

**MINISTRY OF JUSTICE
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION Honourable Suzanne Anton, Attorney General
and Minister of Justice

ISSUE: June 10, 2015 meeting with Ministers Cadieux, Fassbender, Virk and MLAs
Hunt and Hogg on Crime in Surrey

SUMMARY:

- Surrey has experienced a significant number of targeted shooting and stabbing incidents over the past several months that are believed to be connected to gang involved youth and young adults and the drug trade.
- Surrey continues to work to address the underlying causes of violence in the city, design and implement multi-pronged tactics and strategies to address these underlying causes, and to establish partnerships and policies to reduce the likelihood of violence and crime.
- The Province is actively collaborating with the City of Surrey on a number of initiatives aimed at improving community safety issues in the city including:
 - The provision of approximately \$1M in Civil Forfeiture Grants since 2010 for programs aimed at youth in gangs, domestic violence and other community based programs;
 - Participation on the Surrey Criminal Justice Task Force; and
 - Targeted enforcement initiatives and police response.

BACKGROUND:

- Though violent crime in Surrey has been on a downward trend in the past ten years – averaging 13.5 murders per year – in 2013 the number of murders spiked to 25.
- Recent crime reporting by Surrey RCMP shows a 32% decrease in homicides in 2014 from 2013. Violent crime was slightly higher (7%) in 2014, but this followed an 8% decrease in violent offences in 2013.
- The decrease in the number of homicides may be attributed to continued work targeting high risk locations through the city.
- Surrey has Canada's largest RCMP detachment and its officer caseload is in line with the average caseload of 60 for the RCMP-policed municipalities with a population of 15,000 and over.
- In February 2015, Surrey's city manager wrote to Minister Anton requesting 100 additional RCMP members. This request was supported by a December 2014 approval by Surrey council for funding for these additional members. This request has been forwarded to the federal government for approval. On May 19, 2015, Public Safety Canada announced the approval of the 100 additional RCMP officers for Surrey.

- The provincial anti-gang agency the Combined Forces Special Enforcement Unit – British Columbia (CFSEU-BC) is engaged in the response to the crime and violence in Surrey and Delta and is working in coordination with Surrey RCMP and the Integrated Homicide Investigation Team (IHIT) and Delta Police Department to respond to gangs and organized crime in those communities.
- In addition to its gang-related suppression and enforcement efforts, CFSEU-BC, in collaboration with its government and policing partners, has also created and is leading a gang prevention and education effort in the province with its End Gang Life campaign (www.endganglife.ca).
- On May 19, 2015, in addition to the approval of 100 new RCMP officers for Surrey, Public Safety Canada announced approximately \$3.5 million in funding over five years for the Surrey Gang Reduction Program. This program will provide approximately 400 Surrey area at-risk youth between the ages of 11 and 19 with life and resiliency skills to help them move away and keep them from violence and the gang lifestyle. The Surrey School District's Board of Education will deliver this program in partnership with Surrey RCMP and the City of Surrey.

DISCUSSION:

Responses to Gangs and Organized Crime – Law Enforcement

- CFSEU-BC brings together 14 law enforcement agencies integrated under a single command structure. This integrated joint forces operation develops and draws highly-specialized officers from federal, provincial and municipal agencies. CFSEU-BC is currently led by a police executive team comprised of a Chief Officer, a Deputy Operations Officer, and a Deputy Operations Support Officer.
- Since 2009, CFSEU-BC has expanded to include the Organized Crime Agency British Columbia (OCABC), Uniform Enforcement Teams, Firearms Enforcement Team and Investigation Teams and others that fall under its responsibility. A priority project at CFSEU-BC has been the development and implementation of the Provincial Tactical Enforcement Priority (PTEP). This provincial –wide program, which is being utilized in Surrey targets identified offender groups and assists the detachment in developing enforcement strategies.
- In addition to the PTEP program, from April 4 to May 30, 2015 the CFSEU-BC members working with the RCMP Surrey Detachment and IHIT in a focused team approach have checked 1,621 persons and 1,304 occupied vehicles, made 255 arrests, seized approximately \$25,845 in currency, numerous firearms and assorted weapons, and a quantity of drugs.

Responses to Gangs and Organized Crime – Crime Prevention

- CFSEU-BC launched “End gang life” a province-wide anti-gang prevention campaign aimed at at-risk youth. Through the use of video and posters the anti-gang campaign uses bold, engaging, and powerful imagery and language that speaks to people and will hopefully give youth a fresh perspective on what gangs really are, give communities a rallying point around which they can mobilize against gangs in their neighborhoods, and make gang members pause and have a second thought about their life choices. This campaign is grounded in academic research and has the support of all levels of provincial government.
- The Ministry of Justice has provided support in the amount of \$293,500 to the Surrey Wraparound Program (WRAP) through the Civil Forfeiture Grant funding program. This funding enhanced the base funding support received from Public Safety Canada’s National Crime Prevention Strategy (\$880K between 2008 and 2011 and \$500K from 2011 to 2013).
- Surrey WRAP was launched in 2009 to help youth at risk of gang involvement. The program is one of Canada’s leading youth gang intervention programs and currently serves 60 youth.
- The program is a partnership between the Surrey School District, Surrey RCMP and the City of Surrey; which brings together several community partners in Surrey to provide longer-term, encompassing services and support for gang-associated youth and their families.
- On April 28, 2015, an additional \$270,000 was committed by the Province to further enhance and support the program and alleviate the waitlist for youth trying to access its services.

Targeting High Risks in the Community

- In late 2013, after a number of high profile homicides in the city, former Surrey Mayor Dianne Watts announced the formation of the Mayor’s Homicide Task Force to address the causal and contributing factors of the homicides. The High Risk Location (HRL) Initiative was a subset of this task force, initiated and led by the Surrey RCMP.
- The HRL Initiative included stakeholders from the City of Surrey, the Surrey RCMP, the RCMP “E” Division, the Combined Forces Special Enforcement Unit of BC, the Integrated Homicide Investigation Team, Transit Police, Surrey Fire Services, Surrey By-Law, Surrey School District, and an Academic from the University of the Fraser Valley. The Initiative was tasked with establishing a collaborative approach to define, identify and respond to high risk locations that posed the greatest risk to public safety in Surrey.
- HRL properties were identified for response if they generated a disproportionate number of calls for service or were known or suspected of being clandestine drug labs, drug houses, drug lines, legal or illegal marihuana grow houses, or unlicensed

recovery homes. These properties were entered into a database to allow for a central repository of information to facilitate a multiagency response and deployment of their services.

- The HRL Initiative demonstrated success through the issuance of warrants; arrests; the seizure of drugs, weapons, vehicles, and money; bylaw action; and increased police visibility and community contact. Though these activities resulted in increased reported crimes, the Initiative concluded that the activities of the RCMP, Fire Services, and By-Law Enforcement disrupted the lives of those in HRLs and may result in overall longer term reduction in crime in the community.

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Responsive Criminal Justice in the Community

- In February 2014, Former Surrey Mayor, Dianne Watts and the Attorney General and Minister of Justice, Suzanne Anton created the Surrey Criminal Justice Task Force (Task Force). The Task Force was charged with exploring the unique justice needs and challenges in Surrey, including the creation of a specialized or community court. The final report of the Task Force was released in January 2015.
- The Task Force determined that increased communication and collaboration promised to be a more effective response to the identified challenges than creating a specialized court. The Task Force recommended the creation of an integrated services network for administrative offices of justice, health and social services agencies with the potential to directly deliver some services to clients.

Responses to Domestic Violence

- Integrated service approaches are increasingly being employed in the response to domestic violence. Surrey RCMP report that approximately 30% of Surrey's assault files relate to domestic violence.
- The Ministry of Justice provides approximately \$1.7M annually to support the delivery of Victim Services and Violence Against Women Programs in Surrey. This includes support for a Police-based Victim Services serving victims of all types of crime, a Community-based Victim Service program serving victims of family and sexual violence, a newly formed Domestic Violence Unit, Children Who Witness Abuse Counselling, Stopping the Violence Counselling, Multicultural Outreach and Outreach Services.
- In February 2015, Premier Christy Clark unveiled the Vision for a Violence Free BC strategy to combat violence against women. In 2015, government action starts with up to \$5M in civil forfeiture funding to support anti-violence and prevention initiatives.

- With the release of the Vision for a Violence Free BC strategy, the opening of a newly integrated Domestic Violence Unit (DVU) in Surrey was announced. Surrey RCMP and the Surrey Women's Centre Society received close to \$200,000 in civil forfeiture proceeds to help establish the new DVU.
- The Surrey DVU is the sixth of its kind in BC, and brings together, in one location, Surrey RCMP police investigators, community-based victim services, and a Ministry of Children and Family Development child protection worker to co-ordinate and collaborate on the highest-risk domestic violence cases.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Not applicable.

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**MINISTRY OF JUSTICE
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Honourable Suzanne Anton,
Attorney General and Minister of Justice

ISSUE: Implications for BC of the RCMP report: *Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview*, scheduled to be released June 19, 2015 by RCMP National Headquarters (NHQ).

SUMMARY:

- In May 2014, the RCMP released a report which provided a comprehensive analysis of police-reported incidents of missing and murdered Aboriginal females in Canada for the years 1980 – 2012. The 2015 update provides new data on recent cases, further analyses of existing data, and information on intervention.
- Current updated data shows a reduction of 9.3% in unsolved cases of missing and murdered Aboriginal women from the 2014 overview data. However, as of April 2015, 174 Aboriginal women across all police jurisdictions remain missing, 111 of these under suspicious circumstances.
- The 2015 report confirms that Aboriginal women, like non-Aboriginal women, were most often murdered by an acquaintance, spouse, or family member rather than a stranger. It also confirms that Aboriginal women are over-represented among Canada's murdered and missing women.
- A key message of the 2015 Report is that the RCMP is only one partner among many government and non-government organizations who must align their efforts to reduce the high rates of violent victimization experienced by Aboriginal women.
- Addressing violence against Aboriginal women is also a strategic priority for BC as identified in *A Vision for Violence-Free BC*, the *Provincial Domestic Violence Action Plan*, the *BC Community Safety and Policing Plan*, among others. BC has responded to recommendations contained in the Missing Women Commission of Inquiry as well as participating in FPT initiatives and responding to NGO reports on missing and murdered Aboriginal women.

BACKGROUND:

- The RCMP released a second report on missing and murdered Aboriginal women to update data on new cases of missing and murdered Aboriginal women as well as to provide an update on investigative, procedural, and preventative actions taken by the RCMP since its May 2014 publication.
- The May 2014 publication, *Missing and Murdered Aboriginal Women: A National Operational Overview* (hereafter the *2014 Overview report*), had analyzed police-reported incidents of missing and murdered Aboriginal women in Canada for the years 1980 – 2012.

The 2014 Overview report concluded that the total number of missing and murdered Aboriginal women exceeded previous public estimates.

- The 2015 publication, *Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview* (hereafter the 2015 Update report), confirms that Aboriginal women continue to be over-represented among Canada's murdered and missing women. It also finds that Aboriginal women, similar to all female victims, regardless of ethnicity, are most frequently killed by spouses, acquaintances, or family members.
- The 2015 Update report presents updated and new data on a number of variables, some of which include all Canadian jurisdictions, and others that include only RCMP jurisdictions (due to data availability). Other statistical highlights include the following:
 - There have been 19 additional cases of missing Aboriginal women across Canada since the 2014 Overview: 11 new cases, and another eight that were not captured in the first report for various reasons such as change in status and file reviews;
 - Additional analysis of the 2014 data shows that homicides of Aboriginal women in Canada were more likely to occur outside of larger urban centers than those of non-Aboriginal women (60% to 34%) and most often occur within a residence, and more specifically, a residence shared by the victim and offender (44% of Aboriginal women and 51% of non-Aboriginal women);
 - The 2015 Update confirms a high solve rate for female Aboriginal homicides (81%), and 83% for non-Aboriginal females, in RCMP jurisdictions;
 - Since the 2014 Overview, there have been 32 homicides of Aboriginal females, in RCMP jurisdictions. The proportion of Aboriginal female homicide victims within RCMP jurisdictions in 2013 and 2014 is consistent with levels of the past decade;
 - In 2013 and 2014, offenders were known to their victims in 100% of solved homicide cases of Aboriginal women and in 93% of solved homicide cases of non-Aboriginal women, in RCMP jurisdictions; and
 - Current and former spouses and other family members made up the majority of relationships between victims and offenders, representing 73% of homicides of Aboriginal women, and 77% of non-Aboriginal women in RCMP jurisdictions in 2013 and 2014.

RCMP Messaging

- The 2015 Update report emphasizes the importance of community involvement in reducing violence toward Aboriginal women. The report indicates that the RCMP have identified vulnerable Aboriginal communities across Canada in which to focus prevention and intervention activities aimed at reducing the high incidence of violence against women. The report does not identify those communities.
- The report states that RCMP managers have been provided with tools to work with these vulnerable communities to develop and deliver violence prevention initiatives. Federal and provincial governmental departments and Aboriginal organizations have also been engaged to support the delivery of programming to the vulnerable communities.
- The 2015 Update report also identifies the RCMP's national efforts to raise awareness about the issue of violence against Aboriginal women. Initiatives include the creation and distribution of posters, public service announcements and other educational materials focused on preventing violence against women.

Implications for BC

- Addressing violence against Aboriginal women is a strategic priority for BC as identified in *A Vision for Violence-Free BC*, the *Provincial Domestic Violence Action Plan*, the *BC Community Safety and Policing Plan*, among others.
- BC initiatives addressing the issues of violence against Aboriginal women include:
 - An MOU has been signed between the BC government and Aboriginal leadership on addressing violence against Aboriginal women;
 - The establishment of the Provincial Office of Domestic Violence;
 - The development of BC Provincial Policing Standards (BCPPS) on Missing Persons Investigations;
 - The Missing Person Act and associated regulations are in effect;
 - BCPPS on Major Case Management are under development and BCPPS to promote unbiased policing are under consideration;
 - Cultural competency training for police officers is under development; and
 - Evidence-based, risk-focused domestic violence training for police officers in BC has been rolled-out across the province.
- BC also participates in current FPT work to engage Aboriginal communities in the development of a justice framework to address the needs of women, families and communities. As well, BC responded to recent NGO reports that expressed concerns about the disproportionate numbers of Aboriginal women who are missing or murdered in Canada (Inter-American Commission on Human Rights (IACHR) and the Committee for the Elimination of Discrimination Against Women (CEDAW)).

OTHER MINISTRIES IMPACTED/CONSULTED:

- N/A

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**MINISTRY OF JUSTICE
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH
CIVIL FORFEITURE OFFICE
BRIEFING NOTE**

PREPARED FOR INFORMATION: Deputy Minister Lori Wanamaker

ISSUE:

Civil Forfeiture case before the Supreme Court in which defence counsel is applying to obtain an order to have Charter issues heard by the Court first and the facts of the case heard second (bifurcation proceeding). This has attracted media attention from the Globe & Mail.

BACKGROUND:

In June 2009, the Surrey RCMP executed a search warrant on a property located on 86A Avenue, Surrey, BC. Inside police located a sophisticated marihuana grow operation that had been custom-built into the house. Police also seized more than \$130,000 cash from a safe as proceeds of crime. Within weeks of the warrant, the registered owners of the property, Mr. Johnson and Mr. McCluskey, sold the 86A property ^{s.22}

^{s.22}

Mr. Johnson.

and comments made by

Mr. McCluskey ^{s.22}

^{s.22} After his Examination for Discovery by the Director, a decision was made to settle the claim against Mr. McCluskey for ^{s.22}, leaving only the seized cash (\$130,000 cash) before the court.

On May 16, 2014, the Court of Appeal dismissed Mr. Johnson's appeal of a Supreme Court decision that denied Mr. Johnson's request to strike out the Director's claim due to alleged Charter issues. No court has yet adjudicated on the merits of the Defendant's claim that the RCMP's warrant violated his Charter rights.

DISCUSSION:

The proceeding being heard from June 1-3, 2015 is the Defendant's application to have the Director's case "bifurcated."

Bifurcation means severance of a trial so that one issue that is determinative of the entire action can be heard separate and apart from the others. Traditionally it is used in motor vehicle cases, where damage is admitted but there is an issue about liability. The trial is severed and if liability is found, there is no or little argument on damages.

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The Defendant asks for a bifurcation of the proceedings and a remedy pursuant to the Charter, being the exclusion of all or part of the evidence gathered by the police and which the Director relies upon, in part, in his case. The court can make this order if it is convinced that it would be just, speedy and allow the inexpensive determination of the proceeding on its merits.

The Director is represented by its CFO Counsel and by LSB Counsel from the Constitutional and Administrative Law section ^{s.14}

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The DAG has been made aware of this application through communication from LSB.

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