



Photo Credit: Sozan Savehilaghi | Ollie, a very good dog and Samona Marsh's dog, getting much needed rest next to a naloxone kit clipped to a backpack at a *Project Inclusion* workshop in Vernon BC, Syilx/Okanagan and Secwepemc territories | August 2019

# Annual Report 2019

## About Pivot Legal Society

Pivot works in partnership with communities affected by poverty and social exclusion to identify priorities and develop solutions to complex human rights issues. Our work is focused in four policy areas: ending homelessness, drug policy reform, sex workers' rights, and police accountability.

In 2001, we opened our doors in response to a health and human rights crisis in Vancouver's Downtown Eastside. Since then, we have worked in partnership with marginalized people and grassroots organizations to challenge legislation, policies, and practices that undermine human rights, intensify poverty, and perpetuate stigma. We strategically focus our efforts on the most tangible human rights in order to improve the immediate situation of the people we work with, while creating lasting change that resonates across the country.

Our office is located on the stolen lands of the x<sup>w</sup>məθk<sup>w</sup>əyəm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔ (Tsleil-Waututh) Nations. We are grateful to Indigenous Peoples for their continuous relationship with their lands. We recognize that the legal tools that we use are colonial legal tools which have been weaponized against Indigenous peoples since colonization and continue to disadvantage Indigenous peoples and ignore the existences of Indigenous people's own laws. We are committed to learning to work in solidarity as accomplices in shifting the colonial default.

### Publication Date

July 2020

**PIVOT**  
LEGAL SOCIETY

Our work is made possible by our generous funders and donors like you.

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

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# Pivot | Annual Report 2019

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Photo Credit: Kayla Isomura | Drew Dennis (left) and Stephen Mussell (right) at Pivot's Passion for Justice fundraiser | November 2019



## Letter from Pivot's leadership

As the Executive Director and Board Chair of Pivot Legal Society, we are pleased to present Pivot's 2019 Annual Report. 2019 was a time of uncertainty, heartache, change, and excitement for Pivot and those we serve. The people we serve and work alongside have been facing overlapping emergencies for decades. However, amid a housing shortage, toxic drug supply, rampant violations of sex workers' rights, continued police violence, and further internal change— this year has given us reason to be optimistic.

While we continue to face major obstacles to progress in our campaign areas 2019 saw us take some important steps forward. From the BC Supreme Court, to the Supreme Court of Canada, to the National Inquiry into Missing and Murdered Indigenous Girls and Women, to the Committee to Review the Police Complaint Process, we continued to make arguments fighting for justice, dignity, and human rights for those impacted by stigma driven laws and policies. We continued to advocate for adequate housing for all, an end to the War on Drugs, the full decriminalization of sex work, and police accountability.

Since opening its doors in 2001, Pivot has been steadfast in its work alongside communities affected by poverty and social exclusion to challenge legislation and policies that undermine human rights, intensify poverty, and perpetuate stigma. Progress made in our four campaign areas this year continued to uphold that commitment and centre the core belief that people are the experts in their own lives. At the same time, we recognize that the legal tools Pivot relies upon are colonial tools which continue to

disadvantage Indigenous peoples and ignore the existences of Indigenous people's own laws. These colonial structures similarly disadvantage racialized communities and people who experience poverty. This is a historic and present tension in how we approach this social justice advocacy together.

Pivot took important steps in 2019 to undertake organizational work related to decolonization, Indigenization, equity, diversity, and inclusion. As an organization that has predominantly been led by settlers, we understand that our team of board and staff have a long way to go to truly be accomplices to Indigenous peoples in shifting the colonial default. We recognize that all of Pivot's campaign areas disproportionately impact Indigenous peoples and we are committed to ongoing learning across our organizational team. While Pivot has seen significant change in the past few years, these organizational initiatives have brought together board and staff who share the vision of building a more aligned, diverse, and inclusive Pivot. We are honoured and privileged to be doing the work we do for and with the incredible people we serve. Pivot continues to grow stronger and we will never stop fighting for a more just and inclusive society.

maarsii/thank you to all who make our work possible,

Stephen Mussell  
Board Chair

Drew Dennis  
Executive Director

# Pivot staff & board

## STAFF THROUGHOUT 2019

Anna Cooper  
Asha Nygra  
Catarina Moreno  
Caitlin Shane  
Celia Pinette  
Drew Dennis  
Kareem Ibrahim  
Katie Koncan  
Kaymi Yoon-Maxwell  
Kerry Porth  
Kristin Cheung | 江雪莉  
Lyndsay Watson  
Maisaloon Al-Ashkar | ميسلون الأشقر  
Meenakshi Manno  
Minna Schendlinger  
Peter Kim  
Sozan Savehilaghi



Photo Credit: Andi Wiseman | Pivot staff on the staircase to nowhere in the Pivot office | December 2019

## BOARD OF DIRECTORS AS OF JUNE 2019 AGM

Aaron Samuel  
Don Rosenbloom  
Julie Guenkel  
Mebrat Beyene  
Naomi Moses  
Nicolas Crier  
Siobhan Aspinall  
Stephen Mussell

## BOARD MEMBERS WHO SERVED UNTIL JUNE 2019 AGM

Andi Wiseman  
Ann Livingston (founding director)  
Dara Parker  
Hendrik Beune  
Ian Munro  
Kerry Porth  
Patrick Smith  
Rajit Mittal



Photo Credit: Kaymi Yoon-Maxwell | Some Pivot board members in the Pivot office | November 2019

# Campaigns

2019 AT A GLANCE

Pivot's four campaign areas aim to end homelessness, reform drug policies that deny human and health rights, ensure the rights of sex workers, and hold police accountable. We strategically use a combination of litigation, direct government advocacy, and public education campaigns in deep collaboration with people who are marginalized and grassroots movements.



Provided **legal information & policy advice** to or engaged in **direct advocacy** with government on over **130 occasions**



Engaged in **7 test cases**



Intervened in **3 legal cases**



Published **2 reports**



**125 News media mentions**



Photo Credit: Meenakshi Mannoe | We Exist Tent City solidarity rally | June 2019

# Homeless Peoples' Rights

The impacts of an ongoing housing crisis and a drug poisoning epidemic hit people living in poverty the hardest. A lack of political will to create new, safe, and affordable housing leaves people living in poverty with little choice but to provide for themselves in any way possible. Unhoused people all over British Columbia and Canada continued to protect themselves and their communities by gathering in parks and tent cities to provide shelter, supplies, and support to each other. Municipal bylaws are regularly wielded against these sites of safety and community in the name of public safety.

This year, our Homeless Peoples' Rights campaign has been focused on providing support, litigation, and community outreach to tent cities in the Lower Mainland and broader political advocacy for tent cities.

“  
*Municipal bylaws are regularly wielded against these sites of safety and community in the name of public safety.*



Photo Credit: Kareem Ibrahim | Pivot staff and Anita Place Tent City residents and supporters with fists raised at the BC Supreme Court | June 2019

## Anita Place Tent City

Advocating on behalf of the residents of Anita Place Tent City continued to be a focus of our Homeless Peoples' Rights campaign for much of this year. In January, [we went to the BC Supreme Court](#) to defend Anita Place against the City of Maple Ridge's application for enforcement orders and injunctions against the camp's residents, arguing that the City's actions were escalating an ideology of enforcement rather than working with residents of Anita Place to meet their needs. For example, the City used fire safety concerns as an excuse to evict campers, rather than providing solutions, such as heating options, to residents. Some good came out of the BC Supreme Court decision as the Honourable Justice Grauer recognized that "freezing or burning is a choice no one should have to make" – affirming the fundamental conflict faced by residents of Anita Place in the absence of adequate shelter.

Justice Grauer also allowed solid structures to remain despite an application by the City of Maple Ridge to have them removed— an unprecedented recognition of the relative safety of self-made structures for those who are without housing. The [Ruling amended the previous Order](#) in favour of the residents of Anita Place. Despite this, the City of Maple Ridge continued to expend significant resources to weaponize the law in order to displace their unhoused constituents. [We appealed the decision](#) in February due to the City of Maple Ridge's aggressive, non-collaborative, and wrongful enforcement of Justice Grauer's Order. City officials and authorities [continued to deny access](#) to Anita Place, the only accessible Overdose Prevention Site (OPS) in Maple Ridge during one of the most fatal health crises we have faced.

Despite our efforts, those of residents, and those of grassroots and community organizers, Anita Place Tent City ended in September 2019. Collectively, we were able to hold back the City of Maple Ridge until over 100 units of modular housing were built by the provincial government, offering some relief to the local homeless community. Many previous residents of the tent city got housing; however, the structural problems and anti-homeless, anti-substance-user stigma in Maple Ridge remain a barrier and danger for homeless and precariously housed people in the city. Special thanks to Marguerite Ethier; and David Wotherspoon and Rajit Mittal of [Dentons LLP](#), for their work on this file.

## Oppenheimer Park Tent City

Vancouver's Downtown Eastside continues to be amongst the hardest hit communities in the midst of the escalating housing and affordability crisis. As we saw in Maple Ridge, numerous other municipalities around the province, and across the country, tent cities are places that provide safety and community for many folks experiencing homelessness in the absence of safe, affordable, and permanent housing. As long as people must rely on public space to survive, we must respect tent cities as the safest option for many in a list of undesirable alternatives. Throughout 2019, Oppenheimer Park served as one of these tent city communities, a site which has seen many tent cities over the years. Throughout the year, we have been supporting the steadfast, principled advocacy of Oppenheimer Park Tent City residents and their advocates and standing in solidarity with the assertion of Indigenous sovereignty in the Park.

In August 2019 the City of Vancouver attempted to evict everyone living at Oppenheimer Park. Government actors and housing authorities had coordinated a “housing freeze” in order to save up enough units to perform an “ethical decampment” of Oppenheimer Park. What this meant in practice was that units of desperately needed housing sat empty as the BC Housing waitlist grew. We pushed back both on the ground and in direct advocacy, making clear that it is not ethical to withhold desperately needed housing stock in order to evict a tent city. Pivot staff also provided legal support and observation to individuals resisting eviction from the site. The enforcement action ended and residents who chose to were allowed to remain.

In December, [we released a joint statement](#) with Carnegie Community Action Project (CCAP) condemning the Vancouver Park Board’s motion for a “voluntary decampment plan,” supported by an injunction once “certain conditions were met,” despite there being no evidence to indicate that a conditional injunction would make the community safer. Realistically, we argued, forced decampment and displacement from Oppenheimer Park would merely kick off the next cycle of dislocation, inevitably resulting in another tent city. Displacement is never the answer. The only way to stop this cycle is to house people.

## Anti-homeless bylaws: Defending the rights of those dependent on public space

Central to our advocacy work related to our Homeless People’s Rights campaign is decrying anti-homeless bylaws, including those which work against people living in tent cities like Anita Place and Oppenheimer Park. The housing crisis is widespread across the province, and yet throughout 2019, municipalities across BC continued to bring forward bylaws which criminalize people experiencing homelessness simply for existing in public space. We wrote letters to municipal governments and made media comments in support of local activists in several communities denouncing various proposed anti-homeless bylaws, such as: the proposed bylaws that punish people who are homeless for sitting or [lying down on sidewalks in Penticton’s](#) downtown core; the proposed bylaws that punish people who are homeless for [camping in public parks in Squamish](#), or in [vehicles in Surrey](#); a proposed injunction to forcibly remove [homeless seniors on a Bowen Island](#) public park without adequate alternative housing; and an anti-panhandling bylaw in Maple Ridge.

## Social Condition and the BC Human Rights Code

People experiencing some combination of low-income status, homelessness or precarious housing, reliance on government income support programs, unemployment or under-employment, and limited education face impediments to participation in economic, social, political, and cultural life, yet the *Human Rights Code*, RSBC 1996, c



Photo Credit: Kaymi Yoon-Maxwell | Anna Cooper (left) and Stephen Mussell (right) after their joint talk entitled “Indigenous Perspectives on Lands, Dispossession, and Homelessness” at the UBC 2019 Indigenous Awareness Week | February 2019

210 (the “Code”) does not prohibit discrimination based on social condition. The urgency of prohibiting discrimination based on social condition under the Code is not new, but we still don’t have adequate legal protections for people disadvantaged because of poverty, homelessness, or reliance on government assistance.

We wrote an [updated background](#) to our 2017 version explaining why the Code should prohibit discrimination based on social condition. This move would make BC better equipped to prevent discrimination against a very vulnerable group of residents and the Code’s purposes would be better served. We have provided our most recent position on Social Condition to the Office of the Human Rights Commissioner and will continue to advocate for this vital protection.



Photo Credit: Kaymi Yoon-Maxwell | Signs on the steps of the Vancouver Art Gallery at the 2019 National Day of Action on the Overdose Crisis | April 2019

## Drug Policy

Pivot's drug policy work in 2019 saw Pivot intervening at the Supreme Court of Canada and the Ontario Superior Court of Justice in cases regarding harmful bail conditions and prisoners' access to basic harm reduction services while incarcerated. As always, we advocated at local, provincial, and federal levels for an end to the War on Drugs— a goal that will not be realized without significant changes to Canada's drug laws and policies and their stigmatizing effects.

Our drug policy campaign is underpinned by two key advocacy objectives: decriminalization of simple drug possession and access to a legally regulated safe supply of drugs. As people who use drugs have long advised us, each objective is a critical form of harm reduction and a necessary action for addressing the current opioid crisis.

“  
*We advocated at local, provincial, and federal levels for an end to the War on Drugs*

## Influencing precedent-setting SCS decision at the Federal Court of Canada

Last year, we represented the Canadian Drug Policy Coalition (CDPC), intervening in a case wherein the Edmonton Chinatown and Area Business Association (CABA) challenged the approval of three desperately-needed supervised consumption sites (SCS) in the downtown core. CABA claimed that it was not adequately consulted in Health Canada's decision to approve the services, and we argued that such decisions must prioritize public health and safety over and above the input of business organizations. This year, in February 2019, the Honourable Justice Mosley [released his precedent-setting decision](#), agreeing with our arguments and dismissing CABA's judicial review application. Citing directly from our submissions, Justice Mosley affirmed that it is essential to protect public health and harm reduction efforts from unnecessary barriers, including interference from third parties. The interests of businesses do not come before the lives of people who use drugs. Special thanks to Monique Pongracic-Speier of [Ethos Law Group LLP](#) for her work on this important file.



Photo Credit: Jackie Dives Photography | Pivot lawyer, Caitlin Shane, speaking at a Megaphone Speakers Bureau event | March 2019

## Pushing for practical drug decriminalization in BC

The ongoing opioid crisis is a catastrophic reflection of Canada's failed drug policy. It is driven by drug prohibition and has now resulted in a poisonous drug supply that kills thousands. Given the lack of political will at the federal level to change its drug laws, Pivot formed a legal argument for practical or 'de facto' decriminalization at the provincial level in BC. We were glad to see our recommendations reflected in the 2019 report of the BC provincial health officer, Dr. Bonnie Henry: [Stopping the Harm](#). Echoing our recommendations and citing our most recent report, [Project Inclusion](#), [Stopping the Harm](#) called for the decriminalization of personal drug possession in BC as a necessary action to curb the devastating impacts of the overdose crisis. Unsurprisingly, the Minister of Public Safety and Solicitor General wasted no time in abdicating responsibility and (falsely) claiming that this critical move was outside the Province's jurisdiction. Alongside

numerous harm reduction advocates and organizations across the province, [Pivot responded](#) with an explanation that de facto decriminalization in BC is well within the Province's purview to implement.

On International Overdose Awareness Day, we shared our position paper, [Practical Drug Decriminalization in BC](#), which once again calls on the Provincial Government to effectively decriminalize simple drug possession, absent movement from the federal government. Appropriately responding to the opioid crisis requires the Province to use its own power and immediately amend its policing legislation so that policing practices do not frustrate public health initiatives.

By every metric, the War on Drugs has been disastrously unsuccessful. Prohibition and the policing of drug-related offences fail to reduce the use and availability of illicit drugs and instead exacerbate public health concerns by driving drug use further underground. Prohibition— not drug use— creates violence, crime, infection, disease, overdose, and an underground market of increasing toxicity.

## Advocating against unjust bail conditions at the Supreme Court of Canada

We also appeared this year before the [Supreme Court of Canada in R v Zora, a case](#) dealing with breaches of bail conditions (an offence under section 145(3) of the *Criminal Code*). Bail conditions are restrictions imposed by police or

courts on people who are involved in the criminal justice system but not yet convicted of a crime. Bail conditions prohibit certain behaviours— or, alternatively, make them mandatory— when the person is released from custody. These conditions commonly require abstinence from using drugs or alcohol, prohibitions against carrying drug paraphernalia (including sterile needles and harm reduction supplies), and geographic area restrictions or “red zones.” For drug users, these conditions can trap people in a

[cycle of criminalization](#). The legal question at the heart of *R v Zora* involved how Courts should treat breaches of bail conditions: can prosecutors use a low “reasonable person” standard to convict, or is the Crown held to a higher individualized standard that takes into account an accused person’s lived experience? Pivot argued that the latter, higher standard is necessary, in part to uphold the values of liberty and equality underpinning the *Canadian Charter of Rights and Freedoms*. Allowing prosecutors to convict on a lower standard would not only bog down an under-resourced bail system, but also lead to higher rates of conviction with disproportionately harmful outcomes for the communities we work alongside. Special thanks to David Fai, of David N. Fai Law Corporation, for his work on this file.

In April, the Director of Public Prosecutions directed federal Crown prosecutors to minimize detentions for breaches of bail conditions in their “Bail Conditions to Address Opioid Overdoses” direction.

Crown prosecutors were directed to stop imposing the following bail conditions on people experiencing addiction: ‘abstinence’ conditions, which criminalize people who possess and use illicit drugs; prohibitions on carrying ‘drug paraphernalia,’ including pipes and syringes, which impede access to life-saving harm reduction equipment and healthcare; and area restrictions (or “red zones”), which banish people from the spaces, services, and communities they rely on. The direction is [adapted in part from Project Inclusion](#).

## Fighting for access to needles in prisons at the Ontario Superior Court of Justice

[Pivot intervened](#) at the Ontario Superior Court of Justice, alongside our coalition partners— the Vancouver Area Network of Drug Users (VANDU) and West Coast Prison Justice Society (which operates Prisoners’ Legal Services)— in a precedent-setting case about the right of prisoners to access life-saving prison needle exchange programs (PNEP). We argued that the lack of effective access to PNEP in Canada is unconstitutional, violating prisoners’ equality right under the *Canadian Charter of Rights and Freedoms*. The Court’s decision to dismiss the claim was disappointing, and the claimants are considering their next steps. Stay tuned! Special thanks to Dan Sheppard, of [Goldblatt Partners](#), for his work on this file.



Photo Credit: Anonymous | Caitlin Shane (left) and David Fai (right) at the Supreme Court of Canada intervening in *R v Zora* | December 2019



Photo Credit: Asha Nygra |  
Red Umbrella March | June 2019

## Sex Workers' Rights

Throughout 2019, our Sex Workers' Rights campaign continued to push for the full decriminalization of sex work, for example in our submissions to the Parliament Standing Committee on Justice and Human Rights. We continued to counter the false conflation of sex work and sex trafficking, an important distinction which was acknowledged in the National Inquiry into Missing and Murdered Indigenous Girls and Women final report released this year.

The end of 2019 marked 5 years since the implementation of Canada's current sex work legislation, the *Protection of Communities and Exploited Persons Act (PCEPA)*. We put pressure on the government to make sure they adhere to their duty to review these laws and reiterated what sex workers have been saying since their implementation: this set of laws cause many harms to sex workers' safety and rights and must be amended on a constitutional basis.

“  
*We continued to counter the false conflation of sex work and sex trafficking*

## Supporting Indigenous sex workers' voices in the MMIGW Inquiry

In 2019, the [National Inquiry into Missing and Murdered Indigenous Girls and Women](#) final report was released. Throughout the Inquiry, we provided funds for the Vancouver Sex Workers Rights Collective to have their voices heard as part of the Inquiry in Ottawa. The collective included local Indigenous sex workers, members of Sex Workers United Against Violence (SWUAV), as well as members of PACE Society and the WISH Drop-In Centre. The work was supported by lawyers Elin Sigurdson and Carly Teillet. During the Inquiry hearings, Carly criss-crossed the country to present the perspectives and recommendations of the collective. Included were recommendations for the decriminalization of sex work, the inclusion of Indigenous sex workers as participants in the development of policies, programs, and laws that will affect them, and safe housing for sex workers. The Inquiry's final report also acknowledged the need to differentiate sex work from human trafficking. Members of the collective flew to Ottawa to participate in the final ceremonies of the Inquiry.

## Highlighting the impacts of HIV non-disclosure criminalization on sex working communities

We were invited to make [submissions to the Parliament Standing Committee on Justice and Human Rights](#), regarding the criminalization of HIV non-disclosure. We appeared before the Committee in April to deliver our submissions focused on the health and safety rights of sex workers as they relate to the criminalization of HIV non-disclosure. Canada has the third-largest number of recorded prosecutions for alleged HIV non-disclosure in the world. These prosecutions are disproportionately of individuals who are marginalized by poverty, race, gender expression, and sexual orientation— including sex workers who continue to labour in a criminalized environment.

In 2019, the Attorney General created new guidelines on prosecution for non-disclosure of HIV status. We were pleased to see the Attorney General taking steps to lessen the number of prosecutions and allow more



Photo Credit: Kayla Isomura | Representatives from the Vancouver Sex Workers Rights Collective accepting the 2019 Access to Justice Award at Passion for Justice (from left to right: Vicki Haynes, Kerry Porth, Candice Norris) | November 2019

consideration of individual circumstances, but we shared our concerns with the Committee that, even with the new Directive, sex workers may be unfairly criminalized for HIV-related offences that are in actuality related to the stigma and criminalization of sex work. We know that the criminalization of sex work (1) exposes workers to higher risks of HIV transmission, (2) makes workers vulnerable to exploitative and risky behaviour, and (3) prevents access to health care. We argued that decriminalizing sex work is the only way to fully respect sex workers' rights and protect their health and safety.

## Holding the government accountable to its promise to review PCEPA

Built into the *Protection of Communities and Exploited Persons Act (PCEPA)*, the current sex work laws, is a requirement that a legislative subcommittee review begin within 5 years of implementation— i.e. by December 6, 2019. We [wrote to the Department of Justice and Attorney General of Canada](#) inquiring about the status of the “comprehensive review” mandated by PCEPA, s. 45.1(1). We reiterated what we found in our 2016 report, [Evaluating Canada's Sex Work Laws: The Case for Repeal](#): this set of laws cause many harms to sex workers' safety and rights and must be amended on a constitutional basis.

## Future litigation to protect sex workers' rights

We worked to assess the constitutionality of various laws impacting the health, safety, and human rights of sex workers, and the viability of potential future litigation. We have been [closely following an Ontario case](#) in which several sections of PCEPA were ruled unconstitutional. Stay tuned!



Photo Credit: Kaymi Yoon-Maxwell | Lawyer, Frances Mahon (left) and Pivot staff, Kerry Porth (right) after speaking on a Sex Work and the Legal Profession Panel holding Pivot's 2016 Case for Repeal report | April 2019



Photo Credit: Coalition Against Trans Antagonism (CATA) | Pivot staff, Kareem Ibrahim (left), Kerry Porth (middle), and Asha Nygra (right), at the 2019 Red Umbrella March | June 2019



Photo Credit: Kaymi Yoon-Maxwell  
| Rally in support of Anita Place Tent  
City | May 2019

# Police Accountability

Pivot's Police Accountability campaign recognizes that police occupy a uniquely powerful role with minimal independent oversight in our society. Police violence and misconduct is amplified by the oppressions impacting the communities we serve.

Our police accountability work in 2019 ranged from outreach to overpoliced communities; recommendations to all levels of government and the RCMP regarding policing in BC ; and continuing several lawsuits against police departments.

*\*Please note: we are not a legal clinic and do not typically take on individual cases.*

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***Police violence and misconduct is amplified by the oppressions impacting the communities we serve***

## Calling for reforms to the *Police Act*

In July, we made written [submissions to the BC legislature's Special Committee to Review the Police Complaint Process](#). Over the past 18 years, Pivot has listened to the concerns of our clients, largely individuals living and surviving in the Downtown Eastside (DTES), often in circumstances of profound poverty, addiction, trauma, racism, social exclusion, marginalization, and violence. As part of Pivot's police accountability mandate we have been involved in many police complaints, and our clients have conveyed the intense fear they have when filing police complaints as individual complainants. Pivot has also listened to concerns from community members regarding the lack of accountability that has resulted from police complaints previously filed by individuals in the neighbourhood.

Beginning in February 2019, the Special Committee to Review the Police Complaint Process was mandated to review the complaint system under the provincial *Police Act*. Pivot's submissions called for reforms to the police accountability system generally and the Office of the Police Complaints Commissioner (OPCC) specifically. The Committee's final report, released in November, references Pivot's submissions extensively, and notes our specific recommendations: (1) a decolonizing and anti-racist mandate for the OPCC, with commensurate funding, (2) increased accessibility through civilian-led independence and complainant support, and (3) increased transparency and accountability through systemic investigations and methodical data collection.

## OPCC group complaint against two VPD officers

Throughout 2019, we continued to provide legal representation to a group of individuals who have filed [complaints against two Vancouver Police Department \(VPD\) officers](#) alleging harassment, abuse of power, and retaliation. This group of complainants has been represented by Pivot staff lawyer Anna Cooper and Pivot board member Naomi Natrass Moses, with support from Tara Taylor, a longtime advocate for the DTES community. This team has worked to support 18 clients to file a police



Photo Credit: Kaymi Yoon-Maxwell | Pivot staff, Meenakshi Mannoe (left) and Caitlin Shane (right), at the 2019 National Day of Action on the Overdose Crisis | April 2019

complaint asserting that the VPD has insufficient training and oversight for officers working with marginalized communities in the Downtown Eastside. The complaints are being investigated by external police departments, under the oversight of the OPCC. As far as we are aware, this is the first time a group of complaints against the same officers has been filed together. It is our hope that this method will result in increased safety for the complainants and create an inability for the OPCC to look the other way.

We have already had some initial success in having the two officers removed from working in Vancouver's DTES for the duration of the complaint process— an action which should be standard but is not. The group complaint will continue to progress into 2020.

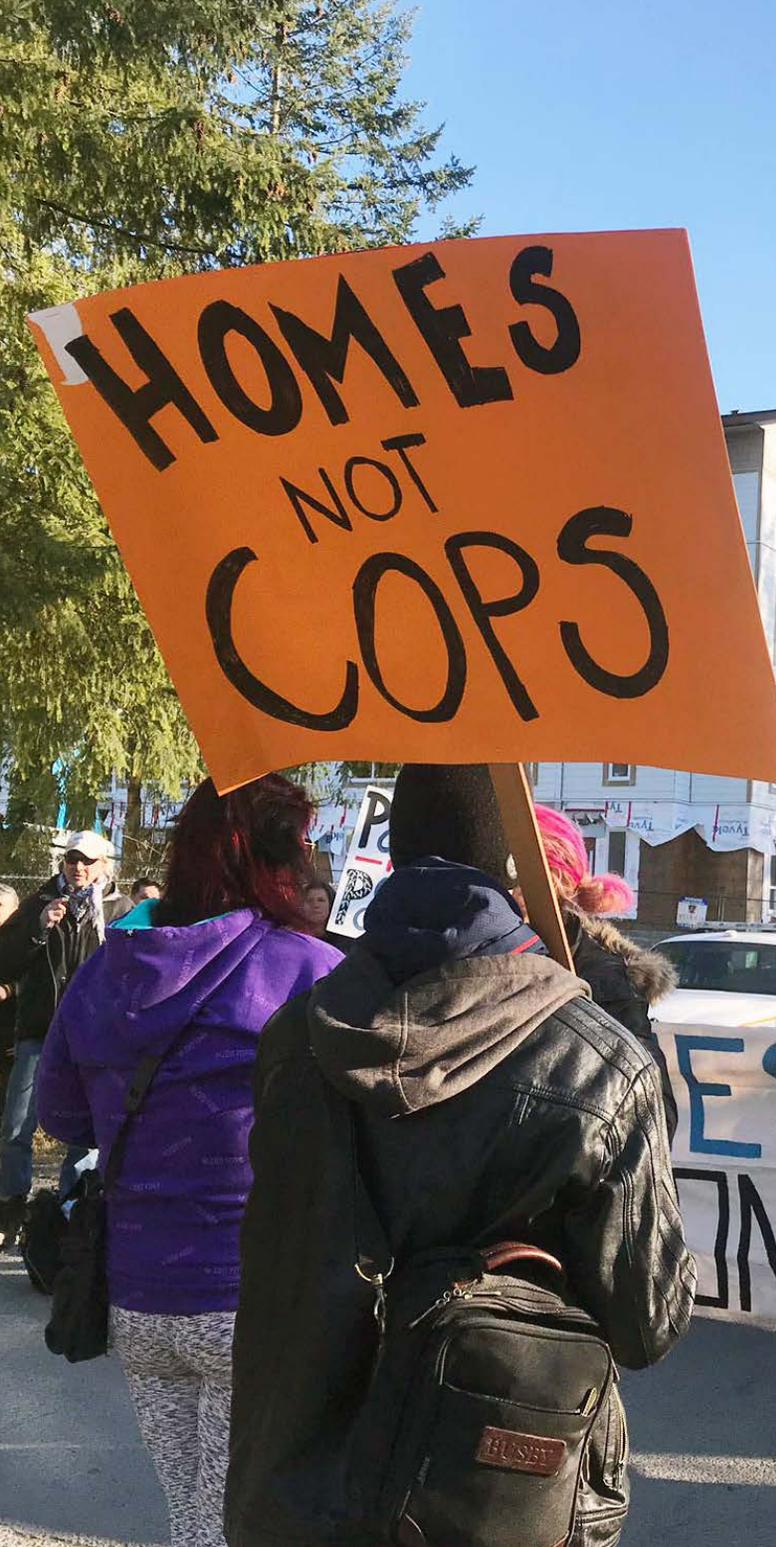


Photo Credit: Kaymi Yoon-Maxwell  
| Rally in support of Anita Place Tent  
City | May 2019

## Advocating on behalf of people harmed by police misconduct

Throughout 2019, Pivot worked alongside external counsel at [Whitelaw Twining](#) to provide legal representation to individuals injured by police misconduct. This representation includes three civil actions filed in BC Supreme Court on behalf of individuals harmed by police service dogs. We supported these clients through examinations for discovery and document disclosure. We also provided legal representation to an individual who filed a civil action in BC Supreme Court alleging harm from an unlawful arrest following her sexual assault.

Longtime supporters of Pivot will recall our work with residents of an Abbotsford Tent City, dating back to 2013. Working with the BC/Yukon Association of Drug War survivors, we provided legal representation to Abbotsford residents who allege the police department and City staff harassed them and destroyed their property. These residents filed a human rights complaint with the BC Human Rights Tribunal. In 2019, Pivot made legal submissions on their behalf.

## Calling for a moratorium on the discriminatory practice of street stops in BC

We submitted a Memorandum to the Director of Police Services' Street Checks Sub-Committee on the unregulated practice of street checks, also known as "carding" or "street stops." Street checks occur when police stop people for information, including identification, outside of a police investigation. In our view, the practice lacks a basis in law and is disproportionately weaponized against Black, Indigenous, racialized, and low-income communities. [Our memo calls for a moratorium on street checks](#) as the only alternative to reforms that risk legitimizing an overwhelmingly harmful and discriminatory practice.

# Community Education

In 2019, Pivot's Community Education program conducted outreach, produced legal education materials, distributed resources to directly-impacted communities and worked alongside peer workers and facilitators to develop policy, engage with news media and deliver presentations. Pivot's education campaign focused on connecting with groups and organizations to disseminate the analysis and recommendations in Pivot's 2018 report *Project Inclusion: Confronting Anti-Homeless & Anti-Substance User Stigma in British Columbia*.

“

*Pivot's education campaign focused on connecting with groups and organizations to disseminate the analysis and recommendations in Pivot's 2018 report Project Inclusion*



Photo Credit: Sozan Savehilaghi | Pivot public legal education resources | August 2019

## Stigma auditing tool

Since the launch of *Project Inclusion* in 2018, we have continued to work with community organizations to ensure our findings, recommendations, and tools can have the greatest impact. Pivot has been working with Megaphone Speaker's Bureau to explore what a stigma auditing tool could look like, and how this tool could be used to prevent laws and policies from being driven by substance use stigma in BC. In *Project Inclusion*, we identify the harms of stigma and note that stigma-based policy "leads to outcomes that are harmful and even fatal to people with stigmatized characteristics and to the broader public." Pivot will continue developing our stigma auditing tool in 2020, with the hope that this tool can aid law- and policy-makers as they make decisions that shape the lives of people who rely on public space, use substances, and may be subject to criminalization.

## Know Your Rights Handbook

Pivot Legal Society produced and published a [\*Know Your Rights Handbook: A guide for people who rely on public space\*](#). This toolkit is designed for people who rely on public space, as well as the advocates and service providers who work alongside them. We developed this handbook through several community consultation sessions and would like to thank participants from the following groups: AIDS Vancouver Island, Downtown Eastside Street Market, Power of Women (Downtown Eastside Women's Centre), Drug War Survivors- Abbotsford, Nora Hendrix Place, Sex Workers United Against Violence, and SOLID Nanaimo.

We recognize that people need practical tools to support them in learning about, exercising, and defending their rights. In particular, this toolkit aims to highlight relevant rights for people who are criminalized due to their reliance on public space, participation in grey economies, and substance use. This handbook has been disseminated to individuals, community-based organizations, healthcare providers, legal professionals, and social service agencies.

Photo Credit: Samona Marsh | Selfie of Pivot staff and peer facilitators on a Project Inclusion trip to Vernon and Kelowna (from left to right: Pivot staff, Sozan Savehilaghi, Lyndsay Watson, and Meenakshi Mannoe; peer facilitators, Dave Hamm and Samona Marsh) | August 2019



## Community Outreach – Project Inclusion

In August 2019, Pivot staff alongside Project Inclusion peer facilitators Dave Hamm and Samona Marsh travelled to the unceded territory of the Syilx/Okanagan and Secwepemc peoples for an educational tour of the Okanagan. This tour took us to Vernon and Kelowna, where we attended peer-led meetings convened by Vernon Entrenched People Against Discrimination, as well as public forums at the Kelowna Public Library and Turning Points Collaborative Society. This community education trip gave us the opportunity to connect with folks who have lived/living experience in other parts of the province and share strategies about advocacy and changemaking.



Photo Credit: Sozan Savehilaghi | First print of Pivot's Know Your Rights Toolkit | July 2019

# Public Legal Education

2019 AT A GLANCE

Pivot staff routinely provide workshops and presentations for diverse audiences, including peer-led groups, healthcare students, law students, frontline workers, legal professionals, public health decision-makers, and government actors.



We delivered

**48 workshops**

- 6** "Understanding Charter Rights"
- 9** "Project Inclusion: Understanding Stigma"
- 15** "Project Inclusion: Confronting anti-Homeless and anti-Substance User Stigma in BC"
- 18** "Know Your Rights"



We distributed over  
**1000 copies of**  
Know Your Rights Handbook: A guide  
for people who rely on public space



**3,370** downloads of  
**rights cards**

- Your rights when speaking to police
- Your rights when speaking to private security guards
- Your rights as a tenant
- Sex workers' rights in Canada
- Information regarding the *Good Samaritan Drug Overdose Act*

## Engaging community to influence greater accessibility and inclusion in BC

In the fall of 2019, we conducted independent community meetings regarding proposed legislation that aims to promote greater accessibility and inclusion in BC. The findings of these independent community meetings were relayed to the provincial government, to inform forthcoming provincial accessibility legislation. Based on our previous work, we sought to engage communities and individuals who had expertise based on the following lived and/or living experiences: living with disabilities, relying on public space, supplementing income through grey economies, using illicit substances, and experiencing criminalization.

We partnered with several organizations based in the Downtown Eastside to bring together five community-based consultations. Key themes that arose for participants were: (1) the impact of poverty on accessibility and inclusion, (2) the impact of oppression and discrimination on accessibility and inclusion, (3) existing barriers in health and social services, and (4) lack of accountability and oversight in existing services. Our [report synthesized what we heard in the consultations](#), creating an overview of the aspects of accessibility and inclusion that were most important to participants

Photo Credit: Sozan Savehilaghi | Pivot staff and peer facilitators leading a workshop and panel discussion on stigma, alongside representatives from the Kelowna Lived Experience Circle on Homelessness | August 2019



# Thank you to our members and contributors

The Pivot Board of Directors and staff extends our deepest gratitude to each member of our community including allies, funders, members, supporters, and volunteers for their generous contributions over the past year. This dedicated group of supporters have contributed their valuable time and financial support, to ensure we have the capacity to continue our work together.

**In addition to our annual and monthly donors, we would like to thank the collective efforts of our partners, unions, foundations, and government funders for their ongoing support:**

- B.C Community Gaming Grants
- British Columbia Government and Service Employees' Union (BCGEU)
- Canada Summer Jobs
- Canadian Union of Public Employees (CUPE BC)
- Houssian Foundation
- Illahie Foundation
- Law Foundation of BC
- MAC AIDS Fund
- McGrane-Pearson Endowment Fund
- North Family Foundation
- Open Society Foundation
- Provincial Health Services Authority (PHSA)
- Public Interest Work Placement Social Planning
- Research Council of British Columbia (SPARC BC)
- Somerset Foundation
- SpencerCreo Foundation
- Unbounded Canada Foundation

**Pivot and our clients are also very grateful for the support provided by external counsel who bolster our ongoing work:**

- Elizabeth Cordonier
- Jordanna Cytrynbaum
- Marguerite Ethier
- David Fai
- Savannah Hamilton
- Frances Mahon
- Rajit Mittal
- Naomi Moses
- Sarah Runyon
- Elin Sigurdson
- Carly Teillet
- Dan Sheppard
- David Wotherspoon

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## An important note to our members

On December 31, 2019 Pivot Legal Society and our charitable partner, Pivot Foundation, merged into one single organization. This amalgamation is the result of recent changes to the Budget Implementation Act in December 2018 which allows charities to now carry on unlimited public policy dialogue and development activities, providing they are non-partisan in nature. Effective January 1, 2020 the amalgamated society will retain the name "Pivot Legal Society" with the registered charitable number 89451 0502 RR0001. This organizational restructuring enables Pivot to significantly reduce administration and provide more clarity for supporters wishing to receive a charitable tax receipt for their donations.

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Photo Credit: Kayla Isomura |  
Passion for Justice at the WISE Hall  
| November 2019

# Passion for Justice 2019

We celebrated this year with our Passion for Justice Fundraiser in November at the WISE Hall. It was opened with a territorial welcome by T'uy't'tanat - Cease Wyss (Skwxwú7mesh/ Stó:lō /Hawaiian/Swiss), hosted by Khari Wendell McClelland and featured a performance by JB The First Lady and music by DJ ZAM ZAM. We presented this year's Access to Justice Award to the Vancouver Sex Workers Rights Collective for their work before the National Inquiry into the Murdered and Missing Indigenous Women and Girls. This award is presented to a community group that has contributed a great deal to access to justice through their work on the frontlines fighting for the health, safety, and dignity of people impacted by systemic inequality and social exclusion.

## Donate to Pivot

You can contribute to Pivot's work by becoming a monthly donor, making one-time gifts, and making legacy gifts.

**Visit:** [www.pivotlegal.org/donate](http://www.pivotlegal.org/donate)

**For more information about giving to Pivot Legal Society, contact:**

Kristin Cheung, Development Manager  
Email: [donate@pivotlegal.org](mailto:donate@pivotlegal.org)  
Phone: 604.255.9700 x 158

# Thankyou for a magical night of celebration!

Photo Credit: Kayla Isomura | Candice Norris (left) and Vicki Haynes (right) from the Vancouver Sex Workers Rights Collective, accepting the Access to Justice Award | November 2019



Photo Credit: Kayla Isomura | Passion for Justice hosts, T'uy't'ananat Cease Wyss (left) and Khari Wendell McClelland (right) | November 2019



Photo Credit: Kayla Isomura | Samira Warsame, aka DJ Zam Zam, DJing Passion for Justice | November 2019



Photo Credit: Kayla Isomura | JB the First Lady performing at Passion for Justice | November 2019



# Financials

Pivot Legal Society Statement of Financial Position as of December 31, 2019 and 2018.

	2019	2018
<b>ASSETS</b>		
<b>Current</b>		
Cash	99,431	41,950
Accounts receivable	80,659	135,159
Prepaid expenses and deposits	18,238	20,864
Term deposits	169,538	195,000
	<b>367,866</b>	<b>392,973</b>
<b>Term deposits</b>	-	165,000
<b>Property and equipment</b>	12,238	5,538
<b>Totals</b>	<b>380,104</b>	<b>563,511</b>
<b>LIABILITIES</b>		
<b>Current</b>		
Accounts payable and accruals	30,279	21,090
Deferred contributions	335,939	522,757
<b>Totals</b>	<b>366,218</b>	<b>543,847</b>
<b>NET ASSETS</b>		
Net assets invested in property and equipment	11,185	4,475
Unrestricted assets	2,701	15,189
	13,886	19,664
<b>Totals</b>	<b>380,104</b>	<b>563,511</b>

Pivot Legal Society Statement of Operations for the years ended December 31, 2019 and 2018.

	2019	2018
<b>Receipts</b>		
Campaign income	35,500	77,067
Donations	2,955	10,705
Grants	919,618	954,405
Cost awards	-	4,581
Other	8,205	36,951
<b>Totals</b>	<b>966,278</b>	<b>1,083,708</b>
<b>Expenditures</b>		
Amortization	5,977	5,128
Campaign expenses	27,564	32,980
Communication	12,487	90,388
Fundraising	15,150	19,463
General and administration expense	45,344	18,002
Office and miscellaneous	49,839	39,270
Rent	63,000	62,370
Professional fees	63,349	59,810
Salaries, wages and benefits	681,063	753,159
Volunteer expenses	8,283	25,064
<b>Totals</b>	<b>972,056</b>	<b>1,106,175</b>
Excess (deficiency) of receipts over expenditures for the year	(5,778)	(22,467)

Pivot Foundation Statement of Financial Position as of  
December 31, 2019 and 2018.

	<b>2019</b>	<b>2018</b>
<b>ASSETS</b>		
<b>Current</b>		
Cash & cash equivalents	517,112	602,394
Accounts receivable	156,751	64,768
Interest receivable	1,203	1,317
Prepaid expenses and deposits	-	571
<b>Totals</b>	<b>675,066</b>	<b>563,511</b>
<b>LIABILITIES</b>		
<b>Current</b>		
Accounts payable and accruals	83,014	49,155
<b>Totals</b>	<b>83,014</b>	<b>49,155</b>
<b>NET ASSETS</b>		
Unrestricted net assets	592,052	619,895
<b>Total Liabilities &amp; Net Assets</b>	<b>675,066</b>	<b>669,050</b>

Pivot Foundation Statement of Operations for the years ended  
December 31, 2019 and 2018.

	<b>2019</b>	<b>2018</b>
<b>Receipts</b>		
Donations	354,761	395,767
Interest	4,522	1,842
<b>Totals</b>	<b>359,283</b>	<b>397,609</b>
<b>Expenditures</b>		
General and administration expense	119,008	105,397
Fundraising expenses	72,310	85,913
Charitable program expenses	195,808	127,435
<b>Totals</b>	<b>387,126</b>	<b>318,745</b>
Excess (deficiency) of receipts over expenditures for the year	(27,843)	78,864

**PIVOT**  
equality lifts everyone