



VANCOUVER POLICE DEPARTMENT

PUBLIC DEMONSTRATION GUIDELINES

Updated May 2017

Objective

The purpose of these Public Demonstration Guidelines is to provide general information on how the Vancouver Police Department (VPD) manages public demonstrations. Maintaining the public peace is a critical police function. It is, however, a challenging responsibility as police must use discretion and balance the right to peaceful assembly and protecting people and property in policing public order events.

The VPD manages approximately 600 public gatherings a year. These range from large planned public events such as the Celebration of Light, to numerous other gatherings and protests, which evolve into major demonstrations. While the vast majority of these events end peacefully and with minimal disruption to the public, some do not; these are characterized as “high risk” demonstrations. These high-risk demonstrations may result in consequences such as an arrest, which in some cases demonstrators are willing to accept in order to convey their message. While these Public Demonstration Guidelines govern all public gatherings policed by the VPD, they specifically apply to the way in which we police “high-risk” demonstrations.

General Guidelines

In 2002, the VPD implemented significant changes to its large crowd response, including new tactics, restructuring, and coordination of departmental critical resources. As a result of these changes, the Public Order Group (POG) was formed to include various units and resources: horses, canine, bicycles, and negotiators working together with the Public Safety Unit (PSU). All members of the POG receive specialized training in crowd control and management. The POG will police all large-scale public gatherings, such as Celebration of Light and the annual “4/20” protest.

The VPD’s primary function is to uphold the law; any police action taken is based on policies and practices compliant with relevant statutes and case law. The VPD recognizes the right to lawful protest, and that at times the rights of demonstrators will collide with the rights of others, thus discretion to enforce the law is necessary and desirable. Due to the constant evolution of the law and surrounding circumstances, these guidelines will also evolve congruent with any changes.

As described above, the VPD’s approach to policing public order events is well-supported in law. Section 2 of the *Canadian Charter of Rights and Freedoms* sets out the fundamental freedoms, including freedom of peaceful assembly. The *Charter* is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the *Charter*. In addition to the *Charter*, there is a long-standing recognition by the Courts that the use of police discretion in consideration of the proportionality to the material circumstances is entirely appropriate.

Public Demonstration Guiding Principles

While the *Charter* enshrines the public’s right to lawful assembly, there is often a tension between that right and other statutory laws such as the *Provincial Motor Vehicle Act* and the City of Vancouver Street and Traffic By-law. This tension requires police to make difficult and carefully thought out decisions in these situations. For example, to engage in enforcement action against every cyclist during the Critical Mass demonstrations would

cause the ride to become significantly longer and would exponentially disrupt traffic. This would have the added effect of increasing tension between the cyclists and motorists as the ride becomes longer because of police enforcement action. This may lead to violence that otherwise would not have occurred, and put the police and public at risk.

The VPD's Strategic Plan hinges on our organizational values of integrity, compassion, accountability, respect, and excellence. These values are enhanced by principles that guide the VPD, and which have become foundational to the VPD's Public Order policing:

- **Justification:** all police actions shall be pursued toward a necessary and legitimate policing objective.
- **Proportionality:** the risk and impact of police actions shall be proportional to the priority of the policing objectives, and the severity of the situation in need of intervention.
- **Intrusiveness:** police actions should be the least intrusive available, as required to achieve success in fulfilling policing responsibilities.

Holistically, police discretion applied with these principles will lessen the impact faced by the public while allowing the event to occur in a safe manner.

When policing public demonstrations, the VPD's goals include but are not limited to:

- Preventing criminal acts from taking place.
- Ensuring that the safety of demonstrators, the public, and the police is maintained.
- Ensuring that the public peace is maintained.

The VPD's policing approach for crowd management often incorporates a friendly yet professional approach, with an emphasis on responsible celebration and lawful demonstration. This can best be described as emphasizing public safety first and foremost, and using an approachable, professional style where appropriate.

During fundamentally lawful demonstrations, the VPD shall endeavor to prevent escalation of confrontations, potentially leading to violence or injuries to the public or VPD members. The VPD uses recognized best practices in its training and preparations for policing public demonstrations, often employing considerable discretion and tolerance when public gatherings may otherwise violate laws or bylaws. For example, the VPD may tolerate demonstrators occupying a busy downtown intersection for a short period to convey a message, but may step in once the demonstration unduly disrupts traffic.

The VPD's philosophy dictates the following guidelines:

- **Facilitate and protect the public's right to freely speak and assemble.**
- **Use restraint in the use of force. Protect people first, property second.**
- **Consider police officer safety when deciding on a course of action.**

The VPD acknowledges the inherent risks in policing; however, we will not place our officers in high-risk situations for minor matters.

- **Police actions are grounded in the principles of proportionality, lawful justification, and using the least intrusive means necessary.**

Any decision to intervene will take into consideration the impact demonstrators have on others and the proportionality of police intervention. While some demonstrator actions might be highly visible and annoying, they may not have a large impact on people working, commuting, or living in the area, thereby not justifying an overt police response.

- **Practice open and frequent communication with the public and the media.**

When events are being planned, it is beneficial for the police to speak with the organizers before, during, and after that event. A cooperative communication strategy is fundamental to not only safely policing demonstrations, but to the peaceful realization of the goals of the demonstrators. This reinforces the police role as facilitators rather than a force to be confronted. Maintaining a dialogue allows the opportunity to encourage peaceful gatherings and minimize sources of conflict.

- **Leadership in preparation and training for public order events.**

With proper training and team operations, the crowd may be influenced by the level of professionalism demonstrated by the police. VPD studies similar events and outcomes from other cities to continuously improve our own training and tactics.

- **The police are peace-keepers.**

This is the primary function at any large demonstration. If an arrest must be made, or enforcement action taken, it should be directed toward individuals who threaten the peace of the event. There may be times when a decision is made to disperse a crowd to preserve peace and prevent injuries and property damage. This is best done by officers possessing the specialized skills and equipment. It is imperative to have a philosophy that encourages peaceful gatherings but to be prepared for circumstances that may dynamically and suddenly turn a crowd confrontational.

Police Discretion

The importance of discretion and proportionality relative to material circumstances has long been recognized by the courts as legitimate considerations for law enforcement. The fact that the police have a duty to enforce the law does not eliminate or override such discretion, and a Chief Constable has considerable independence in deciding what and how laws will be enforced. For example, the British Columbia Criminal Justice Branch, Ministry of Attorney General Crown Counsel Policy Manual states:

Acts of civil disobedience, including conduct involving public demonstrations, may come into conflict with the law and obstruct or interfere with the rights of others. The use of criminal sanctions in these situations may not always be in the public interest.

The ability to use one's judgment to adapt the process of law enforcement to individual circumstances and to real-life demands of justice is in fact the basis of police discretion. What La Forest J. said in *R. v. Beare*, [1988] 2 S.C.R. 387, at p. 410, is directly on point:

Discretion is an essential feature of the criminal justice system. A system that attempted to eliminate discretion would be unworkably complex and rigid.

A police officer who has reasonable grounds to believe that an offence has been committed, or that a more thorough investigation might produce evidence that could form the basis of a criminal charge, may exercise their discretion to decide not to engage the judicial process. This discretion is not absolute; police officers must justify their decisions.

The VPD's approach to policing demonstrations is based on the rule of law, and is in accordance with rights enshrined in the *Charter*. These guidelines are also rooted in the guiding values and principles of the VPD.

Conclusion

The way in which the VPD polices public order events has proven to be successful at several recent large and high profile events. Further, the guidelines that shape the way in which the VPD polices such events are consistent with best practices of other police agencies and flow from the rule of law. They are designed to recognize the public's right to lawful assembly while upholding the law in a proportionate manner and with the least level of intrusiveness. These guidelines are consistent with Canadian law, the VPD's Strategic Plan, and they are embodied in the VPD's Public Order guiding principles.