



VANCOUVER POLICE DEPARTMENT

REPORT TO THE VANCOUVER POLICE BOARD

REPORT DATE: August 21, 2013
COMMITTEE MEETING DATE: September 17, 2013
BOARD REPORT # 1309C01

Regular

TO: Vancouver Police Board Service and Policy Complaints Review Committee
FROM: Chief Constable Jim Chu
SUBJECT: Service and Policy Complaint #2013-93SP (Standing Orders or Policies Related to By-law Enforcement in the Downtown Eastside)

RECOMMENDATION

THAT the Vancouver Police Board Service and Policy Complaints Review Committee (the Committee) dismiss with reasons the complaint of Pivot Legal Society (Pivot) and the Vancouver Area Network of Drug Users (VANDU) dated 2013-03-06.

THAT, in the interests of public transparency, the anonymous data on by-law infractions (used to provide statistics in this report) is released publicly.

SUMMARY

In this service and policy complaint Pivot, and on behalf of VANDU, alleges that the VPD has standing orders or policies that lead to discriminate enforcement of by-law offences in the Downtown Eastside (DTES). The complaint states that the perceived purpose of this alleged process was to target the citizens of the DTES so that the police could circumvent the unlawful nature of random street checks by using by-law offences to detain and identify them.

The purpose of by-law enforcement is to change behaviour that puts people at risk or contributes negatively to the community. In accordance with intelligence-led policing principles, the focus of police is on areas where the risk is greatest and the potential positive impact is maximized.

In 2008 a determined effort was made to address the high number of pedestrian casualties and street disorder that were occurring in the area. Since 2008, VPD has worked closely with the City of Vancouver (COV) which has implemented several initiatives to deal with these preventable tragedies. The corners of high traffic intersections were vividly marked to remind pedestrians to look for vehicles before crossing the street and the speed limit was reduced from 50 km/h to 30 km/h in the DTES.

All of these efforts have contributed to a 39% reduction in pedestrians being injured or killed in a motor vehicle collision in the Beat Enforcement Team (BET) patrolled area between 2008 and 2012. Nonetheless it is statistically accurate to report that a pedestrian is 3,130% more likely to be struck by a vehicle in the area patrolled by the BET when compared to the rest of the city. When one compares this to the downtown of Vancouver (patrolled by District 1 – an area with higher population density, traffic, and pedestrians) the BET area rate is still 1,092% higher.

With regard to by-law ticketing, contrary to what the complaint implies, there has been a 57% drop in jaywalking tickets issued in the area patrolled by BET in 2012 compared to 2008. Also, the number of by-law tickets issued has dropped steadily since 2008. This includes by-law tickets for pan-handling and street vending. In 2012, of the 37 panhandling tickets issued, only one was written to someone in the BET area. Furthermore, street vending by-law tickets have decreased by 16% when one compares the amount issued in 2008 to 2012. In fact the number of tickets issued has decreased by 27% between 2011 and 2012.

BACKGROUND

The VPD's Information and Privacy Unit received three separate requests from Pivot, in September 2012, November 2012, and March 2013, for statistics regarding the number of by-law tickets issued by the VPD for jaywalking, panhandling and street vending from 2008 to 2012. In their correspondence the Information and Privacy Unit clarified some of the challenges regarding the practices of data entry and the effects they may have on the numbers provided.

On March 6, 2013, a service and policy complaint was sent to the Vancouver Police Board by Pivot and VANDU. The complaint alleges that the VPD has standing orders or policies that result in discriminate enforcement of by-law offences by police in the DTES. The complaint states that the perceived purpose of this alleged process was to target the citizens of the DTES so that the police could circumvent the unlawful nature of random street checks by using by-law offences to detain and identify them. The complaint also implied that the VPD was disregarding Commissioner Wally Opal's recommendations from the Missing Women Commission of Inquiry through its by-law enforcement process in the DTES.

The Planning Research and Audit Section of the VPD received the service and policy complaint in June of 2013. A comprehensive analysis was conducted and this report was drafted to address the identified issues.

DISCUSSION

Policing, Community Safety and Quality of Life Issues in the DTES

It is worthwhile to provide some context into the formation of the BET and policing in the DTES. Both historically and currently the VPD and the COV have worked together to address the many issues surrounding the "quality of life" challenges that the DTES faces when it comes to the community's perception of safety. Businesses and residents of any neighbourhood have a right to a safe environment.

In April 2003, consistent with the COV's Four Pillars Approach, the VPD implemented a policing plan to meet its commitment to dismantling the open drug market at Main and Hastings, which was out of control. The VPD redeployed 40 officers from elsewhere to add to the existing 20 beat officers in the DTES to create a dedicated unit called the City-wide Enforcement Team (since renamed the Beat Enforcement Team). Its mandate was, in part, to reduce violence and

“restore order to a community in distress.” An independent evaluation by a team of researchers from the University of the Fraser Valley, funded by the Vancouver Agreement, found the VPD had achieved significant successes in reducing violence and disorder.¹

Further, a scientific survey determined that there was considerable public support for the enhanced beat initiative; residents, business, and visitors to the DTES largely believed that the program had a definite impact on improving the sense of ‘order’ in the area, as well as making it a safer place to be. There was strong support for the CET program among all constituents and support was highest among those who lived and worked in the DTES.² After the trial period ended in October 2003, the initiative became permanent with the deployment of full-time beat officers assigned specifically to the DTES.

Safety and social stability include a need to have some sense of lawfulness maintained for the shared use of walkways and roadways in order to continue the efforts of supporting a safe community. These issues require a measured, balanced and thoughtful implementation strategy and the enforcement of by-laws is one part of the comprehensive plan.

Data Extraction Challenges

The basic premise of the complaint is that ticketing of by-law infractions is discriminatory because of the disproportionate amount of tickets in the DTES. Further data extraction and analysis was done in an effort to verify the statistics that were quoted in the complaint.

There is a variance in the data that Pivot received in their FOI request and the data that this report will be referring to. There are several reasons contributing to this. Strict data entry records exactly what the officer has written on the violation ticket. Human error is a factor when writing or entering ticket information. The officer may have used brackets or hyphens instead of the correct decimal point. The data entry clerk may have mistakenly recorded an uppercase instead of a lowercase letter. If ticket information was queried using the correct numerical and letter designation, all incidents where the data was entered incorrectly would be excluded. Therefore, to ensure that the most accurate data is extracted for this request a “wildcard” search was used. For example, entering only 2849.12.2 or 2849.12(2) would limit all other possible manual data entries. However, querying with a wildcard (i.e., 2849*) would return every by-law ticket that commenced with 2849 regardless of the numeric, alphanumeric, or symbol that followed this section number. Therefore this methodology returns more results than the original data set provided to Pivot in early 2013.

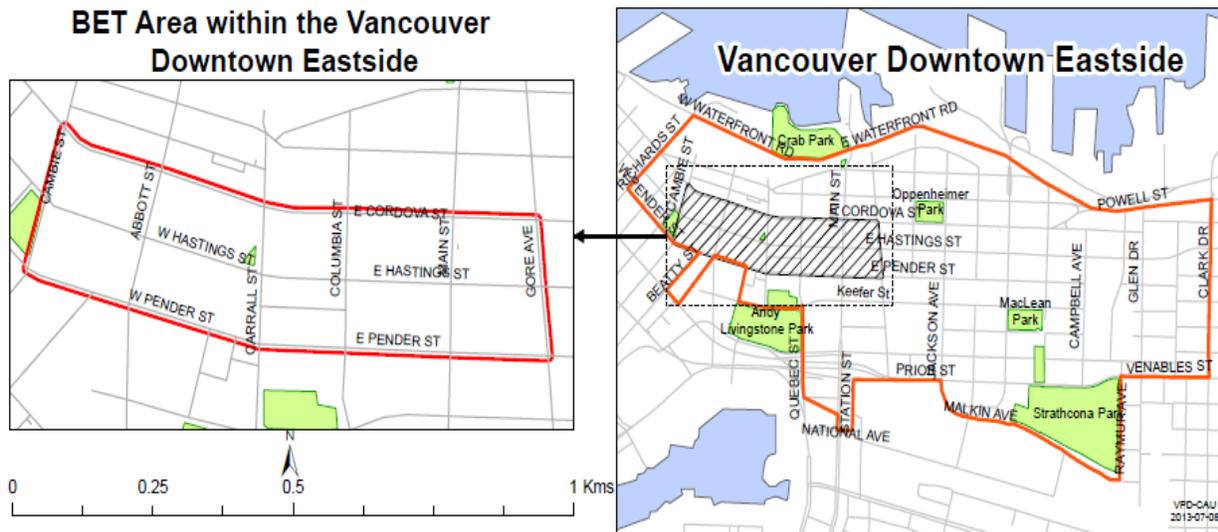
Data Analysis

Most tables in this report provide statistics for the BET and the DTES areas. On the following page, the map on the left reflects the area where VPD deploys BET officers (see Figure 1). This is the only area in the city that has its own dedicated foot patrol. The DTES map on the right includes a substantially larger area: Gastown, Victory Square, Strathcona, Chinatown, industrial lands, and the Oppenheimer and Thornton Park areas.

¹ Griffiths, Curt Ph.D., Dandurand, Yvon, Chin, Vivienne, Chan, Joseph. **Confident Policing in a Troubled community - Evaluation of the Vancouver Police Department’s City-wide Enforcement Team Initiative.** A report prepared for the City of Vancouver and the Vancouver Agreement Coordination Unit, July 2004.

² A POLLARA Report to the Vancouver Police Department. **Opinions of Residents and Businesses Regarding the City-wide Enforcement Team Project** June 2003, p. 3

Figure 1



Jaywalking Ticketing and Motor Vehicle Collisions Involving Pedestrians

Jaywalking, as defined in the COV *Street and Traffic Bylaw No. 2849*, is “to cross a roadway, not being a lane, at any place which is not within a crosswalk and which is less than one block from an intersection at which traffic control signals are operational.” Both the 2008 - 2012 VPD Strategic Plan, and the current 2012 – 2106 Strategic Plan, committed to making Vancouver the safest major city in Canada. Several goals spoke to meeting that commitment and one of these goals was to reduce traffic related injuries and deaths. One method the VPD employs to reduce traffic-related injuries and deaths is through issuing jaywalking tickets for the purpose of communicating to residents and visitors that this behaviour is unsafe.

Table 1 shows from January 1, 2008 to May 31, 2013 that there were 2,844 jaywalking tickets issued city-wide and the fact that there was a city-wide 40% reduction in jaywalking tickets issued in 2012 compared to 2008.

Table 1: Jaywalking Tickets (with Wildcard Illustration)

Jaywalking	2008	2009	2010	2011	2012	2013	Total
2849.12	59	172	273	17	103	139	763
2849 (12(2))	0	0	0	2	0	0	2
2849(12)(2)	0	0	1	0	0	0	1
2849.12 (2)	0	1	0	0	0	0	1
2849.12(2)	625	206	226	559	305	27	1,948
2849.12(2)_	0	0	0	0	1	0	1
2849.12.2	10	1	6	100	8	0	125
2849.s.12(2)	0	0	1	1	0	0	2
2849.s12(2)	0	1	0	0	0	0	1
Total	694	381	507	679	417	166	2,844

Table 2 breaks down geographically the number of jaywalking tickets issued:

Table 2: Jaywalking Tickets Issued

Jaywalking	2008	2009	2010	2011	2012	2013	Total
District 1	29	71	138	166	54	26	484
District 2	652	281	333	480	316	131	2,193
DTES	650	274	325	474	300	128	2,151
BET	615	242	281	416	262	115	1,931
District 3	3	16	11	12	16	3	61
District 4	5	10	20	18	26	4	83
Loc N/A	5	3	5	3	5	2	23
Total³	694	381	507	679	417	166	2,844

Table 2 shows that jaywalking tickets decreased by 57% when one compares the number written in the BET patrolled area in 2008 to that of 2012. At least in the context of jaywalking tickets this fact contradicts the complaint’s statement that since 2009 “in the years that have elapsed since that time we have concluded that ticketing in the neighbourhood has not declined but remains at inordinately high levels.”

Pedestrian Injuries and Fatalities

Table 3 presents the size of each district, the BET deployment area, and the DTES within District 2 by square kilometer (sq. km). Also provided are the number of pedestrians involved in a motor vehicle collision between 2008 and 2012 where police attended the incident. As shown, 117 pedestrians were injured or killed by a vehicle in the BET area. This is equivalent to 557.1 pedestrians struck in a motor vehicle collision for every 1 sq. km. Compare this figure to only 9.8 pedestrians struck in District 4 per sq. km.

Table 3: Pedestrians Struck per Square Kilometre

Area	Sq. km	# of Pedestrians Struck	Ped Struck per sq. km
District 1	9.1	462	51.0
District 2	17.2	535	31.2
BET	0.2	117	557.1
DTES	2.1	266	127.9
District 3	36.4	556	15.3
District 4	54.8	539	9.8
Total	117.4	2,092	17.8

Table 3 begins to show the magnitude of the concentration of struck pedestrians within the BET area. The data shows that a pedestrian is 3,130% more likely to be struck by a vehicle in the area patrolled by the BET when compared to the rest of the city. When one compares this to the downtown of Vancouver (patrolled by District 1 – an area with higher population density, traffic, and pedestrians) the BET area rate is still 1,092% higher. Notwithstanding these statistical facts, it must also be noted that, in 2008, 28 pedestrians were either injured or killed in a motor vehicle collision in the BET patrolled area and that figure has dropped 39% in 2012 (where there were a total of 17 injured or killed pedestrians).

Other areas with similar characteristics to the BET area were reviewed to see how the number of pedestrians struck compared to those in the BET. Criteria used were areas with high

³ The column Total is the sum of Districts 1, 2, 3, 4, and location not available.

pedestrian traffic, no SkyTrain, and a major thoroughfare that is regularly serviced by transit. Also, similar to the BET area, each area analyzed (one in each District) is 10 square blocks.

Table 4 breaks down each of these areas by square kilometer, the number of pedestrians struck, and the number of pedestrians struck per square kilometer. Overall, there are more pedestrians struck in the BET area than other areas with similar criteria, followed by Robson & Burrard in District 1 and Granville & Broadway in District 4. Anyone who has visited the DTES can observe that the behaviour of jaywalkers is markedly different than typically seen in other areas, in terms of the complete lack of caution in wandering into traffic mid-block or against a red light in the most unsafe manner, despite the proximity of marked crosswalks and controlled intersections.

Table 4: Total Pedestrians Struck (2008-2012)

Area	Sq Km	Ped Strucks	Ped Struck per Sq Km
BET	0.21	117	557.1
District 1: Robson & Burrard	0.20	23	115.0
District 2: Commercial & 1 st	0.15	12	80.0
District 3: Victoria & 41 st	0.31	12	38.7
District 4: Granville & Broadway	0.18	17	94.4

Panhandling

Panhandling or public solicitation is defined under the *Safe Streets Act* of BC as “to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.” In 2012, of the 37 panhandling tickets issued, only one was written to someone in the BET patrolled area.

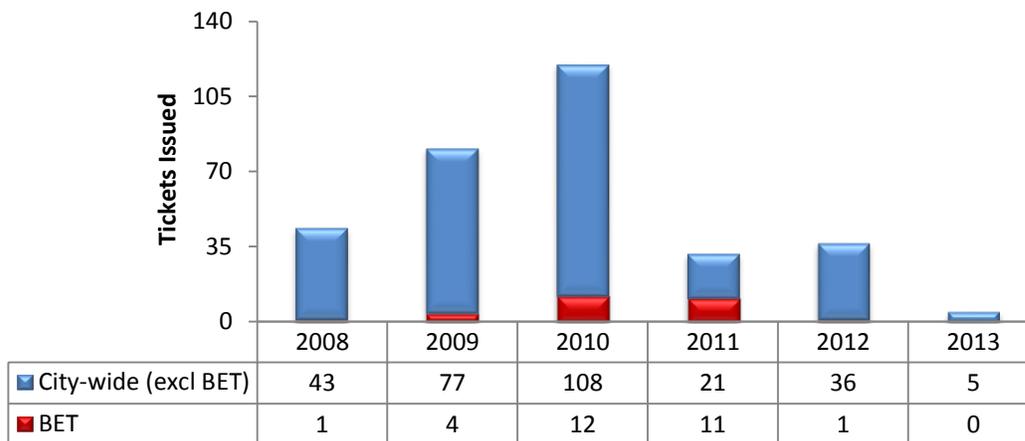
Table 5 shows an average of 9.1% of panhandling tickets were issued within the BET boundary between 2008 and 2013. District 4 officers issued the highest number of panhandling tickets (54.5%) followed by District 1 (18.8%).

Table 5: Panhandling Tickets Issued

Panhandling	2008	2009	2010	2011	2012	2013	Total
District 1	21	16	12	7	1	3	60
District 2	2	6	12	14	2	0	36
BET	1	4	12	11	1	0	29
DTES	2	5	12	12	1	0	32
District 3	1	4	1	6	33	2	47
District 4	19	55	94	5	1	0	174
Loc N/A	1	0	1	0	0	0	2
Total	44	81	120	32	37	5	319

Figure 2 shows 319 panhandling tickets were issued city-wide between 2008 and 2013. As seen in the figure below, only 9% of all panhandling tickets have been issued in the BET area in 5.5 years. In 2013 there have been no panhandling tickets issued in this area to date.

Figure 2: Panhandling Tickets Issued in the BET vs. City-wide



Street Vending

Street vending is addressed in the COV *Street and Traffic Bylaw No. 2849* as “merchandise not to be displayed on street or sidewalk”, and includes “any merchandise, vehicle, chattel, or wares of any nature on any street, sidewalk or boulevard for the purpose of sale or display”. In 2008, over 80% of the street vending by-law tickets were issued to people in the DTES; however, that number has dropped 30% in 2012. BET officers focused on issuing street vending by-law tickets with the goal to help eliminate and deal with the following:

1. Selling of stolen property. Many "street vendors" are selling stolen property that has been shoplifted from retail stores or stolen from other persons or businesses.
2. Selling of food that is not refrigerated or is past the expiry date. This is a serious public health concern.
3. Drug trafficking. Many of the "street vendors" will traffic or "hold" drugs or money in the property they are selling on the street or use the ruse of selling merchandise so that they can remain in the area to sell drugs.
4. Street Obstruction and Disorder. Large groups of “street vendors” contribute to general street disorder and lessen feelings of community safety as well as making passage on sidewalks difficult, causing citizens to walk into the curb lane of vehicle traffic in order to pass the vendors.
5. Detriment to Legitimate Businesses. The DTES as an area, despite significant assistance from all levels of government, continues to struggle with a lack of legitimate businesses to serve the public. A continual complaint from the area business owners is that street vendors significantly interfere with the lawful operation of their businesses and serve as a barrier to community members being able to access their stores.

Police officers exercise a great deal of discretion when enforcing the street vending by-law. Many warnings are given prior to enforcement. In many circumstances officers will issue a by-law ticket for infractions rather than criminal charges, e.g., fighting by-law instead of criminal assault; noise by-law instead of the criminal offence of causing a disturbance. It may be neither appropriate nor efficacious to proceed via criminal charges. Any strategy needs to consider two of the VPD's Organizational Principles:

- Proportionality – The risk and impact of police actions shall be proportional to the priority and the severity of the situation in need of intervention.
- Intrusiveness – Police actions should be the least intrusive required to ensure public safety.

The use of regulatory offences rather than criminal charges reduces criminalization for minor offences.

Table 6 shows that although a majority of street vending tickets are issued in the BET area, on average less than one ticket is issued each day, despite the routine presence of multiple street vendors, and that tickets issued in the BET area have decreased by 16% when one compares 2008 to 2012. In fact the number of tickets issued in the BET area has decreased by 27% between 2011 and 2012.

Table 6: Street Vending Tickets Issued

Street Vending	2008	2009	2010	2011	2012	2013	Total
District 1	7	4	26	9	2	0	48
District 2	324	399	395	371	269	83	1,841
BET	315	383	390	364	265	83	1,800
DTES	321	396	395	369	267	83	1,831
District 3	3	1	4	4	11	3	26
District 4	3	15	1	0	3	0	22
Loc N/A	0	3	3	1	5	1	13
Total	337	422	429	385	290	87	1,950

By-law Tickets Issued in the DTES

The DTES has a concentrated and constant rate of pedestrian foot traffic, in comparison to other high pedestrian foot traffic corridors that are limited by business or event hours, such as the Granville Mall, Kitsilano, Denman, Robson, and Davie St. The borders identified by the COV for the DTES capture 2.08 square kilometers and within the DTES is the BET area which is approximately 0.21 square kilometers (or 10 square blocks).

BET patrols the area generally known as the DTES. BET is comprised of six teams each with 11 patrol officers and a sergeant. During most hours of the day there are two overlapping shifts providing a minimum of 14 designated foot patrol officers. Table 7 breaks down the number square kilometers of the BET area and each district as well as the total number of police constables assigned to each area. This table clearly shows that per square kilometer, there are more constables patrolling the BET area than anywhere else in the city. Therefore, it is reasonable to assume that more offences such as jaywalking or street vending will be observed if there are more officers walking on the street in a concentrated area. Furthermore, those

officers are able to address these issues more directly as they are not travelling in a motor vehicle.

Table 7: Patrol Officers (PO) per Square Kilometre

Area	Sq Km	POs	POs per Sq Km
BET	0.21	66	314.3
District 1	9.06	122	13.5
District 2	17.16	98	5.7
District 3	36.43	122	3.3
District 4	54.78	112	2.0

Police Discretion⁴

Police officers have both a duty to enforce the law and investigate crimes. They also have broad discretion, within certain parameters, in deciding what offences to investigate and when charges will be pursued. The principle that the police have a duty to enforce the criminal law is well established in common law: *R. v. Metropolitan Police Commissioner*, [1968] 1 All E.R. 763 (C.A.), *per* Lord Denning, M.R., at p. 769; *Hill v. Chief Constable of West Yorkshire*, [1988] 2 All E.R. 238 (H.L.), *per* Lord Keith of Kinkel; P. Ceyskens, *Legal Aspects of Policing* (loose-leaf ed.), vol. 1, at pp. 2-22 *et seq.*

This principle is also codified in s. 48 of the *Police Act* and is summarized as follows:

The mission of police forces and its members is to maintain peace, order and public security, to prevent and repress crime and offences under the law and municipal by-laws, and to apprehend offenders. In pursuing their mission, police forces and their members shall ensure the safety of persons and property, safeguard rights and freedoms, respect and remain attentive to the needs of victims, and cooperate with the community in a manner consistent with cultural pluralism.

This duty is not applicable in every situation. Applying the letter of the law to the practical, real-life situations faced by police officers in performing their everyday duties requires that discretion be exercised. The ability and duty to use one's judgment to adapt the process of law enforcement to individual circumstances and to the real-life demands of justice is in fact the basis of police discretion.

In *R. v. Beare*, [1988] 2 S.C.R. 387, at p. 410, police discretion was described as an essential feature of the criminal justice system. A system that attempted to eliminate discretion would be unworkably complex and rigid. Thus, a police officer who has reasonable grounds to believe that an offence has been committed, or that a more thorough investigation might produce evidence that could form the basis of a criminal charge, may exercise his or her discretion to decide not to engage the judicial process. But this discretion is not absolute. Far from having *carte blanche*, police officers must justify their decisions rationally.

The required justification is essentially twofold. First, the exercise of the discretion must be justified subjectively, that is, the discretion must have been exercised honestly and transparently, and on the basis of valid and reasonable grounds. Thus, a decision based on

⁴ R. v. Beaudry [2007] 1 S.C.R. 190, retrieved from <http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/2340/index.do>

favouritism, or on cultural, social or racial stereotypes, cannot constitute a proper exercise of police discretion. However, the officer's sincere belief that he/she properly exercised his/her discretion is not sufficient to justify his/her decision.

Secondly, the exercise of police discretion must also be justified on the basis of objective factors. It is important to consider the material circumstances in which the discretion was exercised.

The fact is that the VPD does discriminate in the use of its resources, but it is based on bona fide public safety reasons. For example, speeders and red light violators on Knight Street are targeted, because that's where the data indicates the most problems with accidents caused by speeding and going through red lights. The goal is not to equalize enforcement by neighborhood; rather, it is to equalize outcome in terms of providing safe communities for all. Different communities have different public safety issues and therefore require different levels and types of police resourcing and strategies.

The Legal Authority to Detain and/or Arrest

The complaint states that there was a widespread belief that the "VPD's adoption of 'proactive policing' policies have been used as a way to circumvent the unlawfulness of random street checks, and are instead using the enforcement of By-Law offences to obtain identification from individuals in the DTES." An offence "found committing," such as jaywalking, provides the grounds to detain and require the person to identify themselves. This may incidentally lead to arrests on outstanding warrants for criminal offences, but is not the primary purpose of the stop, which is to address the rampant unlawful and dangerous pedestrian behavior in the DTES.

If it is learned during the process of identifying a person that a warrant for a criminal offense has been issued, the police are required by law to execute it. No discretion is permitted the officer in this matter. In regards to by-law warrants, the decision to request an arrest warrant is made by the COV Prosecutor, who makes this decision independent of the police, and so is a matter for consideration by the COV.

Part of the complaint's argument that is made publicly on the PIVOT website⁵ is:

For residents who don't have outstanding warrants, getting caught by this policy of aggressive Bylaw enforcement has huge implications. Downtown Eastside residents face such deep poverty that the individual consequence of a violation ticket is grossly out of proportion to the gravity of the offence. For a person receiving basic welfare (who is not already dipping into their support allotment to pay for housing) a single ticket, which can range from \$100 to \$167 depending on the nature of the infraction, would amount to between 43% and 71% of their monthly after-rent income.

The major concern we hear about is how ticketing funnels people into a criminal justice feedback loop from which they never escape. Because of their financial situation, they do not pay the ticket, and eventually a warrant is issued.

This perception diverges from the actual judicial process.

⁵ *Ibid*

Judicial process for by-law offences⁶

Courts issue warrants for individuals who violate a court order, e.g., failing to appear in court, breaching bail or failing to pay a fine.

Courts may only issue a warrant for a bylaw offence if a person does not attend court after personal service of a summons, or if the court is satisfied that there is no other way to contact the accused. For example, the VPD is aware of four outstanding warrants for “vending.” It was explained by the By-Law Prosecutor that three were issued because the accused ignored summonses that had been personally served.⁷ These warrants are not for vending; they are for disobeying a court order (the summons) by failing to appear in court. The fourth warrant was issued by the COV Prosecutor because the accused could not be located. Warrants are usually “endorsed,” meaning the accused will be released on a Promise to Appear in court which directs the accused to attend court on a particular day. The person is not held in custody.

Payment of Fines

If an offender is unable to pay a fine, no fine is imposed (s. 88 Offence Act). In 2009, the COV, through the Director of Legal Services and the COV Prosecutor, entered into an arrangement with the Provincial Director, Community Corrections, whereby Community Corrections agreed to supervise court imposed Community Work Service (CWS) hours for persons unable to pay a fine. CWS provides appropriate alternative consequences for offenders who cannot pay a fine. Fines are not imposed on persons with no means of paying. In addition, the COV Prosecutor has established an informal diversion program for first-time offenders and minor offences. Not only does CWS allow offenders to take responsibility for their actions, but it can also provide referrals to community agencies and assistance to those living in the DTES.

Ticketing Minor Offences such as Littering and Public Urination

The COV Prosecutor does not prosecute these types of offences and any prosecution would be conducted by the VPD officer who issued the ticket. There is no ability for the Court to issue a warrant for non-payment of fines. The Court can only issue a warrant for the offence of failing to appear in court following service of a summons. The Missing Women Commission of Inquiry (MWCI) was told that “over policing” of women in the DTES through ticketing initiated a domino effect of breaches ultimately causing women to be put in remand and prison while suffering from withdrawal without proper medical treatment.

However, the fact of the matter is that the vulnerable women that were the focus of the MWCI are generally not the ones receiving bylaw tickets. An analysis of the street vending tickets issued in the DTES since the beginning of 2006 shows that roughly 79% of the tickets have been issued to men. In addition, street vending tickets are not likely to result in a summons to court. The result is that the frequency of vulnerable women being arrested as a result of a street vending bylaw ticket is very low.

⁶ Judicial process as outlined through consultation with COV By-Law Prosecutor Ellen Gerber in Staff Sergeant Upton’s **MWCI Report – Summary to Council** March 2013

⁷ *Ibid*

Initiatives developed to reduce street disorder and to create a safer environment for the pedestrian population of the DTES

In 2011, the COV rezoned East Hastings within the DTES borders to a 30 km speed limit zone. In addition to this, a mid-block pedestrian crossing, pedestrian countdown signals, and road improvements/curb bulges were installed to help deter jaywalking and to provide a safer environment for the pedestrians.

The development of a DTES “Street Market” has been in progress for some time with the COV Social Planning Department, the community, and the VPD. Currently the DTES Street Market operates one day per week with the vision to operate more frequently. The VPD is assisting with this initiative at the request of the COV by assigning dedicated police officers to help manage it during the month of August. This initiative will continue and may result in less illegal vending, which will reduce the number of vending charges.

The complainant implies in his letter that the VPD was disregarding Commissioner Wally Opal’s recommendations from the Missing Women Commission of Inquiry through its by-law enforcement process in the DTES. However, as the data has illustrated, since 2008 the number of by-law tickets issued in the area of the DTES has been in a steady decline and many collaborative efforts are in effect to improve relations and quality of life issues for the community. In accordance with intelligence-led policing principles, the focus of police is on areas where the risk is greatest and the potential positive impact is maximized. By-law enforcement in the DTES is an important mechanism to assist police in maintaining the safety of walkways and roadways for all users, and as such, provides a process to discourage and change dangerous or lawless behaviour.

CONCLUSION

The purpose of by-law enforcement is to change behaviour that puts people at risk or contributes negatively to the community. In accordance with intelligence-led policing principles, the focus of police is on areas where the risk is greatest and the potential positive impact is maximized.

With the above in mind it is important to note that the data shows that a pedestrian is 3,130% more likely to be struck by a vehicle in the area patrolled by the BET when compared to the rest of the city. When one compares this to the downtown of Vancouver (patrolled by District 1 – an area with higher population density, traffic, and pedestrians) the BET area rate is still 1,092% higher. It must also be noted that, in 2008, 28 pedestrians were either injured or killed in a motor vehicle collision in the BET patrolled area and that figure has dropped 39% in 2012 (where there were a total of 17 injured or killed pedestrians).

In 2008 a determined effort was made to address the high number of pedestrian casualties and street disorder that were occurring in the DTES. Between 2008 and 2012 there has been a 57% drop in jaywalking tickets issued in the area patrolled by BET. Also, the number of by-law tickets issued has dropped steadily since 2008 (this includes by-law tickets for pan-handling and street vending).

For the reasons discussed in this report, it is recommended that the Vancouver Police Board’s Service and Policy Complaints Review Committee dismiss, with reasons, this complaint. In the interests of public transparency, the VPD also recommends the release of the anonymous data that is used to provide statistics in this report.

Author: Sgt. Colleen Yee Telephone: 604-717-2688 Date: Aug.21, 2013

Submitting Executive Member: DCC Warren Lemcke

(Signature) Date: September 3, 2013