

# Annual Report 2018



Sabrina (left) and Sandi Orr sit in Sandi's beautiful garden with Sugar, Sandi's dog, at Anita Place tent city in Maple Ridge.

# About Pivot Legal Society

Pivot works in partnership with communities affected by poverty and social exclusion to challenge legislation, policies, and practices that undermine human rights, intensify poverty, and perpetuate stigma. Our work is focused in four policy areas: homelessness, drug policy, sex work, and police accountability. Additionally, in 2018, our report *Project Inclusion* was released and continues to heavily impact our work in all our campaign areas, particularly through community education.

Our office is located on the stolen lands of the **xʷməθkʷəy̓em** (Musqueam), **Skwxwú7mesh** (Squamish), and **səl̓ílwətaʔɬ** (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.



[www.pivotlegal.org](http://www.pivotlegal.org)

## A note on land acknowledgment

In November 2018, Pivot staff and board were led through a workshop by Michelle Nahane, a Squamish facilitator and founder of [Decolonizing Practices](#). In this workshop, we discussed the role of land acknowledgments and the need to go beyond simply acknowledging that these lands are unceded. We are grateful to Michelle for helping us to collectively write the statement and commitment above. As an organization predominantly run by settlers, whose mandate is to use the settler colonial law as a tool for social change, we understand that our organization has a long way to go to truly be accomplices to Indigenous peoples in shifting the colonial default. We recognize that all of our campaign areas disproportionately impact Indigenous peoples and we are committed to ongoing learning and prioritizing Indigenous peoples in our work.

Cover photo by Anna Cooper | June 6, 2018

Publication date: September 2019

# Contents

<b>About Pivot Legal Society.....</b>	<b>2</b>
<b>Letter from Pivot's leadership .....</b>	<b>4</b>
<b>Pivot staff &amp; board.....</b>	<b>5</b>
<b>Campaigns .....</b>	<b>6</b>
Homeless people's rights.....	7
Drug policy .....	8
Sex workers' rights .....	9
Police accountability .....	10
<i>Project Inclusion</i> and community education .....	11
<b>Thank you to our members &amp; contributors.....</b>	<b>12</b>
Passion for Justice 2018 .....	13
<b>Financials .....</b>	<b>14</b>

# Letter from Pivot's leadership

2018 was both an exciting and a challenging year for Pivot and our communities. Though we had some important victories, we continue to navigate the devastating impacts of unjust laws and policies which contribute to the homelessness crisis, the overdose crisis, the denial of basic human rights to sex workers, and the absence of recourse for people who experience violence at the hands of police. As we go about advocating for changes to these daunting constellations of laws and policies, our work continues to take direction from grassroots, community-led movements.

We have had a series of staff transitions this year, with many long-time staff members moving on to invest their skills and abilities in commendable causes and initiatives. As we welcome new people, ideas, and perspectives, this is an exciting time of change and possibility for our organization. We can't wait to see what new approaches we can use to continue effecting important changes! Our board of directors is grateful for the continued excellence of work among our staff. As always, we extend our appreciation to the many humans who continue to support Pivot's work: community members, pro bono lawyers, volunteers, summer students, academics, donors, friends, and allies. We couldn't do this without you!

A major highlight for us this year was the release of our report *Project Inclusion: Confronting Anti-Homeless & Anti-Substance User Stigma in British Columbia*. Thanks to all the people who shared their lived experiences, insights, and wisdom with us, we were able to identify trends across the province where laws and policies in policing, health care, and the court system serve to directly undermine the health and safety of substance-users and people experiencing homelessness by trapping them in a cycle of criminalization. This report exposes the disproportionate rates at which Indigenous people experience violence due to these systems, which work together to continue the project of settler colonialism. In each of the ten communities that we visited, stigma was the unifying thread that shaped people's lives. By shedding light on the experiences and voices of people who are told that they don't matter because their lives and identities are stigmatized, Project Inclusion makes stigma visible. In this report, we address stigma's root causes by offering analysis of how laws and policies in BC are both shaped by stigma and serve to perpetuate it, as well as provide actionable recommendations for change. These recommendations will impact our work in all our campaign areas moving into 2019 and beyond.

Pivot is ready for another year of challenging unjust laws and policies, according to the needs of those most affected by these human rights issues. On behalf of everyone here at Pivot, thank you for your ongoing support of our work!

Sincerely,



Siobhan Aspinall  
Chair, Board of Directors

*“As we go about advocating for changes to these daunting constellations of laws and policies, our work continues to take direction from grassroots, community-led movements.*



From left to right: (Top) Pivot staff Peter Kim and Anna Cooper, (Middle) Katie Koncan, Caitlin Shane, Katrina Pacey, Camia Weaver, DJ Larkin, Darcie Bennett, Jin Chien, with Geoff White from the Law Foundation, and (Bottom) Pivot office dog Silas | January 31, 2018

# Pivot staff & board

**Thank you to all the staff who carried Pivot's work throughout 2018, and beyond.**

Anna Cooper  
Asha Nygra  
Caitlin Shane  
Camia Weaver  
Catarina Moreno  
Celia Pinette  
Chase Blair

Darcie Bennett  
DJ Larkin  
Jin Chien  
Katie Koncan  
Katrina Pacey  
Kaymi Yoon-Maxwell  
Kerry Porth

Lyndsay Watson  
Meenakshi Mannoe  
Minna Schendlinger  
Noah Quastel  
Peter Kim

**We would also like to thank our dedicated 2018 Board of Directors.**

Andi Wiseman  
Ann Livingston  
Dara Parker  
Hendrik Beune

Ian Munro  
Kerry Porth  
Naomi Moses  
Patrick Smith

Rajit Mittal  
Siobhan Aspinall  
Stephen Mussell

# CAMPAIGNS



Drummers with Culture Saves Lives and Pivot Legal staff at Community Safety Rally held in partnership with the Vancouver Overdose Prevention Site

Photo: Peter Kim | September 18, 2018



Anita Place resident, Tracy Scott, during filming of This Tent Is My Home documentary, standing outside of the BC Supreme Court

Photo: Geoff Webb | May 2018

## Homeless people's rights

This year, Pivot continued to provide legal assistance to people who are homeless and living at the Anita Place Tent City in Maple Ridge. Camp residents were subject to relentless destabilization and displacement by the collective hands of City bylaw officers, RCMP, private security, and anti-homeless residents of Maple Ridge. On May 8, 2018, the camp became [the longest-standing of its kind in BC](#), in part due to Pivot's advocacy efforts. We are ever-grateful for the longstanding work and guidance of Marguerite Ethier, as well as David Wotherspoon and Raj Mittal (Dentons Canada LLP).

In October, we released a documentary, entitled "[This Tent is my Home](#)," which tells the story of the residents of Anita Place Tent City. The documentary follows their journey as they've taken a stand against the bigotry and stigma that fuel BC's homelessness crisis to show their courage and determination in the face of systemic discrimination. Watch it here: [http://www.pivotlegal.org>this\\_tent\\_is\\_my\\_home\\_the\\_story\\_of\\_anita\\_place](http://www.pivotlegal.org>this_tent_is_my_home_the_story_of_anita_place)

Amid a housing crisis across the province, we provided extensive summary advice and services to members and organizers of homeless encampments and people experiencing homelessness throughout BC as well as other jurisdictions. This support and advocacy included providing strategic litigation advice to activists and allies; sharing precedent legal materials and know your rights training; and supporting communities fighting against stigmatizing bylaws by helping develop legal and campaign strategies and making submissions to city councils.

Pivot has also created precedents for people who engage in survival street vending and people experiencing homelessness to document the seizure of belongings by police to inform potential future litigation.



From left to right: Caitlin Shane [Pivot], Naomi Moses [Rosenberg Law], DJ Larkin [Pivot], and Graham Kosakoski at the Supreme Court of Canada

Photo: Anonymous | April 17, 2018

## Drug policy

Pivot [went to the Supreme Court of Canada](#) to intervene in a case called *R v Boudreault*. We argued that for Pivot's clients, Canada's mandatory victim fine surcharge (imposed on all people convicted of an offence, regardless of inability to pay or the harms posed by the debt) amounted to cruel and unusual punishment, contrary to the *Canadian Charter of Rights and Freedoms*. The justices ruled in our favour and struck down the unconstitutional victim fine surcharge. Since *Boudreault*, we testified before committees in both the House of Commons and the Senate to discuss replacement legislation. A sincere thank you to Graham Kosakoski and Pivot board member Naomi Moses (Rosenberg Law), who worked tirelessly on this intervention.

We [appeared before the Federal Court of Canada](#) representing the Canadian Drug Policy Coalition in its intervention to prevent the closure of 3 supervised consumption sites in Edmonton, Alberta. We argued that public health must be the Minister's key consideration when determining whether to approve a supervised consumption site, given the need to protect the Charter rights of people who use drugs amid an opioid crisis. The Court agreed, citing our submissions in its decision, and creating an important precedent. We are indebted to Monique Pongracic-Speier (Ethos Law Group LLP) for her incredible work on this file.

We continue to be involved in litigation, as a coalition with Vancouver Area Network of Drug Users and the West Coast Prison Justice Society, to ensure access to harm reduction supplies in federal prisons. Access to harm reduction supplies, including clean syringes, will greatly reduce the threat of preventable infections, including HIV and Hepatitis C, and affirm the Charter rights of a marginalized prison population. In a hearing on September 13, 2018, the Court adjourned the matter until September 2019, at which time it will hear our submissions. We thank Daniel Sheppard (Goldblatt Partners) for his ongoing representation on this file.

We continued to work with folks on the frontlines seeking to set up pop-up overdose prevention sites or to ensure the efficacy of existing sites through reduced police presence. Though these sites evidently save lives, they face constant threats of closure or inaccessibility due to police actions and intimidation. We will continue to provide legal information, observation, and advocacy to ensure these critical health services continue to operate.

Finally, we continue to work with allies and key stakeholders to lay the groundwork for a federal drug regulation blueprint. This blueprint will inform government about alternative regulatory models to ensure a safer drug supply in Canada. To date, we've compiled an extensive literature review about regulatory models, developed legal analyses of various legal frameworks, and presented our findings to stakeholders from around the world.

# Sex workers' rights

We [testified before the House of Commons](#) Standing Committee on Justice and Human Rights regarding human trafficking laws. We wanted to make sure the Committee made a distinction between human trafficking and sex work between consenting adults, as well as raise awareness of how anti-trafficking initiatives are harming migrant sex workers. In their report to Parliament, the Committee referenced some of our testimony.

We provided operational support to a collective of Indigenous sex workers from the Downtown Eastside of Vancouver to engage in the [National Inquiry into Missing and Murdered Indigenous Women and Girls](#). The collective's legal representative arranged an in-person meeting between participants and one of the Inquiry's commissioners so that she was able to hear directly from the women. This was an important project as it helped to ensure that the voices of Indigenous sex workers were not excluded in what can be an alienating and dehumanizing experience. We are indebted to the hard work of lawyers Elin Sigurdson (Mandell Pinder LLP) and Carly Teillet who supported the collective as legal counsel.

When an advocacy group was being investigated by the Vancouver Police Department for their work supporting sex workers, we contracted lawyer Frances Mahon (Mahon & Company) to push back against this example of stigmatizing and discriminatory over-policing of sex workers and their advocates. The VPD eventually backed off, confirming that the organization is no longer under investigation.

Both Frances Mahon and Elin Sigurdson prepared legal opinions on potential Charter challenges to laws that negatively impact the human rights of sex workers, which will contribute to Pivot's work in 2019 and beyond.



From left to right: Pivot Legal staff Anna Cooper and Kerry Porth at 2018 Red Umbrella March, organized by Triple-X Workers' Solidarity Association of British Columbia

Photo: Peter Kim | June 12, 2018

# Police accountability

With the incredible support of Jordanna Cytrynbaum and her team (Whitelaw Twining), Pivot continues to provide legal representation to individuals injured by Police Service Dogs, and people otherwise harmed by police action.

Pivot [provided legal assistance to the family of Tony Du](#), who was shot to death by police when he was experiencing a mental health crisis. We offered representation and communications support during a week long Coroner's Inquest into Du's death. Pivot provided a list of recommendations regarding police actions in mental health-related scenarios. We are encouraged that many of our key policy objectives were adopted, including a containment strategy, that, were it in place back in 2014, may have prevented the fatal shooting. Thank you to Frances Mahon for her representation and tremendous work.

Pivot met with the Director of Police Services, first to discuss the recommendations put forth in Project Inclusion, and then as invitees to the Bias in Policing subcommittee regarding the harmful practice of street checks. Our work on the subcommittee is ongoing.

In response to many complaints regarding the abusive behaviour of two particular police officers in the Downtown Eastside, Pivot worked with the Overdose Prevention Society to gather affidavits from affected community members and [filed a group complaint](#) with the Officer of the Police Complaint Commissioner (OPCC). This is the first time, as far as we know, that a group complaint format has been used. Through this action we hope to make the onerous and bureaucratic complaints process more accessible for members of marginalized communities who are often of limited means yet disproportionately affected by police violence. The investigation process is currently underway.

Vigil for Tony Du

Photo: Peter Kim | February 10, 2018





# project +inclusion

## *Project Inclusion* and community education

In December 2018, we released *Project Inclusion: Confronting Anti-Homeless & Anti-Substance User Stigma in British Columbia*. The report is a comprehensive study into the ways in which specific laws and policies related to policing, healthcare, and the court system directly undermine the health and safety of people experiencing homelessness and people who use substances by trapping them in cycles of criminalization. Pivot traveled to ten communities across BC to hear from those directly impacted and to ensure that the report was informed by their lived experiences, insights, and expertise. We learned that stigma is entrenched and shapes all aspects of society, including decision-making processes for laws, policies, and service provision. Project Inclusion also outlines unique recommendations, such as the stigma-auditing tool, in order to mobilize innovative strategies for detecting and working against the harmful narratives that enable social exclusion. You can download the full report, as well as watch videos that correspond with it, on our website: [http://www.pivotlegal.org/full\\_report\\_project\\_inclusion\\_b](http://www.pivotlegal.org/full_report_project_inclusion_b)

Following the release of the report, *Project Inclusion*'s findings and recommendations continue to shape Pivot's community education work. We are currently working on ways to translate the report's contents into accessible community resources and legal education workshops.

*Project Inclusion*'s findings and recommendations also continue to influence how we engage with municipalities across the province to draw attention to stigmatizing bylaws that target people who use substances and people who rely on public space. Following the release of *Project Inclusion*, Pivot's community education strategy has sought opportunities to work alongside people with lived experience, including individuals, grassroots organizers, drug user unions, and non-profit organizations to ensure these voices are centered in knowledge translation and outreach efforts.

Meenakshi Mannoe [Pivot] presenting on Project Inclusion's findings

Photo: Peter Kim | March 2019



# Thank you to our members & contributors

The Pivot team extends our deep gratitude to each of Pivot's members, volunteers, and donors who generously contribute their valuable time and financial resources to propel our collective work forward. Together, and in partnership with people with lived experience and grassroots organizations, we continue to challenge legislation, policies, and practices that undermine human rights, intensify poverty, and perpetuate stigma.

We cannot do this work without your partnership - thank you!



Darcie Bennet [Pivot] presenting 2018 Access for Justice award to Rajit Mittal [Dentons Canada LLP] at Passion for Justice 2018.

Photo: Ming Lin | November 9, 2018

Your support means we can act urgently and effectively!

Pivot challenges unjust laws and policies in the courts. Giving to the Pivot Foundation means that we can bring actions that strike down harmful and discriminatory laws - with your support we don't have to think twice to defend human rights.

## Donate

[www.pivotfoundation.org/donate](http://www.pivotfoundation.org/donate)

For more information about giving to Pivot contact Kristin Cheung, Pivot's Development Manager

Email: [donate@pivotfoundation.org](mailto:donate@pivotfoundation.org)  
Phone: 604.255.9700 x 158

# Passion for Justice 2018

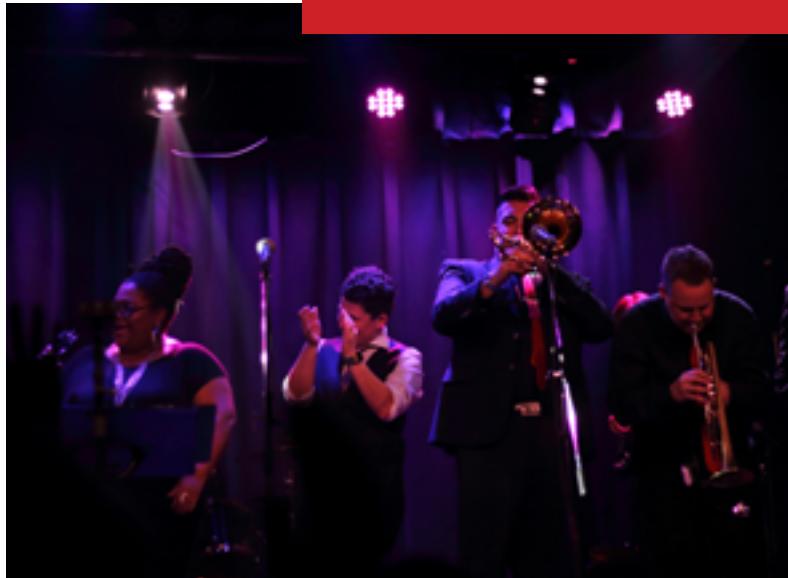
Thanks to our community of supporters, Passion for Justice 2018 was a great success!

Just like everything, it takes a village to raise this special event. The evening was rich with friends and colleagues connecting and tearing up the dance floor to the incredible performance of Queer as Funk and Dawn Pemberton. Jillian Christmas emceed the night's program with wit and grace and we are grateful for her energy. Thanks also to our volunteers, who ensured the event ran smoothly. Last but not least thank you to all of our supporters and cheer leaders for attending, donating, and bidding on silent auction items. We hope the night was just as magical for you as it was for us.

Thank you for standing up for justice and celebrating with us!

Jillian Christmas emceeing (right), and Dawn Pemberton and Queers as Funk performing (bottom) at Passion for Justice 2018.

Photos: Ming Lin | November 9, 2018



# Financials

Pivot Legal Society Statement of Financial Position as of December 31, 2018 and 2017

	2018	2017
<b>ASSETS</b>		
<b>Current</b>		
Cash	41,950	149,389
Accounts receivable	135,159	2,317
Prepaid expenses and deposits	20,864	29,199
Term deposits	195,000	-
	<b>392,973</b>	<b>180,905</b>
<b>Term deposits</b>	165,000	-
<b>Property and equipment</b>	5,538	10,666
<b>Totals</b>	<b>563,511</b>	<b>191,571</b>
<b>LIABILITIES</b>		
<b>Current</b>		
Accounts payable and accruals	21,090	41,554
Deferred contributions	522,757	107,886
<b>Totals</b>	<b>543,847</b>	<b>149,440</b>
<b>NET ASSETS</b>		
Net assets invested in property and equipment	4,475	9,603
Unrestricted assets	15,189	32,528
	<b>19,664</b>	<b>42,131</b>
<b>Totals</b>	<b>563,511</b>	<b>191,571</b>

Pivot Legal Society Statement of Operations for the years ended December 31, 2018 and 2017

	2018	2017
<b>Receipts</b>		
Campaign income	77,067	137,584
Donations	10,705	17,338
Expense recovery	-	5,540
Grants	954,405	925,223
Cost awards	4,581	-
Other	36,951	1,374
<b>Totals</b>	<b>1,083,708</b>	<b>1,087,059</b>
<b>Expenditures</b>		
Amortization	5,128	1,741
Campaign expenses	32,980	25,718
Communication	90,388	78,618
Fundraising	19,463	31,609
General and administration expense	18,002	42,993
Office and miscellaneous	39,270	24,531
Rent	62,370	60,480
Professional fees	59,810	82,279
Salaries, wages and benefits	753,159	668,623
Volunteer expenses	25,064	34,294
<b>Totals</b>	<b>1,106,175</b>	<b>1,050,886</b>
Excess (deficiency) of receipts over expenditures for the year	(22,467)	36,173



**PIVOT**  
LEGAL SOCIETY