

Manitoba Justice Public Safety Investigations

Yukon Presentation
January 16 & 17, 2006

Fortified Buildings Act (FBA)

- Introduced May 2002
- Proclaimed May 23, 2002
- Targets fortified homes and businesses such as biker clubhouses & fortified Marijuana Grow Operations (MGOs)

Safer Communities and Neighbourhoods Act (SCNA)

- Introduced May 2001
- Proclaimed February 19, 2002
- Targets properties used for drugs, prostitution, sniff/non-potable substances and booze cans

Public Safety Investigations (PSI) - Overview

Staffing

- 1 Manager/investigator
- 3 investigators
- 1 Registrar
- Video Surveillance Analyst*

PSI - Overview

Fiscal 2004-2005 Budget

Salary: \$242,200

Operating: \$114,000

Total: \$356,200

PSI Unit

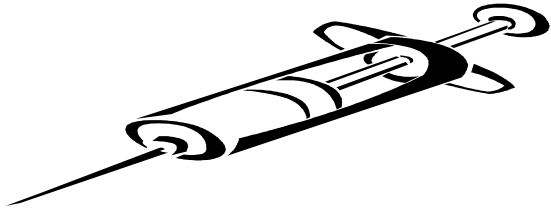
- Former Police Officers with Gang and Vice experience
- Qualified as experts in Court on street gangs and drug offences
- Previous experience in complex investigations along with years of experience in surveillance and tactical units
- Over 100 years combined police experience

Equipment

- Specially equipped surveillance vehicles
- Surveillance video equipment – live and installed applications
- Drop car
- Encrypted radios
- Forward Looking Infrared (FLIR) for Marijuana Grow Operations (MGO's)

SCNA

currently limited to:



Drugs



Prostitution



Booze Cans



**Sniff, Non-Potable
Alcohol**

SCNA - Rationale

- *Criminal Code, CDSA* and other laws have not brought relief to neighbourhoods with entrenched drug, prostitution & sniff operations
- Objective: Use provincial powers to create one law to address these specific activities
- Property owners & businesses are accountable for activities occurring on their properties

SCNA – New approach to old problems





















- Apply civil law to counter the impact on neighbourhoods of entrenched drug, prostitution, sniff & non-potable alcohol, and booze can operations based out of homes and businesses
- ***Target the activities – not individuals***

SCNA – Legal Foundation

Supreme Court of Canada

Bedard vs Dawson

- Provincial power: “suppressing conditions calculated to favour the development of crime rather than the punishment of crime”
- “Control & enjoyment of property & safeguarding of the community from the consequences of an illegal and injurious use being made” of a property

CRIMINAL LAW		CIVIL LAW	
Federal Criminal Code & Controlled Drugs & Substances Act		Manitoba Safer Communities and Neighbourhoods Act	
Criminal Case A person is accused of breaking the criminal law or drug law 		Civil Case Director seeks court order to stop target activities occurring at the property  	
Any criminal offence or drug offence such as		Confined to:	
 Drugs	 Prostitution	 Theft	 Murder
 Drugs	 Prostitution	 Booze Cans	 Sniff, Non-Potable Alcohol
Regina (Crown) approves charges 	VS	Accused: Specific person charged with an offence 	Director of Public Safety 
Property Owner 	VS		
Standard of Proof: Beyond a reasonable doubt 		Standard of Proof: Balance of probabilities 	
Key ? Did John Smith commit a specific crime(s) at a specific place(s) on or about a specific date?		Key ? Is there probable evidence that 1 or more of the target activities is occurring at a property on a habitual basis which adversely affects the safety & security of the neighbourhood?	
Courts: <ul style="list-style-type: none"> Provincial Court for trial or preliminary hearing Queen's Bench for trial by judge or jury Court of Appeal Supreme Court of Canada  and/or 		Courts: <ul style="list-style-type: none"> Queen's Bench (Superior Court) Court of Appeal (if leave is granted) 	Informal Resolution: <ul style="list-style-type: none"> Owner briefed on evidence Agrees to issue notice to vacate instead of going to court
Outcome: Not Guilty Guilty		Community Safety Order Granted Rejected	Tenancy terminated: 5-7 days to leave
If Guilty <ul style="list-style-type: none"> Probation Fine or restitution Condition Discharge Absolute Discharge Conditional Sentence Incarceration 		If CSO Granted <ul style="list-style-type: none"> Close property up to 90 days (& renewable) Terminate tenancy (if rental) Add other conditions Offence Provisions 	

SCNA - Development

Consultations

- Residents associations
- Police – Vice, Gang Unit
- Community groups
- Professional property managers
- Public Housing officials
- Residential Tenancies Branch
- Children and Family Services

SCNA – Key Points

- Currently limited to drugs, prostitution, sniff, non-potable products and booze cans
- Activity must be *habitual*
- *Adverse affect* on neighbourhood
- *Balance of probabilities*

Investigative Process

1. Complaint received
2. Target Assessment
3. City Hall/Land Titles
4. Police Agency information sharing
5. Joint Force Operation
6. Surveillance
7. Reports to Manager and Director
8. Landlord consultation
9. Warning letter, Informal Resolution, or Court of Queen's Bench

SCNA Offences

- Removing a posted Order/Notice: \$2,500 fine and/or 3 months in jail
- Entry into closed property: \$5,000 and/or 6 months in jail
- Ignoring an Order - Continuing Offence: \$500 for each day
- Failure to Inform a 3rd Party upon sale: \$20,000 maximum and/or 1 year in jail

1st PSI Closure

- Prostitution & Drugs
- Tenants served notice on 02 06 03 and complied
- Winnipeg Police Service arrested boyfriend/pimp and sex trade worker

1st Sniff Closure

- Residents selling “sniff” in bottles
- Parents have two sons who are abusers
- Complete renovation post closure

Home Street:
\$3.00-\$5.00 per ¼ bottle or rag



Downtown Core

- Drugs & Prostitution
- Parents pimping 15 & 17-year old daughters
- Frequentated by Street Gang Members
- Prostitution

Brothel

- Prostitution related activity
- 10 year brothel
- Advertised in local papers
- 4-6 Sex Trade Workers
- PSI Surveillance & Winnipeg Police Service (WPS) under-cover project

1st Community Safety Order (CSO)

- Notorious drug house that evolved into clubhouse for violent Ruthless Posse Street Gang
- 10 year history of drug trafficking, arson, drive-by shootings, other violent crimes
- Targeted by PSI and WPS

1st CSO

PSI Case File

- Surveillance over several months
- Volumes of past police incident reports
- Under-Cover purchases of cocaine
- Affidavit from gang experts
- Affidavit from community police officer
- Affidavit from PSI investigator

1st CSO

- Granted maximum closure (90 days)
- Banned 8 gang members from returning for 12 months
- CSO application not contested
- No appeal of the Order

Impact of 1st CSO

3-years Prior to CSO:

- Police Emergency Response Team called 5 x
- Multiple shootings
- Multiple assaults
- Multiple *Controlled Drug Substances Act* Warrants
- Multiple drug and prostitution offences

18 Months Post CSO To Date

No reported crime or police calls for service

Public Housing Unit

- 2nd Floor Suite
- Drugs
- Surveillance camera installed in hallway
- 350+ customers over 3–day period
- Children living in the target suite

Other PSI Closures

- The Pas, Manitoba
- Rural setting
- Hells Angels connected drug operation
- 5 days of live surveillance

SCNA Highlights

- 140 drug, prostitution, and solvent abuse operations involving 193 complaints closed by PSI
- 40-60 hours of surveillance per closure
- \$2 million+ in drugs seized due to PSI investigations

SCNA Highlights

- 139 out of 140 operations were shut down without going to court – saving time, costs, & bringing faster relief to neighbourhoods
- Compliance within 5-7 days after confronting operators

SCNA Highlights

- Advanced electronic surveillance gives PSI 24-7 evidence collection capability
- 82 Police arrests of adults and youth for *Criminal Code offences*, drug offences and outstanding Warrants based on PSI cases
- Several Marijuana Grow Operations (MGOs) shut down
- No false or malicious complaints

SCNA Highlights

- Shut down multiple drug, prostitution and sniff operations set up in the immediate vicinity of elementary schools, day cares, and seniors' homes
- Shut down multiple drug & prostitution operations run by street gangs and Outlaw Motorcycle Gangs (OMGs)

SCNA Highlights

- Total complaints received - 919
- Drug related - 822
- Prostitution related - 272
- Sniff or non-potable related - 60
- Alcohol sale related - 38

Fortified Buildings Act



Fortified Buildings Act (FBA)

- Proclaimed May 23, 2002
- Impetus: long-standing biker clubhouse for 3 Outlaw Motorcycle Gangs (OMG's), including Hells Angels
- Consultations with police and 1st responders

FBA

Recognizes that fortifications:

- Can prevent police and 1st responders from gaining fast access
- Can prevent residents from exiting in an emergency
- Used by criminals, including organized crime

FBA

- PSI investigators appointed by Minister as FBA Inspectors under the Act
- Director empowered to issue Removal Orders requiring removal of listed fortifications

FBA-Fortifications Defined

- **Bulletproof material or material designed to be resistant to explosives, on doors or windows**
- **Protective metal plating on interior or exterior that is not required for structural integrity**
- **Armoured or specially reinforced doors**
- **Metal bars on exterior doors or windows**
- **Any fortification established in Regulations**

FBA - Exception

Reasonable Test

- Sec 1.3: Building not a fortified building if fortified in a manner that does not exceed reasonable security measures commonly taken for residential dwelling

FBA - Factors

Director may take into account:

- # and type of fortifications
- Impair emergency access?
- Impair emergency escape?
- Nature of neighbourhood & area
- Proximity to schools, playgrounds, other children's areas
- Purpose of the building

FBA-Factors

- Persons who own, occupy or visit building
- Past criminal and/or disruptive behaviour at site?
- Any other factors considered relevant by Director

FBA Process

- Inspectors access with consent or Warrant to Enter and Inspect
- Photos/measurements/other recordings
- Review of surrounding area for comparison
- Full report submitted to Director
- Director issues/declines Removal Order
- Removal Orders: identifies fortifications to be removed & compliance date

FBA - Process

- Removal Order registered on Land Titles until compliance achieved

Failure to comply

- Director issues Closure Order, closes building, removes fortifications and bills property owner
- Costs are debt to the Crown

FBA Case 1: Biker Clubhouse

- Clubhouse rear door
- Floor to ceiling metal plates
- Metal plate covering inside of main floor window
- Plate extended well past window opening
- Window also had wire mesh and bars on exterior

FBA Case 2 – Fortified MGO

- Suspected MGO
- Vice Unit Warrant declined by Courts
- PSI applied under FBA for Warrant to Enter & Inspect
- Fortifications visible from exterior + police information
- External and internal fortifications

FBA – Case Summary

14 cases

- 7 Consent Inspections & Voluntary Removal
- 3 Removal Orders Issued by Director using Warrant to Enter & Inspect
- 1 Consent Inspection but no Removal
- 1 Unfounded case
- 2 Pending Inspections

Why This Works

- SCNA & FBA Fill Void
- PSI Expertise
- Community Confidence
- More Immediate Results
- Effective Partnerships
- Advanced Technology

For more information, contact:
Manitoba Justice, Public Safety Investigations