

# **Out of Sight: Policing Poverty in Victoria**

## **Executive Summary**

Cuts to health services and income supports for people living in poverty have contributed to a situation where police now act as de facto “first responders” to health-related issues on city streets. The costs of policing poverty are high, and are not limited to the financial costs of spending more on approaches that do not work.

This study explores the social costs of policing poverty by documenting the experiences and perspectives of members of the Victoria street community with regards to policing in Victoria, BC.

Research was guided by an advisory committee and used a *peer research* methodology where peer interviewers (individuals who hold relevant lived experiences of poverty) conducted interviews with over 100 members of the Victoria street community.

The experiences and perspectives gleaned through these interviews

point to the harmful effects of policing on the physical and mental wellbeing of members of the Victoria street community, a majority of whom use illicit drugs, live with disabilities, and/or suffer from chronic illnesses.

These findings highlight the need for yet another revisiting of the use of policing to regulate poverty, as an approach that encourages a disproportionate and unjustified interference with the daily lives of the most marginalized members of our communities, and misuses resources to criminalize rather than alleviate poverty.

*"Who's treated unfairly? Anybody that's not in a business suit, that doesn't look clean or professional."*

*"If you look like a homeless person [the police] automatically treat you differently and unfairly."*

*"Police act different ways with different people depending on how you look. They judge by appearances."*

*"I wish they would stop criminalizing people for being poor and having nowhere to sleep."*

*"The people should offer a place, or a specified part of the town where people can go."*

*"It makes my life incredibly difficult. You have to constantly be on the move and on the lookout. You can't sit or stand anywhere because you're asked to move on. They treat you like non-people."*

*"I can't sit still more than 10 minutes on a bench. There's no place to sit in the city, but other people can sit for hours."*

*"They should just leave people alone when they're not doing anything wrong."*

*"They should get an Insite or something. This is not a crime problem – it's a health problem."*

*"It was raining and [I] sat on some steps. The police said [I] couldn't sit here because of the signs"*

*"There's no place for people to go, so the number of instances between the police and the mentally ill has increased."*

**‘Out of Sight’** refers to a number of related issues regarding the policing of poverty. First, ‘out of sight’ refers to the form of ticketing that results from social and racial profiling, as infractions that are not visible to police until after a target individual has already been stopped. Second, ‘out of sight’ refers to the way laws and bylaws that target street-involved people are used to make poverty less visible by moving those living in extreme poverty off city streets. Third, ‘out of sight’ refers to the under-reported

and un-reported harassment of street-involved people by police stops, searches, and seizures. This study offers a snapshot of how these practices – police social profiling, bylaws that encourage this form of policing, and lack of mechanisms to ensure these forms of policing are visible to civilian oversight bodies – are playing out in Victoria. It does this by speaking directly with street-involved people about their experiences and perspectives of policing practices and the criminal justice system.

## Study findings suggest that:

Immediate action must be taken to end the disproportionate and unjustified interference with the daily lives of the most marginalized members of our communities, and to re-allocate resources to alleviate rather than criminalize poverty.

The **Victoria Police Department** must be held accountable to the Police Act Code in their interactions with all people regardless of their social status.



The **City of Victoria** and the **Government of British Columbia** need to address the much more complex goals of reducing poverty, not just regulating the street presence of people who live in extreme poverty.

## Key Findings & Analysis

### 1 **Health issues, illicit drug use and disabilities are prevalent in the street community, and interactions with police can further detract from the health and wellbeing of street-involved people.**

83% of respondents live with disability/disabilities, 72% suffer from chronic illness/illnesses, and 81% use illicit drugs. Seventy-five percent had been homeless within the past two years. Unfortunately, police methods rooted in the use of force and displays of authority make police poorly suited to interactions with people with mental health and addictions issues:

- 32% of respondents reported having safer drug use supplies confiscated by police.
- 52% of respondents reported having personal belongings seized (including photos, sleeping bags, money and identification cards).

These forms of interaction contribute to a criminalization of mental illness and addictions that unjustly and unnecessarily undercuts the health and wellbeing of street-involved people.

### 2 **Street-involved people report seeing and experiencing unfair and discriminatory policing practices, and appear to be ticketed at much higher rates than other residents performing similar activities.**

91% of respondents had been approached by police at least once in the past year, and 20% had been approached more than once per week. 65% of respondents perceive themselves as being treated unfairly or unequally by police based on their status as street-involved, poor, homeless, or using drugs. A strong correlation was observed between a person's experience of homelessness in the previous two years and a high number of trespassing and public intoxication charges. In our focus groups, there was a perception that ticketing is a means of 'harassing' street-involved people who are the targets of 'social profiling' based on their physical appearance.

### 3 **Street-involved people report witnessing and experiencing violations of the B.C. Police Act Code and abuses of authority by police, and have much less confidence in police than most Canadians.** The number of violations of the B.C. Police Act Code that respondents report witnessing and experiencing is strikingly high:

- 78% percent report having seen police search, detain, or arrest without good or sufficient cause, and 48% report that they have been searched, detained, or arrested without good or sufficient cause themselves.
- 86% percent report witnessing incidents of use of unnecessary force, and 39% report experiencing use of unnecessary force.
- 83% percent have witnessed police acting rude, uncivil or using profane, abusive or insulting language, and 64% have had experiences where police acted rude, uncivil or used profane, abusive or insulting language.

Comparative research shows that the respondents interviewed have much less confidence in police than most Canadians. Given that a majority of respondents suffer from various forms of disability, chronic illness, and addiction, these violations – and the lack of confidence they engender – should be understood as having particularly burdensome and harmful effects on the physical and mental wellbeing of members of the Victoria street community.

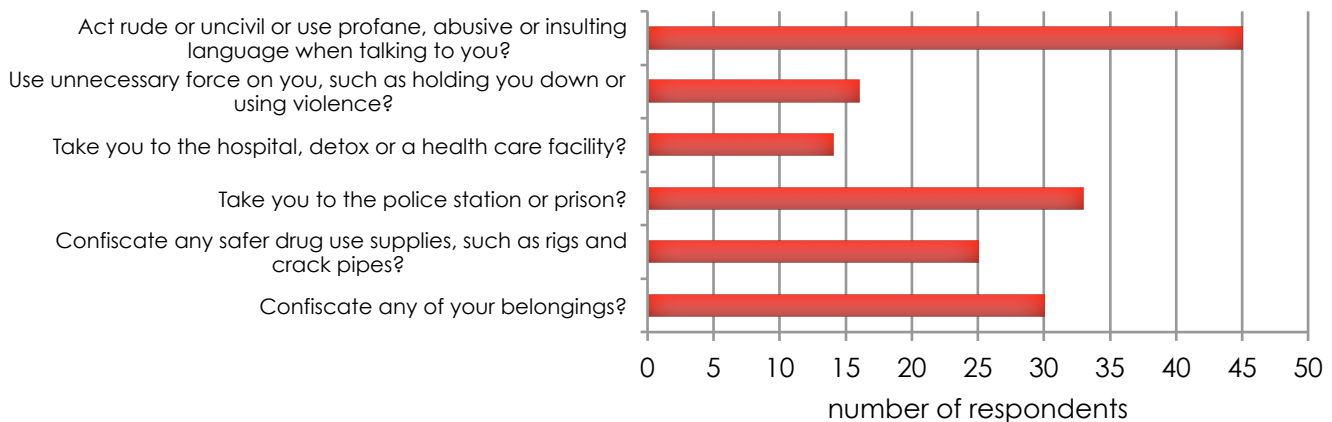
### 4 **Street-involved people are primarily policed for minor infractions in public spaces.**

Most infractions were not Criminal Code violations, but instead involved minor infractions in public spaces (trespassing, loitering). Many street-involved people – and especially those who are homeless and/or unstably housed – have no choice but to use public spaces to meet their basic needs. "Safe streets" acts and certain municipal bylaws criminalize the day-to-day activities of the street community by targeting activities most residents are able to perform in the privacy of their homes.

### Broken Windows

The proliferation of “safer streets” acts and similar legislation that has spread across Canada is rooted in an approach known as “broken windows.” “Broken windows,” a term coined by Wilson and Kelly in 1982, holds that visible signs of “disorder” such as vandalism or decay foster more serious “crime.” Simply put, Wilson and Kelly argue that because “one broken window becomes many,” the best way to prevent crime is to uphold an aesthetic of concern, regulation and order. “Broken windows” involves using aggressive policing to harass and exclude certain ‘undesirable’ people from public spaces. These ‘undesirables’ are often simply people who live in poverty.

**Chart 7: In any or these cases, did the police:**



**Table 9: During the past 2 years, have the police ever directly approached you for any of these reasons?**

	% of respondents (N103)
Move off public property	85% (88)
Jack-up (detain)	77% (79)
Move off private property	72% (74)
Search	53% (55)
High or intoxicated	52% (54)
Panhandling	35% (36)
Crime witness	20% (21)
Crime victim	17% (17)
Mental health, health-related	14% (14)
Red zone	11% (11)
Squeegeeing	8% (8)
Appearance/profiled	4% (4)
No reason/benign activity	4% (4)
Other	3% (3)
Recognized by police	2% (2)
To make sure person is okay	1% (1)
Total	103

(Number in bracket indicates total number of responses. Respondents selected as many situations as applied)

## Recommendations

To be effective, the following actions must take place through meaningful consultation with the street-involved individuals, frontline workers and advocates who have the most direct experience with these issues:

### 1 The policing practice of regularly stopping, searching and ticketing street-involved people must end.

- The Victoria Police Department must immediately end the confiscation of personal possessions and belongings necessary for survival on the streets, including harm reduction supplies.
- The City of Victoria must repeal bylaws and bylaw amendments that target, serve to displace and/or inflict disproportionate harm on street-involved people, including the *Bylaw Enforcement Policy Erecting Temporary Shelters in Public Spaces, Streets and Traffic Bylaw NO. 10-061*, and 'Chattel' Ticketing Bylaw 74(1).
- The Government of British Columbia must repeal legislation that specifically targets, serves to displace and/or inflicts disproportionate harm on street-involved people, including the *Safe Streets Act*.
- The Victoria Police Department, in concert with the City of Victoria, should enact a harm reduction and enforcement policy that prohibits stops, searches, and ticketing near harm reduction and related service providers.

### 2 The Victoria Police Department must be held accountable to all members of the community regardless of social status.

- The City of Victoria must commission a review of policing practices with regards to street-involved people, and implement accountability measures to discourage the social profiling of members of the street community.
- The Government of British Columbia must commission a review of the Police Complaints Process to ensure the complaints process is accessible to street-involved people, and to ensure adequate disciplinary sanctions for officers violating the Police Act Code.
- The Government of British Columbia should extend the mandate of the Independent Investigations Office to include systematic abuses of authority such as social and racial profiling.
- The Government of British Columbia and the City of Victoria must ensure membership on the Police Board and Community Board is representative of a broader spectrum of the community, including street-involved individuals, frontline workers and anti-poverty advocates.

### 3 Funding and resources aimed at hiding poverty and criminalizing people with mental illnesses and addictions must be reallocated to end poverty and increase supports for people with mental illnesses and addictions.

- The Government of Canada must restore social housing funding to pre-1984 levels.
- The Province of British Columbia must raise social assistance rates, and tie social assistance rates to the cost of living.
- The Province of British Columbia must set out a clear mandate for basic harm reduction services health authorities must provide in municipalities.
- The Victoria Police Department must improve training for police in harm reduction, stigma and discrimination, including social and racial profiling.
- The City of Victoria must establish public spaces where all members of the public, including street-involved people, may gather.
- The City of Victoria must increase municipal support for implementing existing harm reduction policies, including staff resources, city infrastructure, and public education program

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## About VIPIRG

The Vancouver Island Public Interest Research Group (VIPIRG) is a non-profit organization dedicated to research, education, advocacy, and action in the public interest. Located in the Student Union Building of the University of Victoria, VIPIRG is a place where students and community members connect to work together on social justice and environmental issues. VIPIRG has been operating since 1983.

## Acknowledgement of Territories

VIPIRG is located in Victoria, British Columbia, on unceded Coast Salish Territories, specifically of the Lekwungen and WSÁNEĆ peoples. The term Coast Salish is used to encompass a number of Indigenous peoples, including Esquimalt, Hul'qumi'num, Klahoose, Lekwungen, Musqueam, OStlq'emeylem, Pentlatch, Sliammon, Shishalh, Skwxú7mesh-ulh Úxwumixw, Songhees, Stó:lo, Straights, Tsleil-Waututh, T'Sou-ke, WSÁNEĆ, and Xwemalkwu. We would like to acknowledge and thank the Lekwungen and WSÁNEĆ peoples because we are working and living within their traditional territories. Thank you.

## Out of Sight: Policing Poverty in Victoria

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