



City of Surrey

Open Public Safety Committee

Minutes

Manager's Boardroom
City Hall
14245 - 56 Avenue
Surrey, B.C.
WEDNESDAY, JANUARY 15, 2003
Time: 9:07 a.m.

Present:

Chair: Councillor D. Watts
Councillor B. Steele
Councillor G. Tymoschuk
Councillor M. Hunt
Inspector D. Kaluza, OIC,
Community Policing Services,
"E" Division
Sergeant D. Semple, RCMP

Absent:

Staff Present:

City Manager
A/Commr. G. Forbes, RCMP
City Solicitor
Fire Chief Garis
J. Sherstone, Manager, By-law & Licensing
Services
S. Palmer, Legislative Services

The Chairperson indicated that the agenda order would be varied to accommodate the introductions of RCMP officers.

B. ITEMS REFERRED BY SURREY R.C.M.P.

1. Introduction of RCMP Officers

Constable Julie Courchine, District Office 2 (Guildford/Fleetwood):

- Constable Courchine has been in Surrey since March 2002.
- She is originally from Winnipeg, Manitoba.
- She has a degree in Criminology and volunteered with Youth Groups and Troubled Family Services.
- She chose policing because she enjoys dealing with people.
- She indicated there is a huge learning curve in Surrey and that she has learned a great deal about various ethnic origins and cultures.

Owan Long, District Office 5 (South Surrey):

- Constable Long stated that he is originally from the Ottawa area and that he attended Seneca College in Toronto.
- He was a professional commercial diver for four years, engaged in working with many projects ranging from nuclear sites to sewage treatment plants.

Councillor Steele entered the meeting at 9:10 a.m.

- He enjoys policing because of the wide variety of work involved.
- He has been with District Office 5 for three months.

Constables Courchine and Long left the meeting at 9:11 a.m.

C. DELEGATIONS

1. Proposed Changes to the Young Offenders Act/Youth Criminal Justice Act

Inspector D. Kaluza, OIC, Community Policing Services, "E" Division, was in attendance to speak to the proposed *Youth Criminal Justice Act*.

On February 4, 2002, Parliament passed Bill C-7, the *Youth Criminal Justice Act* (YCJA). The new law will replace the *Young Offenders Act* (YOA), and is expected to be proclaimed in force on April 1, 2003.

Inspector Kaluza reported the following:

- The present system lacks a clear and coherent youth justice philosophy.
- Incarceration is overused – Canada has the highest youth incarceration rate in the Western world, including the United States. The province with the least amount of incarcerated people is Quebec due to the manner in which the *Young Offenders Act* is applied, the next lowest rate occurs in B.C. Saskatchewan and Manitoba place a heavy emphasis on the use of courts.
- The courts are over-used for minor cases that can be dealt with better outside the courts.
- Sentencing decisions by the courts have resulted in disparities and unfairness in youth sentencing and delays in cases going forward resulting in a loss of impact of message.
- The *Young Offenders Act* does not ensure effective reintegration of a young person after being released from custody.
- The process for transfer to the adult system has resulted in unfairness, complexity and delay.
- The system does not make a clear distinction between serious violent offences and less serious offences.
- The system does not give sufficient recognition to the concerns and interests of victims.

Councillor Hunt entered the meeting at 9:15 a.m.

- The Youth Criminal Justice Act builds on the strengths of the *Young Offenders Act* (YOA) and introduces significant reforms that address its weaknesses. The YCJA provides the legislative framework for a fairer and more effective youth justice system.
- The Preamble, while not legally enforceable, contains significant statements from Parliament about the values on which the legislation is based. These statements can be used to help interpret the legislation and include the following:
 - Society has a responsibility to address the development challenges and needs of young persons.

- Communities and families should work in partnership with others to prevent youth crime by addressing its underlying causes, responding to the needs of young persons and providing guidance and support.
- Accurate information about youth crime, the youth justice system and effective measures should be publicly available.
- Young persons have rights and freedoms, including those set out in the United Nations Convention on the Rights of the Child.
- The youth justice system should take account of the interests of victims and ensure accountability through meaningful consequences and rehabilitation and reintegration; and
- The youth justice system should reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration.

The Declaration provides that:

- The objectives of the youth justice system are to prevent crime; rehabilitate and reintegrate young persons into society; and ensure meaningful consequences for offences. In these ways, the system can contribute to the long-term protection of society.
- The youth justice system must reflect the fact that young persons lack the maturity of adults. The youth system is different from the adult system in many respects, including: measures of accountability are consistent with young persons' reduced level of maturity; procedural protections are enhanced; rehabilitation and reintegration are given special emphasis; and the importance of timely intervention is recognized.
- Young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the crime.
- Within the limits of fair and proportionate accountability, intervention should reinforce respect for societal values, encourage the repair of harm done, be meaningful to the young person, respect, gender, ethnic, cultural and linguistic differences and respond to the needs of Aboriginal young persons and of young persons with special requirements.
- Youth Justice proceedings require special guarantees to protect the rights of young people; courtesy, compassion and respect for victims; the opportunity for victims to be informed and to participate; and that parents be informed and encouraged to participate in addressing the young person's offending behaviour.

Extrajudicial Measures:

One of the key objectives of the Youth Criminal Justice Act is to increase the use of effective and timely non-court responses to less serious offences by youth. These extrajudicial measures provide meaningful consequences, such as requiring the young person to repair the harm done to the victim. They also allow early intervention with young people and provide the opportunity for the broader community to play an important role in developing community-based responses to youth crime. Increasing the use of non-court responses not only improves the response to less serious youth crime, it also enables the courts to focus on more serious cases.

There are provisions to increase the appropriate use of extrajudicial measures for less serious offences, including the following principles:

- Extrajudicial measures should be used in all cases where they would be adequate to hold the young person accountable.
- Extrajudicial measures are presumed to be adequate to hold first-time, non-violent offenders accountable;
- Extrajudicial measures may be used if the young person has previously been deal with by extrajudicial measures or has been found guilty of an offence.

The YCJA sets out clear objectives guiding the use of extrajudicial measures including repairing the harm caused to the victim and the community; providing an opportunity for victims to participate in decisions; ensuring that the measures are proportionate to the seriousness of the offence; and encouraging the involvement of families, victims and other members of the community. The YCJA requires police officers to consider the use of extrajudicial measures before deciding to charge a young person. Police and prosecutors are specifically authorized to use various types of extrajudicial measures:

- Taking no further action.
- Informal warnings by police officers.
- Police cautions are more formal warnings.
- Crown cautions are similar to police cautions but prosecutors give the caution after the police refer the case to them.
- Referrals of young persons by police officers to community programs or agencies.
- Extrajudicial sanctions or alternative measures are the most formal type of measure and may be used only if the young person admits responsibility for the offence. The Attorney General determines if there is sufficient evidence to proceed with a prosecution.

Conferences:

Conferences are encouraged to assist decision-makers in the youth justice system to make decisions such as appropriate extrajudicial measures; conditions for release from pre-trial detention; appropriate sentencing; and plans for reintegrating the young person back into his or her community after being in custody. The statement was made that conferencing already takes place in Surrey through community-based groups.

Pre-trial Detention:

In response to concerns that pre-trial detention is over-used under the YOA, the YCJA includes the following changes:

- Pre-trial detention is not to be used as a substitute for child protection, mental health or other social measures.

- If the young person could not be sentenced to custody if convicted, the judge is required to presume that pre-trial detention of the young person is not necessary for the protection or safety of the public.
- If a young person would otherwise be detained, the judge is required to inquire as to whether a responsible adult is available who would be willing to take care of the young person as an alternative to pre-trial detention.

Youth Sentences:

Custody is to be reserved primarily for violent offenders and serious repeat offenders. A young person cannot be committed to custody unless:

- The young person has committed a violent offence;
- The young person has failed to comply with non-custodial sentences;
- The young person has committed a serious indictable offence and has a history that indicates a pattern of offences; or
- In exceptional cases where the young person has committed an indictable offence, the aggravating circumstances of the offences are such that it would be impossible to impose a sentence other than custody.

Sentencing Options:

- Reprimand – a stern lecture or warning from the judge in minor cases.
- Intensive support and supervision order – provides closer monitoring and support than a probation order to assist the young person in changing his or her behaviour.
- Attendance order – requires young person to attend a program at specified times and on conditions set by the judge.
- Deferred custody and supervision order – allows young person who would otherwise be sentenced to custody to serve the sentence in the community under conditions.
- Intensive rehabilitative custody and supervision order – special sentence for serious violent offenders.

The age at which the presumption of an adult sentence applies is lowered to 14; however, provinces have the authority to set the age at 15 or 16. The YCJA eliminates the transfer process; a complex, expensive and lengthy process. The youth court first determines whether or not the young person is guilty of the offence and then, under certain circumstances, the youth court may impose an adult sentence.

The question was raised whether young offenders are being held in the custody of the community to which the response was that the offenders would be held in custody 2/3 of their sentence. That young person comes back into the community under certain guidelines and a list of conditions that must be met such as curfews and/or drug and alcohol counseling. The young person is still under the Corrections system in some regard to probation and more onus would be placed on parents to be more supportive and may involve the young person's school. It was noted that some young people may choose to go through the court process.

It was stated that there would be a transitional period on the implementation of the YCJA from a police perspective; that there will be instances where both Acts will be used depending on when the offence occurred. It was also noted that the cost of training for the RCMP would be relatively minimal and that funds are available through the Solicitor General to help prepare communities for these changes.

The statement was made that statistics indicate that B.C. youth in custody are dropping due to extrajudicial measures.

Other funding sources include grants from B.C. Safer Community and the National Crime Prevention Agency. It was reported that Justice Canada has provided "E" Division funding for materials and has been a key supporter of funding for training purposes. It was added that Youth Justice has an excellent website at www.canada.justice.gc.ca.

The statement was made that the RCMP has identified a coordinator responsible for internal training at each RCMP detachment in the Lower Mainland and that Justice Canada would be providing a key infrastructure person to assist in training senior management and an invitation was extended to members of Council to attend the session.

It was pointed out that the Cities of Burnaby and Nanaimo have already implemented a lot of great programs and that Nanaimo has targeted local businesses to sponsor some of these programs. Chilliwack has proceeded with "Train the Trainer" sessions in their city.

Councillor Watts stated that she sits on the Joint Family Court Committee and that she was made aware of these changes taking place with youth justice. She added that the community was not aware of the changes and that no infrastructure was in place to facilitate the changes. She pointed out that Langley has taken a lead role on some of the issues.

A/Commr. Forbes commented that there has to be a standard approach on how to apply these changes in the community and that cornerstones of the program must be developed quickly addressing the unique needs of the community.

A suggestion was raised to have RCMP, community and provincial government representation on a Restorative Justice *Youth Criminal Justice Act* Committee. Questions were raised as to which organization in the provincial government would provide case managers to look after individuals requiring monitoring to which the response was that the probation section would be responsible.

The Chairperson expressed appreciation to Inspector Kaluza and Sgt. Semple for the overview.

Inspectors Kaluza and Sgt. Semple left the meeting at 10:15 a.m.

The original agenda order then resumed.

A. ADOPTION OF MINUTES

1. Public Safety Committee – December 11, 2002

Minutes to be adopted.

It was
Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That the minutes of the open Public Safety
Committee meeting of December 11, 2002 be adopted.
Carried

D. UNFINISHED BUSINESS

1. Annual Police Officer of the Year Award (see Appendix A attached)

Letter dated September 30, 2002 from the Chamber of Commerce regarding sponsorship of this event.

Discussion ensued with respect to the Chamber of Commerce request for funds and it was noted that the City currently provides \$10,000 towards the Chamber of Commerce Resource Centre and for the Business Excellence Awards.

It was
Moved by Councillor Hunt
Seconded by Councillor Tymoschuk
That the Public Safety Committee would
recommend to Council that the request for sponsorship for the Annual Police
Officer of the Year Award be forwarded to the Grants Committee for review.
Carried

E. ITEMS REFERRED BY FIRE SERVICES

There were no items referred by Fire Services at this time.

F. ITEMS REFERRED BY CITY SOLICITOR

**1. Draft By-law Respecting the Sale and Keeping of Wild and Exotic Animals
File: 3900-01/#8**

Review of the draft by-law respecting the sale and keeping of wild and exotic animals was deferred to the February Public Safety Committee meeting.

G. ITEMS REFERRED BY B.C. AMBULANCE SERVICES

There were no items referred by B.C. Ambulance Services at this time.

H. CORRESPONDENCE

1. Article from CivicInfoBC Regarding Municipalities Paying More for Prisoners in Local Jails

For discussion purposes: the Provincial Government has informed local government that they will have to pay nearly 40% of the cost of keeping prisoners in local jails.

The following information was reported:

- That the Provincial Government has informed local governments of the proposed changes regarding the cost of keeping prisoners in local jails but actual cost figures are not available at this time.
- That Surrey is unique in that city jails are staffed 24 hours a day.
- That if extra staff has to be brought in, the Province would pick up the extra costs of guarding, extra meals, and custodial care.
- That prisoners are kept in the RCMP holding cell until they go to court (including weekends). The city deals with the costs of holding them for that period of time.
- That prisoners are only the City's responsibility until they go before the court system or remanded or charged, at which time they become the responsibility of the provincial court.
- That an accounting takes place at the end of each month as to provincial, federal and civic costs, and the City can realize some cost recovery by cost billing.
- That the City does not pay for holding prisoners from other municipalities. Prisoners from Delta and White Rock are transported directed to the courthouse via the remand center.

It was

Moved by Councillor Hunt
Seconded by Councillor Steele
That the Public Safety Committee receive

the information.

Carried

I. OTHER COMPETENT BUSINESS

1. **Item No. C001** Framework of Activities in Support of the Social Well Being of the City's Residents
File: 4815-20 (Affordable Housing)

At the January 13, 2003 Council-in-Committee meeting, Council referred Corporate Report No. C001 to the Public Safety Committee for comment with respect to Council Initiatives.

It was Moved by Councillor Hunt
Seconded by Councillor Tymoschuk
That Corporate Report No. C001 be deferred
to the next Public Safety Committee to be held February 12, 2003.
Carried

2. **Auto Crime**

The Chairperson stated that she sits on the Auto Crime Strategies Team and reported the following:

- That in response to increasing auto thefts, some initiatives were put in to place to combat this crime.
- That as a result of these initiatives, auto theft crime has decreased by 23% in October 2002, by 18% in November 2002, and 32% in December 2002 from the previous year.
- That the reduction in auto theft crime has a lot to do with targeted enforcement of hot spots, education, public awareness, immobilization strategies, Guildford Mall patrol, Surrey Place Mall patrol and the Auto Theft Task Force.
- That the Auto Crime Strategies Team discussed the matter of conducting a Surrey-specific Auto Crime Study for the purpose of obtaining information about the thieves themselves, types of cars being stolen, and secondary crimes being committed with stolen vehicles,
- That the purpose of undertaking the Auto Crime Study would be to present statistics and supporting evidence to the judicial system in an effort to prove that auto theft crime is serious and sentencing should be more severe than it is presently.
- That there is evidence that secondary crimes committed with stolen vehicles are a result of drug addiction, typically methamphetamines.
- That the Auto Crime Strategies Team is looking for funding for this study. A/Commr. Forbes indicated there is ongoing discussion on this matter.
- That the estimate for researching and producing the study would be \$20,000 to \$30,000.

The Chairperson advised that the matter was brought forward to the Public Safety Committee for comment.

The suggestion was then raised to have the study prepared by SFU criminology students, which would considerably lower the cost.

The question was raised as to how the information in the study would assist in policing or deterring crime to which the response was that auto theft is not just committed by young people, it is a way for criminals to perpetuate other crimes in the area and the judicial system needs to understand that and come down harder on sentencing for these crimes.

The statement was made that the community must be educated to ensure understanding of the impact of auto theft. It was pointed out that if a vehicle under \$5,000 is stolen, the perpetrator is charged only with possession of stolen property under \$5,000 – the same charge as shop-lifting.

The comment was made that vehicle owners may not necessarily be interested in what their vehicles are being used for; they have lost their cars, and want the thief charged.

The statement was made that the information is interesting and would be a good assignment for criminology students, but that the RCMP and the judicial system need to offer their comments as to whether or not the study would have import or impact.

The Chairperson indicated she would pass on the members' comments to the Auto Theft Strategies Team.

J. NEXT MEETING

The next Public Safety Committee meeting will be held Wednesday, February 12, 2003 at 9:00 a.m. in the Executive Boardroom.

K. ADJOURNMENT

It was

meeting do now adjourn.

Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That the open Public Safety Committee

Carried

The open Public Safety Committee meeting adjourned at 10:50 a.m.

Councillor Dianne L. Watts, Chairperson