



Security, Civil Liberties and the 2010 Olympics Report on a Public Forum (March 26, 2008, 7 – 9pm) Organized by the Impact on Community Coalition (IOCC)

This report was prepared for the IOCC by Brenda Kwan (volunteer).

The Impact on Community Coalition (IOCC)

The IOCC began in 2001 to ensure that the Olympics are environmentally and socially responsible. To this end, the IOCC has been involved in various activities over the years, such as pushing for a referendum on the Olympics during the bid phase. Public forums are hosted by the IOCC as an open dialogue on various issues related to the Games. Reports from all public forums will be available (<http://www.iocc.ca>).

Acronyms Used in This Report

BCCLA = British Columbia Civil Liberties Association

DES = Downtown Eastside

ICS = Inner-city Inclusive Commitment Statement

IOCC = Impact on Community Coalition

RCMP = Royal Canadian Mounted Police

SRO = single room occupancy

VANOC = Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games

VPD = Vancouver Police Department

Introduction

The forum was held in Labatt Hall at SFU at Harbour Centre. Over 60 people

attended. Am Johal (IOCC) moderated the forum. The panel was composed of four speakers:

David Eby (Pivot Legal Society)

Murray Mollard (BC Civil Liberties Association)

Ann Livingston (Vancouver Area Network of Drug Users, or VANDU)

Harsha Walia (social activist)

The Vancouver Policy Department (VPD), Vancouver 2010 Integrated Security Unit, and the Downtown Business Improvement Association were also invited to be on the panel, but were unable to attend.

Rob vanWynsberghe, from the IOCC, gave an update on student work that ties in with this forum and others. The students are part of an urban studies class at UBC, and are writing research papers that will serve as a foundation for IOCC report cards on the 2010 Games. The forums will feed into the IOCC report cards as well.

With respect to the topic of today's forum, **Am Johal**, also from the IOCC, stated that the question is not whether the event affects civil liberties, but to what extent. The legal apparatus is being set up *before* the event (e.g., ticketing), and the security apparatus

will be set up for *during* the event (e.g., protest).

A brief summary of the panelists' comments follows.

David Eby

Pivot Legal Society

David commented that it was important to be here today to become informed.

He noted the frustration of police and security in dealing with poverty through a law enforcement lens. However, we can't blame them. We need to recognize that their concerns are shared by others. No one wants to see people living on the streets; these people are just trying to survive.

Vancouver Coastal Health has acknowledged that a lot of these people have mental health issues and are grossly under-served. Many have brain injuries. These people are most vulnerable.

There are three main approaches that reflect the crackdown on these people. These approaches do not deal with the root causes of poverty. The Olympics Games are not the root cause, but do accelerate negative consequences.

The first approach has been an increase in policing. For example, the police have a business plan that includes decreasing street disorder - "activities that contribute to urban decay," such as panhandling, and sleeping or camping in parks and other public places.

Success is measured by the number of charges made. The Downtown Eastside (DES) community was not consulted for the business plan. Another example is the provision of funds by the City of Vancouver for the Downtown Ambassadors program, which uses a private security company. The security personnel use what is called "charismatic persuasion" to stand there until a beggar leaves. Finally, the police are making charges that wouldn't have been charges before. Some of these may go to community court, but the court does not have additional linked services to help people deal with their problems.

The second approach has been to put pressure (by the police) on services used by marginalized people. Both Oppenheimer Park and Pigeon Park will be renovated, so there will be nowhere else for people to go to feel safe. The DES food line has been closed because of "fights," but these resulted from new residents rather than long-term residents. United We Can has been forced to re-locate as their lease renewal has been refused. There has also been the elimination of garbage cans in downtown, so that people can't dig into them, which provides them income. Eight single room occupancy (SRO) buildings have recently closed or given eviction notices, which undermines the 16 buildings bought by the province. The City also refuses to reinforce by-laws with respect to standards in buildings, such that three buildings have recently been condemned by the City.

The third approach has been to move “undesirable” populations out, and move “desirable” populations in. More than three times as much market housing (Holburn, Salient Group) has opened up than the 557 units of social housing. The province has invested \$50 million into arts in the Woodwards building.

A crackdown is the most inefficient way of helping people. Of the entire spectrum of ways to help people, why choose the law enforcement way, especially when a socially sustainable Games was promised and civil liberties would be protected? This is an election year, and the candidates should be asked this question. This could be an opportunity to turn things around.

Murray Molland

BC Civil Liberties Association (BCCLA)

The IOCC is the only group in town working on issues around the Olympics.

BCCLA is not anti-Olympics per se, but civil liberties have been an issue with other Games.

There are two concerns with respect to the Games and civil liberties. The first concern is the right to demonstration and protest. There will be world-wide media attention on the city, and groups will take advantage of that to demonstrate or protest. There is nothing wrong with this; it is democracy. However, there is no doubt that there will be security apparatus to try and remove these groups from the

camera’s eye. Security is probably already looking for intelligence on what these groups are up to. The second concern is sanitization of the city. Other cities that have hosted the Games created new ordinances and by-laws, but Vancouver uses existing ones, such as the Trespass Act.

There are legitimate security issues, and there is a legitimate responsibility to deal with them. It is up to civil liberties societies to ensure that the police don’t go beyond their legitimate responsibility.

Murray read aloud the six objectives for Civil Liberties and Public Safety from the Inner-city Inclusive Commitment Statement (ICS):

a) Provide for lawful, democratic protest that is protected by the Canadian Charter of Rights and Freedoms;

b) Ensure all inner-city residents’ continued access to public spaces before, during, and after the Games and provide adequate notice of any restrictions of the use of public space/facilities and prominently display alternate routes and facilities;

c) Maintain the current level of public safety and security in inner-city neighbourhoods during the Winter Games;

d) Commit to a timely public consultation that is accessible to inner-city neighbourhoods, before any security legislation or regulations are finalized, subject to lawful and legitimate confidentiality requirements;

e) Ensure RCMP is the lead agency for security; and

f) Reflect the aesthetic design standards of Vancouver in all security related measures.

The question for BCCLA is: how can we make a difference so that the ICS is adhered to? This is what has been done so far. Last summer, they created a

proposal to create a civil liberties advisory committee of experts to provide a sounding board for the RCMP, the VPD, and VANOC. The committee would raise concerns and queries. It is also at arm's length from BCCLA. VANOC has said that security is not their role, but that of the RCMP and the VPD. The advisory committee is the best possibility for getting a foot in the door. There has been some success, in that the RCMP, the VPD, and VANOC seem to be open to engaging in dialogue with the committee. However, the committee does not replace VANOC's responsibility to adhere with the ICS to consult with the community. The committee also faces the challenge of having limited resources and members who also work for a living. The committee has sought funding, but hasn't gotten any yet.

Ann Livingston

Vancouver Area Network of Drug Users (VANDU)

The crackdown on "problem" people has already begun, and there will be an increase in arrests right before the Games. There has already been an increase in the number of police officers. Drug charges were previously let go, but not anymore because now it is a federal charge.

For the police, a measure of success is the number of arrests. Homeless people who use drugs get arrested more than people who can do it out of sight (not in public). The current welfare system encourages homelessness. When an

individual moves out of an SRO, the damage deposit is not returned. Residents don't bother trying to get it back, especially if they have mental health issues as well. The government now says that it is getting all damage deposits back; however, this is being deducted from residents' welfare cheques (rather than being returned by the landlord).

The types of arrests have changed. VANDU members are saying that they are being arrested for possession vs. before only the drug dealers were getting arrested. Undercover police agents will pretend to be persistent in looking for drugs, so that a drug user will offer to help by taking the agent to a dealer and then gets charged for trafficking. The dealer gets arrested too. People without resources can't get lawyers, and if they don't show up in court, it then becomes contempt of court for Failing to Appear (FTA), and they go to jail for this.

It is hard to get numbers, but more jails are being built. Jails are very expensive to build. They are an ineffective way to deal with people with drug issues and mental health issues. We now have 96 new police who are federally funded. Sam Sullivan said the City would take this, as the City itself does not have to spend more money. There will be a crisis in the prisons due to the increased number of arrests. Via the non-returnable warrant, people get shipped back to where they are from (for example, if they were drinking in a public place). However, these people

have only been charged, but have not been tried in court yet.

What we need is for people to get involved in prisons. VANDU needs to get into prisons to get data. VANDU also needs structures (donations) to provide squats.

Harsha Walia

Social activist

Harsha hoped to contextualize security issues. She noted two points that stand out from the panel. First, the negative effects of the Olympics are not side effects; they are fundamental to these types of events. Second, why is the government doing this? Whose interests are served?

We are socialized into believing that the government will keep us safe, so we are blinded into thinking that the security apparatus will keep us safe. Harsha offered a quote from a criminologist, who suggested that this closes off fundamental questions and critical thought. The Conservatives, Liberals, and NDP have all put being tough on crime on their agendas. Issues are framed as public safety issues, but they are really about criminalization.

Harsha wanted to note several points about security and civil liberties and the Olympics:

- An “us vs. them” attitude exists, with “them” meaning the “undesirables.” This is dehumanizing.

- If we stop questioning public safety and whose interests are being served, then who will argue for public safety?
- The outcome has been criminalization. For example in 2002, the Anti-Terrorism Act was used in the context of political resistance. Another example is the Canadian Forces’ terror manual, which identifies specific First Nations groups.
- This leads to the government being absolved of responsibility, especially when the government is actually creating lack of safety using policies, lack of social services, and increased policing. It is the government that we can not let off the hook.

Some examples of criminalization in the DES include increased policing, the Ambassadors program, the Safe Streets Act (no tents), and non-returnable warrants. Police are picking people up for being poor.

Harsha also talked about the global context of the national security apparatus. She referred to the 2005 Security and Prosperity Partnership of North America, which is a vague dialogue and not law. Topics in the dialogue include profits, resource extraction, secure borders, energy supply, and coordination amongst defense forces. The latter relates to the Olympics, because a lot of money has already been invested; \$24 billion has been spent in Canada on security since 9/11, and there has been focus on training and preparing for the 2010

Games. The Canadian Council of Chief Executives advises on the Olympics and they represent a corporate perspective. Who will benefit from the security apparatus? The answer is private corporations, which will make profits, for example, off of security contracts with the government.

Dialogue

This section highlights some of the questions and comments from the audience (in italics) and the responses from the speakers/audience:

- 1) *Who funds the IOCC (is it VANOC)? It was mentioned that the IOCC was the only group in town working on issues around the Olympics. There are actually other groups doing this too, such as the Anti-Poverty Committee (APC).* 2) *It was mentioned that BCCLA is not anti-Olympics, but that they are concerned about civil liberties. Isn't this contradictory? In addition, the IOCC website says that the IOCC is for maximizing the positives (which is dubious, especially given private interests) and minimizing the negatives (this is more real). The promises of the ICS will not be met, and it is naïve to think so. If the BCCLA asks how they can make a difference, they should oppose the Olympics. The IOCC is not funded by VANOC, and doesn't have much money (it recently hosted a fundraising event). When the IOCC started, it was based on the idea that the Olympics could be done properly, which is a moderate stance. Different*

organizations with different stances have been involved in the IOCC. The IOCC was not meant to stifle anti-Olympics. The IOCC was supposed to be a funded watchdog group, but has not been funded because it has made criticisms about the Olympics process. It is not the role of the IOCC to represent every social movement. However, the IOCC encourages anti-Olympics, as it is better to have an opinion than no opinion. Although the IOCC takes a moderate stance, it has been portrayed as anti-Olympics in the media. However, we essentially all share a common agenda. The BCCLA also does not take an anti-Olympics stance, because it has non-partisan members.

- *We need to develop campaigns that target private interests. There are parallels here with the call to boycott the Games in Beijing. In addition, are there any methods to target real estate and tourism to show the world what the Olympics is really about?*
- *With respect to a location for a squat (VANDU), the Storyeum is vacant, and the community could potentially take control of it because it is owned by the City of Vancouver. It was previously suggested to Ann Livingston that more shelters are needed, but Ann replied that housing, rather than shelters, is what is needed. There is an obvious demand for shelters, because people are getting turned away from them. We can make our own legacy by providing shelters. VANDU does not have enough money to rent Storyeum. Organizations have been expected to raise money on their own (for*

example, the DES Neighbourhood House). Squats will occur based on opportunity. We can organize and create a movement for a better place, but it takes a lot of work to sustain this.

- *Am had referred to two time periods – before and during the Games – but a third time period should be included, which is after the Games. What will we be left with after the Games? Things will be put in place during the Games, and will not be removed after the Games, such as surveillance cameras. There is a legacy issue around surveillance, which has already increased in the past ten years. Another legacy issue is about future Games beyond Vancouver, and ensuring adherence to social commitments for these future Games. The Closed-Circuit Television (CCTV) system of surveillance that is currently in place will continue beyond the Games. Subsidies have already gone into the sport industry. Positive changes have only come about because people have resisted the Olympics.*

David Eby added one final comment, to end the forum on a note of optimism. An example of the success of activism around housing is that the government has purchased residential housing. We can realize more successes if more people become involved and work together to maximize benefits.