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Security Before Justice

A study of the impacts of private security on homeless and under-housed Vancouver residents

Security, the chief pretence of civilization, cannot exist where the worst of dangers, the danger of poverty, hangs over everyone's head.

- George Bernard Shaw

The growth of private police forces in the last several years has vastly outstripped that of public police. In British Columbia, the number of private security officers grew more than 300 percent between 1991 and 2005. There are now at least twice as many private police as public police. This growth has had a profound impact on the rights and freedoms of many citizens.

Private security guards patrol both public and private spaces with a view to protecting the business interests of their corporate clients. Unfortunately, business interests often diverge from the public interest and from the human rights of individual citizens. For low-income people unlikely to be customers of the businesses served by private police, that divergence – combined with inadequate training and insufficient accountability – often results in oppression and social exclusion.

The increasing power of private security is not merely a matter of concern for the very poor. When parties with financial means can hire private police to control access to public spaces and further their interests using tactics of intimidation, harassment and physical violence, the rights of every citizen are threatened. For now, poverty is the main criteria for targeting and exclusion. However there is no guarantee that, as private policing becomes entrenched, matters will remain so simple.

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EXECUTIVE SUMMARY



Uniformed private security guards are an increasingly visible presence on Vancouver streets. Private security companies operate with nominal formal oversight and guards are often sent out on patrol after less than two weeks of training. People living and working in neighbourhoods patrolled by private guards are generally unclear about who security personnel report to or how to make a complaint against a guard. In spite of these issues, there has been little public debate about the growing role played by private security companies in policing public space.

On December 13 2007, the City of Vancouver approved \$872,000 to fund the expansion of the Downtown Ambassadors Program,¹ a private security patrol project administered by the Downtown Vancouver Business Improvement Association (DVBIA).² Notwithstanding the influx of public money, the program will continue to be administered entirely by business improvement associations. With taxpayer dollars being allocated by way of an exclusive no-bid contract with a private company, to enhance private security patrols on public property, it is imperative that Vancouverites begin to ask questions about practice standards, oversight and accountability within the private security industry.

In 2007, Pivot Legal Society recruited 154 people from the Downtown Eastside to complete a survey about their interactions with private security guards. Two focus groups were conducted to allow researchers the opportunity to ask

follow-up questions based on the results of the survey. This study focuses on the experiences of those most on the margins of society, but it raises issues that should alarm anyone committed to democratic policing, accountable governance and respect for human rights.

Through this research, Pivot identified a number of central issues:

- There is a high level of interaction between private security guards and residents of the Downtown Eastside. In response to the question, “In an average month, how often do you interact (have face to face contact) with private security guards?” a third of survey respondents reported having such contact four times or more per month. Many participants added comments like “every day” or “all the time” in the space provided. Twelve percent of respondents had face to face contact once per month.

- Homeless people and under-housed people have more frequent, and more problematic, interactions with security guards. Results from the survey suggest a direct relationship between individuals' housing status and the frequency of their interactions with private security personnel.
- Private security guards routinely overstep the bounds of their authority on public property. This includes guards asking or otherwise compelling people to move along when they have no legal authority to do so.
- Private security guards are controlling access to space (on both public and mass private property³) in ways that are not in keeping with principles of equality and fairness. This includes issuing informal bans from certain buildings, streets or neighbourhoods and the use of profiling, where people are treated differently depending upon their appearance. Profiling results in the continued harassment of homeless and visibly poor people, who are disproportionately Aboriginal and/or may suffer from a mental or physical disability including drug addiction.
- Private security guards use force illegally. Both survey respondents and focus group participants claimed that guards are using force and threats of violence against homeless and other marginalized people on a routine basis.
- There is little accountability when private security guards overstep their authority. People in the Downtown Eastside are not generally aware of their rights in relation to security guards, or how to complain about security guards' actions. Only 39 of 154 survey respondents reported that they were aware of the process for making a complaint against a security guard.

This study finds that negative impacts of the expansion of private security services are felt most profoundly by those living on the margins. The findings also show the need for rigorous monitoring and accountability mechanisms in order to ensure that policing bodies, whether public or private, carry out their work in a just, equitable, accountable and efficient manner rooted in respect for the rights and dignity of all people regardless of race, ancestry, socio-economic status, or mental and physical ability.



This study finds that negative impacts of the expansion of private security services are felt most profoundly by those living on the margins.

Dedicated to the over 800 people who sleep on
Vancouver's streets every night.

PART 1: INTRODUCTION



Andrew, a former Paladin Security licensed contract security guard, approached Pivot Legal Society in the spring of 2007.

Andrew's company was contracted to provide security patrols by the Gastown Business Improvement Society. He explained that he had recently quit his job because he felt that he was being asked to violate the rights of poor people.

In a sworn statement, the former security guard described being instructed to engage in "profiling" activities (monitoring the movements of people who looked homeless, poor or drug addicted). He also stated he was asked to remove profiled people from a busy tourist strip and relocate them to adjacent areas outside of the tourist zone. He recalled being asked to chase off one severely disabled panhandler because business owners considered the wheelchair-bound woman, who had lost an arm and a leg, too disruptive.

Andrew stated that his company routinely banned certain people from the Gastown Business Improvement Area, although, to his knowledge, there were no court orders in place restricting the movements of these citizens. He was asked to enforce these private bans and to use physical force in the course of his duties. Andrew also raised concerns about incident reports being altered and about information-sharing practices between his company and the public police.

The issues Andrew raised are particularly troubling given the rapid expansion of the private security industry in Canadian

urban centres. Statistics Canada reports that in 1996, Canada employed 59,090 public police officers and 82,010 private security guards. British Columbia saw a 300 percent increase in the number of people employed as security guards between 1991 and 2005. Not only is the private security industry large, it is also lucrative. In 1997, a Statistics Canada review of security companies found that the industry generates an estimated \$2 billion in revenue.⁵ Companies profiting from the booming demand for private security services range from small, specialized firms and fly-by-night companies, to organizations that rival some public police forces in size.⁶

As part of its Project Civil City initiative, Vancouver's Non Partisan Association (NPA) municipal government encouraged an enhanced role for private security providers in maintaining order on city streets. On December 13, 2007 the City Council voted 6-4 to spend \$872,000 to support the expansion of the Downtown Ambassadors Program,⁷ a private security patrol project administered by the Downtown Vancouver Business Improvement Association (DVBIA).⁸

Stories like Andrew's suggest that the effect of this trend in law enforcement on homeless and under-housed people in Vancouver requires comprehensive evaluation. This study is a first step toward such an evaluation. Based primarily on the results of



In the summer of 2007, people from the Downtown Eastside were recruited to complete a survey about their interactions with private security guards.

a survey administered to 154 people in the Downtown Eastside and two focus groups undertaken with community residents, the study reveals that Andrew's experiences are not unique.

Methodology

Data for this study was generated in two ways: (a) through a survey completed by people in the Downtown Eastside about their interactions with private security guards; (b) through two focus groups conducted with residents of the Downtown Eastside.

In the summer of 2007, people from the Downtown Eastside were recruited to complete a survey about their interactions with private security guards. Individuals were canvassed at both indoor locations (community centres and social service agencies) and outdoor locations (parks and sidewalks) throughout the neighbourhood. Respondents were asked to complete the survey on their own, but were given the option of having the questions read to them. Respondents were offered nominal compensation for volunteering their time to complete the survey.⁹

Respondents were asked about the location, frequency and nature of their contact with private security guards. The survey also included demographic questions and questions about their primary source of income and housing situation. Although these latter questions were optional, the vast majority of participants chose to complete them. Respondents were also given the opportunity to provide additional written comments, but most did not elaborate on their experiences. In total, 154 surveys were completed.

Two focus groups were conducted in the winter of 2008, to allow researchers the opportunity to ask follow-up questions based on the results of the survey. These focus groups were held at the offices of two non-profit organizations, both of which offer low-barrierservices to homeless or under-housed residents.¹⁰ Focus group participants were asked about their understanding of the powers and responsibilities of private security guards, the places where they come into contact with guards, and to describe their interactions with guards. In total, 15 people took part in the focus groups.

In order to build upon the data generated for this study, survey and focus group responses were analysed along with the results of a recent study examining the role played by private security guards in Vancouver's gentrifying neighbourhoods,¹¹ and Andrew's sworn statement about his experiences and activities as a contract guard. Taken together, these data sources provide a strong preliminary overview of issues facing vulnerable populations in relation to private security in Vancouver and point to some specific concerns related to accountability within the industry. Importantly, there is significant overlap in the issues raised by survey respondents, focus group participants, Andrew's statement and the security work study.

PART 2: SECURITY GUARDS AND THE REGULATION OF PUBLIC AND PRIVATE SPACE



The Law: Public spaces are those which are accessible to all individuals in society, including sidewalks, roadways and parks. Activities in public spaces are governed by public laws.¹²

Private spaces are those which are owned by a private individual or enterprise. These spaces are regulated by public laws but also by the authority of the owner who can set conditions on individuals accessing and using the space. These conditions are limited primarily by provincial human rights legislation.

Private security guards have no legal rights above and beyond those afforded to ordinary citizens on public property. When patrolling public property, guards are able to draw on the powers granted to all citizens who witness a crime in progress, but have no authority to enforce by-laws or restrict an individual from using public space. Security guards working on private property are able to use the authority vested in them as agents of the land owner under the provincial *Trespass Act* to enforce conditions on, or remove persons from, the property.

Because private security guards have the power to restrict access to private spaces, private property owners have historically been the primary consumers of private security services. However, the number of private security guards patrolling public space in Vancouver and other municipalities in British Columbia is rising rapidly.

Public property – homeless and under-housed perspectives

The growth of private security patrols has had a major effect on freedom of movement in public spaces. In response to the question, “Where do you most often have contact with private security guards?” the majority of survey respondents (58 percent) reported having contact on the streets. Forty-seven percent of respondents indicated that they have been asked to leave or have been removed from a public place by a private security guard. Those respondents who added additional comments and some focus group participants indicated they are often asked to move along repeatedly throughout the day.

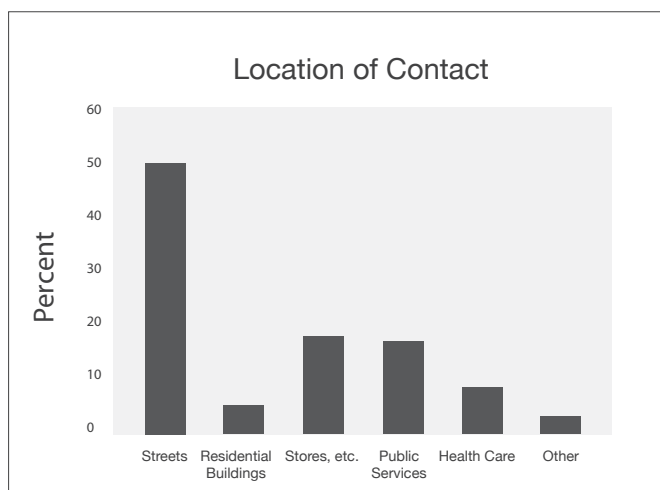
While sitting on Hastings Street, myself and other people are asked to move. It happens all day long and all evening.¹³

Like even in Chinatown, they give you a few minutes, but then they keep harassing you even when you are walking, they just keep following you.¹⁴

People are just there. They are not doing anything illegal, they are just in a certain spot and they come along and tell them to move on... that's what they do with me.¹⁵

One Aboriginal focus group participant shared this story:

Like you know, I'm hanging out in front of Native Health, having a smoke, waiting my turn to get in to see the doctor. Everybody is out there doing their thing, I'm having a smoke and [security guards] are telling me that I have to move along. I'm trying to tell them, I'm having a smoke and they say "well you can have a smoke down the block." I'm like "Bullshit, I'm not going to miss my spot, I'm not leaving" and they just started kind of bullying me, kind of in your face kind of shit.¹⁶



Security guards have no legal authority to enforce laws on public property. Thus, even if some survey respondents who were removed or asked to leave a public place were in contravention of one or more laws, security guards have no legal authority to enforce those laws.

An employee of Pivot Legal Society provided an example of security guards interfering with people on the streets and attempting to move them along despite there being no violation of the law:

This was the third year I managed the training of the Hope in Shadows calendar street sellers, but the first year I heard of any problems from security guards from

the sellers. Sellers were told by Genesis Security to move along and get off the sidewalk on several streets in the downtown core. I must have got at least 15 complaints from the sellers. Hope in Shadows helps marginalized people achieve independence and gain confidence through selling the annual street calendar of photographs of people from the Downtown Eastside. Every year since 2003 we have received an official license to sell calendars legally on street corners.

Hope in Shadows street sellers had licenses issued by the City, and the license number was visible on photo ID tags which they wore on their jacket. However, they were still subject to harassment by guards.

Some focus group participants noted that even though they were now aware that security guards do not have the power to move them off of public property, they would still comply with a request:

I think I would move, just to avoid any conflict, just move along so that I don't have any trouble.¹⁷

I totally agree with [the above comment], even though you might understand that they don't have a whole lot of power.¹⁸

Other focus group participants, however, felt very strongly that it was wrong for security guards to deprive people of basic necessities such as sleep and shelter, particularly where they have no authority to do so:

People have a basic biological right to function, such as the right to sleep. According to me people have all these rights, but according to private security guards we don't. About a month ago, it was right outside here, outside of the Lifeskills Centre, it was a rainy day, I was just on my way home, and I noticed two people from Genesis [Security] that were telling some people that were sitting underneath the overhang on the curb, they were taking shelter in a place that is a designated shelter, out of the rain. The private security guard told them to move along. I said, "quit harassing these people, they are sitting here taking shelter out of the rain, this is an official shelter leave them alone." The private security guard comes walking up to me

in a threatening manner and he was trying to impress upon me that he was doing his job and I was out of place. And I told him that I wasn't out of place, and I told him that I thought those people weren't out of place and that he had no right to tell them to move along, because this is a designated shelter,¹⁹ inside and out, and that is what they were doing, taking shelter.²⁰



Hope in Shadows street sellers had licenses issued by the City... However, they were still subject to harassment by guards.

Public property – security guard perspectives

Security guards who work on public property are generally employed by companies retained by Business Improvement Associations, which are funded through a special tax levy that is collected by the municipality and passed on entirely to the BIA. Andrew, the security guard whose story is contained in the introduction, worked for a company contracted by the Gastown Business Improvement Society to patrol public sidewalks as well as the private property of store owners. Andrew explained that he was instructed to restrict certain individuals (and classes of individuals) from using the public sidewalks in the area:

I understood, on explicit directions from my supervisors and through my training and working with other, more experienced guards in the Gastown area, that there were individuals who were not allowed to be in the Gastown area.

Most of these individuals, to my knowledge, were not banned from the area as a result of any court order; however, they were banned because those were instructions given to me by Paladin management, and on occasion, by store owners in the Gastown area.

I was instructed by my employer to chase out and monitor the movements of people identified to me as undesirable. Some of these people were those who looked homeless, poor or drug addicted.

There are laws in place restricting where an individual can panhandle. The *Safe Streets Act* prohibits approaching a person when they are in a “captive audience” situation, such as at a bus stop or bank machine. However, private security guards do not have the authority to enforce those laws. Andrew reported that in Gastown, not only are guards asked to intervene where they have no legal authority to do so, they are restricting panhandling beyond what is prescribed by law, extending the ban on “solicitation of a captive audience”²¹ and “aggressive panhandling” to all stationary panhandling:

Individuals who were “stationary panhandlers” were moved along by Paladin guards. This was company policy. Site Supervisor (names supervisor) instructed me that “Nobody sits down and panhandles on Water Street.”

Andrew noted that his supervisor made exceptions for some street musicians because the supervisor felt that musicians contributed to the neighbourhood. This policy amounts to a situation where the security site manager is regulating activity on public space as though that space belonged to the businesses he worked for. In effect, business owners are hiring private security firms in order to take control of public space for their own commercial benefit, entirely outside of the formal legal system.

Private property

Most survey respondents reported having contact with private security personnel on public streets. The second most frequent response to the question about location of contact with security guards was “inside stores, malls, shopping centres, etc.” at 21 percent. Shopping malls are private

property. Yet, malls are characterized by a degree of openness and accessibility, and are therefore a different kind of space than a private home or office.

The term “mass private property” refers to those areas that, while officially privately owned, are treated by most as public property, the quintessential example being the shopping mall.²² The private status of these spaces allows private guards the freedom to do the work of public police and more. For example, on mass private property, searches as a precondition of entry (as is the case with some clubs and stadiums) are entirely legal and can be conducted by private guards.

In many areas, mass private property replaces public space. These semi-private spaces often provide the only available washrooms and drinking water. People denied access to these spaces are also denied access to very basic necessities. Persons who have been banned from private property by a security guard do not have any appeal process available to them, regardless of the fairness of the ban or the consequences that it may have for them.²³ One focus group participant described the circumstances under which he was banned from a shopping centre:

My friend is a shoplifter. I happened to run into him in the mall. We weren't even together, we had just shaken hands, had coffee together in the food court and went our separate ways, and then about half-an-hour later me and my girlfriend got pulled in and got arrested in the Eaton's. They interrogated us and they searched us, but they couldn't find anything on us. And then they were like, "you guys are going to be banned for a year." We were like "for what" and they were like "you were interacting with someone who has been caught shoplifting." I haven't gone back there since.²⁴

Seventy percent of survey respondents reported having been asked to leave private property by a security guard. Restricting certain individuals from using these facilities because they have breached the rules governing use of the space is entirely within the rights of the proprietor and his or her agents. However, there is evidence to suggest that private security guards are engaged in “profiling activities” on mass private property, where individuals are targeted because of their race or way they look [see Part 3].

Semi-public property

Survey respondents had face-to-face contact with security guards in a number of locations besides public streets and shopping malls. Twenty percent of respondents reported that they had contact with security guards inside public service buildings (welfare office, etc.). “Inside hospitals or other medical care facilities” received 10 percent of responses. A number of survey and focus group participants noted that they had had very negative interactions with security guards at hospitals or in income assistance offices. One woman shared this story:

I first came back to B.C. from Calgary on December 23rd, 2004. I had spent 17 days in the Peter Lougheed Hospital's psychiatric ward and was being sent back to B.C. with just a phone number for a shelter. This is why Alberta has no deficit. On the 25th or 26th [of December] I was admitted to St. Paul's Hospital psychiatric unit, where I was heavily medicated with two valiums plus something else. While I was asleep, arrangements were made for me to stay at Lookout Emergency Shelter. Lookout had asked the hospital to keep me until the medications had worn off. The shelter told me afterwards that they believed this would happen, but [hospital staff] immediately woke me up and told me I had to leave. As I was under the influence of their prescriptive, highly sedating drugs, this was nearly impossible and so they had four big security guards forcibly wake me and very roughly remove me from the hospital. Once outside, one of the security guards ripped the bus ticket I was holding out of my hand and told me "to just stand on a corner because somebody would give me a ride."

Some respondents checked all the boxes on the survey for locations where they had contact with security guards; others simply wrote “everywhere” in the space provided.

PART 3: PROFILING AND “SUSPICIOUS ACTIVITIES”



Some survey respondents felt that they were unfairly judged by security guards.

A key element of a security guard's job is to distinguish between those who belong in a given space and those who do not. In an industry that prides itself on being proactive (preventing rather than responding to crime) there is pressure on guards to curb any potential problems before they start. Profiling is used to that end. A guard who took part in Bennett's study described the situation at a downtown mall located near the Downtown Eastside. He explained that when people who look homeless or otherwise “out of place” enter the mall, security guards are pressured to “go after people, not let them in, harass them, follow them around.”²⁵

Residents of the Downtown Eastside felt that profiling was a reality when interacting with private security:

*We are often all classified as the same type of people. I don't like being judged by my looks.*²⁶

*They are prejudiced of appearances.*²⁷

I think a lot of that is profiling, and me being not a white person I get discriminated against all the time. So, maybe I'm sort of hyper-sensitive to that, and maybe I sometimes perceive things that way even when they are not, but in this neighbourhood, they profile people. They assume that every interaction is going to be a

*bad one. And I can kind of see some justification for that, but that doesn't make it okay. Once they get that attitude, then it's time to find a new job, that's the way I see it. But I have been harassed just for standing in a doorway trying to tie my shoe or read a map or anything that any other normal citizen would do because of where I am, because of the demographics of this neighbourhood.*²⁸

One Aboriginal man told this story about an interaction he and a friend had on mass private property:

*This incident happened at Canada Place during the Christmas holidays. A friend and I went for a walk to view the Christmas display and then all of a sudden we heard this voice behind us, it was two security guards. “I think you guys have to leave right now” they said to us. “What on earth for?” [They said] “you guys have been here too long.” We had just got there and they chased us away until we got off the premises, they walked right behind us and that was an insult to me. We were just walking around, sober, straight as a judge, just viewing the Christmas displays and whatnot and they followed us all the way off the premises at Canada Place.*²⁹

Profiling and looking for “suspicious” activity is a primary role of private security providers. Companies often advertise this function as part of their “proactive” approach to deterring crime. For example, Genesis Security advertises that their community patrol drivers are trained, among other things, to “look for suspicious activity.”³⁰

In targeting “suspicious activities,” security guards may be in contravention of the *B.C. Human Rights Code*. The B.C. Human Rights Tribunal has stated that terms such as “normal” and “unusual” are vague and therefore given to subjective interpretation, noting that “suspicious” is a very open-ended term, and individual perceptions and preconceptions will have a strong influence on who or what individuals tend to perceive as suspicious.³¹ In this context, the word “suspicious” can be utilized to discriminate against segments of the population protected by the *Human Rights Code*.

PART 4: POLICING THE HOMELESS



The number of homeless people on Vancouver streets nearly doubled between 2002 and 2005. By 2008, the number had increased a further 19 percent,³² contributing to new (real or perceived) security concerns among some Vancouver residents, business owners and property developers.

Further, the street homeless population vastly exceeds emergency shelter capacity in the Greater Vancouver Regional District (GVRD), leading to over 35,000 turn aways from at-capacity shelters in the last nine months of 2007, forcing people to sleep outside.³³

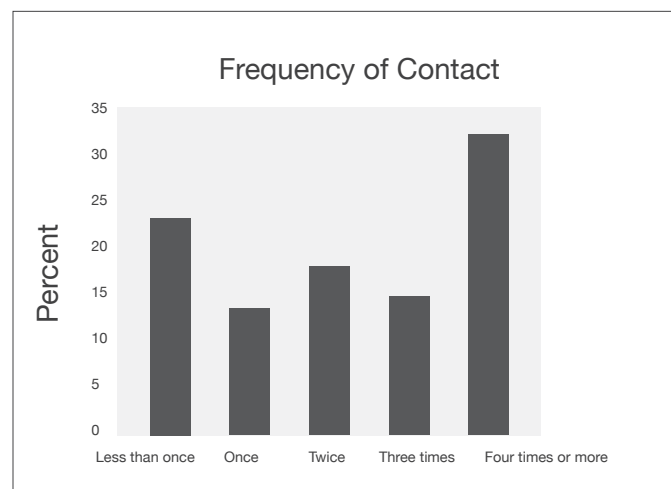
In response to the question, “In an average month, how often do you interact (have face-to-face contact) with private security guards?” one third of participants reported having such contact four times or more per month (32 percent). A number of respondents added such comments as “every day” or “all the time” in the space provided.

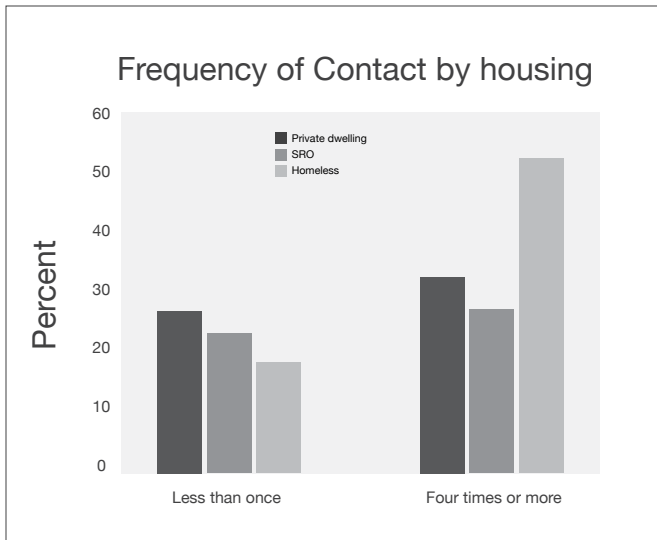
The frequency of survey respondents’ contact with security guards was found to vary according to their housing situation and income source:

- While 25 percent of the 16 participants living in private or family dwellings had less than one encounter with private security per month, only 16 percent of the 37 homeless participants reported this low level of contact.
- 51 percent of homeless people reported four or more encounters per month, compared to 31 percent of those living in private dwellings. Those living in SROs fell in between the two groups.

- Of the 78 participants living in SROs, 23 percent reported less than one encounter with a security guard per month, and 24 percent reported four or more.

This data suggests that private security guards are being contracted, in large part, to address clients’ concerns related to homeless and under-housed people.





One focus group participant housed in an SRO noted this trend:

The people that are targeted most are the homeless people, you know people who live on the streets, the people doing the shopping cart thing. They have the most negative interaction with security guards.³⁴

Importantly, policies targeting the street homeless population cannot be isolated from their effect on Aboriginal people and people with mental and physical disabilities, who are disproportionately represented among the street homeless.³⁵

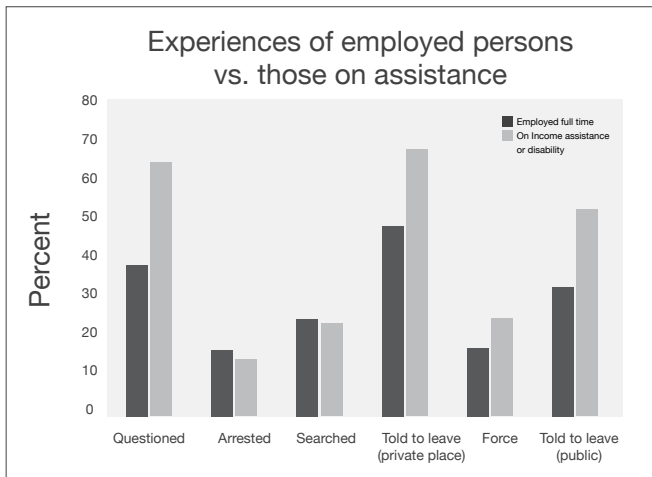
The poorer an individual is, the more likely they are to be told to leave public space by a security guard. Fifty-nine percent of homeless survey respondents reported being asked to leave public space compared with 47 percent among those living in SROs and 19 percent among those living in private dwellings. This trend holds on private property as well. While 43 percent of those living in private or family dwellings had been asked to leave private property, that figure stood at 69 percent for those in SROs, and 86 percent for the homeless. Homeless survey respondents were also considerably more likely to have had force used against them by security guards (32 percent versus 19 percent for the other two housing categories).

Security guards are also significantly more likely to harass, relocate and use force against people on income assistance compared to those who are working. While 38 percent of those working full-time had been stopped and questioned by a private security guard, 65 percent of those on either income assistance or disability assistance reported being stopped. Likewise, those who were on income assistance or disability assistance were more likely to have been asked to leave private property (69 percent versus 46 percent), to have had force used against them (24 percent versus 15 percent), and to have been asked to leave or stay out of a public place (53 percent versus 31 percent).

Interestingly, those who self-identified as employed were more likely to have been searched and/or arrested than respondents receiving government assistance. The trends related to searches can perhaps be explained by the fact that the homeless and those on government assistance are less likely to frequent clubs or events where searches are a precondition of entry. The fact that people on assistance are subject to proportionately fewer arrests than working poor people, despite being much more likely to be told to leave both public and private property and to have force used against them, suggests that higher rates of negative interactions with private security guards are not simply a result of this socio-economic group committing more crimes.



The poorer an individual is, the more likely they are to be told to leave a public space by a security guard.



shelters and a lack of affordable and/or low barrier housing options.³⁷ Downtown Ambassadors and other private security providers will not and cannot accompany the hundreds of subjects of “street disorder” calls to shelters to ensure that there are beds available, or to income assistance offices to advocate on their behalf. In such cases, a referral to a shelter, in another neighbourhood, that may or may not have beds becomes nothing more than a tactic for relocating homelessness.³⁸ The result is a never ending cycle where the poor and homeless are continually moved from one area to the next, but underlying issues remain unresolved.

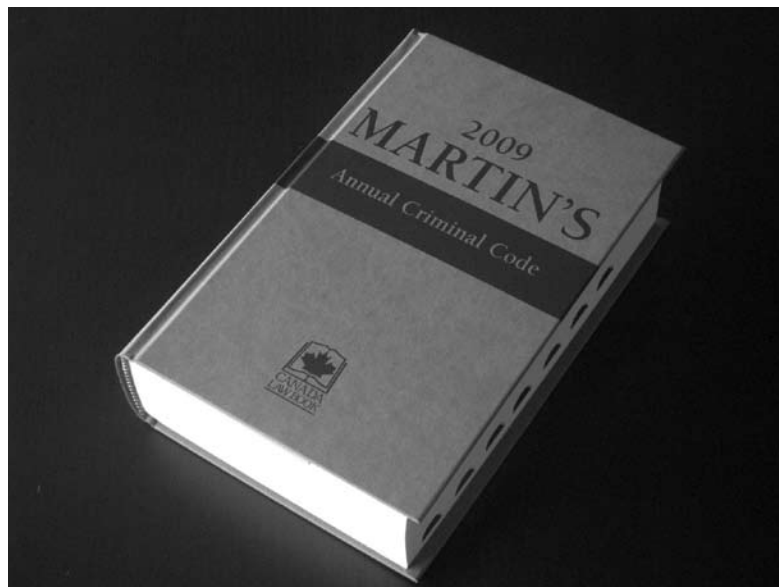
Some focus group participants noted that they stop frequenting certain areas because of the presence of guards:

Just to avoid conflict. If there is a chance that somebody I have come into contact with, meaning a security guard, is going to be around then I am going to avoid that area at all costs, because I just don't want to deal with it... so I find someplace where nobody is around.³⁶

In a document prepared for Vancouver City Council, the Downtown Vancouver Business Improvement Association (DVBIA) claims that, “More recently, Ambassadors have taken on a more active role interacting with street people to connect them to income assistance and shelter. This role is developing in conjunction with the DVBIA’s strategic plan to be active in ending homelessness on our streets.” The DVBIA goes on to explain that in a typical month Ambassadors “will be called to deal with over 300 street disorder incidents where they will provide information to street people and solicit their cooperation.”

This submission by the DVBIA suggests that the primary role of Downtown Ambassadors is to work to end homelessness, rather than move people off the street in response to requests from businesses. In fact, there is no need to connect homeless people with support services, as they are generally well aware of them. The problem is that those services are insufficient due to low income assistance rates, strict eligibility requirements, overcrowded and dangerous

PART 5: THE LEGAL POWERS OF SECURITY GUARDS



When security guards are sent out to a site, they are armed with little in the way of legal power. However, they engage in a wide range of law enforcement activities as part of their work.

Survey respondents were asked to identify whether or not they had ever experienced specific types of encounters with private security guards. The questions were selected to identify particular powers found in law such as search, arrest and use of force.

- 64 percent of participants had been stopped and questioned by a private security guard.
- 16 percent had been arrested.
- 25 percent had been searched (including a pat-down, search of bags or search of personal belongings).
- 24 percent had force used against them by a security guard in the process of being removed, detained or arrested.

Security guards, by and large, draw their legal power from three sources: general provisions in the *Criminal Code* which confer on all citizens the power to arrest or use force in particular circumstances; the property rights of their clients; and their ability to contact the public police when they witness a violation of the law.

Arrest **The law**

In Canada, every citizen has the power to arrest under certain circumstances. Security guards draw their powers of arrest from the *Criminal Code of Canada*, section 494, as does anyone who engages in what is generally referred to as a “citizen’s arrest.”³⁹ Under section 494, any citizen, including security guards, can arrest anyone who they have witnessed committing an indictable offence, or who they reasonably believe has committed an offence and is escaping from someone who has the authority to arrest them.

The major difference between the power of arrest of the public police and a security guard is that the public police have much more leeway in terms of arresting an individual based on “reasonable and probable grounds” that the person committed an offence.⁴⁰ A private person, including a security guard, must actually see an offence being committed.

Security guards working on private property draw some additional powers of arrest from their status as agents of the proprietor. Because they have been empowered by the owner of the

property, security guards can arrest individuals for summary or minor offences in relation to that property, such as causing a disturbance or trespassing.

In the case of any citizen's arrest, whether on private or public property, the individual arrested must be delivered to a peace officer immediately.

Search and seizure
The law

A quarter of survey respondents reported that they had been searched by a private guard. While the power to search and seize property is generally limited to the public police, security guards can engage in searches as a condition of entry onto private property.

Searches conducted on private property are not technically a violation of civil liberties because entry into these spaces is theoretically voluntary, even for employees.⁴¹ However, in reality it may feel as though searches are not voluntary, particularly when the person being searched does not really understand the security guard's rights and responsibilities.

Impact of search and seizure powers on the homeless

While the power to search and seize property is generally limited to the public police, focus group participants noted that belongings are often searched, seized and disposed of by security on public property:

Like when I was homeless, security were like grabbing my stuff and literally throwing it, and I was just like "what's your problem, can't you just give a few minutes to pack up my own stuff and leave?" They were just like "no you have to go now, get your shit out of here, get lost you're a nuisance to society" or whatever. They grabbed my blankets and everything.⁴²

There was consensus among the participants in the second focus group, many of whom had been or were currently homeless, that when you live outside, the rules relating to search and seizure of property do not seem to apply. A male focus group participant explained that security guards had tried to take his belongings from him and he had stood up



While the power to search and seize property is generally limited to the public police... focus group participants noted that belongings are often searched, seized and disposed of by security on public property.

to them, but on two occasions when he left his things with a female friend, guards came and destroyed them:

On two instances, the private security guards who come by grabbed my stuff and threw it in a dumpster and told her to move on, and so twice I lost everything... A backpack, all of my clothes, everything. After that I thought, at least I don't have to carry it around anymore, that's what its like when you are on the streets.⁴³

Use of force
The law

Security personnel draw their power to use force, like their power to arrest, from the *Criminal Code of Canada*. In British Columbia, licensed security guards cannot carry weapons such as batons, pepper spray, Tasers or guns, nor can they use restraints.⁴⁴ The justification for this ban is that security personnel should not be making arrests that require the use of weapons or restraint. Security guards can use guard dogs, provided that they are properly licensed.

Homeless and under-housed perspectives

While security guards are not supposed to be engaging in arrests or other activities that require the use of force, nearly a quarter of survey respondents as well as a number of focus group participants reported that they had had force used against them by a private guard or had witnessed guards using force against others in the community:

I have seen them open up a [patrol car] door and slam it against a person. Carnegie outreach were there, they saw it not just me. And I said "I should make a report of this, this is assault."⁴⁵

I live in Gastown, so mainly they are just involved with the panhandlers and stuff. I've actually gotten involved when there is like harassment, they are laying their hands on people, grabbing on to somebody, I've actually stopped it. The security guard was a young guy, it's like "No, you can't go touch people like that."⁴⁶

Most of the time they just tell me to leave... but one time on Granville, a security guard threw me against a wall and my friends luckily came around the corner because I was pretty inebriated so I couldn't really do anything. I don't think [the guard] would have done it if he knew there were going to be other people around, but then my friends just happened to be around and my friends were telling him they were going to call the police. [The security guard] told me he was going to come back when he got off: "I'm going to come back and kick your ass."⁴⁷

As one focus group participant explained, in some cases, the homeless person himself is blamed when assaulted by security guards:

Okay, last year with the K-9 security, I was working at the Japanese festival in the park here. I was doing security hired by the Lifeskills Centre to go to work down there. There was a person sleeping next to that red building there (the structure in the park). The guy was sleeping, and [security guards] with the big dog, poor guy he's sleeping there, it's early in the morning, we are doing set up, you know. I'm already working there, I'm gently talking to the guy, waking him up, getting him a smoke saying "hey, you know we've got to clean up," totally polite, he's like just

about to get up, when suddenly, Mr. K-9, who has no business in that park, jumped into the park even though it was our job to take care of business, he got the dog to jump on him and grab him on the arm. There is a big fight, commotion, they beat him up, they beat the shit out of the poor guy and literally dragged him to the outside of the park. The cops came and then he got locked up for assault, he's the one who got charged. The guy was bleeding, like they really kicked the shit out of this poor guy and he got taken to jail on top of it... Those K-9 guys, they are bad news.⁴⁸

Security guard perspectives

Bennett found that while not universal, the use of physical violence as a compliance tactic is not uncommon in the security industry in Vancouver.⁴⁹ Guards who participated in her study recounted a number of stories of physical assaults by security personnel:

When they were training me, one guy was going on about how you beat people without leaving marks. He did patrols for some of the buildings that were squatted by the homeless, so he'd use phonebooks. He'd put the phone books up against them so that he could hit them without leaving a bruise.⁵⁰

I know when [the security guard company] first got hired they started to break fingers. It was harsh and I think the property management knew about it, but it took about three months and [the site] was cleaned up and nobody came around. Nobody caused trouble and people knew, "don't sleep in the underground, like just stay away from [the site]." And it's not like these guys broke every junkie's fingers, but there was a couple of times.⁵¹

While not all guards routinely use force, it does seem that these incidents extend beyond the actions of a few rogue guards. Andrew described being instructed to use force as part of his job:

I myself used physical force to remove [a person] from the Gastown area several times. I was directed by my supervisor that this was part of my employment duties as a Paladin security member and witnessed other guards doing the same.

PART 6: PRIVATE SECURITY GUARDS AND PRESUMED AUTHORITY



Lack of knowledge about the limits of authority: In policing, presenting an authoritative image can be just as important as genuine legal power. Misconceptions about the powers of guards make it easier for them to overstep their limited authority.

Most focus group participants had no idea that security guards have no more power than private citizens on public property:

I think pretty well, most people are fairly ignorant. A lot of people think that (security guards) have the right to kick them off a public street. For a lot of people that is just the reality.⁵²

One focus group participant explained that he constantly sees guards overstepping their authority, but did not realize it:

All the time in this neighbourhood they abuse the power that I thought they had until just a couple of minutes ago. And it's because people are ignorant, people just don't

know. I guess partially because of the population and the people they are dealing with, it's got to be a frustrating job, you couldn't pay me enough to do that job, but I think they abuse their power a lot... I can't imagine security companies wanting that to become general knowledge because that would decrease their effectiveness, right.⁵³

Use of uniforms and equipment to create the illusion of authority

Security guards consider uniforms and other symbolic markers of authority to be essential tools in their work.⁵⁴

Many guards seem to believe that it is the uniform, not the license or legal power, that actually allows them to do their job effectively.

In B.C., “A security employee must not wear a uniform that, in the opinion of the registrar, so closely resembles the uniform of a public police officer in style, color (sic), insignia or other marking that it is likely to confuse or mislead the general public.”⁵⁵ However, even if a uniform does not closely resemble that of the public police, it can lead people to believe they are interacting with a government official of some kind. For example, focus group participants did not realize that the Downtown Ambassadors are a private service, and one participant attributed the confusion to their uniforms:

*I see them in action all the time, harassing the street kids. I assumed that they were City... just the way they are set up, their uniforms.*⁵⁶

Driving marked patrol cars⁵⁷ also imbues security guards with an aura of authority, and some residents are not aware that they have no more power than any other driver on public streets or alleyways:

*I just want to say that generally, those security companies, I don't know what company it is but whatever company it is that drives the vehicles that patrol the alleys specifically. I don't know what their jurisdiction is, what they are able to do, what they are not able to do. I do find that they are throwing their weight around more than they need to be.*⁵⁸

Some private security executives argue that “their officers should look like the public police and need handcuffs, body armour, batons and utility belts because, just like public police officers, they are engaged in proactive policing.”⁵⁹



Security guards consider uniforms and other symbolic markers of authority to be essential tools in their work.

PART 7: PRIVATE SECURITY AND THE PUBLIC POLICE



Conflict of interest between public and private police: In some ways, the interests of public police departments and private security companies are diametrically opposed.

Public police departments have long expressed concern about the expanding role of private security companies as significantly lower paid private security guards take over tasks formerly performed by public police officers.⁶⁰ Tensions around the issue of contracting out policing services have recently come to a head in Vancouver.

In January 2008, the Vancouver Police Union (“VPU”) launched a court action to stop the City’s plan to provide nearly \$900,000 to expand the private Downtown Ambassadors program run by Genesis Security. The VPU is asking that the City’s decision to fund the plan be set aside on the grounds that city council is using tax dollars to fund a private security company to deliver services that would normally be delivered by the Vancouver Police Department (VPD). The VPU contends that the money could be better spent on seven positions in the police department.⁶¹

Informal cooperation between public and private police

In spite of tensions between the VPU and the private security industry, there is a high level of cooperation between the two sectors.

In his sworn statement, Andrew, the security guard whose story is contained in the introduction, explained that the security company that employed him maintains “a computer database which is only accessible by supervisors who work for the orga-

nization... Information from the database is collected for the purpose of providing it back to police when they request it.” The information sharing process also works in the opposite direction with VPD providing Paladin Security with names and dates of birth of individuals involved in incidents in the Gastown area against whom the police are recommending charges.

Andrew explained that in his experience some VPD members provide Paladin Security with individuals’ personal information even in cases where no charges are recommended:

On at least two occasions, VPD members attending at incidents that I was working provided me with the legal names of the individuals involved in those incidents. On both of these incidents, there were no criminal charges recommended by the VPD members... [Site supervisor] instructed me that some VPD members would allow Paladin members to observe them writing down the names and dates of birth of individuals involved in incidents in which the police were involved. It was my understanding that it was my job to record that information if it was provided to me, for inclusion in the database. If the information was not offered, I was instructed that I should ask for name and date of birth information. Some officers willingly provided that information, others would not.⁶²

Those names were then recorded in the company database used to track “problem individuals.”

Formal cooperation between public and private police

Not only do individual guards work closely with the public police, larger security companies are now being included in the process of determining policing priorities for the city at an institutional level. In Vancouver, a program called “Operation Cooperation” facilitates knowledge sharing between the public police and private firms. The VPD meets with these firms to discuss policing priorities in the downtown area. The DVBI describes Operation Cooperation as “the principal conduit for information sharing amongst security interests and police.”⁶³

Police and private security meet almost daily to share information on bail conditions, warrants, chronic offenders actively investigated by police, and to review video tapes to identify suspects.⁶⁴ “In addition, several times a year the police establish a joint force operation with private security interests to go out on four-day projects to identify and apprehend property crime offenders.”⁶⁵ This formal relationship between police and private security providers gives the clients of these firms an added voice in shaping policing priorities in Vancouver.

PART 8: VARIATIONS WITHIN THE SECURITY INDUSTRY

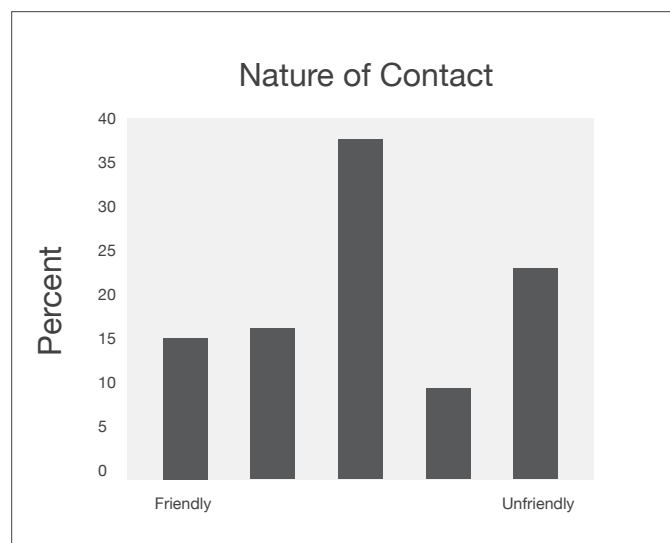


While there are some general problems with the way the security industry operates, not all companies (or all guards) approach their work in the same way.

Differences between firms stem from a range of factors including the types and locations of sites that companies patrol, internal company cultures and personalities of individual guards. These variations were noted in survey responses and by focus group participants.

Survey respondents were asked to rank their interactions with private security guards on a 1-5 scale from friendly to unfriendly. Responses were divided, with the bulk (38 percent) falling in the middle of the 1-5 scale. The scale respondents were asked to use to rank their experiences did not distinguish between individual guards or discreet experiences. However, some respondents took it upon themselves to make the distinction.

A homeless survey respondent who reported that security guards were unfriendly penciled in “also depends on the person!”⁶⁶ to qualify his answer. One woman on income assistance responded to the question “In general, do you



find your interactions with private security to be unfriendly or friendly?” by writing: “Friendly, but the times they were unfriendly, it was very extreme.”⁶⁷

Some focus group participants agreed with this assessment:

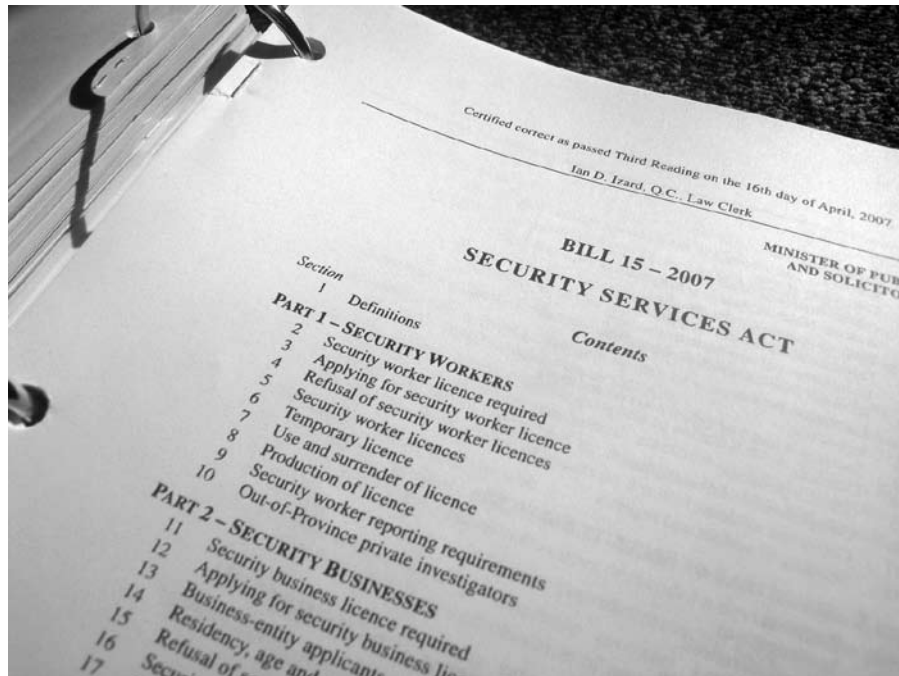
*Not all of them are total dickheads. There are some good security guards out there. They know what they are doing, they ask you to leave politely.*⁶⁸

One focus group participant who had some very negative interactions with security guards including being physically assaulted also reported helpful interactions:

*The security guards around Three Bridges, where there is a needle exchange, when they are closed, they've gone in and got me clean rigs when I was using, another one has called the ambulance when I was hurt.*⁶⁹

Currently, marginalized people have a range of experiences with security guards, from friendly interactions to physical confrontations. For these populations the variations in approaches among companies and particular guards is frustrating because they cannot predict how guards will react to them.

PART 9: REGULATION AND TRAINING IN THE PRIVATE SECURITY INDUSTRY



In Canada, the private security industry is regulated on a province-by-province basis.⁷⁰ In B.C., security businesses are regulated through the *Security Service Act* (“SSA”), which came into force on September 1, 2008.⁷¹ In accordance with the SSA, each security business, as well as each individual security worker, must be licensed through the Ministry of Public Safety and Solicitor General (“MPSSG”).

When the SSA was introduced, a “Code of Conduct,” binding on each security worker or security business, was added to the Regulation.⁷² A violation of the Code could be reason for regulators to take action against the license holder. The Code of Conduct directly addresses a number of concerns raised in this study such as discrimination, the use of abusive language, use of unnecessary force and misrepresentation of the conditions of a license. However, many of these activities were already illegal and, as such, should already have been grounds for enforcement action. To date, it is not clear what accountability or enforcement mechanisms will be put in place to ensure adherence to the new Code of Conduct.

British Columbia has had mandatory minimum training standards in effect for security guards since 1997.⁷³ The standardized training for private security guards is divided into two parts, Basic Standards Training 1 (“BST 1”), and Basic Standards Training 2 (“BST 2”). The BST 1 program is generally offered as 40 hours of instruction;⁷⁴ however, some training programs offer the course over a shorter period or online. BST 2 focuses on the physical side of security, teaching potential guards proper restraint techniques and basic self-defense. BST 2 is designed to be delivered in 24 hours of instruction. The standardized training program is overseen by the Justice Institute of British Columbia, but is often delivered through individual security companies or private colleges.⁷⁵ Bennett found that guards overwhelm-

ingly dismissed the standardized training as a “hoop to jump through” with little practical value.⁷⁶

Enhanced training standards for security guards have been drafted by the Justice Institute of B.C. after consultation with industry and stakeholder groups, including the Human Rights Commission.

The major updates to the security training manual are in the area of Legal Studies. The legal studies unit consists of:

Learning Objectives

Introduction to Law

Canadian Charter of Rights and Freedoms

Human Rights Legislation

Criminal Code

Private Investigators and Security Agencies Act

Other Key Legislation

Powers and Limitations

Making Arrests as a Private Citizen

Conducting Searches

Using Force

Using the Power of Forcible Eviction

Complaints from the Public

Consequences of Acting Improperly or Illegally

Exercise: What would you do?

While the curriculum appears exhaustive, there will be no further hours allocated to BST 1 training.⁷⁷ The Legal Issues module is one of six – all equally comprehensive on paper – to be delivered within the 40 hours of instruction.⁷⁸ Security guards who are already working in the industry will not have to be retrained;⁷⁹ however there is a note on the MPSSG website reminding currently licensed guards to be sure to familiarize themselves with the Code of Conduct when they renew their licenses.⁸⁰

As of June 2009, security workers will be permitted to carry and use specific restraining devices if the worker has been authorized by the registrar to carry and use restraints. The authorization will be indicated on the worker’s license. Information on the training necessary to carry a restraining device will be made available on the MPSSG website closer to the implementation date.⁸¹

PART 10: IS PRIVATE POLICING DEMOCRATIC POLICING?



According to the Law Commission of Canada, there are four core principles that support democratic policing: justice, equality, accountability and efficiency.⁸² These principles ought to apply whether policing work is being carried out by a public or a private body.

This study has provided an overview of some concerns related to policing activities carried out by private companies in the City of Vancouver. This cursory examination suggests that current private security services do not support the four core principles identified by the Law Commission of Canada.

Justice

Justice means that all individuals ought to be treated fairly and their rights respected.⁸³

This study suggests that the practices of some private security companies are not in keeping with the principle of “justice.” Survey respondents and focus group participants reported that their right to make use of public space has been unfairly infringed upon by private security guards. They reported being harassed on streets and sidewalks, inside of hospitals and government offices and sometimes inside the residential buildings where they live. Poor residents of the Downtown Eastside, who are disproportionately Aboriginal and/or suffering from a physical or mental disability, are frequently asked to leave public and mass private property

and have reported feeling judged based on their appearance. Many poor and homeless residents reported being the victims of violence at the hands of security guards.

When we consider that 32 percent of homeless survey respondents reported having force used against them by private security guards, there is reason to believe that increased presence of guards on the street may in fact increase levels of victimization among this vulnerable population. Both survey respondents and guards⁸⁴ have suggested that there is little recourse available to marginalized people treated unjustly by private security guards.

Equality

Equality means, first, that all Canadians ought to receive policing services sufficient to feel safe in their community. Equality also means that there ought to be representation and participation from all members of society in the delivery of policing services.⁸⁵

Homeless people are in need of protection from violent crime. One Toronto-based study found that homeless men

are nine times more likely than the general population to be murdered.⁸⁶ One-third of homeless women report experiencing major violence while homeless, and sexual assaults against homeless women are reported to be especially violent.⁸⁷ Not surprisingly, some survey respondents noted that they would like to see more security on the streets because they feel afraid in the neighbourhoods where they are forced to live and sleep. However, many people living in the Downtown Eastside feel that private security guards are not there to protect them.



Homeless people are in need of protection from violent crime... However, many people living in the Downtown Eastside feel that private security guards are not there to protect them.

While the number of eyes on the streets may be increasing, the primary goal of security patrols is to protect the property and business interests of clients. The negative impact that this has on equality in access to policing services and input into the delivery of policing services is exacerbated by programs like “Operation Cooperation” that give an even louder voice to the consumers of private security services in dictating policing priorities, and by the City of Vancouver’s decision to expand the Downtown Ambassadors program and make funding for private security available only to BIAs.

Accountability

Accountability means that the actions of a body are subject to review and that there are formal channels that an individual can use to lodge a complaint.⁸⁸

There are two main issues related to the accountability of private security providers: accountability of guards to those they police, and accountability in terms of the allocation of public funds for private security enterprises.

When an individual feels that their rights have been violated by a security guard, they have the right to make a complaint. Information about the complaints process is available on the MPSSG website. All complaints must be submitted to the registrar in writing, preferably on the online form provided on the website. Upon receipt of a complaint, the registrar will review the allegation(s) and where necessary assign an inspector to investigate the circumstances of the complaint. Regulatory action may be taken where it is appropriate.⁸⁹ The registrar is required to acknowledge receipt of the complaint within 30 days and to outline the reason for the decision if the complaint is not accepted for investigation. If the complaint is accepted for investigation, the registrar is required to send a letter to the complainant outlining the results of the investigation.

Only 39 of 154 survey respondents reported that they were aware of the process for making a complaint about a security guard’s conduct. Given the high level of contact between respondents and private security guards, this is a troubling figure. No data was collected from respondents who did not know about the complaints process as to whether they had ever made a complaint, whether they found the process accessible, or whether they were satisfied with the results. However, given that homeless individuals are most likely to be victimized by private security guards, there are concerns related to accessibility.

The Security Program and Police Technologies Division plans to enhance awareness of the complaints procedure by posting information on their website, providing information to individuals who contact the division by phone and informing industry and stakeholder organizations of the complaints process. Two of these methods of providing information

about the complaints process require that the individual know that the Security Program and Police Technologies Division of the MPSSG is responsible for security guard complaints. Not a single focus group participant was aware of this.

Even in cases where people do know how to complain, victims of assault or discrimination by security guards are not generally considered credible, and biases against marginalized people are compounded by the fact that security guards are in a position to provide the official written account of the event. Andrew, the security guard whose story is told in the introduction, said that at his worksite reports were altered to protect the security guards:

Reports submitted by guards would be dictated to [the site supervisor], who would use leading questions and change phrasing to alter the meaning of the report to something more acceptable than what was actually happening on the street.

The second issue related to accountability is the allocation of public funds for private security endeavors. Federal, provincial and municipal decisions to contract out formerly public security-related jobs have led to new opportunities for security entrepreneurs. Vancouver Coastal Health, for example, contracted out their non-healthcare related services as a cost saving measure. Security was in large part handed over to Paladin Security. Paladin was awarded a five year \$23 million contract to provide security at hospitals.

There are concerns related to how government contracts for security services are awarded. City of Vancouver staff recommended that the City's award of \$872,000 to fund the expansion of the Downtown Ambassador program take the form of a grant, which requires eight votes in order to pass and results in greater oversight and accountability to council than a contract. However, when it became clear that opposition councilors would not support the use of public money for private security, the NPA-dominated council reclassified the program's funding as a contract, which only requires six votes in favour. Mayor Sam Sullivan cast the sixth vote needed to pass the motion.⁹⁰

This process is problematic because public funds for policing services are being diverted out of the public system to a private company that is overseen by a BIA. The President of the Vancouver Police Union states that "City council has done almost nothing to address the well-documented staffing issues that we're struggling with... Yet with little or no consultation, they come up with almost a million dollars to fund what is essentially a private security company." He goes on to add that the program "Has no public oversight."⁹¹



The City of Vancouver recently awarded a \$872,000 contract to the Downtown Ambassadors project, however, this subsidy has not come with the accountability requirement that would have been built into a grant

Two focus group participants had ideas about how the money currently earmarked for BIA-led private security programs could be better spent:

I think the money should go to the Carnegie Outreach Team, because those are our ambassadors. They are

private security for us, they protect our security.⁹²

Why can't there be a security company that just looks after the homeless down here? Get rid of all them others, and just get some responsible guards that walk the streets. Pay them the same wages, they only earn like eight bucks these guys in any case. You get guys who have straightened up, guys who will really clean up the needles, we don't need those other wannabes, because they don't know what the life is down here in the first place. The only guys who know what the life is down here are the guys who have lived down here, and I can tell you they can handle things a lot better.⁹³

Even among BIAs there are concerns about the expansion of the Ambassadors program because the new money for security services is available only to associations using a specific security provider. All of Vancouver's 19 BIAs can apply for some of the funding, but they must use the staff of Genesis Security. The Chinatown Merchants' Association, which has been funding private security patrols for over 15 years, is upset with the non-transparent way in which the exclusive deal was reached. Association chairperson Tony Lam argues that Chinatown has different security needs than the Downtown core and that merchants in the area have long established relationships with existing guards.⁹⁴

Efficiency

Efficiency means that services are provided in a cost-effective manner.⁹⁵

The central argument in favour of contracting out security services is cost-efficiency. Private security services are purported to be more efficient, as they can provide services more cheaply due mainly to lower labour costs. For example, the contract with Paladin Security reportedly provided the Vancouver Coastal Health Authority with five million dollars in savings while expanding security services.⁹⁶ However, the efficiency argument only holds if the less expensive services are in fact comparable to the services they are replacing.

Most security guards in Vancouver are working for near minimum wage. They receive few if any benefits, minimum safety conditions are not always adhered to, and guards are routinely asked to forego overtime pay in exchange for more

hours.⁹⁷ Low wages and poor working conditions negatively effect the quality of security services and contribute to poor employee morale, high turnover, overreaction to on-the-job stressors and, in some instances, negligent or criminal behaviour on the part of guards.⁹⁸

The move toward privatized policing has been spurred by a desire to save money. There are, however, trade-offs. Public workers, making a union wage and with legitimate channels through which to voice grievances, have a much more vested interest in doing the job they have been hired to do, than low paid, insecure workers.

PART 11: RECOMMENDATIONS



Recommendation 1: A moratorium on moving homeless people from public space.

The City of Vancouver must explicitly recognize that homelessness, including street homelessness, is a structural problem. Until more shelter spaces and affordable housing units are created, by-laws and private security programs targeting people sleeping on the streets will not be effective. The City must provide spaces where homeless people may sleep and sit without being harassed by security guards or public police.

Recommendation 2: A moratorium on public funding for private police until the impact of private security on the rights of low-income individuals is investigated by the City.

The City should halt all future public funding for private security initiatives until a full investigation of the issues raised in this report can be carried out. These issues include, but are not limited to:

- misrepresentation of the law or the power of security guards to enforce the law
- profiling based on race, colour, ancestry, disability or socio-economic status
- unnecessary use of force or threats of violence
- illegally disposing of the personal belongings of homeless people
- illegal information collection practices by private security companies
- illegal information sharing practices between private security and public police
- inadequate training and poor working conditions in the industry.

Recommendation 3: Funding for educational programming and public awareness initiatives to ensure people are aware of their rights when interacting with security guards.

The City and MPSSG should:

- promote public education about the status and rights of private security personnel including the Downtown Ambassadors
- ensure that the complaint process is both well publicized and easily accessible to those with language barriers, disabilities, low literacy and to people with no fixed address.

Recommendation 4: Make private security more responsive to the needs of marginalized communities.

The City should:

- require that all security personnel contracted to patrol public areas, including supervisors and managers, receive appropriate anti-discrimination training. Such training should include both anti-racism and disability components
- work with marginalized communities to develop policing initiatives that address the safety concerns of all residents. The Carnegie Outreach Team serves as an example of this type of initiative.

Recommendation 5: Implement a strong system of accountability for private security.

The City and MPSSG should:

- establish an independent investigation agency with citizen oversight for complaints against security guards

- increase investigation and enforcement efforts to ensure that individual staff and security companies engaging in illegal or discriminatory practices face stiff penalties, and ensure that procedures are in place for criminal charges when appropriate
- implement accountability mechanisms to ensure that clients of private security companies found to engage in illegal or discriminatory practices also face legal liability for the actions of their agents.

ENDNOTES

1. Figure comes from “NPA’s dish out \$782,000 in no-bid Ambassador contract” retrieved January 14, 2008 from www.straight.com/article-125299/npa-pushes-downtown-ambassadors-funding-through-council. The Downtown Ambassadors is a program currently paid for by the Downtown Vancouver Business Improvement Association but operation of the program is contracted out to Genesis Security. In December, council asked staff to prepare a contract for the DV BIA for the deployment of guards in the downtown area on a 24-hour, seven-days-a-week basis at a cost of \$237,000. The DV BIA will also be responsible for expanding the program to other BIA areas. For this purpose, council allocated \$500,000 in program costs and \$45,000 in technology and vehicle costs on a one-time basis. Georgia Straight (March 27, 2008) “Business Improvement Associations Differ on Ambassadors.”
2. Currently Downtown Ambassadors patrol the 90 city blocks that make up the Downtown Vancouver Business Improvement Area. The program’s budget for 2007-2008 is \$961,140 or 59 percent of the DV BIA’s total programming budget.
3. Mass private property refers to property that is technically private, but which is normally open and accessible to the general public, such as shopping malls.
4. www.bcbusinessonline.ca/node/1733
5. Law Commission of Canada (2002) “In Search of Security: The Roles of Public Police and Private Agencies” pg. 10.
6. The West Edmonton Mall security service, for example, employs 50 security officers and “engages in more arrests and order maintenance than many suburban or rural Canadian police forces.” Ibid, pg. 16.
7. Figure comes from “NPA’s dish out \$782,000 in no-bid Ambassador contract” retrieved January 14, 2008 from www.votevision.ca/News/2007/12/RecentNews187/index.cfm. The Down Ambassadors is a program currently funded by the Downtown Vancouver Business Improvement Association but operation of the program is contracted out to Genesis Security.
8. Currently Downtown Ambassadors patrol the 90 city blocks that make up the Downtown Vancouver Business Improvement Area. The program’s budget for 2007-2008 is \$961,140, or 59 percent of the DV BIA’s total programming budget.
9. Survey respondents were offered the choice of a cigarette or a piece of fruit, prior to completion of the survey.
10. Focus groups were held at the Vancouver Area Network of Drug Users and the Lifeskills Centre.
11. Bennett, Darcie (2008) *Securing the Neo-liberal City: Risk Markets, Gentrification and Low-Wage Work in Vancouver*. Some interview data from the study reproduced with the permission of the author.
12. There are a number of laws that restrict the use of public space, including the Parks Control By-law which restricts access to city parks to daytime hours, the Land Regulation By-law which forbids building a shelter from the elements on all city property, and the city Health By-law which bans public urination and defecation. The Criminal Code of Canada makes loitering a summary offence, while B.C.’s Safe Streets Act restricts where and how an individual can panhandle. These laws exist in a tension with constitutionally protected rights of freedom of movement and expression.
13. Survey #36.
14. Focus group #2.
15. Focus group #2.
16. Focus group #2.
17. Focus group #1.
18. Focus group #1.
19. This focus group participant explained that the community outreach centre where he is an active volunteer allows people to sit under the overhang, and that the security guards were not acting on the instructions of centre staff.
20. Focus group #2.
21. Safe Streets Act [SBC 2004] Chapter 75.
22. Beck A. and Willis A. (1995) *Crime and Security: Managing the Risk to Safe Shopping*. Leicester: Perpetuity Press.
23. Law Commission of Canada (2002:40).
24. Focus group #1.
25. Bennett (2008), *supra*, note 11.
26. Survey #153.
27. Survey #15.
28. Focus Group #1.
29. Focus Group #2.
30. www.genesissecurity.com/content.php?section=22
31. Radekv. Henderson Development (Canada) Ltd., [2005] B.C.H.R.T.D. No. 302 at para. 400.
32. It is important to note that homeless counts always underreport true homeless numbers, not only because they only count the homeless people they find, but also because they require people to self-identify as homeless. For example during the 2008 GVRD homeless count, 398 people were perceived to be homeless but either refused to be interviewed or were sleeping, and therefore are not included in the total number. Greater Vancouver Regional District, (2005) *On our streets and in our shelters... Results of the 2005 Greater Vancouver Homeless Count*. Greater Vancouver Regional District (2008) *2008 Homeless count preliminary findings*.
33. Greater Vancouver Shelter Strategy statistics as compiled by B.C. Housing and available at <http://www.pivotlegal.org/pdfs/ShelterTurnaways-numbers-May2008.PDF>
34. Focus group #1.
35. A 2005 report on the homeless in Greater Vancouver conducted by the Social Planning and Research Council of B.C. found that 34 percent of the street homeless population in Vancouver is Aboriginal, whereas Aboriginal people make up only two percent of the population as a whole. The study also identified 74 percent of homeless people as having one or more chronic health conditions, with addiction being the most common condition. According to the report 21 percent of the street homeless population have a mental illness and 25 percent have a physical disability beyond simple addiction.
36. Focus Group #1.
37. See *Cracks in the Foundation: Solving the Housing Crisis in Canada’s Poorest Neighbourhood* available for download at www.pivotlegal.org for a full discussion of the barriers to housing faced by homeless and marginally housed people in Vancouver.

38. There are currently 1,028 known shelter beds in Metro Vancouver, while the GVRD homeless count conducted in March 2008 counted 2592 homeless people during a 24 hour period. Shelter statistics provided to Pivot legal Society indicate that in the nine month period between April 2007 and January 2008, people were turned away from shelters on 40,000 separate occasions.
39. The code reads: (1) Any one may arrest without warrant: a person whom he finds committing an indictable offence; or a person who, on reasonable grounds, he believes has committed a criminal offence, and (1) is escaping from and freshly pursued by persons who have lawful authority to arrest that person. (2) Any one who is the owner or a person in lawful possession of property, or a person authorized by the owner or by a person in lawful possession of property, may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property. (3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver that person to a peace officer.
40. Law Commission of Canada (2002:34).
41. The Law Commission of Canada (2002:28) notes that the right to search anyone on a premises can extend to situations where the proprietor has simply posted a sign (clearly visible at the entrance way) stating that persons entering the store consent to having their bags searched.
42. Focus group #2.
43. Focus group #2.
44. Beginning in June 2009, security guards will be allowed to carry and use restraints provided they are properly licenced. <http://www.pssg.gov.bc.ca/securityindustry/whalsrew/index.htm>
45. Focus group #2.
46. Focus group #1.
47. Focus group #1.
48. Focus group #2.
49. Bennett (2008), supra, note 11.
50. Ibid.
51. Ibid.
52. Focus group #1.
53. Focus group #1.
54. Bennett (2008), supra, Note 11.
55. Queens' Printer "Section 8 (1) Private Investigators and Security Agencies (Ministerial) regulation. B.C. Reg. 4/81 [includes amendments up to B.C. Reg. 245/2000].
56. Focus group #1.
57. The Private Investigators and Security Agencies Ministerial Regulation. B.C. Reg. 4/81 [includes amendments up to B.C. Reg. 245/2000] Section 6d state that a vehicle operated by a security business licensee carrying on the business of security patrol or private investigation must not "have markings that by design cause the vehicle to resemble a police or other emergency vehicle."
58. Focus group #2.
59. Law Commission of Canada (2002:17).
60. Law Commission of Canada (2002:19) (guarding bridges, providing access control at police stations, maintaining court security, and issuing parking tickets have all been contracted out in some jurisdictions across Canada).
61. CBC (January 14, 2008) "Vancouver police sue city over private security deal" available at www.cbc.ca/canada/british-columbia/story/2008/01/14/bc-vpdlaunch-petition.html
62. Andrew, affidavit, sworn May 7th 2007.
63. City of Vancouver (December 4, 2007) "Supports Item No. 10 CS&B Committee Agenda December 11, 2007, pg.2.
64. Ibid.
65. Ibid.
66. Survey #159.
67. Survey #90.
68. Focus group #2.
69. Focus group #1.
70. 1 Law Commission of Canada (2002: 43)
71. The SSA replaces the Private Investigators and Security Agencies Act which was in force while data were being collected for this study. The major difference between the Acts is that a greater range of security providers are now required to hold a valid license and individual employees bear responsibility for maintaining their license. Contract security guards were already required to hold a valid license at the time of data collection.
72. Security Services Regulation Sec. 14 B.C. Reg. 207/2008 o.c. 438/2008 available at www.qp.gov.bc.ca/streg/reg/S/207_2008.htm
73. Private Investigator and Security Agencies Act Security Patrol Regulation [includes amendment up to BC Reg. 141/97]
74. Justice Institute of British Columbia "Security programs -- policy and procedure manual"
75. There are currently 14 institutions providing this training in Vancouver with 12 more providing the training in the rest of the Lower Mainland (Justice Institute of British Columbia).
76. 2008
77. E-mail Correspondence with staff at the Justice Institute of B.C.
78. More information on the BST program is available at www.jibc.bc.ca/police/programs/security_training/index.htm
79. E-mail Correspondence with staff at the Justice Institute of B.C.
80. <http://www.pssg.gov.bc.ca/securityindustry/>
81. <http://www.pssg.gov.bc.ca/securityindustry/whatsnew/index.htm>
82. (2002:5).
83. Law Commission of Canada (2002:5).
84. See Bennett (2008).
85. Law Commission of Canada (2002:5).

86. Institute for the Prevention of Crime, Homelessness, Victimization and Crime: Knowledge and Actionable Recommendations.
87. Ibid.
88. Law Commission of Canada (2002: 5)
89. <http://www.pssg.gov.bc.ca/securityindustry/complaint/index.htm>
90. Travis Lupick (December 17, 2007) "NPA pushed Downtown Ambassador funding through Council" available at <http://www.straight.com/article-125299/npa-pushes-downtown-ambassadors-funding-through-council>
91. CBC (January 14, 2008) "Vancouver police sue over private security deal" available at www.cbc.ca/canada/british-columbia/story/2008/01/14/bc-vplaunchpetition.html
92. Focus group #2.
93. Focus group #2.
94. CBC (January 4, 2008) "Chinatown merchants protest private security contract" available at www.cbc.ca/Canada/british-columbia/story/2008/01/04/bc-chinatown-security.html
95. Law Commission of Canada (2002: 5)
96. Vancouver Coastal Health, (www.vch.ca).
97. Bennett (2008), *supra*, note 11.
98. Ibid.