

‘Move On’

The First Ninety-Nine Days of the City of Prince George Safe Streets Bylaw

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March 20th, 2022

Background

This report outlines a preliminary analysis carried out on the bylaw enforcement of the new Prince George Safe Streets Bylaw (#9209). The analysis examines 427 ‘workflow’ files or bylaw enforcement events that the city staff has identified as being the consequence of Safe Streets Bylaw enforcement. These files encompass the first ninety-nine days of the enforcement of the Bylaw, from August 31 to December 8th, 2021. ²

The Safe Streets Bylaw is the subject of considerable controversy in how it can be used against dehoused and unsheltered individuals in Prince George, the majority of whom are Indigenous People.³ The Manager of Bylaw Services responded to this concern on September 20, 2021 by explaining that

[...] the purpose is not punitive but more educational. With bylaw enforcement we exhaust all avenues to gain voluntary compliance before ticketing is an option

With the Safe Streets Bylaw, the purpose was to provide in one succinct bylaw containing an explanation of what is acceptable and unacceptable behavior within the city of Prince George. Although the bylaw has an associated fine schedule there is no purpose in issuing fines to individuals who are already

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² See Appendix 1, ‘A Note on Methodology’

³ According to the 2021 Point-in-Time assessment, 70% of those facing ‘absolute homelessness’ are Indigenous People; (Community Partners Addressing Homelessness, Prince George Point-in-Time Homeless Count Report 2021). A 2018 count of Prince George’s homeless population found that 80% of homeless individuals identified as Indigenous, even though the city’s total Indigenous population is around 10-15%. Of those who were homeless, nearly half identified as female and half had experiences of being youth-in-care of the child welfare system. Nearly half the respondents also said they had been part of the Prince George community for more than 10 years or their entire lives. The Homelessness Services Association of BC, Urban Matters, and BC Non-Profit Housing Association. 2018. “2018 Report on Homeless Counts in BC”. https://hsabc.ca/Library/Report_on_Homeless_Counts/Final-2018-Report-on_Homeless-Counts-in_BCv4.pdf; <https://www.homelesshub.ca/about-homelessness/homelessness-101/who-homeless>

marginalized as a result of homelessness, addiction and poverty. The direction given to the Bylaw Officers is to deal with contraventions of the bylaw on a case by case basis by letting people know what they are doing is unacceptable and encouraging them to modify either the behavior or the location where the behavior is taking place.

This bylaw also sets the stage for our strategic partners as it lays out what the city will tolerate and what it will not. This lays out where these agencies need to go in terms of participating in the collaborative problem solving that is required to address these complex issues.⁴

In a September 24th in an interview, Mayor Lyn Hall responded to similar concern by stating that early results from the bylaw have been positive and commented

To this point, there have been no tickets written, no tickets handed out to anyone and the staff is really using this bylaw as an educational tool and an educational process.⁵

⁴ Email Record, dated September 20, 2021 Subject: 'Safe Streets Bylaw', released in response to FIPPA request 21-113.

⁵ Response to FIPPA request 21-113 <https://www.myprincegeorgenow.com/148538/pg-mayor-responds-to-canada-wide-spotlight-on-controversial-safe-streets-bylaw/>

Report Conclusions

1) There is no recognisable 'educational approach' to enforcing the Safe Streets Bylaw. Nor is enforcement carried out on 'case by case' basis. Bylaw enforcement systematically focuses on 'moving on' unhoused people from public view, as well as the dismantling of their shelters.

2) Almost without exception, bylaw enforcement provides no advice or assistance to unsheltered people they encounter, even when they appear to be in distress. There is no social care aspect to bylaw enforcement. On only three occasions in ninety-nine days was an outreach worker called by bylaw enforcement to assist with an unsheltered person.

3) The informal mode of enforcing the bylaw shields bylaw enforcement officers from accountability and legal scrutiny. Many of the enforcement actions taken appear to have only a tenuous connection to the actual offence sections of the Safe Streets Bylaw.

4) The workflow data examined in this study suggest that the bylaw legitimizes a blanket prohibition on unsheltered people in public space in Prince George. The frequent use of the label 'squatter' in workflow notes supports a discriminatory view of public space that excludes the very presence of dehousing and unsheltered people.

5) Safe Streets Bylaw enforcement is punitive in how it is disconnected from the life-threatening circumstances of the overdose crisis, the pandemic, and the immediate lack of appropriate shelter, housing opportunities and medical assistance.

Analysis and Discussion

a) Origins of bylaw enforcement outcomes

The data documented that enforcement of the Safe Streets Bylaw is initiated either by responses to complaints or officer-initiated patrols (either by foot or vehicle).

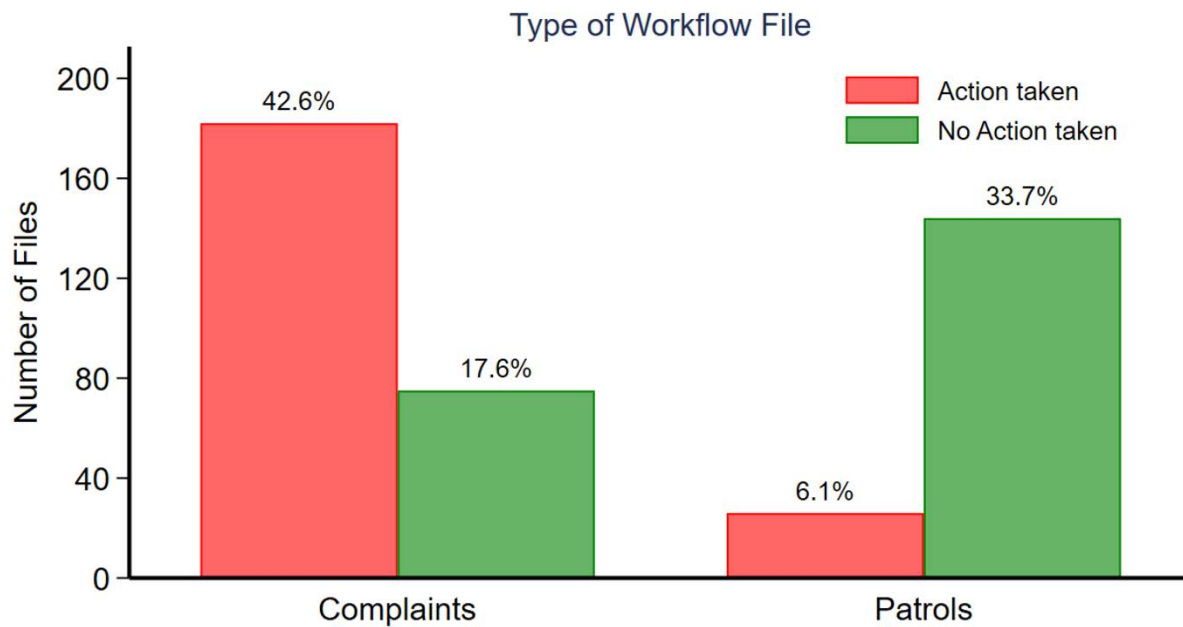


Figure 1: Type of workflow files (n=427) and enforcement action taken August 31 – December 8, 2021

Of the 427 'workflow' files released by the city as being the product of Safe Streets By-law enforcement, 257 involved complaints from the public, and 170 involved bylaw-initiated patrols. The fact that a considerable amount of time is spent on patrols is notable given that bylaw enforcement is often presented by the city as 'complaint driven' and thus a direct and legitimate response to the immediate concerns of the public. The use of patrols suggest that bylaw enforcement is, in part, taking on a more traditional police function in independently seeking out circumstances that they view as contravening the bylaw.

Of the complaints alone, no enforcement action was taken in 26% of the responses. The primary reason for this is the person or circumstances complained about was 'gone on arrival' or could not be found. Of all the patrols carried out, 85% of them resulted in no enforcement outcomes (aside from finishing the patrol). Patrols are carried out by foot and vehicle, and the majority of them are conducted in the city owned parking parkades.

b) Enforcement Mode

Safe Streets Bylaw enforcement is carried out in an informal mode. There is no indication that charges under the Bylaw have been laid during the period examined, nor have any arrests been noted. It is unclear if Bylaw enforcement ask those they encounter to identify themselves. Officers appear to work to avoid physical confrontation. Officers almost never give warnings, nor is there any process in place by which a recordable warning can be given. I return to this informal mode of enforcement below under enforcement outcomes.

c) Naming the ‘Offender’

The data allows a partial and initial analysis of how the person complained about or acted upon was described. A full analysis is not possible given the extent of redactions that the city has carried out.⁶ This analysis provides some initial insight into how Bylaw enforcement staff labels people in relation to the Bylaw, and what pre-conceived expectations these labels may hold.

Figure 2 documents the descriptors or labels used in summaries of public complaints written by Bylaw staff for assignment to field officers. Figure 3 documents how Bylaw officers themselves label or describe offenders in complaint and patrol actions.

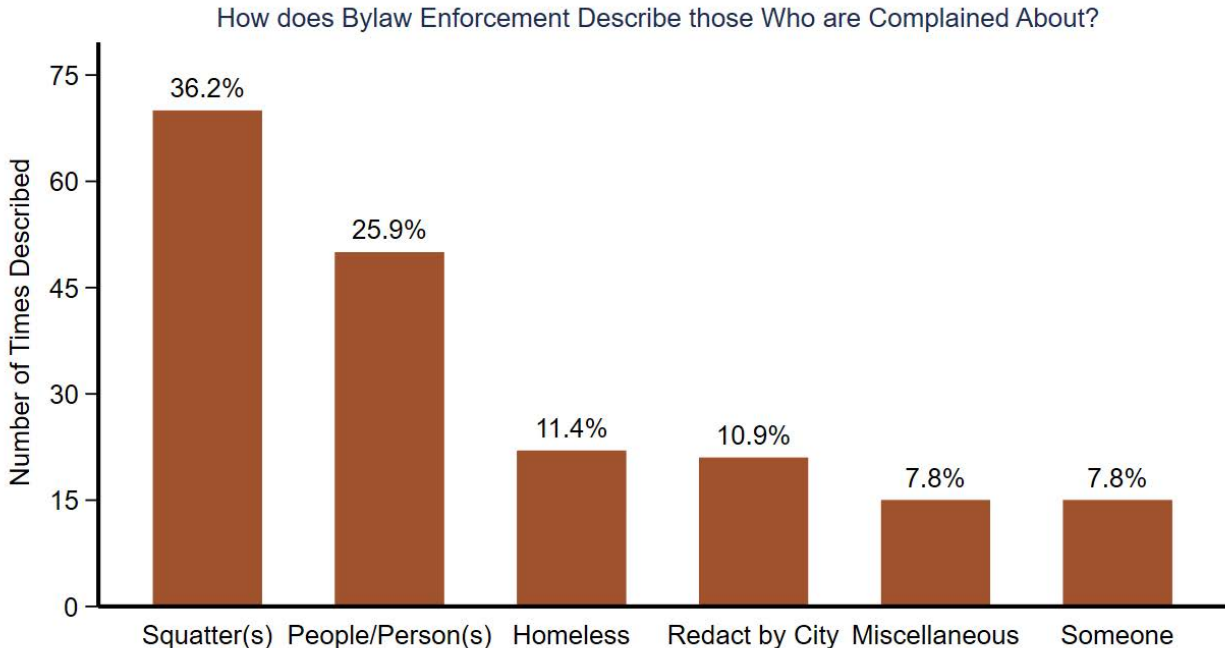


Figure 2: The Descriptors used to label those complained about and their frequency of use (including redactions) (n=193)

⁶ See Appendix 2: ‘Statement on Redactions’

'Squatter(s)' was used in (36%) of the complaints, with 'people' or 'person(s)' used 26% of the time. 'Homeless' was used almost the same number of times (11.4%) as a redaction carried out by the City of Prince George. 'Someone' and miscellaneous descriptors were each used about 8% of the time.

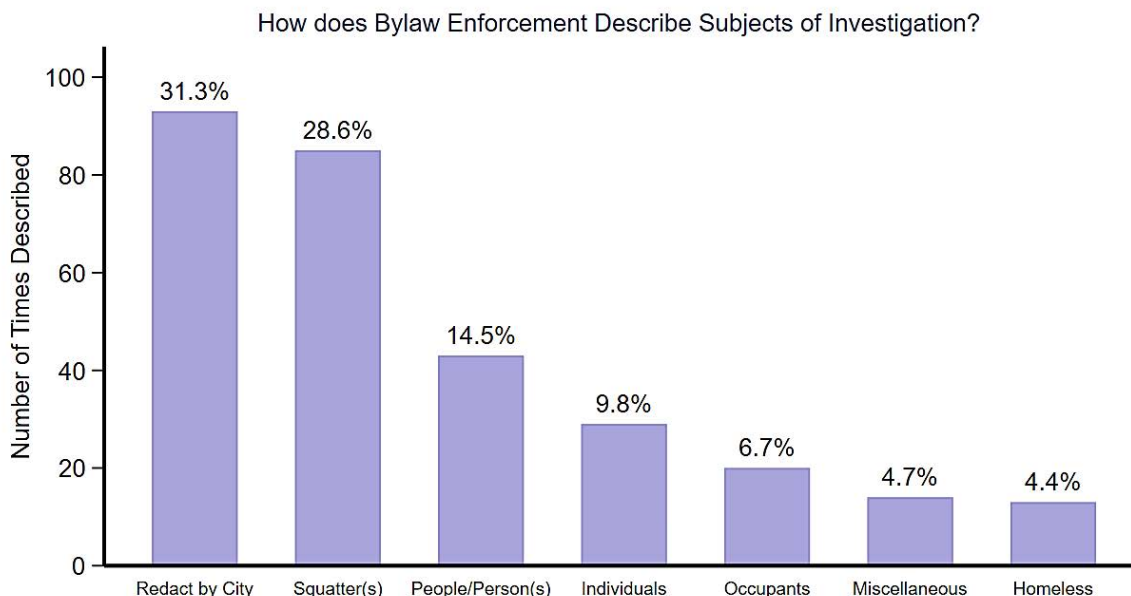


Figure 3: The Descriptors used to label those investigated and their frequency of use (including redactions) (n=304)

With regard to descriptors used by Bylaw enforcement in responding to complaints or actions on patrols, one sees a similar pattern, but with a much higher level of redaction. There is also a tendency to use the term 'homeless' and 'people/person(s)' with less frequency.

The prominent use of the term squatter is curious and notable. A squatter is typically someone who unlawfully occupies *private property*, and has no legal right or access to this private space. A squatter is considered to be trespassing on property rights.⁷

In the case of the enforcement of the Safe Streets Bylaw, enforcement is solely carried out in public and city owned space. The use of the term 'squatter' suggests that the bylaw is enforced against an identifiable class of people who are characterized as trespassing on *public space*. In effect, this suggests that their rights in public space, including the right to simply be present, are being categorically disregarded and unrecognized. Given that the vast majority of people likely to be impacted by this enforcement are Indigenous People, the term 'squatter' is consistent with the language of colonial disempowerment and dispossession.

⁷ It should be noted that this is certainly the case in Canada, and most of North America. In many European countries, 'squatters' have historically had some customary and legal rights in taking over private property.

d) Nature of Complaints

Figure 4 illustrates what person, behaviour or thing (e.g. fire, tent) is being complained about. The most frequent type of complaint (18%) is about only the *presence of a person* in public space. This category includes a description only of the presence of a person or persons at a location. No other behaviour is attached to the person (s) present.⁸ Files can have more than one type of complaint.

Taken together, disposed needles and debris make up 26% of the complaints. ‘Drug use’ complaints, that is reports of active drug use by individuals, was the same as fires at 10% and somewhat less than camping and the presence of shelter. Reports of personal belongings left in public space and causing an obstruction are complained about at about 5%.

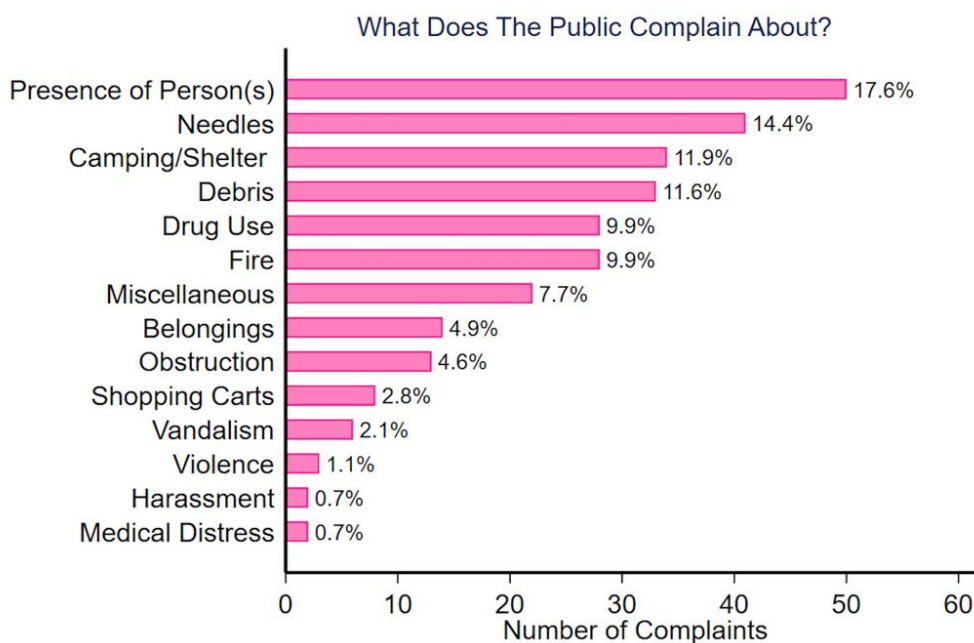


Figure 4: People, Behaviour or Things complained about by the public in relation to the Safe Streets Bylaw (n=284)

Two aspects are notable about the complaints, all of which resulted in Bylaw enforcement response. First, almost 18 % of the cases (presence of person) are not offences under the Safe Streets Bylaw, and in fact seemed to be only objections to *the presence of a particular kind of unwanted or suspicious person*. Complaining about the simple presence of a person is

⁸ This might otherwise be described, using vagrancy law language of “loitering without intent” or a ‘sus’ or suspicious person offence.

consistent with the label of squatter that indicates a type of person who is pre-determined as having no right to be present in public space.

It is notable that almost none of complaints involved violence, harassment or vandalism, and only small number report obstruction. Only one complaint (recorded under miscellaneous) involved panhandling, a central offence under the Safe Streets Bylaw.

e) Enforcement Outcomes

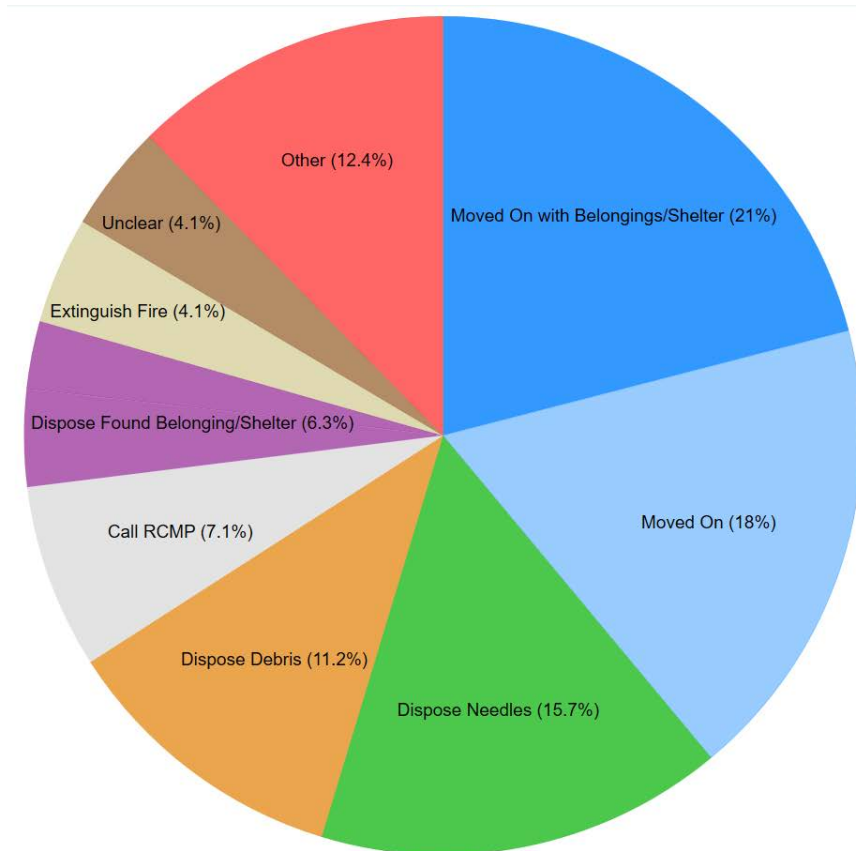


Figure 5: All Enforcement Outcomes (Complaints and Patrols) for all behaviour and things (n=267)

Figure 5 illustrates all enforcement outcomes that were taken either responding to complaints or initiated on patrols. Several enforcement outcomes can occur for one file (response to complaint or patrol). For example, in responding to a complaint, Bylaw enforcement could dispose of debris *and* move someone on.

Bylaw enforcement spends most of their time either collecting and disposing debris (including needles) and ‘moving on’ people. When people are moved on, they are more likely than not to have to also dismantle and carry a shelter and shelter materials and/or belongs. Bylaw officers almost always collect and dispose of shelters or shelter materials and belongings unattended.

While the RCMP were called 19 times during the first 99 days of the enactment of the by-law, they made no arrests directly related to the by-law. Other services were almost never called.

Fire is an interesting example of the gap between complaints and outcomes. Fire was named as a reason for complaint 28 times. However, 17 of those times Bylaw enforcement could find no fire present. On four occasions the fire was easily put out by the officers or a person present. Out of the 28 complaints, the fire department was needed to extinguish a fire 7 times.

f) 'Move On'

What can the data tell us more specifically about the enforcement outcome of 'move on'?

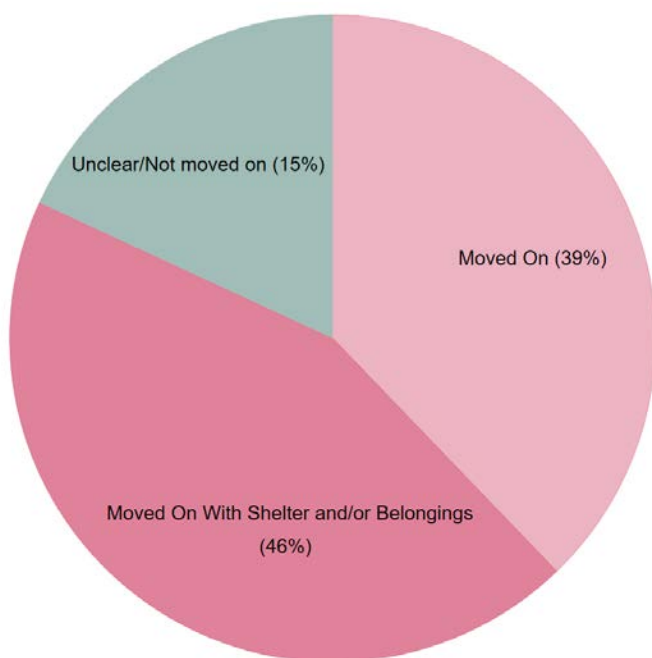


Figure 6: 'Move On' Outcome when 'offender' is present during Complaint or Patrol (N=104)

Figure 6 illustrates the enforcement outcome when Bylaw enforcement encounters someone that has been complained about or investigated on a patrol. In those specific circumstances, 85% of the time the person was moved on, and in more than half of those cases this involved the dismantling of a tent or shelter material and/or the packing up of belongings. In the majority of cases, bylaw enforcement will 'move on' almost anyone they encounter on responding to a complaint and patrol. With the remaining 15%, it is either the conducting of 'health checks' or it is simply unclear from a lack of detail what outcome was arrived at.⁹

⁹ Seven of these 'not moved on' cases involved 'health checks' conducted by Bylaw enforcement on foot patrol. By the descriptions given, it is not clear what a health check is other than checking that that the person is conscious. Notably, the City was unable to produce any training material, guidance or policy that mentioned the practice of 'health checks' in relation to Safe Streets Bylaw enforcement.

The practice of ‘moving on’ people is the most visible consequence of an informal mode of enforcement. Those who are moved on are given a limited time to pack up, and Bylaw enforcement will sometimes re-attend to make sure they are gone. No warnings are issued – moving on is expected immediately despite the circumstances.

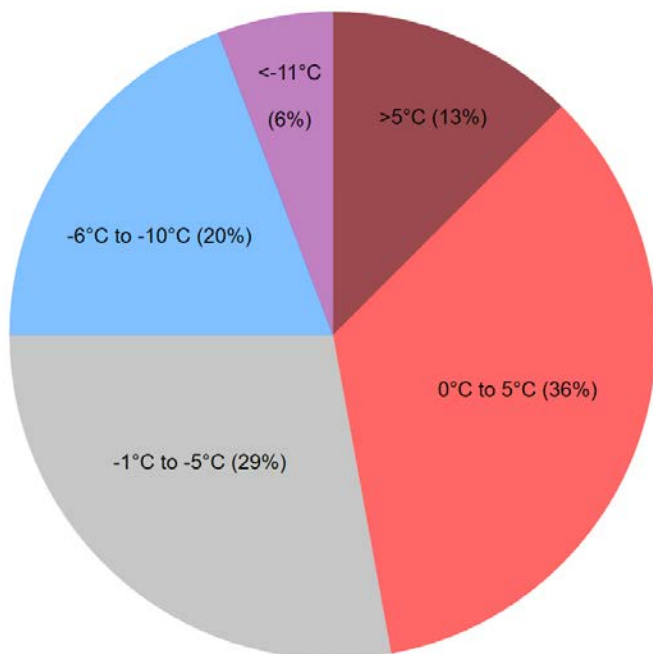


Figure 7: Coldest Air Temperature on each of the Days (n=104) a Person was Moved on.

Being moved on -including if one is sheltering in place- can generate several negative and harmful consequences. One hostile circumstance that unsheltered people in Prince George face in particular is the cold climate.

Using climate data from Environment Canada, an analysis was done on what the coldest air temperature was for each of the days a person was moved on, as discussed above.¹⁰ As illustrated in figure 7, the majority of the time the coldest air temperature was below 0°C (54%). More than a quarter of the time (26%) the temperature was -6° C or colder when someone was moved and/or their shelter dismantled and belongings packed.

Does Bylaw enforcement carry out an educational approach in terms of advising on how and where de housed and street involved people can get help, or connecting them to social services? Almost without exception, Bylaw enforcement provides no advice or assistance to unsheltered people they encounter, even when they appear to be in distress. On only 3

¹⁰ [Daily Data Report for March 2021 - Climate - Environment and Climate Change Canada \(weather.gc.ca\)](https://www.weather.gc.ca/daily-data-reports/march-2021-climate-environment-and-climate-change-canada/)

occasions in ninety-nine days was an outreach worker called to assist Bylaw enforcement in this regard.

Bylaw enforcement appears to be constrained by, and limited to, a crude and narrow police role. The systematic character of this enforcement is the realization of a form of policing that targets 'squatters'. It should be noted that Bylaw officers use the term squatter frequently as part of a wider way they routinely describe a range of undesirable things: for example: 'squatter debris', 'squatter camp', 'squatter tent' and 'squatter fire'.¹¹

The city has no training materials, guidance, policy, instructions or advice on any matter related to dealing with vulnerable people by staff who enforce the Safe Streets Bylaw. The City provides no trauma informed training for their work, nor are they trained to understand the challenges homeless Indigenous People face. The City has stated that 'informal' training has been given in relation to enforcing the Safe Streets Bylaw, no records exist that document what this training entails.¹²

This can be contrasted to the extensive effort Bylaw enforcement makes in terms of providing 'customer satisfaction' with regard to members of the public that have complained. Of all complaints received and acted upon, bylaw enforcement made 135 attempts to follow up with those who complained and informed them of the outcome. Specific attention was paid 35 times in the workflow notes to document positive comments made by those who complained - such as the 'com' (complainant) was 'happy with the quick response', 'satisfied with results' and 'happy that they had moved on'.¹³

In addition to the punitive character of bylaw enforcement, an informal approach also discourages accountability and scrutiny with regard to how the by-law is applied. Informal enforcement relieves both the bylaw officer of any scrutiny that would accompany the due process and evidence collection involved in issuing an infraction, and deprives the person targeted of any process to demonstrate that treatment by city officers was unjust.

Despite the City of Prince George's claims about the exceptional and educational character of the Safe Streets Bylaw, these city documents reveal that bylaw enforcement is carried out in a punitive way, and one that places a further barrier on accountability. This bylaw must be characterized as a punitive anti-homeless strategy that is not responsive to and only exacerbates the life-threatening circumstances of the overdose crisis, the pandemic, and immediate lack of appropriate shelter, housing opportunities and medical assistance. It reproduces historic patterns and official strategies of displacement and dispossession of Indigenous Peoples, dehousing, and other marginalized individuals who are targeted as not belonging in public space.

¹¹ Files 349573, 350710, 350075, 351543.

¹² FIPPA request 12-113.

¹³ Files 349544, 349944, 351418.

Selected Cases

Case 1

File 352098

December 4, 2021

Coldest Air Temperature -12°C

Complaint

there were some suspicious people hanging around. gone now but [redacted] would like to speak to you and give you a description

Case 2

File 351010

October 22, 2031

Coldest Air Temperature -2°C

Enforcement Outcome

2021-10-22 at 14:05 hrs [officers] attended to 1805 10th ave for a squatter complaint at e fry. upon arrival [officers] located a lone [redacted] just resting. [redacted] was given 2 garbage bags and was packing up and moving along. called com and advised same.

Case 3

File 351620

November 11, 2021

Coldest Air Temperature -6°C

Enforcement Outcome

on 2021-11-10, at aprox 10:30 [officers] arrived at 1057 3rd and spoke with camper [redacted] that we move along as a daily occurrence. [redacted] is compliant, however it takes [redacted] longer than other times to move. it took [redacted] several hours in this instance to pack and move.

Case 4

File 352352

December 8th, 2021

Coldest Air Temperature -7°C

Enforcement Outcome

at approx. 09:32 am [officers] responded to a squatter fire complaint at the rear entrance of 411 quebec street. [another officer] responded to a call at the same location on december 7th, 2021 regarding another squatter fire complaint. [officer] and i found 2 wood pallets at the location. we removed the wood pallets and placed them in the back of unit 1574 to prevent squatters from using the pallets to fuel another fire. [officer] went to speak to the com. when [officer] went to speak to the com he found

other squatter belongings and garbage at the top of the staircase [another officer] and i disposed off the garbage and belongings.

Case 5

File 351295

October 29th, 2021

Coldest Air Temperature -6°C

Enforcement Outcome

on october 29th at 2:16 [officers] attended a call to the alleyway behind heart breakers for squatters. we found two people set up again the wall of the heart breakers club in a tent. explained they needed to take it down and move along. [officer] asked they be packed up and moved along within 30 minutes. Officers checked back 45 minutes later and individuals had left the location.

Case 6

File 130080

November 30th, 2021

Coldest Air Temperature 3°C

Patrol – Enforcement Outcome

patrol of 177 victoria st, westel parkade, found an abandon tent to the right of the parkade entrance, we check no one was in side the tent so we took the tent down and removed it to the trash can at the 18 th ave, city yard.

Case 7

File 350519

October 7, 2021

Coldest Air Temperature -2°C

Complaint

someone sleeping [in] front of building

Enforcement Outcome

October 7, 2021 09:33 i attended 587 dominion and approached a [redacted] under a few layers of blankets. initially [redacted] was resistant to move but after radioing [officers] for support the [redacted] hopped up and moved along with all [redacted] belongings. com advised via email.

Case 8

File 351308

October 31st, 2021

Coldest Air Temperature -11°C

Patrol Enforcement Outcome

on 2021-10-30 at 17:30 hrs [officers] attended to the plaza parkade for regular patrols. upon arrival [officers] located 2 individuals sleeping in the far stairwell on level 2. [officers] quickly escorted the 2 individuals out of the building. no further issues to report.

Case 9

File 351964

November 24th, 2021

Air Temperature -5°C

Complaint

at the back of city hall near the exhaust ports there are homeless people camped out and using the exhaust for warmth.

Enforcement Outcome

on 2021-11-23 at aprox 10: [officers] attended 1100 patricia and located a [redacted] under a tarp by the exhaust port. the [redacted] was very polite and moved along within 10 minutes

Case 10

FILE 351669

November 10, 2021

Coldest Air Temperature -7°C

Enforcement Outcome

located an unconscious individual. as i approached i loudly stated "bylaw! are you okay?" with no response. i stated this 2 more times with no response. gloved up i firmly moved the individual with my hand on [redacted] right shoulder...again stating "bylaw! are you okay?" after what seemed to be a longer than usual response time [redacted] came to and moved slightly. i asked what [redacted] name was? [redacted] stated "[redacted]." i went on to state that [redacted] had to move along. [redacted] picked up [redacted] personal belongings and a small amount of debris and walked off [Officer A] arrived shortly after.

Appendix 1

A Note on Methodology

The data used in this analysis was obtained from the City of Prince George using a FIPPA request (#12-112). The request was initially made October 6, 2021 and covers

Any bylaw enforcement complaints or actions taken by bylaw officers related to the enforcement of the Safe Streets Bylaw 9209, 2021 since its adoption August 30, 2021

The response includes records from August 31st to December 8, 2021. The released records encompass 427 workflow files or work events that detail the complaints, actions and outcomes with regard to the enforcement of Safe Streets Bylaw. The purpose of the workflow files is to assign and track bylaw enforcement officer work.

A dataset was created and key aspects of the files coded into variables. A qualitative and mixed methods analytical software was used to clean and analyse the data. This report communicates the initial and preliminary results of this analysis.

Appendix 2

A Note on Redactions

In releasing the workflow data to me in response to a request (#21-112) made under the Freedom of Information and Protect of Privacy Act (FIPPA), the City of Prince George made extensive redactions that involve nouns or words that describe people. The city claimed that these redactions are authorized under s.14 and s.22 because the disclosure would be harmful to person privacy.

While this is certainly the case with a minority of redactions, with others it appears that general descriptors (like the label 'squatter') have also been extensively redacted in a way that would not fall under s.22. I speculate that these words may be labels that indicate gender, race or ethnicity. FIPPA is clear that no authority to redact exist if people are described in a way that does not personally identify them as individuals.

I am assuming that the City of Prince George made these errors in good faith. I have written to the City and brought these errors to their attention, indicating in detail redactions made in error. I await their response.

I also requested that the Office of Information and Privacy Commissioner of British Columbia (OIPC) review these redactions. On March 10, OPIC confirmed that a review would take place.