

## **Open Letter Regarding Illegitimate Confiscation of Personal Property by Officers of the Vancouver Police Department on 9 March 2013**

30 March 2013

To: Chief Constable Jim Chu, Vancouver Police Department  
To: Mayor Gregor Robertson, Chair, Vancouver Police Board  
cc: Josh Paterson, Executive Director, BC Civil Liberties Association

### **The Event of March 9**

[The following account is adapted from a report of the event written by Kim Hearty on 10 March 2013.] On the evening of Saturday March 9, at around 6:00 pm, Sergeant Mark Steinkampf (badge number 1607) of the Vancouver Police Department forcibly confiscated personal property from three persons on the public sidewalk in front of PiDiGiN at 350 Carrall Street in Vancouver. The property consisted of a light wooden frame supporting a black cloth banner bearing the message: "See the Rich – 5¢". At the time two persons were holding the object as signage. The object can be seen in this photograph from the evening:



Sergeant Steinkampf pried Kim Hearty's fingers from the object as she and Nicholas Ellan held it in the air between them like a placard. Steinkampf told her that the action was "in violation of the structures bylaw." Hearty replied that if she were violating the bylaw, she should be given a ticket. She then received this reply from Steinkampf: "I'm using discretion. I'm being generous. You're lucky this time." Subsequently Hearty attempted to retrieve the object from the trunk of a squad car, where it had been secured with caution tape. Two female officers then intervened and threatened to charge Hearty with "something more serious." Hearty challenged them to do so. The police officers responded by getting into the vehicle and leaving the scene of their crime.

## **Context**

PiDGin at 350 Carrall Street has since 5 February 2013 been the site of regular picketing in protest of gentrification in the Downtown Eastside. The signage used in the picketing clearly relates to political protest. It seems certain that the bylaw, vaguely referred to by Sergeant Steinkampf, would be the measure passed by Vancouver City Council on 19 April 2011 under the rubric "Amendments to the Street and Traffic By-law to Facilitate Use of Structures on Streets for Political Expression." A detailed account of the bylaw, with references, can be found in the article *Strictures for Political Expression* <<http://themainlander.com/2011/09/01/strictures-for-political-expression/>>. There appears to have been no subsequent application of this bylaw to anything other than the Falun Gong protest outside the Chinese Consulate on Granville Street, which was the evident and specific target of the bylaw. It could be supposed that Vancouver municipal authorities and their enforcers are anxious to avoid any further testing of this dubious ad hoc piece of legislation.

## **Remedy Sought**

The Vancouver Police Department is hereby requested to return the confiscated property as soon as possible through dropoff during open hours at Spartacus Books, 684 East Hastings Street, Vancouver, BC V6A 1R1. If a law is being broken, appropriate procedure would seem to be issuance of warning, followed by ticketing, followed by due process within normal channels. A letter of apology from police officers who chose to act inappropriately in this circumstance should accompany return of the property.

Nicholas Ellan  
Kim Hearty  
Joseph Jones  
Joel Short