

TO: CITY MANAGER 1999 NOVEMBER 4

FROM: DIRECTOR PLANNING & BUILDING OUR FILE: 15.312.8

SUBJECT: DRUG-RELATED ACTIVITY AROUND THE METROTOWN SKYTRAIN STATION

PURPOSE: To provide Council with recommendations for addressing drug-related activity around the Metrotown Skytrain Station.

RECOMMENDATIONS:

1. **THAT** Council request the federal Solicitor General to:
 - a. make public the study of RCMP resource needs, which is currently at the Treasury Board level, along with the federal government's intentions regarding RCMP resources
 - b. take appropriate and timely actions to address RCMP resource deficiencies across the country
2. **THAT** Council request the Commissioner of the RCMP to make an extraordinary allocation, on a temporary basis, of RCMP resources to the Greater Vancouver area to help relieve the resource crisis occasioned by the recent influx of refugees.
3. **THAT** Council request Translink to:
 - a. install full-time Special Provincial Constables in every Skytrain station during operating hours
 - b. make improved lighting in and immediately adjacent to the Metrotown Skytrain Station a high priority.
4. **THAT** Council request the provincial Attorney General to:
 - a. expand the powers of arrest of Skytrain's Special Provincial Constables to include drug-related activities and outstanding warrants
 - b. monitor, on an ongoing basis, the time lines associated with court processes, with a view to implementing additional procedural changes, and/or committing additional resources to the judicial system, if necessary.
5. **THAT** Council strongly urge the federal Minister of Citizenship and Immigration to:
 - a. maintain immigration resources at a level adequate to meet both day to day operations and, when the need arises, emergency situations
 - b. make an extraordinary allocation, on a temporary basis, of Immigration resources to the Greater Vancouver area to help relieve the resource crisis occasioned by the recent influx of refugees

- c. enact, in a timely fashion, proposed changes to the Immigration Act which would improve diligence in the screening process for refugees, eliminate delays in determining refugee status, enhance measures for dealing with refugee claimants without identification documents, and improve the effectiveness of the immigration appeal and removal processes
 - d. direct Immigration officials to engage in a more concentrated effort with police departments and non-governmental agencies which are working to voluntarily repatriate citizens of Central American countries.
6. **THAT** Council express to RCMP "E" Division Headquarters the need for RCMP officers to engage in a more concentrated effort with Immigration officials and non-governmental agencies which are working to voluntarily repatriate citizens of Central American countries.
7. **THAT** Council ask the Officer-In-Charge of the Burnaby RCMP to explore ways, including foot and bicycle patrols, to increase police presence and enforcement in the vicinity of the Metrotown Skytrain Station.
8. **THAT** Council direct staff to:
- a. investigate the feasibility and advisability of declaring a Drug Free Zone around the Metrotown Skytrain Station and other stations in the Skytrain system, and report back to Council with recommendations.
 - b. work with the RCMP on ways to promote the participation of Maywood rental property owners/managers in the Crime-Free Multi-Housing Program, and report back to Council with recommendations.
 - c. examine the merits of a Maywood beautification program based on enhanced streetscapes, improved lighting standards, and enhanced parkland, and report back to Council on initiatives which could be implemented in advance of any redevelopment of the area.
9. **THAT** Council direct staff to work with the RCMP to establish a Metrotown Drug Trafficking Steering Group, with an appropriate mandate and membership of major stakeholders at the federal, provincial, municipal and community levels, to provide leadership and co-ordination in ensuring that swift action is taken on the above recommendations.
10. **THAT** copies of this report be sent to Burnaby's Members of Parliament and Members of the Legislative Assembly, as follows:

Honourable Herb Dhaliwal, M.P.

Paul Forseth, M.P.

Svend Robinson, M.P.

Honourable Joan Sawicki, M.L.A.
Pietro Calendino, M.L.A.
Fred Randall, M.L.A.
Christy Clark, M.L.A.

11. **THAT** copies of this report be sent to the following individuals who have written to Council or appeared as a delegation regarding drug trafficking at the Metrotown Skytrain Station:

Ms. Susan Shackleton
#111 - 6450 Telford Avenue
Burnaby, B.C. V5H 2Z2

Mr. Barry Mittlestead
Burnaby Store-All Co. Ltd.
6451 Telford Avenue
Burnaby, B.C. V5H 2Y8

Mr. Gary Wesa
#309- 6669 Telford Avenue
Burnaby, B.C. V5H 4A1

Ms. Susan Torkornoo
Chairperson, Maywood Advisory Committee
c/o Maywood Community School
4567 Imperial Street
Burnaby, B.C. V5J 1B7

R E P O R T

1. BACKGROUND

At its meetings of 1999 September 13, 1999 October 18, and 1999 October 25, and 1999 November 1, Council considered letters from residents and commercial property owners in the Maywood area expressing concerns about drug-related activities around the Metrotown Skytrain Station. At the 1999 October 25 meeting, Council also received a delegation on the matter. A fifth letter, expressing similar concerns, appears on the 1999 November 8 Council agenda. The letters and the delegation described the negative impact of drug trafficking on those who live or work in, or frequent the Metrotown area, and suggested a variety of actions that should be taken to address the situation.

Staff were requested to prepare a report outlining ways to address the drug-related problems around the Metrotown Skytrain Station. Staff were directed to include discussion on suggestions made in the letters and by the delegation, which included:

- an increased RCMP presence around the Metrotown Skytrain Station, particularly in the form of RCMP bicycle patrols
- an increased presence of others in enforcement positions - notably Skytrain Security and Citizenship and Immigration Canada officials - around the Metrotown Skytrain Station
- more diligence on the part of Citizenship and Immigration Canada with regards the deportation of refugee claimants who traffic in drugs
- a more responsive judicial system characterized by quicker sentencing, heavier sentences for drug traffickers, and more frequent imposition of area restrictions on those convicted of or awaiting trial for drug trafficking
- the declaration of a Drug-Free Zone around the Metrotown Skytrain Station
- improved standards for lighting and landscaping around the Skytrain Station and along the adjacent B.C. Parkway pedestrian and cycling trails
- the development of commercial uses in and around the Metrotown Skytrain Station to assist with natural surveillance.

This report responds to Council's request. It has been prepared with considerable assistance from the Officer-in-Charge of the Burnaby RCMP and other RCMP personnel. The report outlines a number of approaches for addressing drug trafficking around the Metrotown Skytrain Station - in both the short-term and the long-term. Some recommendations for immediate action are made. However, given the complexity of the issue and the limited timeline for preparation of the report, more research is required before action is taken on some of the approaches. Recommendations to engage in some of that fact-finding are also made.

2. THE PROBLEM

There is considerable concern among property owners and other residents of the Maywood area about personal safety in the vicinity of the station, and the quality of life and property values in the Maywood neighbourhood. In addition to open drug dealing on Skytrain property and immediately adjacent to it, there has been a noticeable increase in the collateral problems of residential break-and-enters, shoplifting, purse-snatchings, thefts of and from vehicles, prostitution, environmental degradation from litter and mistreatment of landscaping, and strong-armings and other forms of intimidation.

The Burnaby RCMP reports that drug trafficking and related activities increased noticeably on the Metrotown Skytrain Station platform and in the vicinity of the station in spring 1999. The increase has been attributed primarily to warmer, drier weather, and the migration to Metrotown of those not apprehended in police operations against drug dealers and users at other stations on the Skytrain route.

3. APPROACHES TO ADDRESSING THE DRUG TRAFFICKING PROBLEM

3.1 Increased RCMP Presence and Enforcement Around the Skytrain Station, and RCMP Bicycle Patrols

RCMP officers make their presence known at the Metrotown Skytrain Station in a number of ways including regular patrols by Neighbourhood Liaison Officers, the presence of the RCMP Command Vehicle, undercover and/or sting operations and, in the past, patrols by the RCMP Bike Squad. All have been effective in reducing drug-related activities at and around the station, and in improving safety for local residents and workers in the short-term. However, without a continued police presence, drug trafficking and related activities resume.

Obviously, it is not practical - even were it desirable - to attempt to maintain a full-time RCMP presence at any one location. Moreover, given the need to balance limited police resources with other policing priorities, the popular and successful Bike Squad has had to be temporarily dismantled. However, the RCMP is hoping to implement a bicycle component of Citizens' Crime Watch, which will operate out of the Southwest District Community Police Office. While not a substitute for the RCMP Bike Squad, the volunteers will be able to observe and report on illegal activities around the Metrotown Skytrain Station.

Council has already corresponded with the federal Solicitor General and the RCMP Commissioner regarding resource inadequacies at the Burnaby detachment, and the need for an adequate complement of police officers both to maintain day to day police operations at full capacity, and to respond more spontaneously to evolving issues. A number of initiatives are currently being undertaken by the RCMP nationally and by the federal government which may have a positive impact on the RCMP resource situation at the Burnaby detachment and across the country generally. To underline the importance of carrying through on those initiatives, it is recommended that Council request the federal Solicitor General to:

- make public the study of RCMP resource needs, which is currently at the Treasury Board level, along with the federal government's intentions regarding RCMP resources

- take quick and appropriate actions to address RCMP resource deficiencies across the country

It is also recommended that Council request the Commissioner of the RCMP to make an extraordinary allocation, on a temporary basis, of RCMP resources to the Greater Vancouver area to help to relieve the resource crisis occasioned by the recent influx of refugees.

In the interim, Council may wish to ask the Officer-in-Charge of the Burnaby detachment to explore ways, including foot and bicycle patrols, to increase police presence and enforcement in the vicinity of the Metrotown Skytrain Station.

3.2 Increased Enforcement by Other Authorities

The role of other jurisdictions, including Skytrain Security and federal immigration officials, in providing a more visible and regular enforcement presence around the Metrotown Station is also relevant to the drug trafficking issue. The role of immigration officials is discussed in Section 3.3 of this report.

Skytrain maintains two types of employees whose activities have some impact on security. The role of Skytrain Attendants is to assist the public, to check for fares, and to act as professional witnesses to vandalism of Skytrain property or other incidents. The Attendants intervene in incidents only when the safety of a patron or themselves is threatened, at which time they can make a citizens' arrest and attempt to hold the suspect until either the jurisdictional police or Skytrain's Special Provincial Constables arrive. Each Skytrain Attendant is responsible for two stations during his/her shift.

Skytrain Special Provincial Constables, or Skytrain Police as they are sometimes called, have peace officer status on Skytrain property as it pertains to infractions under the Criminal Code of Canada and provincial statutes. They do not, however, have powers to arrest persons with outstanding warrants, or those trafficking or purchasing drugs, as drug offences fall within the purview of the federal Controlled Drug Substances Act. The Special Provincial Constables do not carry weapons. They work in pairs, and patrol several Skytrain stations during their shift.

Burnaby RCMP, like police departments from other municipalities served by Skytrain, has a Protocol Agreement with Translink which outlines the terms, conditions, and respective responsibilities of the Special Provincial Constables and the RCMP. The Burnaby RCMP reports that the working relationship between members of the RCMP and the Special Provincial Constables is co-operative, and that joint patrols are

regularly undertaken. However, it is difficult for the Special Provincial Constables to assist with the drug trafficking problem because of their limited powers of arrest, and their responsibility for several Skytrain stations during their shift.

With regards the latter, Council has already requested of Translink that full-time Special Provincial Constables be assigned to every Skytrain station during operating hours. Even with their present limited powers of arrest, it is believed that a full-time presence on the platform and in the ticket machine foyer would deter a great deal of drug-related activity. It is recommended that Council reiterate its previous request to Translink.

As for the mandate of the Special Provincial Constables, Translink has requested enhanced powers of arrest from the provincial Attorney General. The B.C. Association of Chiefs of Police does not oppose a restricted expansion. The Attorney General is expected to announce his decision on the request once an audit on Skytrain Special Provincial Constables is completed in mid-November. It is recommended that Council urge the Attorney General to expand the powers of arrest of Skytrain's Special Provincial Constables to include drug-related activities and outstanding warrants.

3.3 Increased Diligence on the Part of Citizenship and Immigration Canada Regarding Refugee Claimants

3.3.1 Enforcement by Immigration Officials

A portion - although certainly not all - of those engaged in drug trafficking at the Metrotown Skytrain station are citizens of other countries who are in Canada as refugee claimants. In particular, citizens of Central American countries have been identified as being central to the local drug trade.

The activities of these visible minority individuals have captured the attention of the media and prompted criticism of Citizenship and Immigration Canada's perceived failure to monitor the activities of individuals claiming refugee status.

In the past, Immigration officials have assisted the RCMP with street checks of those suspected of drug trafficking. At present, there is no regular presence of Immigration Officials at the Metrotown Skytrain Station or at other locations known to attract non-resident drug traffickers. It is believed that this lack of monitoring is the result of a resource crisis occasioned, in part, by the recent arrival in British Columbia of a number of ships carrying refugees.

However, the Burnaby RCMP has been unsuccessful in its attempts to discuss the resource situation with Citizenship and Immigration Canada. As it is critical that monitoring of the activities of all refugee claimants be maintained during the claims review process, it is recommended that Council strongly urge the federal Minister of Citizenship and Immigration to maintain immigration resources at a level adequate to meet both day to day operations and, when the need arises, emergency situations. The Minister should also be requested to make an extraordinary allocation, on a temporary basis, of Immigration resources to the Greater Vancouver area to help relieve the resource crisis occasioned by the recent influx of refugees.

3.3.2 Claims Processing and Deportation

The issue of resources aside, Citizenship and Immigration Canada has also been criticised for its perceived failure to screen refugee applicants who are drug traffickers, and to deport immigrants and refugees who are charged with trafficking.

As Council is aware, the federal government recently consulted widely on proposed changes to Canada's Immigration Act. Council has already written to the Minister of Citizenship and Immigration in support of changes which would improve diligence in the screening process for refugees, eliminate delays in determining refugee status, enhance measures for dealing with refugee claimants without identification documents, and improve the effectiveness of the immigration appeal and removal processes. Staff have been advised that any changes to be made a result of the consultation will not be implemented until sometime in 2000.

It is recommended that Council reiterate to the federal Minister of Citizenship and Immigration its support for the proposed changes and urge, in the strongest terms, that the changes be made in a timely fashion. Council may also wish to express to both Citizenship and Immigration Canada and RCMP "E" Division headquarters the need for their officials to engage in a more concentrated effort with each other and with non-governmental agencies which are working to voluntarily repatriate citizens of Central American countries.

On a positive note, the Burnaby RCMP reports that in the last several months, the speed with which non-resident drug traffickers have been processed and deported by Immigration Canada has improved considerably. Deportations of

individuals denied refugee status are now taking place within 3 to 4 months, rather than 2 years, even in the absence of a drug trafficking conviction. The improvement is attributed to a procedural change at Citizenship and Immigration Canada, whereby those denied refugee status are deported on that determination alone.

3.4 A More Responsive Judicial System

The judicial system has been criticized, in both recent media articles and the aforementioned letters to Council, for its perceived role in perpetuating drug trafficking through:

- delays in hearing and sentencing those charged with drug offences
- light sentences for those convicted of drug trafficking
- failure to impose area restrictions or no- go orders on those awaiting trial for or convicted of drug trafficking.

3.4.1 Delays in the Court Process

The primary issue with a delayed court process is the danger that a case will be dismissed because the time elapsed between the charge and the hearing is deemed excessive by the court. While staff have not been able, due to time constraints, to gather data on the length of the court process in drug trafficking cases in Burnaby, the RCMP is aware of particular cases which have been dismissed for the reason cited above.

Delays in hearing drug trafficking cases can be attributed, in part, to a systemic problem in the way cases are managed in the judicial process. New Criminal Caseflow Management Rules, which were implemented in Burnaby courtrooms on 1999 November 1, dictate changes in how Crown and Defence must conduct themselves in bringing a case to court. The rules are designed to make more efficient use of court time and ensure cases proceed through the court process in a more efficient manner. As a result, it is expected that fewer cases will be dismissed due to delays, and police officers will spend less time in court and more time in the community. It is recommended that Council stress to the Provincial Attorney General the need for ongoing monitoring of time lines associated with the court process, with a view to implementing additional procedural changes, and/or committing additional resources to the judicial system, if necessary.

3.4.2 Appropriateness of Sentences

It would be difficult to identify light sentencing for those convicted of drug trafficking as a problem in Burnaby Courts without a considerable degree of research into the outcomes of drug trafficking charges made by the Burnaby RCMP. Such research could not be undertaken for this report. However, a cursory examination of 36 arrests made during an undercover operation at the Metrotown Skytrain Station in May 1999 was made. Based on that examination, the RCMP has concluded that the sentences imposed are appropriate and/or reflect the norm for this type of offence in the Greater Vancouver area.

3.4.3 Area Restrictions and No-Go Orders

Concern has been expressed about the court's perceived failure to impose area restrictions or no-go orders on those charged with or convicted of drug trafficking. However, with exceptions for a small number of cases, the Burnaby RCMP reports that it is not experiencing a systemic problem obtaining no-go orders when requested. In fact, the Courts have generally been co-operative when issuing no-go orders in acceding to police requests to include other Skytrain stations, including those in other jurisdictions, in the order to avoid displacing the trafficking to another station.

Council has been requested to declare the Metrotown Skytrain Station and a one kilometer radius around the station as a Drug Free Zone. The declaration of such zones - based in part on the imposition of no-go orders and other restrictions - is being used in other jurisdictions in the province with some success. As part of the programs, signage is mounted in the area and higher penalties - which reflect the zero tolerance level for the targeted activity - are sought. The successful implementation of a Drug Free Zone around the Metrotown Skytrain Station would require the co-operation of a number of other bodies, including Crown Counsel and Burnaby Court judges, and Translink, B.C. Hydro and other property owners in the proposed zone. The impact on RCMP resources would also need to be considered. As well, careful thought would have to be given to the possible consequences of creating such zones at one or more Skytrain stations. For example, drug trafficking could simply be displaced to other stations on the Skytrain system, as those individuals not apprehended during police operations - and thus not subject to no-go orders - dispersed. Those practicalities aside, the implications of the implicit message that areas outside the designated zone are not drug-free

would also have to be taken into account. It is recommended, therefore, that Council direct staff to investigate the feasibility and advisability of declaring a Drug Free Zone around the Metrotown Skytrain Station and other stations in the Skytrain system, and report back to Council with further recommendations.

3.5 Improved Lighting and Landscaping Standards

The Burnaby RCMP and City staff recently conducted a Crime Prevention Through Environmental Design (CPTED) review of landscaping and lighting along the B.C. Parkway between Bonsor Avenue and Willingdon Avenue. As a result, Translink landscaping maintenance staff have trimmed hedges and limbed large trees along that portion of the Parkway in order to improve sightlines and opportunities for natural surveillance. It is believed that these initiatives will make covert drug trafficking more difficult.

However, more substantial CPTED initiatives, such as improvements to lighting around the Station and along the Parkway generally, and landscaping modifications which would discourage loitering by drug dealers and their customers, will require capital outlay. It is staff's understanding that Translink is currently reviewing lighting standards at Skytrain stations, with a view to upgrading station lighting where it is deemed critical. It is recommended that Council urge Translink to make improved lighting in and immediately around the Metrotown Skytrain Station a high priority. In the meantime, staff propose, unless otherwise directed, to continue exploring with Translink and B.C. Hydro possible avenues for implementing the other capital intensive CPTED measures noted above.

3.6 Focus on the Maywood Residential Area

3.6.1 Crime-Free Multi-Housing Program

As a result of the Dow Avenue initiative in the summer of 1998, the RCMP reports that the majority of the drug traffickers who continue to frequent the Metrotown Skytrain Station no longer live in the adjacent Maywood residential area.

One factor which has the potential to help keep the area free of resident traffickers is the Crime-Free Multi-Housing Program. To date, the management of only three Maywood apartment buildings have accepted the RCMP's invitation to participate in the program. It may be prudent, therefore,

to identify means - both voluntary and mandatory - to promote participation in the program among Maywood rental property owners and managers. It is recommended that staff be authorized to work with the RCMP on ways to promote the participation of Maywood rental property owners/managers in the Crime-Free Multi-Housing Program, and report back to Council with recommendations.

3.6.2 Maywood Community Plan Review

Some of the rental housing stock in Maywood - which boasts one of the City's largest inventories of affordable housing - will reach the limits of its useful lifespan over the next ten to thirty years. Redevelopment of the area - or of parts of the area - will likely become necessary simply due to the age of the stock. Redevelopment - partial or full - will need to be guided by a formal community plan which recognizes the importance of maintaining a component of affordable housing in Maywood. The question of additional commercial uses in proximity to the station, as well as other land use issues, will also be addressed by a community plan.

Staff are currently engaged in background work on options for maintaining and/or ensuring the replacement of affordable housing. Staff are also gathering information on social indicators, demographics, and the Maywood housing stock itself, as the basis for a forthcoming Community Plan Review for Maywood. Draft goals and objectives to guide such a review are expected to be ready for comment by Council and the public by autumn 2000. The formulation of a formal community plan to guide redevelopment, as it becomes necessary, could then commence.

In the meantime, in order to improve the livability of the area in the short-term, staff recommend that the merits of a beautification program based on enhanced streetscapes, improved lighting standards, and enhanced parkland be examined, and that staff report back to Council on initiatives which could be implemented in advance of any redevelopment of the Maywood area.

3.7 Community Initiatives

There are a number of initiatives already taking place at the community level which could have a positive impact on both public safety and reducing drug trafficking at the Metrotown Skytrain Station. The Safety Committee of Maywood Community School is considering initiating a "walking school bus" between Willingdon Avenue and

Maywood School, whereby children and parents walking along the B.C. Parkway would travel together for safety. The School has issued a safety bulletin to provide parents, children and others with information on how to keep themselves safe. Some of the condominium developments in the area are joining the Block Watch program. And finally, the RCMP has organized a "Take Back Your Streets" townhall meeting at Maywood Community School for the evening of November 9, 1999. Various stakeholders, including Translink, local businesses, area residents, and the City of Burnaby have been invited to attend in order to explore ideas for additional community initiatives. Staff propose to attend the meeting and to assist, as appropriate and practical, with initiatives identified.

3.8 Drug Addiction Prevention and Treatment

While obvious, it bears stating that where there is no market for illegal drugs, there is no drug trafficking problem. The importance of prevention programs, which target children and youth at an early age, and of addiction counselling and treatment cannot be understated. With regards prevention, the Burnaby RCMP plans to pilot a new prevention program targeting students in Grades 5, 6, and 7 into one Burnaby elementary school early in the new year. If deemed successful, and with the necessary approvals and police resources, the Drug Abuse Resistance Education program (DARE) will eventually be expanded to include all elementary schools. Other RCMP detachments in the Lower Mainland are also introducing the program. In addition, it is staff's understanding that the Regional Drug Strategy, currently under development by the Lower Mainland Municipal Association, will address the need for drug prevention and treatment programs in the Greater Vancouver area.

4. SUMMARY AND CONCLUSIONS

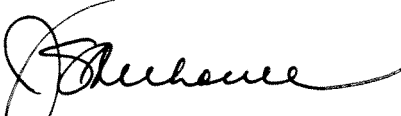
This report has outlined a number of recommendations for addressing the drug trafficking problem at the Metrotown Skytrain Station.

As drug trafficking is an extremely profitable global industry with economic, social, legal, and political underpinnings, successful interventions to control it at the Metrotown Skytrain Station will, of necessity, be complex and multifaceted. Successful intervention will require the collaboration and commitment of all levels of government, as well as many other institutions, organizations, and members of the community.

In order to ensure that the required collaboration and commitment are forthcoming, and that immediate and concrete steps can be taken to address drug-related activities at the Metrotown Skytrain Station, it is recommended that the City and the Burnaby RCMP provide leadership

in establishing a Metrotown Drug Trafficking Steering Group. The Steering Group, which would be composed of the major stakeholders at the federal, provincial, municipal and community levels, would co-ordinate and facilitate swift action to rid the Metrotown area of drug trafficking and restore the confidence of local residents and business people in their neighbourhood. One action of the proposed Steering Group could be to consider the merits of arranging a delegation of local stakeholders to both Ottawa and Victoria to stress to the relevant Ministers the urgency for co-ordinated action on the problem.

It bears noting that none of the approaches or recommendations outlined in this report, if implemented on its own, is likely to bear long-lasting results. However, a concerted effort from a number of directions could have a positive impact on the atmosphere around the station, and the safety of workers, residents and other legitimate visitors to Metrotown.


D.G. Stenson, Director
PLANNING & BUILDING

JS/sa

cc: Director Engineering
Director Finance
Director Parks, Recreation & Cultural Services
OIC RCMP