



Corporate Report

NO: R071

COUNCIL DATE: May 4, 2009

REGULAR COUNCIL

TO: Mayor & Council **DATE:** April 29, 2009
FROM: Crime Reduction Strategy Manager **FILE:** 7450-30
SUBJECT: Safer Communities and Neighbourhoods (SCAN) Legislation

RECOMMENDATION

It is recommended that Council:

1. receive this report as information;
2. authorize the Mayor to forward a letter on behalf of Council to the Provincial Solicitor General and the Provincial Attorney General supporting the introduction of Safer Communities and Neighbourhood (SCAN) legislation subject to the Province dedicating sufficient resources for its effective implementation and on-going administration; and
3. authorize the City Clerk to forward a copy of this report and the related Council resolution to the representatives of the Whalley Enhancement Society who appeared before Council as a delegation regarding the subject of this report.

BACKGROUND

At the Council-in-Committee meeting on December 15, 2008, the Committee received a presentation by the Whalley Enhancement Society regarding Safer Communities and Neighbourhood (SCAN) legislation. At that meeting Council referred the matter to the Public Safety Committee for further discussion.

At its meeting on March 9, 2009 the Public Safety Committee considered the matter and recommended that the information received from the Society be forwarded to the Crime Reduction Strategy Manager to review and report back to Council.

DISCUSSION

Safer Communities and Neighbourhoods (SCAN) legislation has been enacted and implemented in several provinces. The intention of such legislation is to provide a framework within civil law to address the issue of poorly managed residential premises that cause chronic problems within a community. These problems can include but are not limited to both illegal and anti-social activities, such as:

- Illicit drug use, dealing or production;
- Prostitution and other related activities; and
- Possession or storage of stolen property, unlawful firearms, weapons or explosives.

It is recognized that the criminal code is focused on controlling such activities; however, SCAN legislation differs in that it targets the management of the property itself rather than addressing the criminal or other offences of individuals associated with the premises. SCAN legislation, for example, provides the Court with the power to close down a premise and order all those residing there to vacate the premise for a period of up to ninety days.

In some respects, SCAN legislation is similar in its approach to the manner in which Surrey has addressed Marijuana Grow Operations through the Electrical Fire Safety Initiative (EFSI). EFSI is focused on the safety of premises from an electrical perspective. Marijuana grow ops tend to be established with electrical systems that contravene electrical safety codes and therefore are natural targets for the EFSI initiative. Ultimately, the EFSI initiative has been very successful in significantly reducing the number of grow ops in Surrey through the enforcement of electrical regulations.

The Deputy Solicitor General and Public Security Commissioner has advised that the Criminal Justice Reform Secretariat is actively researching the potential to introduce SCAN or similar legislation in British Columbia. It is noted that there is an absence of rigorous information about the impact that such legislation has had in provinces where such legislation has been enacted.

The Surrey RCMP, Surrey Fire Services Department and Surrey Bylaw Enforcement Division all view such legislation as having merit provided that it is written, funded and supported by suitable mechanisms to ensure that the burden of such legislation does not fall to municipal governments to implement and administer within existing resources.

The enactment of SCAN legislation without the benefit of resources to investigate complaints would simply frustrate the purpose of the legislation and the communities it is intended to protect. In addition, the enforcement of such legislation on a random basis throughout the province would have a tendency to simply push the problem from one community to another as unscrupulous or anti-social property owners found the 'path of least resistance'.

In provinces that have enacted SCAN or similar legislation, the investigation of complaints is normally progressed by a provincial government agency. In Alberta, for example, it is carried out by the Sheriffs Branch of the Alberta Ministry of the Solicitor General and Public Safety.

CONCLUSION

The Surrey Crime Reduction Strategy advocates for investments in actions that address the causes of crime. SCAN legislation deals with some of the negative outcomes of criminal activity and seeks to displace criminal activity by addressing the management of the property where such activity is centered. Adequately resourced, SCAN legislation is another tool that can assist in addressing crime in communities. It could be an effective element of a broader Provincial strategy for addressing and reducing crime.

It is recommended that Council authorize the Mayor to forward a letter on behalf of Council to the Provincial Solicitor General and the Provincial Attorney General supporting the introduction of SCAN legislation in B.C. provided that sufficient resources are dedicated by the Province for its effective implementation and on-going administration.

Lance Talbott
Crime Reduction Strategy Manager

LT/mc

q:\crs\corporate reports\scan legislation - final.doc
MC 7/14/10 2:28 PM