

TO: CITY MANAGER 2002 January 18

FROM: DIRECTOR FINANCE File: J81-1

SUBJECT: PROVINCIAL GOVERNMENT CLOSURE OF THE BURNABY COURTS

PURPOSE: To provide initial comments on the contemplated impacts from the closure of the Burnaby courts by the Provincial government.

RECOMMENDATION(S):

1. THAT this report be received for the information of Council.

REPORT

On 2002 January 17 the Provincial government announced the closure of the courts operated from the Burnaby Municipal Justice Building. The Burnaby Provincial Court, is reported to be one of B.C.'s busiest and currently houses four courts, which are being transferred as follows:

- Family Court - child custody and access issues; child protection issues e.g. social worker goes to Family court to obtain authority to remove a child; divorce; family maintenance issues e.g. child support - *transferred to Port Coquitlam*
- Small Claims Court - *transferred to Port Coquitlam*
- Traffic Court - *transferred to Port Coquitlam*
- Criminal Court - includes adult Criminal Code offences, and the Youth Court, which deals with all offenses committed by people under the age of 19 - *transferred to New Westminster.*

The courthouse closure creates a great deal of uncertainty for the City. It is likely to take considerable time for all the details of the closure, other cutbacks and their consequences to become known. However, the following will need to be addressed as a result of the closure.

Financial:

The courtroom portion of the Burnaby Justice Building is under lease to the Provincial government through B.C. Buildings Corporation until 2002 December 31. The lease income to the city is \$350,000 per year in addition to a grant in lieu of property taxes of \$30,000 per year.

Also related to the Burnaby court house is \$200,000 in yearly revenue received by the City of Burnaby for housing provincial prisoners awaiting a court appearance.

The financial impact of the above \$580,000 per year will be a direct expense to the City of Burnaby.

In addition to the financial impacts stated above it can be assumed that there will be increased costs associated with the travel distance and time to bringing off duty R.C.M.P. members in and sending on duty members to court. Those costs would be increased in the areas of overtime pay, fuel consumption for police car travel to and from court, meal claims for on duty members whose attendance at court spans the lunch period and loss of service coverage in Burnaby from the R.C.M.P. attending a more distant courthouse. It is difficult to pre-determine what the magnitude of these costs will be.

Logistical:

Besides the obvious requirement for police officers to now travel to a different municipality for court, there are other areas and functions that are affected by the relocation. The Court Liaison Unit will be most dramatically impacted. The members of this unit are required to attend the courthouse frequently each day for issues surrounding disposition of property/evidence (forfeiture orders), obtaining court ordered DNA samples, swearing of information and direct liaison with court registry, justices of the peace and crown counsels.

The proximity of the courts to the Burnaby R.C.M.P. has provided easy access between crown counsel, related court services and police officers (both investigators and administrators). This ease of access has fostered highly successful communication links between these areas resulting in a high degree of efficiency and effectiveness. The depersonalization inherent in moving to a distant courthouse and dealing with multiple jurisdictions will likely not allow the ease of access and its inherent efficiencies to continue.

Practical/Operational:

Presently police officers who are at court, either giving evidence or waiting to give evidence, can walk to the courthouse. The relocation will require police officers to travel to Port Coquitlam. This will result in the police officer being out of Burnaby and not available to respond to an emergent situation for extended periods of time.

Secondly, the time spent in court related matters will increase. Currently if a police officer is occupied waiting and giving evidence for two hours, the time away from operational status equates to about two hours and 15 minutes. With travel time to and from the Port Coquitlam courthouse the time away could become as much as three and one-half to four hours.

Productivity for police officers required to attend the Port Coquitlam and New Westminster courts will be reduced. Currently there is an ability, in certain instances, for police officers on the witness list for trial, to remain available by pager. When it is determined that they will be required to attend court they are paged to attend. This allows the officers to remain in close proximity to the court (in the detachment) doing administrative matters. This same dynamic allows police to return to the detachment during court recesses and lunch breaks for similar opportunities (i.e. returning phone calls, conducting inquiries, etc.).

Currently provincial prisoners that have been remanded, and those arrested on outstanding warrants, are all processed through the detachment cell facilities. This provides certain investigators access to suspects in related and unrelated investigations that are ongoing within Burnaby. The closure of Burnaby Provincial Courts will eliminate the need for the detachment cell block to process these prisoners, thereby removing this opportunity for access.

Other than the loss of revenue enumerated above, the magnitude of the impacts this closure will have on Burnaby will take time and experience to fully determine. The Burnaby detachment of the R.C.M.P. has already commenced a dialogue with Burnaby Court Services and Crown Counsel and will participate in a "transition team" that will contemplate and work through many of the logistical and practical considerations in an attempt to minimize the damage from the courthouse closure.

Social Impacts:

Based on the preliminary information available, the fair and efficient administration of justice is likely to be affected by the court house closure in at least two major ways. First, given that approximately 44% of the 39 staff at the Burnaby Court will not be transferred to either of the other two courts, the backlog in the court system is likely to be exacerbated. This could result in cases not being prosecuted when they do get to court because they have been unreasonably delayed or because others have been given higher priority.

Second, the increased costs, in both money and time, for people to travel to either the Port Coquitlam or New Westminster Court House is likely to mean that many, particularly those who rely on public transit and recent immigrants and refugees¹, will have considerable difficulty in attending or will not attend.² Concurrent cuts to bus pass subsidies for youth and seniors, and tightened eligibility criteria for and cutbacks to social assistance will compound the problem.

¹Local service providers have found that recent immigrants and refugees are unlikely to access services unless efforts are made to bring the services to them.

²Burnaby residents heading to court in Port Coquitlam by public transit will need to transfer 3 - 5 times over a 60 - 80 minute trip, depending on their route. Those travelling to New Westminster will likely require one additional transfer, and 20 - 30 minutes of travel time.

These barriers to attending court will affect a wide range of potential court participants including:

- witnesses
- those charged, whose failure to appear will result in an increased number of warrants
- victims and their volunteer and professional support persons. The ability of service providers such as alcohol and drug counsellors, Probation Officers, and social workers, to attend court to support their clients will also be compromised by their additional workload as a result of service cutbacks. As well, given that those seeking restraining orders against abusive partners or those seeking child support must travel to a court house to obtain the necessary forms, court house inaccessibility could discourage many from seeking those protections.

The financial and temporal barriers to court attendance may also be accompanied, for some potential court participants, by the emotional barrier of having to go through a stressful and complicated process in a community which is unfamiliar and uncomfortable.

Burnaby is a rapidly growing, urban community of almost 200,000 residents which is served by a sophisticated and complex system of interconnected and interdependent social services. The removal of the court - a key component of that service delivery system - is likely to have a considerable impact on the effectiveness and efficiency of the entire system, and will be a retrograde step in relation to the third largest city in the province.

This report is provided for the information of Council.



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cc: Director Planning & Building
O.I.C., R.C.M.P.