



City of Surrey

Open Public Safety Committee

Minutes

Executive Boardroom
City Hall
14245 - 56 Avenue
Surrey, B.C.
WEDNESDAY, MAY 14, 2003
Time: 9:05 a.m.

Present:

Chair: Councillor D. Watts
Councillor B. Steele
Councillor G. Tymoschuk
Councillor M. Hunt

Absent:

Staff Present:

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

A. ADOPTION OF MINUTES

1. Open Public Safety Committee – April 9, 2003

It was Moved by Councillor Hunt
Seconded by Councillor Steele
That the minutes of the Open Public Safety
Committee meeting held on April 9, 2003, be adopted.
Carried

The Chair noted the agenda order would be varied to allow for the delegation's presentation.

D. ITEMS REFERRED BY SURREY RCMP

1. Proceeds of Crime

Inspector Keith Thorn, Vancouver Integrated Proceeds of Crime Section, RCMP, was in attendance and provided a PowerPoint presentation on Proceeds of Crime legislation.

The following information was provided:

- That S. 462.3(1) of the Criminal Code defines "Proceeds of crime" as any property, benefit or advantage, within or outside Canada, obtained or derived directly or indirectly as a result of:
 - (a) the commission in Canada of a designated offence, or
 - (b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence.
 - (c) Legislation confined to proceeds of crime and drug investigations.
- That it is important to remember that Defence Counsel can make an application for legal fees with respect to the Proceeds of Crime.

- That offence-related property means any property within or outside Canada that is used to commit a designated offence is subject to seizure, such as aircraft, vehicles, transport trucks.
- That Third Party Interest rules whether property is borrowed, rented or stolen.
- That no such application can be made with respect to Offence Related Property.
- That homes purchased for use as grow operations may be seized.
- That if a car is used to commit armed robbery and the perpetrator does not have a previous criminal record, that vehicle may not be seized.
- That the Attorney General may make an application for a restraining order regarding any property deposing the following:
 - Offence under investigation.
 - Person in possession of property.
 - Grounds to believe that property may be forfeited.
 - Whether a previous application has been made.
 - May be required by Attorney General to give an undertaking.
- That the seizure and forfeiture of proceeds of crime should be considered a way of combating crime not as a method to fund policing or other crime related issues.
- That the Federal experience has been that actual forfeitures do not pay for the costs of enforcement.
- That the proceeds of crime can only be shared between the provinces or other countries.
- That if municipal governments have the opportunity to receive a share of forfeited property they would be more willing to put resources into investigations.

Discussion ensued with respect to municipal shares in proceeds of crime and it was suggested that a simple mechanism could be established at a high level by proportionately allocating to municipal budgets versus police budgets.

The statement was made that the Proceeds of Crime program was set up in 1996 for a five-year trial period on a loan from the federal government and realized a deficit of \$15 million attributable to the high cost of investigations, portions allocated to defence counsel, cost of maintaining and managing the assets.

The comment was made that the lack of sharing of proceeds of crime with municipalities also applies to cities with their own municipal police forces. It was noted that the Attorney General determines how the proceeds are shared taking into consideration prosecution and investigation work and the following proportionate scale is used to determine those allocations:

- 90% goes back to predominant workload.
- 50% where significant.
- 10% where contribution minimal portion.

The statement was made that if municipal governments had the opportunity to receive a share of forfeited property, they would be more willing to put resources

into investigations. It was then noted that there needs to be a combined effort between municipalities, provincial and federal governments for input to make amendments regarding proceeds of crime. The suggestion was then made to forward a resolution for consideration at the UBCM convention and FCM.

The statement was then made that the amount of money sent back to provinces is not significant and the suggestion was made that in those seizures where there is no financial gain why not put liens on that property as it would become the owner's cost when he goes to sell the property. The rebuttal was made that everything in Canada is conviction-based, i.e. you have to get conviction to get forfeiture of property. It was also noted that once a house has been seized, the owner can remain there until forfeiture goes through and in many cases, the property is damaged by the time the property is seized.

Inspector Thorn left the meeting at 9:41 a.m.

The original agenda order then resumed.

B. ITEMS REFERRED BY COUNCIL

1. Marijuana Grow Operations

Supt. Bennett provided the following information with respect to marijuana grow operations:

- That there were 186 new files for the first quarter of 2003, all at varying stages of investigation.
- That it was noted that these figures are uncorrected.
- That there were 171 new files opened last year for the same time period.
- That there are a total of 632 grow operations being investigated at this point in time.
- That RCMP ensures billing is done in conjunction with By-law Enforcement.
- That By-law Enforcement have a built in system with RCMP readers allowing for the flagging of each file on grow operations to ensure proper invoicing.
- That the RCMP would provide further statistics and mapping to the Committee.
- That the average number of grow operations being taken down per day is approximately 4 or 5.
- That the average number of grow operations dismantled per year in Surrey is 2500 and that 61 operations have been billed for so far this year compared to 111 the previous year.

The statement was made that landlords should take responsibility for their properties and provide proper monitoring of their rental units.

The question was raised as to where the figure of 4500 grow operations in Surrey came from and Supt. Bennett stated he would look at the figures and report his findings back to this committee.

2. RCMP Complement

Supt. Bennett provided the following information regarding RCMP staffing:

- That Surrey RCMP staffing is in good shape with only 18 positions not filled.
- That staffing is fluid and varies in degrees of staffing much like any other organization.
- That vacant positions have been advertised, cadets are undergoing training, and are being deployed to various locations.
- That four staff members have been promoted to line supervisor positions in their own districts providing continuity.
- That the contract between the City and the RCMP provides that the City pay a certain amount of sick leave per year and nothing beyond that amount.
- That Vancouver has loaned a full-time staff person to Surrey Detachment to address staffing issues.
- That a request for 60 more RCMP officers will be forwarded to the Federal Government within the week.

Action Item:

The Surrey RCMP to provide a recap on staffing complements on a regular basis to closed public safety committee meetings.

The statement was made that Council has approved the hiring of new officers in the Five Year Financial Plan with 20 officers to be provided in 2003, 2004 and 2005

3. Safety Concerns at Alderwood Park

Discussion took place with respect to an email dated May 12, 2003 from a Surrey resident regarding safety issues at Alderwood Park in South Surrey. The Manager, By-law & Licensing Services, reported that five park officers have been hired for the summer months to patrol twelve problem parks, one being Alderwood Park. He noted that an integrated approach with Parks, Recreation & Culture, By-law Enforcement, and the RCMP would be taken to deal with the ongoing concerns in these areas. The statement was made that these officers work afternoons and evenings and on weekends and will cover parks during susceptible times.

A/Commr. Forbes noted that three summer students would be working with the Surrey Youth Program performing shift work and regular patrol duties to add value to the community process. He then commented that he attended the Police Officer of the Year Award event and that there would be an Open House at the Surrey RCMP Detachment this week featuring displays, meet and greet opportunities, helicopter, police dog demonstrations and many other events.

C. ITEMS REFERRED BY FIRE SERVICES

**1. New Appointment of Chair of the Fire Chiefs' Association of B.C.
- Building Code and Legislative Committee (see Appendix A)**

Chief Garis referred to his memo dated April 29, 2003 regarding the appointment of Assistant Fire Chief John Strandt to the Chair of the Fire Chiefs' Association of B.C. – Building Code and Legislative Committee. He added that the committee would provide input for changes in Building and Fire Codes. He continued that he would also be working with Assistant Fire Chief Strandt on new policies and procedures for inspections and submissions for legislation changes to the province. Chief Garis noted that he is the Chair of the Ad Hoc Committee for the province.

It was
Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That the information submitted by Chief
Garis regarding the appointment of the Chair of the Fire Chiefs' Association of
B.C. – Building Code and Legislative Committee be received.
Carried

D. ITEMS REFERRED BY SURREY RCMP

1. Proceeds of Crime

This item was dealt with earlier in the meeting.

E. ITEMS REFERRED BY B.C. AMBULANCE SERVICES

There were no items under Items Referred by B.C. Ambulance Services at this time.

F. UNFINISHED BUSINESS

1. City of Calgary's By-law on Street Prostitution

At the April 9, 2003 Public Safety Committee meeting, the following motion was made:

“That the City of Calgary’s By-law on Street Prostitution be forwarded to the City Solicitor for review and report back to the Public Safety Committee.”

The Statement was made that this item would be dealt with during the closed portion of Public Safety Committee meeting.

**2. Corporate Report No. PSC001 (see Appendix B attached)
Exotic Animal By-law
File: 3900-01/#8**

The City Solicitor submitted a report on the proposed By-law dealing with the prohibition of the sale or keeping in the City of endangered, exotic, wild and dangerous animals.

The City Solicitor was recommending approval of the recommendation outlined in his report.

Discussion ensued with respect to the proposed By-law and the following information was provided:

- That only Abbotsford has adopted a similar by-law.
- That the area of exotic animal control begs for provincial regulation and funding as it is a province wide issue of safety and public health.
- That the suggestion was made that the matter would be better dealt by a provincial ministry dealing with natural resources.
- That the control of exotic animals is not within the regular scope of local government and requires significant costs and training for the city.
- That the city would have to hire a specialized animal control officer, maintain specialized storage facilities, and there could be potential liability for injuries and lawsuits. The estimate for two animal control officers is \$150,000 per year.
- That the province of Manitoba is one province that does have existing legislation in place.
- That the city of Surrey has by-laws in place prohibiting the showing of exotics, the sale of turtles and a by-law dealing with dangerous dogs.

It was

Moved by Councillor Hunt

Seconded by Councillor Steele

That the Public Safety Committee would recommend that Council request staff prepare a by-law dealing with the prohibition of the sale of exotic, wild and endangered animals in Surrey rather than ownership.

Carried

3. Amber Alert Procedures

Discussion ensued with respect to the status of "Amber Alert" procedures in Surrey. It was noted that this initiative should be supported and implemented province wide as soon as possible.

Supt. Bennett explained that Amber Alert is a protocol designed to provide information to various organizations in the most expedient and effective manner in the case of missing children. He stated that a committee had been struck to develop the protocol to rule this program but that it has not been developed as yet. A/Commr. Forbes notes that the program is in effect in the United States, featuring messaging systems on television, cell phones, internet alerts and others to get the message out quickly around reports of missing children.

It was noted that the Fraser Valley Realty Association has a similar program called Realty Watch, which is a fan out program where all real estate agents are paged when something of this nature happens.

It was
Moved by Councillor Hunt
Seconded by Councillor Tymoschuk
That the Public Safety Committee would
recommend that Council:

1. provide a resolution supporting the development of the Amber Alert program province-wide; and
2. the resolution be forwarded to the Union of British Columbia Municipalities 2003 convention for consideration.

Carried

G. CORRESPONDENCE

1. **Letter from the Hon. C. Cadman, M.P. (Surrey North) dated April 17, 2003 (see Appendix C attached)**

Discussion ensued with respect to a letter received from the Hon. C. Cadman, MP, wherein a suggested resolution was provided requesting the House of Commons Standing Committee on Justice and Human Rights review Conditional Sentencing provisions of the Criminal Code.

It was Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That the Public Safety Committee would request Council consider a resolution calling upon the House of Commons Standing Committee on Justice and Human Rights, in its review of the conditional sentencing provisions of the Criminal Code, to recommend to the federal government that conditional sentencing not be available for convictions for:

1. any violent offence, including those resulting in death, bodily harm or psychological trauma where home invasion or street racing is a factor; and
2. any major drug production or drug trafficking offence, including marijuana grow operations.

Carried

H. OTHER COMPETENT BUSINESS

1. Safe and Clean Committee

Councillor Watts noted that minutes from the Safe and Clean Committee would come forward to the Public Safety Committee for receipt. The statement was made that this would provide Council with information on the issues the Safe and Clean Committee has been working on such as auto crime, fatal crashes, fire issues, illegal dumping as well as a whole range of issues. She continued that the membership includes City staff and community representatives.

2. Hot Wheels Program

The statement was made that the Hot Wheels Program has moved to Abbotsford and questions were raised as to when it would return to the Surrey area. A/Commr. Forbes noted that the program is an initiative of the Provincial Auto Task Force and moves to various locations on a regular basis. He added that it would be coming back to Surrey very soon.

The request was made for statistical data on a quarterly basis from the RCMP on trends regarding auto theft. Supt. Bennett added that he would prepare a template to bring forward to the next meeting and noted this has already been undertaken with District Office commanders as a tool to prioritize pressures in their areas.

3. Hjorth Road Hall

Councillor Tymoschuk, as Chair, Parks, Recreation & Culture Commission, noted that a recommendation had been made to make the property located at Hjorth Road Hall available to police if it is taken on as a location for the Guildford Community Police Station. He continued that \$2.3 million has been allotted in capital construction for the project and he requested the status of the proposal.

The City Manager reported that he had approached the RCMP to determine interest in that location, not necessarily the existing building. A/Commr. Forbes stated that the RCMP is discussing this proposal and if approved, would meet with the City Manager to discuss the matter further.

I. NEXT MEETING

The next Open Public Safety Committee meeting has been scheduled for Wednesday, June 11, 2003 at 9:00 a.m. in the Executive Boardroom.

J. MOTION TO HOLD CLOSED PUBLIC SAFETY COMMITTEE MEETING

It is in order that a motion be made to hold the Public Safety Committee meeting in a closed session in accordance with Section 242.2(1) (f), (h), and (i) of the *Local Government Act*.

It was
Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That a Public Safety Committee meeting be held in a closed session in accordance with Section 242.2(1) (f), (h), and (i) of the *Local Government Act*.

Carried

K. ADJOURNMENT

It was
Moved by Councillor Hunt
Seconded by Councillor Tymoschuk
That the Public Safety Committee meeting do now adjourn.

Carried

The Public Safety Committee adjourned at 10:40 a.m.

Chairperson