practice of displacing people and confiscating and presumably destroying their possessions, can be unconstitutional, against human rights law, and grounds for a civil lawsuit based on the seizure and destruction of private property.

For everyone who relies on public space, the daily practice of Street Sweeps perpetuates a cycle of displacement that diminishes the dignity, safety, and well-being of people. The negative impacts of Street Sweeps on low-income and street-involved communities in Vancouver have been widely-documented as a harmful practice.

During Homelessness Action Week 2021, a Street Sweep counter-patrol was formed to research, document, and analyze the impact of Street Sweeps in the Downtown Eastside. For five consecutive days, this counter-patrol tracked the work of City Engineering Workers and Vancouver Police Department officers in a small radius within the Downtown Eastside.



Street Sweeps can infringe on constitutional and human rights law in two main ways: by endangering people’s lives and security of the person, in violation of section 7 of the Charter; and by discriminating against protected groups, including Indigenous Peoples, Black people, People of Colour, drug users, and people with disabilities.

The counter-patrol collected data through the following methods:

- Interviewed 85 people who rely on public space
- Conducted 8 extended interviews
- Submitted 2 Freedom of Information Requests
- Recorded and inventoried items taken by City of Vancouver Crews over 5 days
- Following data collection, results were compiled
- Firsthand accounts of Street Sweeps were coded and analyzed
- Inventories of items taken estimated that \$2,510 worth of personal property was seized and trashed during Homelessness Action Week 2021
- Labour and personnel costs were estimated at \$2172.00 for 5 mornings of Street Sweeps.

The practice of Street Sweeps, pursuant to municipal bylaws, targets people who are experiencing some combination of low-income status, homelessness, or precarious housing, including people who experience deep economic and social disadvantage. Street Sweeps are causing cyclical displacement and dislocation of community members in the Downtown Eastside. Rather than continue to carry out this harmful practice, the City of Vancouver must take action.

Ending Street Sweeps will create an opportunity for the City to foster peer-led programming and initiatives that are directed by people with lived and living experiences of homelessness and reliance on public space. Alternative practices must be informed by best practices that do not rely on coercive practices and power imbalances.

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.
 - b. City staff must provide at least 24 hours of advance notice prior to seizure.
 - c. If someone's belongings are justifiably confiscated, City staff must provide 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.**
 - a. Any confiscated belongings must be stored at a facility located within the Downtown Eastside.
 - b. 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.
 - c. Retrieval processes must respect the limited access unhoused people have to identifying documentation.
 - d. 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 DTES, 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.**

INTRODUCTION

During Homelessness Action Week 2021 (October 10-17) the Vancouver Area Network of Drug Users (“VANDU”) and Pivot Legal Society coordinated a Street Sweep counter-patrol in the Downtown Eastside (“DTES”). This counter-patrol was also supported by members of the Coalition of Peers Dismantling the Drug War, DTES Neighbourhood House, Defund 604 Network, and other allies who support an end to the current practice of Street Sweeps.

Organizers chose Homelessness Action Week to highlight the active role the City of Vancouver assumes in these Street Sweeps: City Engineering Workers acting as agents of displacement, alongside the Vancouver Police Department (“VPD”).

All colonial governments have contributed to the current crisis of homelessness in Vancouver, including decades of municipal inaction and the continued criminalization of people living in poverty. Through the practice of Street Sweeps, unionized city workers are making the lives of people who rely on public space unbearable. This includes degrading cleanup practices, unrealistic timelines, and telling people to move along or dismantle their structures despite no viable alternatives.

Through the continued practice of Street Sweeps, City Engineering workers and VPD officers (including beat enforcement police officers) are enforcing bylaws that collide with systemic injustices of the housing crisis, drug policy crisis, mental health crisis, and the continued dispossession of Indigenous people.

WHAT IS A STREET SWEEP?

The “Street Sweep” refers to the daily practice of City Engineering Workers and VPD officers moving throughout the DTES seizing possessions, notionally in order to ‘clean’ City property.

Street Sweeps rely on a partnership between City of Vancouver municipal employees (specifically City Engineering workers) and VPD officers. The general practices of the Street Sweep crew are outlined in the City of Vancouver Safe Operating Procedure - Dismantling of Transient Camps.¹

In City of Vancouver documents, these municipal employees have been described as members of the “Transient Crew” or “frontline street crews.”^{2,3} These employees work within the City of Vancouver Engineering Services - Street Operations Branch. Street Sweeps are typically carried out by 4-6 municipal workers employed within the Transient Crew - Engineering Services Business Unit of the City of Vancouver (CUPE 1004) in addition to two armed and uniformed VPD officers.



¹ City of Vancouver, *Request for Access to Records under the Freedom of Information and Protection of Privacy Act* (the “Act”) (Vancouver: City Clerk’s Department, 2018), online: City of Vancouver <https://vancouver.ca/files/cov/2017-504-release.pdf> pages 52-61

² City of Vancouver, *Request for Access to Records under the Freedom of Information and Protection of Privacy Act* (the “Act”) (Vancouver: City Clerk’s Department, 2018), online: City of Vancouver <https://vancouver.ca/files/cov/2017-504-release.pdf>

³ City of Vancouver statement on Homelessness Action Week

Street Sweeps are also integrated with other practices of displacement, including the removal of people sheltering in tent cities (i.e. CRAB Park, Camp HOPES at Strathcona Park, and Oppenheimer Park). Programs such as the VPD's Trespass Prevention Program further erode people's options, as business and property owners can simply place a decal in their window that alerts police officers that they have the legal authority to displace people who may seek shelter on stoops, in entryways, or beneath awnings.

The DTES, with its sustained community of unhoused, underhoused, and precariously-housed people, can be characterized as "a neighbourhood with disproportionate levels of manufactured and enforced violence, poverty, homelessness, child apprehension, criminalization, and fatal overdoses."⁴ For community members who rely on public space, Street Sweeps are part of the cyclical displacement they must contend with as part of their daily survival:

The harm of daily displacement is real; it causes physical and psychological harm. It pushes people away from the services they rely upon. It means people shelter in more remote, more dangerous locations that put them farther away from emergency assistance... Having no safe space to shelter and rest erodes physical, mental, and spiritual health.⁵

For everyone who relies on public space, the daily practice of Street Sweeps perpetuates a cycle of displacement that diminishes the dignity, safety, and well-being of people. The negative impacts of Street Sweeps on low-income and street-involved communities in Vancouver have been widely-documented as a harmful practice. In 2009, DTES residents, including VANDU members, organized against the use of ticketing and other police practices "aimed at curbing street disorder."⁶ Several years later, in 2015, lawyers from the BC Civil Liberties Association and Pivot Legal Society acted as legal observers, monitoring Sweeps in the Downtown Eastside.⁷ Throughout 2021, journalists highlighted the impact of these Sweeps, and the seizure of homeless people's belongings. Through reporting by Jen St. Denis and Wawmeesh Hamilton, respectively, the public has learned about the confiscation and disposal of a walker and wheelchair, and the ashes of an Indigenous woman's mother.^{8,9,10}

The Street Sweeps are a stigmatizing and harmful practice that must be eliminated. Blomley et al. (2020) note "the legal governance of the personal belongings of the poor appears to be widespread. For many, the loss or destruction of possessions

4 Carol Muree Martin & Harsha Walia, *Red Women Rising* (Vancouver: Downtown Eastside Women's Centre, 2019), page 9

5 Darcie Bennett & DJ Larkin, *Project Inclusion: Confronting Anti-Homeless and Anti-Substance User Stigma in British Columbia* (Vancouver: Pivot Legal Society, 2018), page 20

6 Canadian Press, "Downtown Eastside residents protest police 'street sweeps,'" *CBC News* (15 March 2009), online: <https://www.cbc.ca/news/canada/downtown-eastside-residents-protest-police-street-sweeps-1.780441>

7 Pivot Legal Society, "City of Vancouver street sweeps are displacing homeless people from Hastings Street," *Pivot Legal Society* (18 November 2015), online: https://www.pivotlegal.org/city_of_vancouver_street_sweeps_are_displacing_homeless_people_from_hastings_street

8 Jen St. Denis, "Street Sweeps Steal from Homeless People, Say Downtown Eastside Advocates," *The Tyee* (15 October 2021), online: <https://thetyee.ca/News/2021/10/15/Street-Sweeps-Steal-From-Homeless-People-DTES-Advocates/>

9 Jen St. Denis, "'Unprofessional and Disrespectful': Walker Among Items Taken from Homeless People," *The Tyee* (20 January 2021), online: <https://thetyee.ca/News/2021/01/20/Walker-Among-Items-Taken-From-Homeless-People-Downtown-Eastside/>

10 Wawmeesh Hamilton, "VPD accused of losing Indigenous mother's ashes during Downtown Eastside street cleanup," *CBC News* (26 May 2021), online: <https://www.cbc.ca/news/canada/british-columbia/vpd-accused-losing-indigenous-mother-s-ashes-1.6041188>

is endemic.”¹¹ This governance, in turn, produces more precarity for vulnerable people, including ramifications for health and wellness, criminalization, equality, dignity, and belonging.¹²

THE COLONIAL REALITY OF STREET SWEEPS

Street Sweeps are part of the broader criminalization of poverty, enforced through an array of anti-homeless bylaws, endemic in municipalities across British Columbia. The enforcement of anti-homeless bylaws is undergirded by colonial systems that continue to displace Indigenous, Black and other People of Colour. As the BC Assembly of First Nations notes:

Due to the ongoing legacies of Canada’s residential school system, land dispossession, and other colonial policies, a disproportionate number of housing insecure individuals across BC are First Nations. Furthermore, the chronic lack of housing and infrastructure in First Nations communities is linked to homelessness in municipalities such as Prince George... BCAFN membership maintains that there is an urgent need to address homelessness for First Nations both on and off reserve.¹³

2020 data from the City of Vancouver found that 39% of people who identified as homeless were Indigenous.¹⁴ The City further found that Black people and other People of Colour are more likely to experience homelessness.¹⁵ The City of Vancouver continues to espouse its commitment to Reconciliation and aspiration to implement the UN Declaration on the Rights of Indigenous People (“UNDRIP”) and must recognize Street Sweeps as a tool of colonial violence.^{16,17} The displacement of Indigenous people from unceded land, and the disposal of their personal property - including items of cultural and ceremonial significance - is unconscionable.

11 Nicholas Blomley, Alexandra Flynn & Marie-Eve Sylvestre, “Governing the possessions of the precariously housed: a critical legal geography” (2020) 16:165–81 Annual Review of Law and Social Science, at page 167

12 Nicholas Blomley, Alexandra Flynn & Marie-Eve Sylvestre, “Governing the possessions of the precariously housed: a critical legal geography” (2020) 16:165–81 Annual Review of Law and Social Science, at page 167

13 BC Assembly of First Nations, *Experiences With Bylaw in Prince George*, (Prince George: BC Assembly of First Nations, 2022), online: <https://www.bcafn.ca/sites/default/files/docs/reports-presentations/BCAFN%20Experiences%20With%20Bylaw%20in%20Prince%20George%203.21.2022.pdf>

14 Celine Maboules, *Homelessness & Supportive Housing Strategy*, (Vancouver: City of Vancouver, 2020), online: <https://council.vancouver.ca/20201007/documents/pspc1presentation.pdf>, page 28

15 Celine Maboules, *Homelessness & Supportive Housing Strategy*, (Vancouver: City of Vancouver, 2020), online: <https://council.vancouver.ca/20201007/documents/pspc1presentation.pdf>, page 29

16 Wendy Au & Ginger Gosnell-Myers, *Framework for City of Reconciliation*, (Vancouver: City of Vancouver, 2014), online: <https://council.vancouver.ca/20141028/documents/rr1.pdf>

17 Vancouver City Council, *Council Members’ Motion: Implementing the UN Declaration on the Rights of Indigenous Peoples in the City of Vancouver*, (Vancouver: City of Vancouver, 2021), online: <https://council.vancouver.ca/20210309/documents/b2.pdf>

THE DOLLARS & CENTS OF STREET SWEEPS

Street Sweeps come at a tremendous cost - impacting communities and individuals who are subject to constant precarity. The Sweep draws resources from City Engineering and VPD. The oppression of unhoused people, and others who rely on public space, is being used to justify growing street cleaning and policing budgets. While the HAW 2021 research focused on one week, we have reviewed annual budgeting materials to illuminate the cumulative costs of Street Sweeps.

STREET CLEANING COSTS

(\$M)	2017	2018	2019	2020	2021	2022
BUDGET	9.25	9.49	10.22	10.99	11.3	11.98
\$ Spent	7.77	9.58	9.91	8.79	10.28	N/A
% of Budget	84%	101%	97%	80%	91%	N/A

The annual Operating Budget for Engineering, Public Works Department does not provide a cost breakdown of Engineering services specific to Street Sweeps; however, the 2022 Budget Planning notes highlight an increase in Engineering expenses, and specifies that efforts to address homelessness city-wide, with focus on Strathcona Park, the downtown core, Downtown Eastside, Yaletown, Gastown, and Chinatown, is one of four reasons for an increased budget.^{18,19,20}

18 Patrice Impey, *DRAFT 2022 Budget - Response to Councillors' questions (Memo #3)*, (Vancouver: City of Vancouver, 18 November 2021), online: <https://vancouver.ca/files/cov/11-18-2021-council-memo-responses-to-councillors-questions-draft-2022-budget.pdf>, page 1

19 City of Vancouver, *Vancouver Budget 2022: Building the Budget*, (Vancouver: City of Vancouver, 2021), online: <https://vancouver.ca/files/cov/2022-budget-building-the-budget.PDF> at B-49

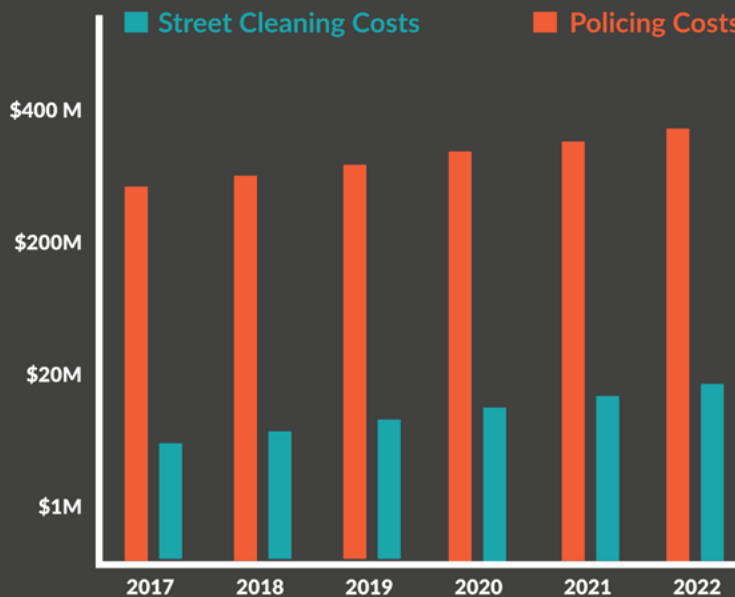
20 City of Vancouver, *Vancouver Budget 2022: Building the Budget*, (Vancouver: City of Vancouver, 2021), online: <https://vancouver.ca/files/cov/2022-budget-building-the-budget.PDF> at B-54

POLICING COSTS

(\$M)	2017 ²¹	2018 ²²	2019 ²³	2020 ²⁴	2021 ²⁵	2022 ²⁶
BUDGET	291.06	307.69	317.29	340.44	340.60 *	366.90

* Note: 5.7M added to the 2021 VPD budget, following a March 2022 decision by the Director of Police Services²⁷

The City of Vancouver estimates that between 2019-2021, the VPD incurred approximately \$970,000 of overtime costs at encampments/decampments, assisting park rangers, and attending Street Sweeps at the request of City Engineering.²⁸ The City of Vancouver funded nearly \$0.59M in overtime costs incurred during this 3-year period. The remaining \$0.38M was managed within



21 Vancouver Police Board, *Vancouver Police Department 2017 Provisional Operating Budget*, (Vancouver: Vancouver Police Board, 2016), online: <https://council.vancouver.ca/20161207/documents/spec1-VPDMemo.pdf>

22 City of Vancouver, *Regular Council Meeting Minutes*, (Vancouver: City of Vancouver, 12 December 2017), online: <https://council.vancouver.ca/20171212/documents/regu20171212min.pdf>, page 14

23 City of Vancouver, *Regular Council Meeting Minutes*, (Vancouver: City of Vancouver, 18 December 2018), online: <https://council.vancouver.ca/20181218/documents/regu20181218min.pdf>

24 City of Vancouver, *Council Meeting Minutes*, (Vancouver: City of Vancouver, 10 December 2019), <https://council.vancouver.ca/20191210/documents/regu20191210min.pdf>

25 City of Vancouver, *Council Meeting Minutes*, (Vancouver: City of Vancouver, 8 & 10 December 2020), <https://council.vancouver.ca/20201208/documents/regu20201208min.pdf>

26 City of Vancouver, *Council Meeting Minutes*, (Vancouver: City of Vancouver, 7 December 2021), <https://council.vancouver.ca/20211207/documents/regu20211207min.pdf>

27 Vancouver Police Department, *Statement from Chief Adam Palmer on successful VPD budget appeal to Province of B.C.* (Vancouver: VPD, 14 March 2022), online: <https://vpd.ca/news/2022/03/14/statement-from-chief-adam-palmer-on-successful-vpd-budget-appeal-to-province-of-b-c/>

28 Patrice Impey, *DRAFT 2022 Budget - Response to Councillors' questions (Memo #5)*, (Vancouver: City of Vancouver, 24 November 2021), online: <https://vancouver.ca/files/cov/11-24-2021-council-memo-councillors-questions-draft-2022-budget-5.pdf>, page 24

the existing VPD budgets. The City also noted that VPD also re-directed on-duty staff to these en/decampments, parks calls, and Street Sweeps, with an approximate cost of \$0.52M. Overtime policing costs add to ever-increasing police budgets, evident in the growth of the police budget over the last 5 years.

MICRO-CLEANING GRANTS

Concurrently to Street Sweeps, six community-based organizations receive \$2.18M funding through the Street Cleaning Grant Program, for “supplementary street cleaning and waste diversion initiatives.”²⁹ The Street Cleaning Grant Program has been in existence for 22 years and “has played a major role in keeping Vancouver clean by supplementing work done by City crews, and providing meaningful, low-barrier job opportunities for people who need them the most.”³⁰ The micro-cleaning program involves daily collection of litter and harm reduction materials, done by workers on foot, using brooms, shovels, and wheeled garbage carts. In the DTES, the micro-cleaning program works parallel to the Street Sweep. These cleaners are distinguished by hi-vis gear and equipment that clearly identifies the non-profit they work with. They are not accompanied by City Engineering workers or armed VPD officers.

Micro-cleaning grants target 22 Business Improvement Areas, including the overlapping communities of the DTES, Gastown, Chinatown & Strathcona. In the DTES, these areas are represented by the Chinatown, Strathcona, and Hastings Crossing Business Improvement Associations. Currently, 6 non-profit agencies receive Street Cleaning grants to hire community members in low-barrier employment that involves cleaning services “outside the scope and complementary to work performed by City staff.”³¹

Peer-led initiatives are the most promising practice and replacement for Street Sweeps. The DTES is a neighbourhood that lacks critical health and hygiene infrastructure. The harms of this state-based deprivation cannot be ignored. Peer programming, however, is a viable replacement for the Sweeps. People with lived/living experience are better suited to understand the neighbourhood dynamics, the importance of personal possessions, and the harms of criminalizing interventions.

29 Albert Shames, *2021 Street Cleaning Grants* (Vancouver: City of Vancouver, 18 January 2021), online: <https://council.vancouver.ca/20210209/documents/r1.pdf>

30 City of Vancouver, *City supports low-barrier jobs via \$2 million in street cleaning grants* (Vancouver: City of Vancouver, 8 February 2022), online: <https://vancouver.ca/news-calendar/city-supports-low-barrier-jobs-via-2-million-in-street-cleaning-grants.aspx>

31 The funding is delivered through several programs, including: Micro-cleaning, BIA micro-cleaning program, and pilots (Public Plazas Micro-Cleaning Pilot, Transitional Employment Pilot, Feces Removal Response Team Pilot). Source: Albert Shames, *2022 Street Cleaning Grants* (Vancouver: City of Vancouver, 11 January 2022) online: <https://council.vancouver.ca/20220208/documents/r1.pdf.2021>

TAKING ACTION TO END STREET SWEEPS

In October 2021, the Coalition of Peers Dismantling the Drug War (CPDDW), Pivot Legal Society, and the Vancouver Area Network of Drug Users (“VANDU”) issued a joint statement describing Street Sweeps as a “particularly dehumanizing practice” and asserting that “the real purpose of the sweeps is to displace homeless residents from the public streets they depend on.”³²

This joint statement included 4 demands:

1. **Remove Vancouver Police Officers from street cleaning teams;**
2. **End and replace the current practice of ‘ Street Sweeps’ with community-led sidewalk cleaning programs;**
3. **Rescind all bylaws that prohibit sheltering and vending on public space;**
4. **Rescind the Safe Streets Act (BC) and any bylaws that prohibit panhandling**

In response to the daily violence of Street Sweeps and an obvious lack of transparency from the City of Vancouver Department of Engineering Services, CUPE Local 1004, and the VPD, the members of the #StopTheSweeps Coalition organized to conduct a community-led research project with **four goals** in mind:

Objective 1: Participants wanted to observe and understand the day-to-day operation of the Street Sweep, including the involved parties, the timing of the Sweep each day, and how the forced removal of unhoused resident’s belongings was conducted (Objective 1).

Objective 2: Participants wanted to engage with the unhoused residents who are victimized by Street Sweeps in the DTES and better understand their experiences (Objective 2).

Objective 3: The research team aimed to create an accurate inventory of the items that were taken during the Street Sweeps and document their personal value (Objective 3).

Objective 4: The research team aimed to create an accurate inventory of the items that were taken during the Street Sweeps and estimate their monetary value (Objective 4).

³² Coalition of Peers Dismantling the Drug War, Pivot Legal Society & VANDU, *Joint Statement on Homelessness Action Week 2021*, (Vancouver: Pivot Legal Society, 12 October 2021), online: https://www.pivotlegal.org/joint_statement_on_homelessness_action_week_2021

The resources necessary to conduct this project were provided by a Homelessness Action Week (HAW) grant from the City of Vancouver totalling \$4680.³³ Supplementary resources and in-kind support were provided by both VANDU and Pivot Legal Society. With this backbone support, the #StopTheSweeps Coalition was formed - including support from multiple community-based and grassroots organizations working in support of the HAW demands.

The Coalition reached a collective decision to allocate HAW funds to VANDU towards a weeklong series of Street Sweep counter-patrols. These patrols were designed to collect data pertinent to the aforementioned research questions and shed light on the City-sponsored practice of Street Sweeps, which continue to traumatize unhoused and precariously housed residents of the DTES each day.

³³ Mary Ellen Glover, 2021 Homelessness Action Week and Supportive Housing Grants, (Vancouver: City of Vancouver, 9 June 2021), online: <https://council.vancouver.ca/20210609/documents/cfsc1.pdf>

RESEARCH METHODOLOGY

COMMUNITY RESEARCH ETHICS & CONFIDENTIALITY

The work of the #StopTheSweeps Coalition is a community-led participatory research and advocacy initiative and as such is not required to receive ethics approval by an institutional Research Ethics Board (REB).

The purpose, study design, methods, data collection, and conclusions followed the leadership of VANDU membership, including the Board of Directors. Instead of replicating asymmetries inherent to academic knowledge production, the research data and findings here are produced by and for residents of the Downtown Eastside and allied community members. This research project is informed by the principles of *Research 101: A Manifesto for Ethical Research in the Downtown Eastside* (Boilevin et al., 2019). This research was also informed by the seven principles of “nothing about us without us,” which were designed to ensure individuals with lived experience receive equitable representation from researchers, policymakers, and others, to better understand and tackle the problems of homelessness.³⁴



Research 101: A Manifesto for Ethical Research in the Downtown Eastside (Boilevin et al., 2019). This research was also informed by the seven principles of “nothing about us without us,”

CONFIDENTIALITY

As a research initiative of VANDU, this project was completed with the utmost attention to community ethics, participant safety, and confidentiality. Data collection was led by members of the counter-patrol team. During data collection, participants who indicated an interest in completing a survey or brief interview were informed that their responses would remain confidential and would not be shared unless they gave permission for the research team to do so. Research participants were given an opportunity to fully anonymize their responses and were asked for permission to have their answers shared publicly as a part of our advocacy campaign. At the completion of the survey, participants were again asked if they gave permission for their responses to be shared. Interview participants were provided with the same information regarding consent in addition to being asked if they consented to be recorded. If a participant indicated at any time that they would like to end the interview and have their responses discarded, their request was honoured by the research team.

³⁴ Lived Experience Advisory Council, *Nothing about us without us: Seven principles for leadership & inclusion of people with lived experience of homelessness*, (Toronto: The Homeless Hub Press, 2016), online: <https://www.homelesshub.ca/sites/default/files/attachments/LEAC-7principles-final.pdf>

STIPENDS

Participants who chose to complete a survey or interview were provided with a small honorarium consisting of \$5 cash, snacks, and cigarettes. Stipends and comfort items were in no way contingent on answering specific questions or spending any specified amount of time with the interviewer. Respondents who received stipends could stop the survey or interview process at any time and keep their stipends.

USE OF DATA

Participants were informed that the data gathered would:

- Be used in communications to the public and supporters
- Inform government advocacy initiatives
- Inform the Coalition’s work planning
- Be published in a report and/or community education resources

INSTRUMENTS & STUDY DESIGN

Using the peer-directed counter-patrol as the primary instrument of data collection, project participants decided on the use of the following instruments:

RESEARCH OBJECTIVE	INSTRUMENT AND DESCRIPTION
<p>1 Observe and understand the day-to-day operation of the Street Sweep, including the involved parties, the timing of the sweep, and the way with which the forced removal of unhoused resident’s belongings was conducted</p>	<p>Direct observation: Street sweep counter-patrols composed of VANDU members, Pivot and VANDU staff, and community volunteers would follow Street Sweep teams and make notes of their activities.</p>
<p>2 Engage with the unhoused residents who are victimized by Street Sweeps in the DTES and better understand their experiences</p>	<p>Surveys and semi-structured interviews (<i>Appendices A & B</i>): counter-patrol participants engaged with unhoused DTES residents and conducted collaboratively designed surveys to gather information about their experiences. A volunteer videographer, peer volunteers, as well as Pivot and VANDU staff conducted brief, semi-structured interviews with residents who indicated an interest in doing so.</p>
<p>3 Create an accurate inventory of the items that were taken during the Street Sweeps and document their personal value</p>	<p>Surveys and semi-structured interviews (<i>Appendices A & B</i>): counter-patrol participants engaged with unhoused DTES residents and conducted collaboratively designed surveys to gather information about their experiences. Respondents were specifically asked to identify items of personal value that were irreplaceable.</p>
<p>4 Create an accurate inventory of the items that were taken during the Street Sweeps and estimate their monetary value</p>	<p>Direct observation and tracking sheets: counter-patrol teams designated an observer with the responsibility of recording all objects that were confiscated by Street Sweeps teams during the course of the counter-patrol (<i>Appendix B</i>).</p> <p>Market research: counter-patrol participants assigned monetary value to property items seized.</p>

SURVEY & TRACKING SHEET DESIGN

Survey questions were jointly designed by peers, Pivot and VANDU staff, and community volunteers to address the previously discussed research questions. After survey questions were developed, Street Sweep counter-patrols were conducted on Friday, October 8th, 2021 to pilot test the study design and research questions. Survey questions asked respondents to describe their experience of Street Sweeps, how they protect themselves and others, and to discuss any important belongings that have been previously seized by the City of Vancouver's Street Sweeps (*Appendix A*).

The research team decided that logistical and resource constraints would make recording each survey response unfeasible, so a notetaker was present within each team to take down participant responses to open-ended questions as close to verbatim as possible. Responses were scanned, transcribed, and compiled into a secure spreadsheet after each daily patrol. In addition to a surveyor and a notetaker, each patrol team also included peer observers equipped with tracking lists. *Appendix B* includes a copy of the final tracking list. Over the course of the counter-patrol, peer observers trailed City of Vancouver Engineering workers and cataloged each item that was placed into a truck for disposal according to a predetermined category of interest.

INTERVIEW DESIGN

Interview questions were jointly designed by Pivot and VANDU staff and community volunteers with training in qualitative research methods and study design in order to address the previously discussed research questions. These questions were designed to be open-ended and reflected the topics discussed in the survey. *Appendix A* includes a copy of the final interview guide, which was administered by peer members of each counter-patrol team and staff members at Pivot and VANDU. Interviews were recorded with consent by an onsite volunteer videographer and member of the research team and transcribed by a community volunteer with qualitative data analysis techniques for future analysis.

DATA COLLECTION

Notes taken by counter-patrol teams, completed surveys, completed tracking sheets, and interview records were passed to a community volunteer with qualitative research training each day at the end of the morning Street Sweep. Data was entered into secure spreadsheets and drives each day and compiled at the conclusion of HAW. Survey data was compiled in a secure spreadsheet and manually entered by a research team member. Participant responses, transcribed by hand by notetakers during each counter-patrol, were transcribed manually and sorted by survey question. These responses were then coded inductively using NVivo 12 (Version. 12.7.0)³⁵ in order to produce thematic results for each open-ended survey question. Audio recordings from eight (n=8) semi-structured interviews

35 NCH Software, 2021

were imported into ExpressScribe (Version 9.22)³⁶ and manually transcribed using a foot pedal. Interview transcripts were then uploaded into NVivo 12 (Version 12.7.0).³⁷

Counter-Patrol Locations

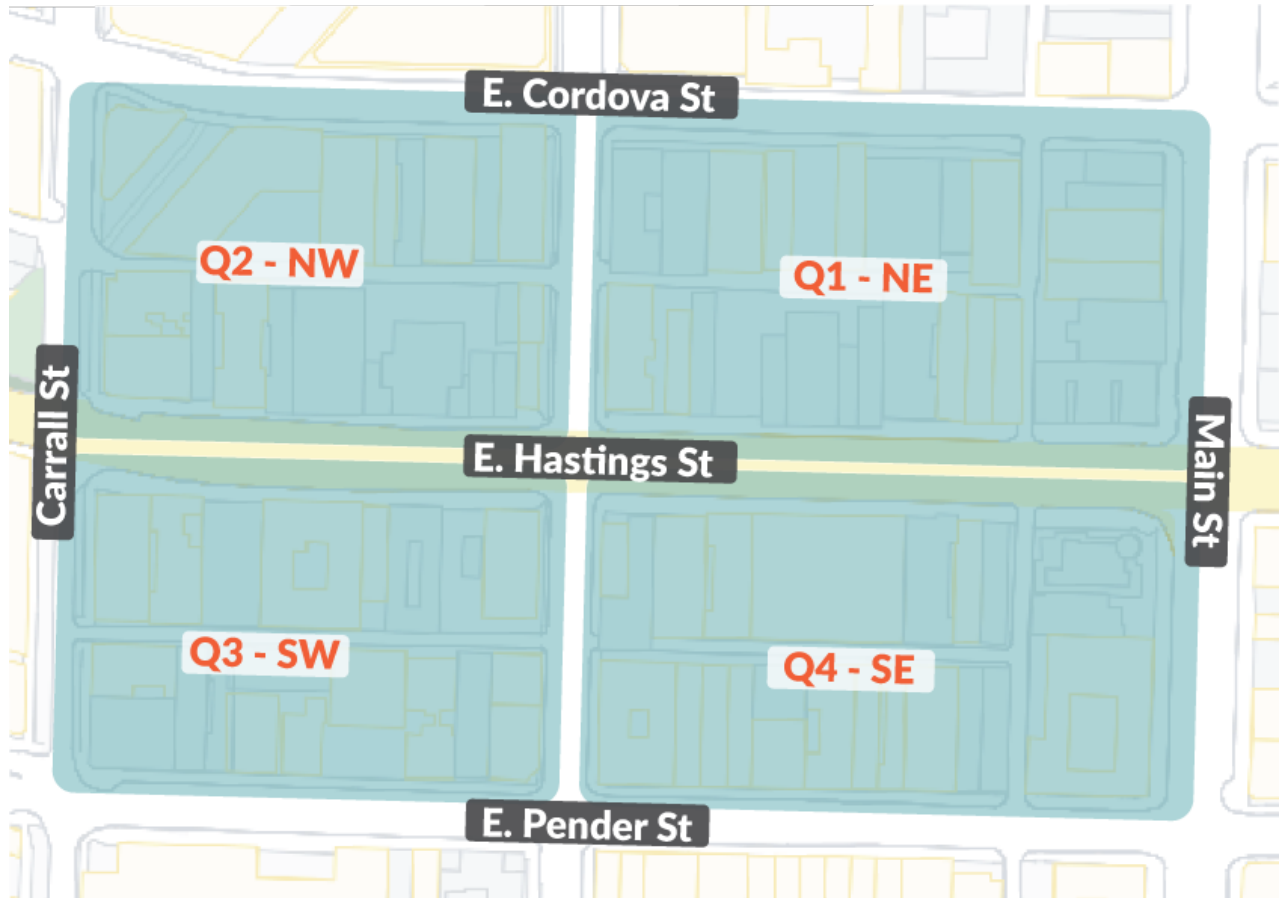


Figure: The observed blocks surrounding the intersection of East Hastings and Columbia Streets. This intersection includes the 100 block of East Hastings Street, which is the most frequently targeted stretch of street for daily Street Sweeps.

The counter-patrol team focused its outreach, observation, and research activities on four quadrants, illustrated above. These quadrants were chosen by peer members of the #StopTheStreets Coalition as areas which are highly targeted for daily Street Sweeps, especially the 100 block of East Hastings. The quadrants would be the focus of the counter-patrols each day, beginning with the Northeast quadrant (Q1) on October 10th and moving counterclockwise until the Southeast quadrant (Q4) was reached on October 13th. The counter-patrol returned to the Northeast quadrant (Q1) on the fifth day of patrols.

³⁶ NCH Software, 2021

³⁷ QSR International, 2021

LIMITATIONS

This research was time- and geographically bound, and we missed many individuals and groups of people who have specific and valuable insight to share regarding the impact of Street Sweeps on their day-to-day activities and survival.

- We did not offer interpretation for interviews, and as a result, all interviews were conducted in English.
- We did not collect any demographic details (i.e. race, gender, age, physical and/or mental health issues, etc.).
- We did not interview anyone outside of a very limited radius in the Downtown Eastside, and specifically outside of the region bounded by Carrall on the West, Main St. on the East, Cordova St. on the North, and Pender St. on the South.
- We did not interview anyone outside of the scheduled hours of observation, from approximately 8:00-10:30 AM.

Future research and advocacy efforts seeking to end Street Sweeps should include specific outreach to urban Indigenous community members, Two-Spirit community members, women, trans, non-binary, genderqueer community members, people of varying ages including elders, people who use illicit substances, people who use alcohol including non-beverage alcohol, and people who rely on public space outside of the four quadrants of focus. Outreach and research activities should also take place at various hours of the day, recognizing that people who rely on public space must also navigate social and healthcare services, private property owners, and a range of enforcement officials (VPD, Bylaw officers, Park Rangers, and private security) whose actions influence their time and activities on the block.

DATA GENERATION

During Homelessness Action Week, we:

- Interviewed 85 people who rely on public space
- Conducted 8 extended interviews
- Submitted 2 Freedom of Information Requests³⁸
- Recorded and inventoried items taken by City of Vancouver Crews over 5 days

³⁸ Refer to Appendices C & D for the FOI Requests. At time of report publication the VPD had not yet responded. The City of Vancouver responded to our request with a fee estimate of \$2,130. Pivot requested a fee waiver, as the requested documents are in the public interest. The City's Access to Information and Privacy Department Director provided this response: "I am afraid I'm unable to waive the fee under s.75(5)(b) as the information you are requesting is not considered a matter of recent public debate, is not directly related to public health and safety (but possibly somewhat related), and does not yield a direct public benefit." Pivot's request for a review by the Office of the Information & Privacy Commissioner for BC is ongoing.

Counter-patrol Process

Members of the counter-patrol assembled at the VANDU offices each morning at 7:30 AM from Sunday October 10 to Thursday October 14, 2021. Each team was composed of several VANDU members, Pivot and VANDU staff, and community volunteers. From 8:00 AM-10:30 AM each day, these teams conducted Street Sweep counter-patrols in the quadrants surrounding the intersection of East Hastings and Columbia Streets.

After departing the VANDU office, the counter-patrol would separate into two or more small units and search the area surrounding the intersection of East Hastings and Columbia Streets for City Engineering Services workers and VPD constables. After identifying a starting point for the Sweep, teams would converge at the observed location and begin the observation and research stage of the counter-patrol. Breaking into two groups, crew one (consisting of a surveyor, notetaker, peer support) began interviewing people on the street. Survey crews spoke to and conducted surveys with eighty-five (n=85) respondents, who were asked for consent prior to data collection and publication over the course of 5 days of counter-patrols and data collection. Responses were scanned, transcribed, and compiled into a secure spreadsheet at the end of each daily patrol.

When survey respondents expressed an interest in participating in an extended interview, the research team's videographer, interviewers, and peer researchers conducted brief recorded interviews lasting approximately 5 minutes informed by the project interview guide (*Appendix A*). Eight (n=8) total interviews were conducted. Participants were thanked for their time and given a stipend.

Simultaneously, crew two (interviewer, videographer, peer support) tracked the Street Sweep team and their VPD escort. During the daily Street Sweep, the team followed at a safe distance and recorded any items that were confiscated and disposed of in a City of Vancouver flatbed truck. This observation team conducted approximately 12.5 hours of observation in total during HAW 2021.

Measuring the Monetary Cost of Belongings Taken During Street Sweeps

Data from tracking sheets was reviewed, and we put together a list of all items that the counter-patrol observed being confiscated and destroyed by City Engineering workers over the 5 day period of observation. Measuring the monetary cost is a difficult task, as City staff use pitchforks to dispose of people's belongings, making it difficult to distinguish items and accurately categorize them. In order to approximate the costs, some individual items, specifically pieces of clothing, were either excluded from the analysis entirely or grouped into approximated "bundles" as units of analysis. The organizing team assigned approximate prices to each item by identifying the average price for comparable goods from popular department stores' online inventories. The total cost of the stolen belongings was determined and recorded.

At the conclusion of Homelessness Action Week 2021, findings from the research team's analysis of tracking sheet data were compiled and visualized in the form of a publicly displayed invoice presented to the City of Vancouver.

Measuring the Labour Costs of Street Sweeps

The research team consulted collective agreements between the City of Vancouver and CUPE Local 1004, publicly available salary estimates for VPD constables, and publicly listed salary information for City and VPD employees to determine the monetary cost of Street Sweep staffing during HAW.

The number of observed workers and constables, the total observed hours of work, and estimated hourly wage according to these resources were used to create an informed estimate of the total cost.

RESULTS & FINDINGS

The counter-patrol team undertook interviews and observations to better understand how individuals and the overall DTES community are impacted by the ongoing practice of Street Sweeps. Our aim is to provide a snapshot account of the Sweeps, and link them to laws and policies that shape them. The findings are limited to observations made during 5 days of HAW. While we determined that thousands of dollars in property was taken during this period, we further acknowledge that our observations reflect an underestimate of what was taken, even during those 5 days of observation.

To provide a snapshot, we: (1) tracked the confiscation and disposal of personal belongings, and (2) highlighted themes that came from 1:1 interviews with people impacted by Street Sweeps.

The following tables reflect the estimated costs of Street Sweeps conducted during 5 days of Homelessness Action Week 2021, expressed as the total value of stolen goods and the estimated remuneration of public employees during this time.

**Total Value of Goods Stolen
October 10-14, 2021**

The Downtown Eastside Community

Bill to: Mayor Stewart and The City of Vancouver

Project: 3 mornings of sweeps during "homelessness action week"

Quantity	Property stolen	Monetary value
11	Tents	\$770
4	Patio umbrellas	\$400
3	Bags of clothing	\$150
4	Duvets	\$200
6	Sleeping bag	\$300
2	Bicycles	\$400
1	Bed frame	\$150
1	Baby stroller	\$140
		Total: \$2510

INVOICE

To end the daily violence of street sweeps in the DTES:
1. Remove VPD from street cleaning teams;
2. End and replace the current practice of 'street sweeps' with community-led sidewalk cleaning programs;
3. Rescind all bylaws that prohibit sheltering and vending on public space;
4. Rescind the Safe Streets Act (BC) and any bylaws that prohibit panhandling.

**Public Expenditures used to Support
Street Sweeps, October 10-14, 2021**

The Downtown Eastside Community

Bill to: Mayor Stewart and The City of Vancouver

Project: 3 mornings of sweeps during "homelessness action week"

Remunerated hours	Number of Staff	Public sector employees	Cost
6 hours	2	VPD Constables	\$516
6 hours	6	CUPE 1004 Workers	\$1,008
6 hours	1	VPD Sergeant	\$354
6 hours	1	Urban Issues foreman	\$295
			Total: \$2172

INVOICE

To end the daily violence of street sweeps in the DTES:
1. Remove VPD from street cleaning teams;
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4. Rescind the Safe Streets Act (BC) and any bylaws that prohibit panhandling.

FIRSTHAND ACCOUNTS OF STREET SWEEPS

Researchers utilized deductive coding to summarize the dominant themes from 1:1 interviews. A basic thematic analysis was conducted using line-by-line deductive coding to produce primary and secondary codes to match a set of predetermined top-level themes.

The themes identified were:

1. The harmful impact of Street Sweeps on residents
2. Municipal violence
3. The role of social services
4. Strategies for resisting Street Sweeps
5. Structural racism

Figure: Emergent overlapping themes and keywords from 1:1 interviews.



1. Harmful impact of Street Sweeps on residents

The harms of Street Sweeps were evident throughout the work of the counter-patrol. Many of the residents we spoke with detailed harmful and lasting impacts of Street Sweeps. Their experiences included: exposure to the weather, theft of irreplaceable belongings such as children's mementos, and routine disposal of medical and legal documents, including identification papers, laboratory requisitions, and medications.

We also heard about the way Street Sweeps shape the dynamics of folks who rely on public space. When everyone on a block is intentionally kept in a constant state of survival, relationships between community members are eroded. Folks spoke about feelings of hopelessness and constant stress, and the broader themes of alienation and community breakdown.



“Negative. Discouraged, [I] can't connect with proper services, I'm busy trying to replace my stuff...Trying to do the best with what I have.” - L.

“Since I moved down here, I really noticed a lot of harassment of the homeless population. Every morning they get all their possessions taken away and thrown in the back of a garbage can, whether they like it or not, and it's just gone. Everything that they've saved up. Doesn't matter if it's personal papers, or ID, or bank cards, it doesn't matter. It all just gets shoveled into the back of the thing and WOOP, off to the dump. And it's just very frustrating because I've seen people lose everything that they try and accumulate, like it takes a lot of work to get stuff. Like... whether that's a tent, or a sleeping bag, or a pair of shoes or like a pair of pants, or your BC ID replaced, and then all of a sudden one morning at 8 o'clock in the morning, here come the cops and the street cleaners, and everything you have is gone. And it's just, it's a tragic thing to have to see day in and day out, when I live up here on the street and it's all we watch every morning and it's just really heartbreaking.” - J.



2. Municipal violence

Many interviewees recognized the specific role of City staff. We heard about abuses of power from both Engineering workers and VPD officers. Numerous people recounted how unpredictable the nature of Street Sweeps could be, based on ever-changing directions and protocols, and dynamics of “good cops” and “bad cops” that seemed to shift without reason. These experiences illuminate the abuse of discretion that both Engineering workers and VPD officers rely upon in their operations. Residents also detailed harassment and theft committed by Engineering workers. Notably, no one was able to identify consistent protocols employed by City workers, including standardized practices regarding notice, storage, or appeal processes.

At best, the Street Sweep is ineffective at its stated goal of cleanliness, and at worst, it's become a venue for abuse of marginalized community members. Residents who experience unprofessional, inappropriate or unethical conduct by City Engineering workers or VPD officers also have virtually no protection - in the moment they must negotiate with public officers to retain their possessions. Furthermore, the legal instruments available are not accessible to deeply impoverished community members and do not resolve immediate survival needs.

“

“They're not solving anything. We pack our things up and we've got nowhere to go so we run around the corner, wait for them to leave, and then come right back because we've got nowhere else to go.” - T.

“[Sweeps are] aggressive, totally unnecessary. Understand [I] need to keep things clean, but no reason you should wake up to have your home destroyed. You aren't even awake at that point.” - M.

“Some guys make a fuss, anger the sweeps team, and then they take it out on everyone - they take everyones stuff. It's gotten to the point where I don't keep anything on me.” - J.

“It's a roller coaster ride. I don't know if it's going to be friendly or if they will be assholes...I stand my ground. 'Officers, I'm not here to cause problems but I know my rights' and I tell them they can't search me.” - C.

“There is no actual concrete rules that apply while they take place. There are some rules that are broken out of spite, will target specific people. They'll walk by their setup and if they don't like others they'll be extra rude. The rule is anything on wheels won't go. They will crack jokes and make cruel comments.” - N.

”

3. The role of social services

Throughout the counter patrol, it became clear that Street Sweeps do not occur in isolation: they are part of the matrices of social, health, harm reduction, and municipal services and barriers people must navigate every day. One interviewee told us that people who stay in certain shelters face a double-Sweep: they are told to be out of a shelter during the day, for example, from 7 AM onwards, and then when they find a space to set up on the sidewalk, they are subject to a Street Sweep at 8 AM.

“

“They literally just start taking anything on the ground. They just scoop it up, put it in the garbage. If you don't clean it up, they grab it and throw it in the truck. They know people don't know their rights, and we get profiled. They think they can just roll up because we're on the street. Shelters kick people out at 6am, and all overnight shelters make you leave by 7.” - J.

”

People's use of public space is also dictated by the rules and regulations set out by non-profit housing and shelter providers. This includes guest bans and COVID-19 restrictions on guests. People may not be able to visit friends or family if they do not have government-issued ID, which in turn limits where they can socialize. In addition, people are understandably reluctant to leave behind any personal property to attend to personal, social, medical, or other engagements, for fear that their belongings will be trashed while they are away.

4. Structural racism

Many of the people who rely on public space in the Downtown Eastside are Indigenous. Some of the people we spoke with were relatives of counter-patrol members, some were recognized as street parents or protectors of younger generations who were new to the block. Each day we talked to Indigenous community members who are forced to contend with the Sweeps. The practice of Street Sweeps falls within the continuum of the continued displacement and dispossession of Indigenous people - from their ancestral homelands to city streets, and then the further displacement of people in the Downtown Eastside - reflecting the racism that shapes how Indigenous people interact with colonial entities, including city workers and police.



"Indigenous people are obviously overrepresented down here, and the City of Vancouver speaks about being a city of reconciliation, and when I see them going over there and throwing away the memorial belongings for the children from residential schools, that is just.... The word reconciliation is just a buzzword. If they really, really care about this community, they wouldn't even be throwing away the toys that the community has gathered and placed there for a memorial, you know?" - B.

"Cops are rude and racist. Been down here almost 5 years. Seems to be getting worse. Try not to let the racism bother me. First year wasn't bad, now is worse. I'm more aware. Cops say Natives use their heritage as an excuse to do crime. They target Native folks. Seem to be coming around more than they usually do." - M.

"Nevertheless we're here and you gotta deal with it and it's just trying to make a living to live, to do our lives. But they come and... there's sweeps every morning. Take our possessions, this is our home, like... we're basically the nomads of a society right now. Right?" - E.



5. Strategies for resisting Street Sweeps

While the harms of Street Sweeps are clear, we also learned about the innovation and resistance that community members take up. Mutual aid was a clear theme - community

members look out for each other, giving a heads-up when the city trucks and police start rolling down the block, and trying to help neighbors retain their possessions. We also learned about the ways Street Sweeps have shaped people's lives - numerous people recounted how they now minimize personal possessions to reduce contact with City Engineering workers and VPD officers.

Other tactics adopted by community members include:

- Use of bikes, strollers, and wheels in general - if you're mobile, you're less of a target
- Pre-emptory cleanup - pack up your belongings as soon as you spot Engineering or VPD workers
- Alerting friends when the Sweep begins
- Pack up and move along as quickly as possible
- Minimize personal possessions to limit contact with the Sweep

In addition to these survival strategies, community members also shared how they do their best to keep the streets clean and clear. While the morning Street Sweep, in particular, focuses on dismantling living structures, there is often debris and garbage left in the aftermath. People who rely on public space take care to keep their spaces as tidy as possible, despite the challenges of limited garbage disposal, bathrooms, and harm reduction disposal sites.

IRREPLACEABLE OBJECTS

Going into the counter-patrol, we knew we would hear about the loss of irreplaceable belongings that people have experienced. In addition to the disposals that we witnessed firsthand, interviewees also told us about their experiences of loss and dispossession. While some folks could estimate the costs of their stolen possessions, it is impossible to place a monetary value on irreplaceable and sentimental objects. Moreover, we recognize that each and every time someone's possessions are taken, they have to go through a gauntlet of replacing essential items from scratch. These belongings include cell phones, money, identification documents, medication, bikes, strollers, tents, and tarps. Even if certain items can be easily replaced, accumulating your survival materials requires time and money - both of which are in short supply when you are constantly displaced and already living in poverty.



"They'll tell you what you need and don't need, [and] will target things specifically important to homeless people." - N.

"My kids pictures...All of them are gone, I have no pictures of kids when they were babies now because of those assholes. And how are they gonna replace them? There's no money in the world that could replace what they took from me." - B.



We all have objects that are deeply significant - for personal, cultural, historical and practical reasons. These objects anchor our identities, relationships, kinship, and provide needed resources. For people who have no homes, these belongings are also all they have.

What has been taken from people?

Both survey questions and extended interviews were designed to ask respondents to recall the type of items taken during Street Sweeps. This question was broad, and as a result elicited responses that include direct personal experiences, instances where the respondent was a bystander, the experiences of friends, and neighborhood anecdotes. Each of these accounts represents a type of valid knowledge about the Street Sweeps, and as such, each was included in the proceeding summary of responses.

We noted a great degree in variation of both the number and type of belongings being stolen by city workers on a daily basis. Common experiences included the theft of precious items with sentimental value, the theft of items with significant monetary value, and personal documentation including IDs. When asked to discuss what has been taken from them or people they know, respondents indicated the following:

- Buggy, purse, and **family photos**.

- All of it.

- They've taken **everything I own**.

- **Family pictures** and a backpack.

- I made a nice leather cover for my cart. They said as long as it's on wheels it's fine. I had 2 and a bike. They came with pitchforks and shredded the leather cover, and dumped all of the carts contents into the garbage.

- Took **my ID**, but I was able to wrestle it back. Searched backpack. Blankets, everything I had, everything I owned.

- A lot of valuable stuff taken - livelihood. Does binning as an alternative to crime. They've taken **cell phones**, his friends' stuff he was asked to watch. **Electronics, clothing**. Things he depends on for income. **Wallet** taken.



- **Watches** (12) - cop confiscated the one she liked. Took a long time to get from property office. I called the property office 4-5x. They ask you for a receipt at the property office. Have been able to get a receipt from a flea market vendor.

- High end items that I couldn't afford to replace.

- Yes. A **tent. Cart. My art supplies. My camera**. Takes a long time to rebuild.

- My mom's belongings. She passed away. I had her **clothes and jewelry** in a bag. I also had **Haida art** that belonged to my grandmother.

- **Clothing, tents**. Hard to replace when you have no money. Lost **pictures** and my kids actual physical photos.

- My father's **wedding ring**. He died when I was 5. it was in my bag and i didn't realize. They would have said it was "proceeds of crime".

- Have had **son's ashes** stolen, he died in 2017. I'm not sure who took it. It could have been the city or someone else.
- Letter opener.
- Yes. **Photos** of my deceased girlfriend.
- Polaroid photo albums, **journals, artwork.**
- **Cellphone**, which I needed to take calls for a court appeal. Took the phone and it resulted in him going to jail.
- **Kids pictures.** No baby pics. No money and **pills.** Scooped up stuff, "We told you to hurry!"
- Bought a throwing axe, gun that shoots blanks, last check day.
- Yes. **Family photos**, cat stuff,
- Accused of theft when she had nice items that were donated to the women's center. These items were brand new and couldn't be replaced.
- I had a bag taken with everything my kids had sent to me - **drawings, pictures, letters.** Can't replace that. Wouldn't let me take the bag back, they just threw it away.
- **ID, personal heirlooms**, then they try to take me to jail for not having ID.



- **ID, pictures, family heirlooms.** A lot has changed - buildings & people - homeless sweeps are constant.
- Yes. **Bag with cards, pictures** and such (pictures, family heirlooms).
- Tons of stuff = many **medications, vitamins, back brace.**
- My **phone** with my dead mom's pictures on it.
- Yes.
- All kinds of **sentimental things** taken in our first year here. Heirlooms, etc.
- Yes. Everything. Took his whole mobile home. **Hitch on a shopping cart.**
- Yes - **family heirlooms.** Some workers are nice, others not. Hope improvements come from all this.
- **Pictures.**
- **Clothes & photos.**
- **Necklace** in the family, **heirlooms.**
- **Family pictures.**
- My **guitar** from my birthday.
- **Family pictures, purse** with all my **ID, disability money, phones.**
- **Clothing & drugs.**

DISCUSSION

Based on our review and findings from the Street Sweeps patrol, as well as media coverage regarding the harms of Sweeps^{39,40,41} we have found that the City of Vancouver's brutal and sustained practice of Street Sweeps in the DTES continues to punish poor people, specifically residents who rely on public space.

In a review of anti-homeless laws, Herring et al. (2020) found that "anti-homeless laws and enforcement fail to reduce urban disorder, but create instead a spatial churn in which homeless people circulate between neighborhoods and police jurisdictions rather than leaving public space."⁴² The punishing practice of Street Sweeps is part of the broader "churn" of homelessness: the constant circulation of visible poverty and displacement, in this case, concentrated in a small radius within the DTES. Residents are constantly forced to make difficult choices regarding personal property, making decisions without any sense of security and the constant potential for enforcement. The threat of seizure is almost as disciplinary as the reality of having personal property taken without care, procedural fairness, or avenues for appeal and/or complaint.

In addition to the themes illuminated by our analysis, Street Sweeps function at cross-purposes with existing City policy. The following previous decisions made by Vancouver City Council are undermined by the practice of Street Sweeps:

Downtown Eastside Local Area Plan (Approved by Council March 15, 2014)

The DTES Local Area Plan⁴³ makes repeated reference to "place-making" strategies that create opportunities for community members to gather, interact, express themselves and find rejuvenation. Specifically, "celebrate street life" as a strategy to "introduce vibrancy through active ground-oriented tenancies that serve the local community; and initiate community strengthening activities, events and celebration in the urban realm."⁴⁴ The current regime of Street Sweeps creates adversarial and hostile relations between community members, city workers and VPD officers.

Framework for City of Reconciliation (Approved by Council July 8, 2014)

In 2014, Council designated Vancouver as a City of Reconciliation, with a focus on First Nations and urban Aboriginal communities. The framework adopted by the City focused on "Cultural Competency, Strengthening Relations, and Effective Decision-Making within

39 Jen St. Denis, "Street Sweeps Steal from Homeless People, Say Downtown Eastside Advocates," *The Tyee* (15 October 2021), online: <https://thetyee.ca/News/2021/10/15/Street-Sweeps-Steal-From-Homeless-People-DTES-Advocates/>

40 Jen St. Denis, "Unprofessional and Disrespectful: Walker Among Items Taken from Homeless People," *The Tyee* (20 January 2021), online: <https://thetyee.ca/News/2021/01/20/Walker-Among-Items-Taken-From-Homeless-People-Downtown-Eastside/>

41 Wawmeesh Hamilton, "VPD accused of losing Indigenous mother's ashes during Downtown Eastside street cleanup," *CBC News* (26 May 2021), online: <https://www.cbc.ca/news/canada/british-columbia/vpd-accused-losing-indigenous-mother-s-ashes-1.6041188>

42 Herring, Chris, Yarbrough, Dilara, Alatorre, Lisa Marie, 2020, "Pervasive penalty: How the criminalization of poverty perpetuates homelessness," *Social Problems* 67 (1): 131-49

43 City of Vancouver, *Downtown Eastside Plan* (Vancouver: City of Vancouver, 2015), online: <https://vancouver.ca/files/cov/downtown-eastside-plan.pdf>. Note: This plan was approved by Vancouver City Council on 15 March 2014

44 City of Vancouver, *Downtown Eastside Plan* (Vancouver: City of Vancouver, 2015), online: <https://vancouver.ca/files/cov/downtown-eastside-plan.pdf>, page 66

the City's service provision and ongoing relationships with Vancouver's host First Nations, the Musqueam, Squamish, Tsleil-Waututh and urban Aboriginal community." Furthermore, in March 2021, Council passed a motion "aspiring" to implement UNDRIP and recognizing "the implementation of the UN Declaration on the Rights of Indigenous peoples as the minimum standard for the survival, dignity, well-being and rights of the Indigenous Peoples."

Decriminalizing Poverty (Approved by Council July 2020)

In July 2020, Council unanimously approved the "Decriminalizing Poverty and Supporting Community Led Safety Initiatives" Motion, which included: "the development of recommendations to "de-prioritize policing as a response to mental health, sex work, homelessness, and substance use and to prioritize funding community-led groups, non-profit societies and others with the experience and training to deliver harm reduction and safety initiatives in these areas."⁴⁵

MOU on Support for Unsheltered Vancouver Residents (March 31, 2021)

The Ministry of Attorney General and Minister Responsible for Housing, CoV, and Vancouver Board of Parks and Recreation are all signatories to a "Memorandum of Understanding on Support for Unsheltered Vancouver Residents."⁴⁶ This MOU includes "the combined obligation to act immediately in a positive and compassionate way with viable alternatives, along with access to social and health services to support unsheltered residents and those living in temporary structures in parks and public spaces."⁴⁷ The MOU further specifies that the City of Vancouver will enforce its by-laws against encampments after "suitable spaces are available."⁴⁸

After extensive documentation and evaluation of the practice by DTES residents, allied organizations, and the media, our call is clear: Street Sweeps, and the archaic bylaws that sanction them, must immediately end and be replaced by community-led alternatives that do not entrench the criminalization of poverty or sustain anti-poor stigma.

45 City of Vancouver, *Standing Committee of Council on Policy & Strategic Priorities* (Vancouver, City of Vancouver, 22, 23, 24 & 27 July 2020), online: <https://council.vancouver.ca/20200722/documents/pspc20200722min.pdf>, page 15

46 *Memorandum of Understanding on Support for Unsheltered Vancouver Residents* (Vancouver: City of Vancouver, 31 March 2021), online: <https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf>

47 *Memorandum of Understanding on Support for Unsheltered Vancouver Residents* (Vancouver: City of Vancouver, 31 March 2021), online: <https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf>, page 2

48 *Memorandum of Understanding on Support for Unsheltered Vancouver Residents* (Vancouver: City of Vancouver, 31 March 2021), online: <https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf>, page 3

DEMANDS

In addition to calling on the City of Vancouver to adopt the demands of CPDDW, Pivot & VANDU, we call for the following:

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.
 - b. City staff must provide at least 24 hours of advance notice prior to seizure.
 - c. If someone's belongings are justifiably confiscated, City staff must provide a receipt that details what was taken, and clear instructions on how to retrieve personal belongings.
4. Provide storage facilities in an easily-accessible area.
 - a. Any confiscated belongings must be stored at a facility located within the Downtown Eastside.
 - b. 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.
 - c. Retrieval processes must respect the limited access unhoused people have to identifying documentation.
 - d. Storage facilities must provide long-term, low-barrier storage space (i.e. 3-6 months).
5. Conduct a peer-led stigma audit⁴⁹ 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 DTES, as these are essential public spaces.⁵⁰
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.⁵¹

49 Pivot Legal Society, "Why a Stigma-Auditing Process Matters for BC," (Vancouver: Pivot Legal Society, 2018), online: https://www.pivotlegal.org/project_inclusion_stigma

50 City of Vancouver, Downtown Eastside Community Hubs Engagement Summary (Vancouver: City of Vancouver, August 2021), online: <https://vancouver.ca/files/cov/dtes-community-hub-engagement-survey.pdf>, page 21

51 BC Office of the Human Rights Commissioner, Adding "social condition" as a protected ground to B.C.'s Human Rights Code, (Vancouver: BCOHRC), online: <https://bchumanrights.ca/wp-content/uploads/Social-Condition.pdf>

Ending Street Sweeps will require cross-department collaboration between the City of Vancouver, Park Board, and Vancouver Police Department. Each of these institutions must commit to the elimination of Street Sweeps. By eliminating costly and traumatic Street Sweeps, the City could fund peer-led programming, including community clean-ups, street and sidewalk maintenance, vending support, and the management of storage facilities.

CONCLUSION & NEXT STEPS

Community members in the Downtown Eastside prioritize safety, security, and inclusion. The conditions that they live in, however, erode the opportunities to cultivate this environment, particularly due to the interference of municipal employees and police. Street Sweeps, carried out by City Engineering staff and VPD officers working in conjunction, are causing cyclical displacement and dislocation of community members in the Downtown Eastside. Rather than continue to carry out this harmful practice, the City of Vancouver must take action and end the use of Sweeps.

Residents, advocacy organizations, and non-profit allies have described how harmful these Sweeps are. During Homelessness Action Week 2021, over 80 residents recounted their experiences, and their experiences fell into five thematic categories:

- (i) harmful impacts,
- (ii) municipal violence,
- (iii) role of social services,
- (iv) structural racism, and
- (v) strategies for resistance.

The rapid-response research undertaken during Homelessness Action Week 2021 illuminates how Street Sweeps are eroding the dignity and safety of DTES residents.

Ending Street Sweeps creates an opportunity for the City to foster peer-led programming and initiatives that are directed by people with lived and living experiences of homelessness and reliance on public space. Alternative practices must be informed by best practices that do not rely on coercive practices and power imbalances.

BACKGROUND & POSITION PAPER

Prepared for the #StopTheSweeps Report by Pivot Legal Society

April 2022

Street Sweeps, in which people are displaced and their possessions taken and presumably destroyed, can be unconstitutional, against human rights law, and grounds for a private lawsuit.

The practice of Street Sweeps, pursuant to municipal bylaws, targets people who are experiencing some combination of low-income status, homelessness, or precarious housing, including people who experience deep economic and social disadvantage.

THE LEGAL UNDERPINNINGS OF STREET SWEEPS

In Vancouver, Street Sweeps involve a partnership of City of Vancouver municipal employees and Vancouver Police Department (VPD) officers. Street Sweeps can be related to a number of different bylaws depending on the particular location. The main justification for Sweeps in the Downtown Eastside is the *Street and Traffic By-Law*, primarily sections 71A and 84 which prohibit people from placing objects, structures, obstructions or garbage on a City street (which includes sidewalks).⁵² Similar bylaws can be found in jurisdictions across Canada, and are part of a collection of intersecting bylaws which effectively criminalize surviving in public space.^{53,54} The majority of prohibitions on sleeping and sheltering exist in municipal bylaws, meaning enforcement occurs at the local level, and is not subject to oversight by higher levels of government.⁵⁵

Our current legal framework makes it difficult to meaningfully advance protections for homeless people beyond overnight camping, though the courts and governments continue to fight against any assertion that people require more than a tarp for their survival. As a result, local and provincial governments across the country continue to criminalize acts of basic necessity for homeless individuals, acts such as lying down in a public place or sitting on a sidewalk with all their worldly possessions.

⁵² *Street and Traffic By-Law No. 2849, sec. 71A, and 84, "Structures on Streets,"* online: <https://bylaws.vancouver.ca/2849c.pdf>

⁵³ Joseph Hermer, *Policing Homelessness in the Pandemic*, (Scarborough: Policing and Homelessness Initiative, 2020), online: <http://policinghomelessness.ca/>

⁵⁴ Darcie Bennett & DJ Larkin, *Project Inclusion: Confronting Anti-Homeless and Anti-Substance User Stigma in British Columbia*, (Vancouver: Pivot Legal Society, 2018)

⁵⁵ Pivot Legal Society, *Homeless Rights in Canada, Submission of the Pivot Legal Society to the Committee on Economic, Social and Cultural Rights for the Sixth Periodic Report of Canada for the CESCR's 57th Session*, (Vancouver: Pivot, 1 February 2016) online: https://d3n8a8pro/vhmx.cloudfront.net/pivotlegal/pages/1850/attachments/original/1455843171/UN_submissions.pdf, page 4

OUTLINING LEGAL CONCERNS

i. Public Law: Constitutional law, human rights law, and the UN Declaration on the Rights of Indigenous People

Street Sweeps can infringe human rights law in two main ways: by removing vitally important supports that people need to survive, and by discriminating against Indigenous Peoples, Black people, People of Colour, drug users,⁵⁶ and people with disabilities. Street Sweeps also run contrary to laws and City motions protecting the rights of Indigenous Peoples specifically.

1. Section 7 of the Charter

By jeopardizing a person's health and survival, Street Sweeps deprive people of rights guaranteed by section 7 of the Charter, namely the rights to life and security of the person.

First, Street Sweeps frequently remove people from areas where they are sheltering in public space, often by pushing them farther from necessary and life-saving services such as personal, social, and medical support. People are generally forced to move in order for the Sweep to take place, but people also must move in order to protect their possessions from seizure and destruction.

Second, Sweeps take and destroy supplies and possessions that keep people alive and healthy (including but not limited to food, warm clothing, harm reduction supplies, medications, and sheltering items).

In the *Adams* decision, BC colonial courts interpreted section 7 as protecting a person's ability to shelter in public space and use whatever supplies they need to keep themselves safe from the elements overnight.⁵⁷ While the *Adams* case only ruled on the question of sheltering overnight, the subsequent *Shantz* decision recognized how repeated displacement results in "adverse health and safety risks" including "impaired sleep and serious psychological pain and stress".⁵⁸ The recent decision in *Bamberger* recognizes that being forced to "decamp" every morning and carry their possessions throughout the day is a "substantial hardship" for at least some unhoused individuals.⁵⁹

In short, by removing vitally important supplies and possessions from people who rely on public space, by routinely displacing people from the spaces where they survive, and by forcing people to physically carry their possessions in order to protect them, the government is both directly causing harm and exposing people to further harm, for

56 Note on language: Here we separate out people who use drugs from other people with disabilities both for clarity and the recognition that not all people who use substances have addictions. Addiction to alcohol or drugs has been recognized by the BC Human Rights Tribunal as a disability under the BC Human Rights Code. Medicalizing all substance users as people with addictions is itself stigmatizing. Not all people who meet the medical criteria for having an addiction identify as "addicts" or people with disabilities.

57 *Victoria (City) v Adams*, 2009 BCCA 563

58 *Abbotsford (City) v Shantz*, 2015 BCSC 1909, paras. 213 & 219

59 *Bamberger v Vancouver* (Board of Parks and Recreation), 2022 BCSC 49, at para 191

example, illness and death. This infringes section 7 because the government has both contributed to and increased the risk of harm to a person.⁶⁰

2. Discrimination under the Charter and the BC Human Rights Code

Street Sweeps are discriminatory because they disproportionately target and impact groups of people who are protected under the *BC Human Rights Code* and under section 15 of the Charter, namely Indigenous Peoples, Black people, and people of colour; drug users and people with physical and mental disabilities. This is in part because these groups make up a disproportionate number of those who are currently homeless and insecurely housed. The Sweeps therefore arguably infringe section 15 of the Charter and section 8 of the *BC Human Rights Code*, which both protect the right to be free from government discrimination.

In several provinces (Manitoba, New Brunswick & Quebec) and the Northwest Territories, poverty, also known as social condition, is a ground on which the government cannot discriminate.⁶¹ Pivot has advocated for the *Human Rights Code* to protect people disadvantaged because of poverty, homelessness, or reliance on government assistance, in recognition that they experience stigma and discrimination in virtually all aspects of life. BC, however, has not yet introduced this protection, despite the BC Human Rights Commissioner's recommendation to add "social condition" as a protected ground.⁶² As a result, unhoused people cannot currently challenge these bylaws on the basis that they harm low-income people specifically, but must argue that they disproportionately impact other protected groups under the *Code* (as set out above).

3. UN Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") specifically protects the life, integrity, and security of Indigenous peoples⁶³. UNDRIP further protects Indigenous peoples' possessions, including those connected to cultural, ceremonial, and technological importance.⁶⁴ Street Sweeps necessarily result in the loss of items of cultural significance to Indigenous Peoples, including irreplaceable art and ceremonial belongings.

In November 2019 the BC provincial government passed the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)* ("DRIPA")⁶⁵ which states that the BC government must "take all measures necessary to ensure the laws of British Columbia are consistent with the [United Nations Declaration on the Rights of Indigenous Peoples]."⁶⁶ It is to be seen how UNDRIP/DRIPA could be used to challenge the legislative schemes underpinning Street Sweeps, especially seeing as most of the underpinning legislation is municipal not provincial in nature.

60 *Canada (AG) v Bedford*, 2013 SCC 72

61 Pivot Legal Society, *Prohibiting Discrimination Based on Social Condition Under BC's Human Rights Code*, (Vancouver: Pivot, December 2019), online: https://d3n8a8pro7vymx.cloudfront.net/pivotlegal/pages/3136/attachments/original/1585615286/Pivot_Legal_Society_-_Social_Condition_-_December_2019.pdf

62 BC Office of the Human Rights Commissioner, *Adding "social condition" as a protected ground to B.C.'s Human Rights Code* (Vancouver: BCOHRC), online: <https://bchumanrights.ca/wp-content/uploads/Social-Condition.pdf>

63 *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, at Article 7

64 *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Articles 8, 11, 12 & 24.

65 *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44

66 *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44, s 3

On March 9, 2021, Vancouver City Council passed a motion saying the City of Vancouver “aspires” to implement UNDRIP and recognizes this implementation is “the minimum standard for the survival, dignity, well-being and rights of the Indigenous peoples”.⁶⁷ The motion fell short of creating any legally binding responsibility on the City, but should be persuasive with City of Vancouver staff and council given that Street Sweeps run directly counter to numerous provisions of UNDRIP.

4. Principles of Administrative Fairness

Finally, even where a seizure of possessions may comply with relevant human rights legislation, it must also comply with principles of administrative fairness. Administrative law sets certain constraints on the exercise of government authority. One of the core principles of administrative law is the right to procedural fairness, including proper notice of proceedings and the opportunity to present one’s case. Individuals being subjected to Street Sweeps are arguably being denied procedural fairness as they are not being provided with proper notice prior to seizure of their possessions, and possessions are being destroyed without them being afforded an opportunity to be heard.

ii. Private Law: Civil Actions

People whose belongings have been taken, kept without meaningful access to recover them, and/or destroyed, may have grounds for a civil lawsuit against the government. For example, an individual may be able to pursue a civil claim for torts such as trespass to chattels, or misfeasance in public office, or to sue the government for breaching their duty of care to the unhoused public. There is little to no legal precedent with regard to these remedies and an individual pursuing such a claim would face an uphill battle, in part because there is so little access to justice, as is discussed below.

ACCESS TO JUSTICE

The above rights and remedies are effectively meaningless in the face of a legal system that is expensive, time-consuming and complicated. An individual going through the colonial legal system would typically be unsupported due to a lack of legal aid funding for such cases in BC, whereas government actors, with a vested interest in maintaining the existing regimes, have consistent legal support.

With regard to civil claims in particular, an individual would be undertaking a huge commitment of time, energy and resources to, at best, likely recover only the market value of the belongings and possessions they were deprived of (rather than resulting in systemic solutions).

⁶⁷ Vancouver City Council, *Council Members’ Motion: Implementing the UN Declaration on the Rights of Indigenous Peoples in the City of Vancouver*, (Vancouver: City of Vancouver, 2021)

VANCOUVER CITY COUNCIL AUTHORITY

A number of Plans, Frameworks & Motions approved by Vancouver City Council are undermined by the continued practice of Street Sweeps.

Downtown Eastside Local Area Plan (Approved by Council March 15, 2014)

The DTES Local Area Plan⁶⁸ makes repeated reference to “place-making” strategies that create opportunities for community members to gather, interact, express themselves and find rejuvenation. Specifically, “celebrate street life” as a strategy to “introduce vibrancy through active ground-oriented tenancies that serve the local community; and initiate community strengthening activities, events and celebration in the urban realm.”⁶⁹ The current regime of Street Sweeps creates adversarial and hostile relations between community members, city workers and VPD officers.

Framework for City of Reconciliation (Approved by Council July 8, 2014)

In 2014, Council designated Vancouver as a City of Reconciliation, with a focus on First Nations and urban Aboriginal communities.⁷⁰ The framework adopted by the City focused on “Cultural Competency, Strengthening Relations, and Effective Decision-Making within the City’s service provision and ongoing relationships with Vancouver’s host First Nations, the Musqueam, Squamish, Tsleil-Waututh and urban Aboriginal community.”⁷¹ Furthermore, in March 2021, Council passed a motion “aspiring” to implement UNDRIP and recognizing “the implementation of the UN Declaration on the Rights of Indigenous peoples as the minimum standard for the survival, dignity, well-being and rights of the Indigenous Peoples.”^{72,73}

Decriminalizing Poverty (Approved by Council July 2020)

In July 2020, Council unanimously approved the “Decriminalizing Poverty and Supporting Community Led Safety Initiatives” Motion, which included: “the development of recommendations to “de-prioritize policing as a response to mental health, sex work, homelessness, and substance use and to prioritize funding community-led groups, non-profit societies and others with the experience and training to deliver harm reduction and safety initiatives in these areas.”⁷⁴

68 City of Vancouver, *Downtown Eastside Plan* (Vancouver: City of Vancouver, 2015), online: <https://vancouver.ca/files/cov/downtown-eastside-plan.pdf>

69 City of Vancouver, *Downtown Eastside Plan* (Vancouver: City of Vancouver, 2015), online: <https://vancouver.ca/files/cov/downtown-eastside-plan.pdf>, page 66

70 Wendy Au & Ginger Gosnell-Myers, *Framework for City of Reconciliation*, (Vancouver: City of Vancouver, 2014), online: <https://council.vancouver.ca/20141028/documents/rr1.pdf>

71 Wendy Au & Ginger Gosnell-Myers, *Framework for City of Reconciliation*, (Vancouver: City of Vancouver, 2014), online: <https://council.vancouver.ca/20141028/documents/rr1.pdf>, page 1

72 Vancouver City Council, *Council Members’ Motion: Implementing the UN Declaration on the Rights of Indigenous Peoples in the City of Vancouver*, (Vancouver: City of Vancouver, 2021)

73 City of Vancouver, *Intergovernmental UNDRIP Task Force Work Underway* (Vancouver: City of Vancouver, 23 February 2022), online: <https://vancouver.ca/news-calendar/intergovernmental-undrip-task-force-work-underway.aspx>

74 City of Vancouver, *Standing Committee of Council on Policy & Strategic Priorities* (Vancouver, City of Vancouver, 22, 23, 24 & 27 July 2020), online: <https://council.vancouver.ca/20200722/documents/pspc20200722min.pdf>, page 15

MOU on Support for Unsheltered Vancouver Residents (March 31, 2021)

The Ministry of Attorney General and Minister Responsible for Housing, CoV, and Vancouver Board of Parks and Recreation are all signatories to a “Memorandum of Understanding on Support for Unsheltered Vancouver Residents.”⁷⁵ This MOU includes “the combined obligation to act immediately in a positive and compassionate way with viable alternatives, along with access to social and health services to support unsheltered residents and those living in temporary structures in parks and public spaces.”⁷⁶

MOVING AWAY FROM THE HARMS OF CONFISCATION

Municipal Policy on Confiscation

The City of Vancouver should develop a policy on the confiscation of belongings by City Engineering Workers and Police police which recognizes the fundamental harms caused by the confiscation of belongings from people who rely on public space. The City should instruct its employees to end the confiscation of the belongings of people who rely on public space, especially necessities of life such as shelter, clothing, medication, and important personal items. When City staff must confiscate personal belongings, the City must provide at least 24 hours of advance notice, and when confiscation is justified, direct staff to issue receipts for belongings and cash, details on retrieval, and clear instructions on how people can get their property back. Any confiscated belongings must be stored in an accessible location within the DTES that people can easily attend.

Inclusion of Directly-Impacted Communities

In addition to the legal issues outlined above, the practice of Street Sweeps enact social harm on unhoused and precariously-housed community members who rely on public space. Street Sweeps cannot simply be replaced by non-governmental actors carrying out the work currently done by Engineering workers and the police. “Community-based responses” must address the fundamental underlying issues: settler colonialism that displaces Indigenous people from their sovereign homelands, 0% vacancy rates in self-contained shelter-rate housing, inadequate access to safe supply, and poverty.

⁷⁵ Memorandum of Understanding on Support for Unsheltered Vancouver Residents (Vancouver: City of Vancouver, 31 March 2021), [online: https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf](https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf)

⁷⁶ Memorandum of Understanding on Support for Unsheltered Vancouver Residents (Vancouver: City of Vancouver, 31 March 2021), [online: https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf](https://vancouver.ca/files/cov/memorandum-of-understanding-on-support-for-unsheltered-residents.pdf) at page 2

Any proposed solution to Street Sweeps must be informed by the principle of “nothing about us without us.” The Lived Experience Advisory Council (2016) states

Inclusion is especially vital in the context of homelessness, though, because being excluded and silenced is a huge part of the experience of homelessness and poverty. The belief that people who are homeless do not have the competence to participate as equals in organizations is layered on top of the other stereotypes directed at us because of racism, sexism, ableism, poor-bashing, and other oppressions. Many organizations are learning to value lived expertise, but overcoming outdated, paternalistic beliefs and practices doesn't happen overnight.⁷⁷

Non-profit and non-governmental workers should not just receive the mandate to conduct Street Sweeps, nor should civilians be “deputized” to do this work. Any alternative to Street Sweeps should be peer-led, specifically led by the community organizers who are currently experiencing Sweeps. These folks live, and survive, the realities of Street Sweeps and are best-situated to discern appropriate and long-term solutions.

DEMANDS

Pivot Legal Society endorses the 7 demands from the #StopTheSweeps report of May 2022.

⁷⁷ Lived Experience Advisory Council, Nothing about us without us: Seven principles for leadership & inclusion of people with lived experience of homelessness (Toronto: The Homeless Hub Press, 2016), online: <https://www.homelesshub.ca/sites/default/files/attachments/LEAC-7principles-final.pdf>

APPENDICES

APPENDIX A: STREET SWEEP SURVEY

STREET SWEEPS - SURVEY TEAM

SURVEY DATE: _____ TIME: _____

Before you interview someone you should also ask:

- Let them know that their personal information will remain confidential unless they say it's ok for us to share it
- Ask if they would like all of their information to remain anonymous
- Ask if they consent to being recorded
- Ask if they consent to having their answers shared publicly in our advocacy campaign

NAME / HANDLE: _____

LOCATION : _____

1. What is your experience of Street Sweeps?

2. How do you protect yourself & your property during a Street Sweep?

3. Have you ever had something taken from you during a Street Sweep that you couldn't replace?

4. If you don't mind sharing, what was it and why was it important to you?

Permission to share your responses?	YES	NO
Do you know about VANDU?	YES	NO
Want to come to VANDU to tell your story?	YES	NO

APPENDIX B: STREET SWEEP TRACKING SHEET

STREET SWEEPS
OBSERVATION TEAM

INCIDENT DATE: _____ TIME: _____

LOCATION (BLOCK, STREET): _____

SEIZED PROPERTY:

- TENTS (SMALL) # _____
- TENTS (LARGE) # _____
- SLEEPING BAGS, TARPS # _____
- CANES, WALKERS # _____
- BIKES, SCOOTERS # _____
- CLOTHES
- SMOKES
- PHONES, ELECTRONICS
- OTHER: _____

WHAT HAPPENED TO THE SEIZED PROPERTY?

DID THEY CITE A BYLAW FOR SEIZURE? YES NO

ADDITIONAL DETAILS

APPENDIX C: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT REQUEST TO CITY OF VANCOUVER

PIVOT
LEGAL SOCIETY

121 HEATLEY AVENUE
VANCOUVER, B.C. V6A 3E9
CANADA

T 604.255.9700
F 604.255.1552
pivotlegal.org

equality lifts everyone

City Clerk's Office
3rd Floor, City Hall 453 West 12th Ave
Vancouver, BC V5Y 1V4
Via Email: foi@vancouver.ca

November 2, 2021

Dear FOI coordinator,

RE: Pivot Legal Society
Freedom of Information and Protection of Privacy Act request

We request copies of the following documents pursuant to the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165.

We have standing to make this request as a non-profit organization based in Vancouver, British Columbia.

We request the following for the time period October 10 to 18, 2021 (inclusive).

All documents and records - including those in hard copy and digital format; text messages (work and personal phone numbers); social media activity; and emails (work and personal accounts) - concerning the Street Operations Branch's work in relation to the confiscation, 'clean up', disposal, and/or storage of property found in public spaces belonging to or appearing to belong to people with no fixed address in the Downtown Eastside.

This includes all communication:

- (a) to, from, and between Street Operations Branch workers; and
- (b) involving any other representatives of the City of Vancouver, Vancouver Park Board, Vancouver Police Department, contractors of the City and/or contractors of the Park Board.

For further clarity, this includes all communications to and from the City of Vancouver's Foreman (Urban Issues).

If you have any questions or would like to discuss the content or scope of these requests, please do not hesitate to contact the undersigned at 604-318-8809 or lyndsay@pivotlegal.org.

Pivot Legal Society

Lyndsay Watson
Legal Director

APPENDIX D: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT REQUEST TO VPD



121 HEATLEY AVENUE
VANCOUVER, B.C. V6A 3E9
CANADA

T 604.255.9700
F 604.255.1552
pivotlegal.org

equality lifts everyone

Attention: Information and Privacy Coordinator
Vancouver Police Department
3585 Graveley Street
Vancouver, BC V5K 5J5
Via Email: foi@vpd.ca

November 2, 2021

Dear Information and Privacy Coordinator,

RE: Pivot Legal Society
Freedom of Information and Protection of Privacy Act request

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This includes all communication:

- (a) to and from Street Operations Branch workers;
- (b) between Vancouver Police Department staff, volunteers, or contractors; and
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Pivot Legal Society

Lyndsay Watson
Legal Director



STOP THE
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