



City of Surrey

Police Committee

Minutes

Executive Boardroom
City Hall
14245 - 56 Avenue
Surrey, B.C.
TUESDAY, FEBRUARY 24, 2004
Time: 1:00 p.m.

Present:

Chair: Councillor Tymoschuk
Councillor Villeneuve
Councillor Steele
Councillor Priddy
Councillor Bose
Councillor Watts
Councillor Hunt
Councillor Higginbotham
Mayor McCallum

Absent:

Staff Present:

City Manager
A/Commr. G. Forbes, Surrey RCMP
Supt. K. Gates
City Solicitor
J. Sherstone, Manager, By-law & Licensing Services
D. Jones, Manager, Office of the Mayor and Council
S. Palmer, Legislative Services

Also Present:

Inspector C. Callens
Sergeant G. Friesen

Roundtable introductions were held.

A. ADOPTION OF MINUTES

1. Police Committee - January 27, 2004

Minutes to be adopted

It was

Moved by Councillor Watts
Seconded by Councillor Steele
That the minutes of the Police Committee

meeting held January 27, 2004 be adopted.

Carried

B. RCMP Update/Status/Issues

1. Whalley Clean-up

A/Commr. Forbes commented that the Surrey RCMP draft Strategic Plan would be brought forward to the March 23, 2004 Police Committee meeting for review.

Supt. Gates then provided the following comments relative to the Whalley clean-up initiative:

- That a meeting was held with the Whalley Initiative team on February 23, 2004 and several initiatives are underway, specifically, the drug enforcement project on the SkyTrain.

- That the RCMP had 7 people in custody yesterday as a result of this project and would continue the strategy today.
- That there are other enforcement initiatives progressing well in conjunction with By-law & Licensing Services, other municipalities and organizations.
- That the Surrey RCMP are working with the Delta Police Department on various issues in the Scott Road and Cedar Hills areas.

The question was raised regarding the operation of the joint project with SkyTrain and Supt. Gates responded that Surrey RCMP are pairing up with SkyTrain enforcement officers seeking any criminal activity or persons of interest riding the SkyTrain and frequenting various drop-off points.

The question was raised by Councillor Watts as to whether the joint initiative between Surrey, Burnaby and New Westminster police forces working along the SkyTrain route is still in operation to which the response was in the negative. The statement was then made that the Solicitor General for the province is looking at providing more authority for Transit police.

Mayor McCallum entered the meeting at 1:12 p.m.

A brief discussion then ensued with respect to enforcing other areas in the Whalley area and it was noted that the RCMP is being responsive to movement of criminal activity around the area.

2. Grow Operations

Sergeant G. Friesen, Drug Unit, was in attendance and provided the following comments:

- That the Surrey RCMP kicked off an aggressive enforcement initiative against grow operations in Surrey on October 23, 2003.
- That to date, nearly 100 search warrants have been executed.
- That the RCMP had executed 38 search warrants within the first five weeks.
- That the initial campaign was very aggressive due to a number of reasons such as breaking down dedicated resources into separate teams, hosted and led by more experienced officers.
- That the RCMP benefits from new resources in targeting the infestation of grow operations and is attempting to proceed with enforcement initiatives with a vengeance.
- That senior people have been dedicated to lead teams of junior or less experienced personnel to initiate this project and as such, for the first number of weeks, ran an aggressive campaign which resulted in a high number of take-downs.

- That as the ensuing weeks unfolded, Court proceedings consumed time and resources, resulting in a reduction of the numbers of search warrants executed.

Sergeant Friesen then provided an overview of the Court process:

- That the Court process changed significantly with the advent of the Canadian Charter in 1982.
- That the largest factor affecting police officers, particularly those involved in the drug section, is that every action taken on a property or against individual(s) has to be done in accordance with judicial authority.
- That the RCMP requires a search warrant to enter premises to search and seize.
- That the warrant process has evolved over a number of years resulting in the establishment of in-house legal staff to ensure that any time information is prepared in order obtain a search warrant, that it is done precisely within the law and there is no deviation.
- That RCMP officers require education and training to produce the type of documents that may be submitted to the Justice Department and carry on with enforcement.
- That the RCMP is obligated to ensure the grounds for obtaining information or evidence relative to a certain property or individual(s) are at the highest possible level or standard.
- That the RCMP have to satisfy the disclosure process as every piece of information will be put on the table for the Courts and legal counsel - there is no leeway.
- That the information obtained must satisfy Reasonable Probability grounds and standards set by the Justice system, satisfying the legal requirements for the RCMP to actually prosecute individuals or property.
- That the bar is set high enough that it precludes, as best as possible, conviction of an innocent party.
- That time is spent with the Federal Crown Prosecutor to ensure documents are filed in a precise and timely manner.
- That once a search warrant has been executed, the RCMP are responsible for submitting documents within 7 days, featuring details of everything seized, where from and typically takes several days to actually document.
- That tips are received from the public or other confidential source(s) and it is in their best interest to not reveal their identity for obvious reasons.
- That every piece of information and article received, either positive or negative, must be corroborated and documented.
- That the RCMP must make a Freedom of Information and Protection of Privacy request in order to access any information from outside resources or organizations assisting in identifying grow operation locations. This process may take between 3 to 5 business days or longer.
- That information must be corroborated any time a member is physically on the scene and once information is received identifying a grow operation

or meth lab, the RCMP are precluded by case law (Kokesh) to enter that property.

- That the RCMP needs to satisfy a certain level of information before they can obtain a search warrant and cannot enter a property, i.e.; officers can't look through windows for condensation, inspect hydro poles for tampering, etc.
- That case law in Ontario has precluded the RCMP from utilizing FLIR (Forward Looking Infrared device), based on the fact that the Ontario Supreme Court determined it is an "intrusive" device requiring a search warrant under Section 8 of the Charter.

Charge Approval Process:

- That the Charge Approval process is unique to B.C. in that the RCMP must amass all information relative to seizures, investigative tools and documents utilized and provide this information to the Federal Crown Prosecutor in order to gain approval to lay charges.
- That this process may take 3 to 4 days depending on the circumstances.
- That, once approved, the RCMP can move ahead with prosecution and start the legal process.
- That this process takes six months to a year before a Notice from Court is received for a Hearing. In the interim the RCMP continues to amass information, including interviews with the Federal Crown prosecutor and defense teams.
- That this is a two-tier process: Defence may choose to hold a preliminary enquiry, and if the Provincial Court determines there is sufficient evidence to warrant a trial, the case may be elevated to Supreme Court. This process may take from 1 to 3 years.

Councillor Tymoschuk asked how many members are allocated to a team and what amount of time is spent in Court on average. Sergeant Friesen responded that that time spent between investigation and legal commitments is 50/50 and added that there are 26 members on the Grow Operations Unit, including 3 Proceeds of Crime positions.

A/Commr. Forbes left the meeting at 1:25 p.m.

Councillor Bose commented that the demands placed on the RCMP in terms of sources of information must extend and apply directly to the detachment's investigative group and must also extend, to some degree, to the source of information. Sergeant Friesen stated that the RCMP deals with all levels of government law - federal, provincial and municipal, and noted that if By-law officers are on a property to enforce municipal by-laws that's fine. He then noted that if the purpose for going on the property is to expose a grow operation; the By-law officers would fall under the same Federal laws as govern the RCMP.

A/Commr. Forbes returned to the meeting at 1:29 p.m.

The comment was made that if it were found in a Court of Law that another Government Agency, other than police, has been utilized as an agent of the police or its surrogate, anything conscripted from that event could become inadmissible in Court.

Councillor Priddy raised the point that insurance companies are talking about raising house insurance rates on houses located in areas where grow operations are in abundance.

Sergeant Friesen commented that he has spoken to the Insurance Crime Bureau of B.C. and the Canadian Bureau of Insurance, requesting they review that particular initiative and modify their position somewhat.

In response to a question regarding the number of cases that have moved beyond the initial stages to the Crown Prosecutor stage, Sergeant Friesen stated that he was not aware of one case that had not moved forward to the prosecution stage.

Councillor Villeneuve asked if there was any effort being undertaken by the RCMP to dialogue with the justice system regarding the difficulties placed on them in moving forward on initiatives to prevent crime. Sergeant Friesen responded in the positive, but noted that Council may be better able to serve that role.

Sergeant Friesen then provided a brief overview of Canada's judicial system and the comment was made that it is frustrating enough that sentences tend to be lenient, but that the judicial system also now hampers the hands of people trying to investigate crimes.

Councillor Watts asked if new recruits are aware of the changes in legislation and if the RCMP has in-house legal staff. Sergeant Friesen noted that RCMP Legal staff are situated at "E" division and that they, along with the Federal Justice Department, provide information on any new rulings and their ramifications.

The Manager, By-law & Licensing Services commented that he had met with insurance companies relative to grow operations noting that these organizations are looking at a clause whereby if a property has had a grow operation, insurance would become null and void. He noted that a public seminar would be taking place in Council Chambers on March 10, 2004 at 7:00 p.m. to discuss changes to the Residential Tenancy Act.

He noted that the criminal(s) are purchasing homes to use as grow operations and no longer just renting properties. He commented that By-law & Licensing Services is working with the insurance companies to keep them apprised of this situation.

The statement was made that 100 grow operations have been taken down since October 23, 2004 (approximately 1 a day) and that the RCMP is hoping to do between 8 and 10 a week in future.

The Chair commented that feedback from residents in the Fraser Heights area indicate a positive difference in the amount of grow operations in that area.

Sergeant Friesen and Inspector Callens left the meeting at 1:40 p.m.

3. Auto Crime

Supt. Gates commented that two RCMP officers have been involved in training programs relative to the bait car program and will train others in the general membership (including Operational Communications Centre staff) in order to roll out this initiative on the target date. He continued that resources have been reallocated to form a Special Projects unit to add further impact to this initiative, targeting the harder case car thieves, coupled with media strategies relating to the bait car program.

The comment was made that ICBC runs the advertising campaign for the bait car program. Supt. Gates commented that keeping up the media strategy relative to the bait car strategy would lead to success. He noted that the program is funded and assessed each year by the province. He continued that the RCMP takes every opportunity to inform the public on the deterrent effects of using immobilizers and clubs.

A/Commr. Forbes notes that several points were raised at the recent Auto Crime Forum including the fact that auto theft is not just a property crime but also a public safety issue due to reckless driving and endangerment of peoples' lives. The statement was made that Corporal Parker, head of the Auto Crime section for Surrey, focuses on Surrey issues, but also works with the Auto Crime Impact team. A/Commr. Forbes noted that the province funds the Auto Crime Impact team.

Discussion then ensued with respect to lack of police presence on Surrey streets and the observation was made that if vehicles are apprehended for traffic violations, there is a good chance something else may be going on beyond a simple traffic violation. The suggestion was raised to have further discussions around the question of lack of police presence on the streets as a contributing factor to this particular problem.

A/Commr. Forbes pointed out that up to 140 units were dispatched out of Operational Communication Centre last Wednesday, up from 80 units the previous year. He noted that police presence would be continually enhanced over the next year.

Staffing:

A/Commr. Forbes gave accolades to "E" Division for delivering 20 recruits for April 2003, as well as 20 recruits for April 2004. He noted that an aggressive initiative to deliver the additional 35 members has been undertaken for May 2004. He noted that he is working closely with the Finance Department to ensure adherence to budget requirements.

Discussion then took place relative to recruiting in the area. The comment was made that applicants may contact the RCMP office directly.

4. Prostitution

Discussion ensued relative to prostitution and it was noted that both plainclothes and uniformed officers from the Vice Squad have been patrolling those areas of the community where prostitutes have been known to work. The comment was then made that 4 persons were charged during one sting operation.

The statement was made that the RCMP have also been working with L.A. Matheson School relative to educating the students on the dangers of prostitution.

Councillor Priddy inquired as to whether there have been any geographic differences in terms of prostitution moving into other areas of the city to which Supt. Gates responded that there is evidence that this does occur on a cyclical basis.

5. Other Current/Emerging Issues

The Chair noted that the following presentations would be deferred to the next Police Committee meeting:

(a) **Communications**

(b) **Integrated Homicide Investigation Team Update**

C. OUTSTANDING ITEMS:

D. OTHER COMPETENT BUSINESS

1. Media Releases

A brief discussion ensued relative to recent radio talk show activity with respect to describing cultural backgrounds of possible suspects or people involved in crimes. Caution was raised that media releases not build the impression that one group of people over another is more committed to criminal activity.

Councillor Higginbotham entered the meeting at 2:05 p.m.

A/Commr. Forbes gave assurances that the RCMP provides bias-free policing and drew attention to a very positive editorial in the February 24, 2004 Province about their communications officer.

Discussion then ensued with respect to the Lower Mainland Municipal Association (LMMA) Drug Strategy. Councillor Hunt noted that the Drug Strategy is still being discussed at the LMMA. The suggestion was made to raise the matter at the upcoming LMMA conference scheduled for May 12-14, 2004 and at the Federation of Canadian Municipalities Convention taking place May 28-31, 2004. Reference was then made to a key article in the morning edition of the February 24, 2004 Vancouver Sun relative to the drug issue.

The City Manager commented that there is clearly a regional perspective that needs to be discussed in terms of dealing with drugs and crime at that level and as an integrated initiative.

Councillor Higginbotham noted that drugs and crime know no boundaries and are a huge part of the challenge in dealing with the issues. She noted that this might be a topic to bring forward for discussion at the Cloverdale Chamber of Commerce meeting on March 10, 2004 at the Hampton Inn, noting that the Solicitor General and provincial politicians would be in attendance.

E. INFORMATION ITEMS

F. NEXT MEETING

The next meeting has been scheduled for Tuesday, March 23, 2004 at 1:00 p.m. in the Executive Boardroom. Note: lunch will be available for the members at 12:30 p.m. in the Executive Boardroom.

G. ADJOURNMENT

It was

Moved by Councillor Hunt
Seconded by Councillor Watts
That the meeting do now adjourn.
Carried

The meeting adjourned at 2:18 p.m.

Margaret Jones, City Clerk

Chair: Councillor G. Tymoschuk
Police Committee