

From: Jessica Hodgins <jessica@duncan.ca>

Sent: Thursday, August 22, 2024 1:24 PM

Subject: UBCM Resolution - Fail to Appear Charges in Policing Statistics

Good afternoon Councils and Boards,

Attached please find correspondence from Mayor Michelle Staples of the City of Duncan regarding a resolution that will be presented at the upcoming 2024 Union of BC Municipalities Convention.

Best regards,

Jessica Hodgins

Corporate Services Coordinator



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August 21, 2024

Councils and Boards

UBCM Member Organizations

Dear Councils and Boards:

RE: 2024 UBCM Resolution - Fail to Appear Charges in Policing Statistics

I am writing to bring to your attention a resolution that will be considered at the 2024 Union of BC Municipalities Convention, and to respectfully request your support when the resolution is presented.

As described in the attached backgrounder, Fail to Appear is a *Criminal Code* charge brought against an individual who fails to attend a scheduled court appearance. These charges do not impact police resources because they are simply an additional charge against the individual.

Despite having extremely minimal impact on police workload, these charges are counted alongside all other *Criminal Code* charges attributed to municipalities with courthouses, regardless of where the original offence occurred. Particularly in smaller jurisdictions, this practice significantly inflates the policing statistics for communities with courthouses. In the case of the City of Duncan, 80% of the Fail to Appear charges attributed to our community originated from outside of our jurisdiction, and causes a 23% increase in the City's total 2023 *Criminal Code* cases. This inflated number has a significant and corresponding impact on the requests for the number of officers, particularly when a community is transitioning past the 5,000 and 15,000 population thresholds.

The City of Duncan recognizes that the impact of the Fail to Appear charges is felt differently across BC communities. We appreciate your consideration of the disproportionate impact of including Fail to Appear charges in policing statistics for jurisdictions in which courthouses are located, and respectfully request your support for our resolution to remove these charges from policing statistics, similar to traffic related *Criminal Code* offences.

Sincerely,

Michelle Staples

Mayor

Encl. Backgrounder: Fail to Appear Charges

cc: Duncan City Council



BACKGROUND

Fail to Appear Charges

REQUEST

The City of Duncan respectfully requests delegates' support for our resolution that was endorsed at the Association of Vancouver Island and Coastal Communities Annual General Meeting and Convention requesting that the Province of British Columbia exclude Fail to Appear charges from the workload data of municipalities where courthouses are located:

WHEREAS 100% of Fail to Appear charges at provincial courthouses are assigned to the policing statistics of the municipality in which the courthouse is located, having a disproportionate impact on the policing costs assigned to small municipalities with courthouses that serve a much broader area outside their jurisdiction;

AND WHEREAS this inflates the Criminal Code case load for all municipalities with courthouses within their jurisdiction and results in an unfair burden to the taxpayers of those local governments, especially considering that Fail to Appear cases have no effect on the workload of the local detachment;

THEREFORE BE IT RESOLVED THAT UBCM urge the Province of British Columbia to direct that *Criminal Code* Section 145(2)-(5) and 732.1(2b) and 3(a) be excluded from the policing statistics of local governments with courthouses.

BACKGROUND

The City of Duncan recognizes that the impact of the Fail to Appear charges is felt differently across BC communities. BC local governments with a courthouse in their jurisdiction with populations over 5,000 will likely be aware of the impacts of these calculations on their policing costs.

Duncan is a small urban municipality (population 5,047) that serves a much larger population outside of its jurisdiction. The population surpassed 5,000 in the 2021 census, and is now required to pay 70 percent of RCMP policing costs, with the federal government paying the remaining 30 percent, in accordance with the *Policing Act*. Duncan has negotiated with the province to determine how many police officers will be included in a policing agreement, which was based on the number of Criminal Code offences within each jurisdiction's boundaries in their policing statistics as part of ensuring "adequate and effective" levels of policing and law enforcement. The Province was very inflexible with this methodology.

Through these negotiations, Duncan learned that Fail to Appear charges, a Criminal Code charge brought against an individual who fails to attend a scheduled court appearance, for the Duncan Courthouse (Provincial Court) are attributed to the City's policing statistics, regardless of where the original offence occurred. However, prior to 2022, Fail to Appear charges were simply added to the originating Criminal Code offence, as only the most serious offence was counted for statistical purposes. Now these Fail to Appear charges are added as a new charge because they were created on a different date.

The inclusion of Fail to Appear charges has inflated the policing statistics and consequently the number of officers required for not only Duncan, but likely for other jurisdictions where courthouses are located; particularly when transitioning past the 5,000 and 15,000 population levels. Furthermore, these charges do not impact police resources because they are simply an additional charge against the individual.

DISCUSSION

In the City of Duncan context, the inclusion of the Fail to Appear charges equates to two additional officers to address these charges. In 2023, the City is allocated 100% of the 325 Fail to Appear charges, whereas only approximately 65 of these cases (20%) originated from within the City of Duncan, versus 260 of these cases (80%) originated from other jurisdictions. These Criminal Code cases originating from other jurisdictions inflated the City's 2023 Criminal Code cases from 1,152 to 1,412; this was an increase of 23%. This inflated number has a significant and corresponding impact on the number of required officers.

Our secondary concern, confirmed by multiple senior RCMP officials, is that Fail to Appear cases have no effect on the workload of the local detachment; they are simply an additional charge against the individual.

If Fail to Appear charges are not excluded from the policing statistics of municipalities with courthouses, they should at least be tracked separately like Criminal Code traffic offences, so that their impacts on local policing can be appropriately considered.

KEY BENEFIT

Our hope is that delegates will recognize the disproportionate impact of including Fail to Appear charges in policing statistics for jurisdictions in which courthouses are located, particularly on small municipalities that serve a much larger population outside of their boundaries. If these charges are eliminated from the policing statistics used to calculate the number of officers, the jurisdiction in which courthouses are located could see dramatic impact on the cost of policing. By supporting this resolution, delegates can ask Province to remove Fail to Appear charges from the policing workload calculations of jurisdictions with courthouses for a fairer distribution of costs.

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