



## A Review of “Unwanted Guests”

<b>Date</b>	November 10, 2021
<b>To</b>	Community Wellness Committee
<b>From</b>	City Planning & Community Development
<b>Service Area</b>	Parks, Recreation & Cultural Services
<b>Item No.</b>	CWC21-12

### RECOMMENDATION

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The Community Wellness Committee recommends that City Council:

1. Forward this report with recommendations to the Regina Board of Police Commissioners for review and consideration of future decisions.
2. Allocate \$200,000 as a one-time grant to the Regina Downtown Business Improvement District from the Community Investment Grants Program Reserve Funds to allow for the continuation of the Community Support Program in 2022.
3. Delegate authority to the City Manager or designate to negotiate and approve a funding agreement with the Regina Downtown Business Improvement District regarding the continuation of the Community Support Program in 2022.
4. Authorize the City Clerk to execute the funding agreement after review and approval by the City Solicitor.
5. Remove MN20-12 from the outstanding items list for City Council.
6. Approve these recommendations at its meeting on November 24, 2021.

## **ISSUE**

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The Trespass to Property Initiative or “Unwanted Guests” initiative (the Initiative) was implemented in 2015 by the Regina Police Service (RPS) to respond to disruptive conduct occurring at businesses. The Initiative utilizes legislation under the *Trespass to Property Act (2009)* to respond to these disturbances. Under the Initiative, summary tickets can be issued in cases where individuals repeatedly attend a business after being issued a ban prohibiting them from attending that business.

On August 26, 2020, Council passed MN20-12 (Appendix A) directing Administration to conduct a review of the Initiative and produce a report exploring implications and recommendations.

Since the motion was passed, consultation with various key stakeholder representing the Regina Downtown Business Improvement District (RDBID), Regina Anti-Poverty Ministry, and community-based organizations (CBOs) from the City’s Community Well-Being Table have taken place. Through these consultations, a number of concerns were identified with the Initiative, including a concern that the approach contributes to criminalizing homelessness and addictions and reinforces stigma and discrimination already faced by the predominantly racialized and poor individuals who received ban or tickets.

Additionally, Administration has met with members of the RPS to learn about recommended changes to the Initiative following an analysis conducted in 2020 on enforcement of the *Trespass to Property Act (2009)*. This has resulted in changes to how RPS responds to trespassing issues.

Contained within this report is information for consideration by Council and the Regina Board of Police Commissioners on MN20-12.

## **IMPACTS**

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### **Social Impact**

At this time, the social impacts of the recommendations remain minimal. However, recent changes made to the enforcement of the Initiative are showing a decline in the number of calls to police. A decrease in the number of tickets issued in 2020 and 2021 and beyond can be anticipated. Future review of the Initiative can confirm if this is an early signal. Ongoing commitment to increasing support for alternative approaches for response can lessen the potential negative implications of this Initiative on vulnerable populations within Regina.

### **Financial Impact**

It is recommended that the City invest \$200,000 to extend the RDBID’s Community Support Program for a second year. The source of this funding would be the Community Investment Grants Reserve Funds, which currently has a balance of \$359,405.

### **Policy/Strategic Impact**

*Design Regina: The Official Community Plan Bylaw No 2013-48* (OCP) recognizes that over the years, the social and economic gap between residents and communities has widened, creating social challenges such as poverty, food insecurity, homelessness, and other issues relating to inequality. The approaches discussed in this report demonstrate alignment with the OCP Social Development Policy.

#### *Community Safety and Well-Being Plan:*

Future action taken by the City, stakeholders, and collaborators on the Initiative can utilize the Community Safety and Well-Being (CSWB) Plan that is currently under review by Council. By maintaining strong alignment with the CSWB Plan, the City can ensure its actions are informed by a strong community consultation process, based in evidence, and make progress on key CSWB priorities for Regina.

### **OTHER OPTIONS**

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1. Amend Recommendation #2 to provide a reduced level of funding to the RDBID for the Community Support Worker program. A reduction in funding may result in a reduced level of service in the downtown should the funding not be secured from other sources.
2. Refer the report back to Administration. If City Council has specific concerns with the proposed plan, it may refer the plan back to Administration to address or make additional recommendations and return back to Community Wellness Committee or City Council.
3. Do not endorse this plan and Receive and File this report.: The Community Safety and Well-Being Plan aims to advance work related to safety and well-being through a collaborative approach that will include partners such as the RPS. In this case, Council may opt only to receive and file this report and not provide any funding for the Community Support Worker Program through this source.

### **COMMUNICATIONS**

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Administration will provide a copy of this report and notification of the Community Wellness Committee meeting to stakeholders and CBOs consulted during the review process.

### **DISCUSSION**

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The information provided below has been gathered with assistance from RPS (see Appendix B), as well as various stakeholders (see Appendix C) who were consulted as part of the process.

#### **Background**

*The Trespass to Property Act (2009)* is provincial legislation that prohibits trespassing under certain conditions. It allows property owners to address prohibited activities on their property and, if violated, the property owner can ban a person from entering their property. If a property owner chooses to ban a person, police can issue a Summary Offence Ticket to those who ignore the ban. This

legislation offers business owners a proactive non-criminal route to address persons who are disrupting their business operations.

In 2015, the RPS educated business owners about the *Trespass to Property Act (2009)*. The RPS, the RDBID, and local businesses collaborated to address community safety concerns regarding a disproportionate number of police calls for service in the downtown involving public intoxication, harassing and disturbing behaviour, and shoplifting. This resulted in an increase in bans and tickets issued under the Initiative, as is illustrated in Table 1 below. The feedback from businesses was positive; however, there was some community concern about criminalizing homelessness and addictions.

Table 1 - # of Bans and Tickets Issued under the Initiative

<b>Year</b>	<b>Bans</b>	<b>Tickets</b>
<b>2015 (Feb-Dec)</b>	302	39
<b>2016</b>	458	24
<b>2017</b>	358	26
<b>2018</b>	354	63
<b>2019</b>	433 <sup>1</sup>	47
<b>2020</b>	263	22

In 2020, RPS reviewed its practices regarding enforcement for the Initiative. This review resulted in a number of recommendations to improve public safety in the area of trespass bans and tickets. To date, RPS has taken action to mitigate and review the role law enforcement plays in this Initiative. This has resulted in three recommendations being implemented in 2020:

1. Discontinuing the practice of scanning and retaining bans, unless they are submitted as part of a loss prevention officer's package of evidence or if they are necessary evidence that substantiates a trespassing ticket or criminal mischief charge.
2. A focus on long-term solutions, permanently solving issues, and reducing calls for service by re-balancing the need to protect businesses and not over-penalizing vulnerable populations.
3. Continuing work to support collaborations, leading work integration and cooperating with partners to share work and fill gaps when other organizations are not able to.

Additionally, a new process guide was developed and shared with front-line officers, directing officers not to continue issuing tickets to repeat unwanted guests and explore other problem-solving options. Policy changes were also approved by the RPS Executive team that encourage officers to find other solutions outside of enforcement. Preliminary data as of July 31, 2021, indicates that these changes have resulted in a decrease in the number of tickets written, with only 19 issued.

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<sup>1</sup> The total was originally reported to be 470, but after manual review and removal of duplicates, the total is 433. There is no data quality on bans and duplicate submissions and scanning are common.

### **Implications for Poor and Vulnerable Populations**

In consultation with stakeholders and CBOs, Administration heard three major themes regarding the implications of the Initiative on vulnerable and marginalized populations. These include:

#### *Reinforcement of Discrimination by Businesses*

It was seen that the Initiative reinforces discrimination of vulnerable populations and increases marginalization of these populations. This was viewed to be particularly damaging to poor and racialized groups because of the potential for profiling.

#### *Increased Financial Strain for Vulnerable People*

It was stressed that individuals currently do not have access to the funds they need to sustain themselves. It was also noted that the fines for the Initiative are roughly equal to the basic benefit offered under the Saskatchewan Income Support (SIS) program intended to cover food, clothing, travel, and personal items. This means that in months where an individual on the SIS program faces a fine under the Initiative, it can be expected their basic needs will go unfunded, placing them in a place of increased precarity and vulnerability. For individuals facing this level of precarity, it was felt that fines did not make sense, as they are an ineffective deterrent and have the potential to perpetuate the cycle of poverty.

#### *Over-Criminalization of Vulnerable Individuals*

Great concern was shared that this Initiative has the potential to over-criminalize vulnerable individuals. It was suggested that police response is an ineffective tool at reducing situations of desperation that often lead individuals to engage in shoplifting or other disruptive behaviour to businesses. It was explained that issuing bans and tickets can actually have the potential to escalate and increase aggression in disruptive individuals. Concern regarding the amount of discretion offered to businesses in determining who is fined was also emphasized and a need to move away from enforcement needed.

Consensus among stakeholders and CBOs consulted suggested that the Initiative does not deal with root causes. Rather, it is suggested that a focus on upstream prevention and increased supports/services for vulnerable individuals is key in improving the situations of individuals and reducing instances of trespassing and the need to ban individuals from businesses.

### **Race-based Data Collection**

In July 2020, the Canadian Association of Chiefs of Police and Statistics Canada announced they were working together to bring forward a process for reporting statistics on Indigenous and ethno-cultural groups in police-reported crime statistics on victims and accused persons. The agencies stated they would be reaching out to partners and stakeholders to advance this Initiative. The RPS is waiting on direction from the outcome of this partnership to ensure that there is uniformity in reporting by policing agencies across the country. At this point it is unclear if victims and accused will be compelled to provide race-based data or if the information will be gained voluntarily. There is a concern about breaching the Charter of Rights and Freedoms in relation to compelling someone to share that information. The RPS understands that this data is important; however, wants to ensure there is a national framework on how the collection of this information occurs.

The Canadian Center for Justice Statistics is currently leading this work at the national level. There currently is no timeline for the completion of their work.

In Administration's consultation with stakeholders and CBOs, it was stressed that any potential collection of race-based data be approached with some degree of caution to ensure discrimination is not reinforced through data. Considerations around the potential purpose and usage of this data were raised. It was suggested that its use could be potentially limited to determining preventative programming or intervention, rather than strictly for monitoring.

### **Alternative Approaches to Response**

In addition to the recent changes to enforcement made by the RPS, there are a number of options for alternative approaches for responding to disruptive incidents at businesses that are sensitive to the needs of marginalized populations. The objective of such approaches should aim to advance the overall well-being and better support individuals made vulnerable in Regina.

#### *Social Navigation Programming*

Programming that focuses on offering systems navigation support for vulnerable individuals can support these individuals receive the services (such as income assistance or emergency shelter) they require. Social Navigation acts as a connector between vulnerable individuals in the community and large support systems. It is a common approach used throughout Canadian cities, with programs operating at the community-level or operated by business improvement organizations. Through offering outreach activities in a face-to-face manner, they prove connection and personalized support for individuals needing assistance to ultimately:

- Reduce social disorder
- Decrease calls to police for non-policing matters
- Provide non-emergency response
- Connect vulnerable individuals to services they require, etc.

In the spring of 2021, the RDBID began preparations to operate a pilot program through joint funding from the City of Regina (\$200,000) and RPS (\$67,000). The Downtown Regina Community Support Team has been operational in the downtown area of Regina since June 21, 2021. They provide ongoing support and outreach in the Regina downtown area and act as a liaison with businesses in the area to improve relations and offer an alternative approach to the Initiative discussed in this report. To date, the majority of their work has focused on outreach and relationship building.

An interim report of the first 6-months of this program is included in Appendix D. The program is making progress on achieving its objectives and as of mid-September have received 34 calls for service and recorded 380 interactions. Additional work to analyze social navigation programs for Regina is underway as part of the City's Community Safety & Well-being planning process. Prior to this work being complete, Administration is recommending that Council consider investing \$200,000 in extending the RDBID Community Support Program for a second year until a full evaluation can be conducted.

### *Community Space*

The need for drop-in spaces that are barrier-free and operate after-hours (including 24 hours/day) can also be a critical component of supporting vulnerable individuals. These spaces offer access to basic needs such as washrooms, food, and water. Further connection to services can also be facilitated by being a touchpoint for system entry and providing access to telephone and internet. In addition to providing basic needs and services, low barrier, drop-in spaces meet greater needs where individuals can find temporary safety, community, and begin to build support networks to carry them through their journey of healing. This topic is also being explored further through the Community Safety & Well-being Plan.

### *Educational Approaches*

Education for businesses and the public was suggested as a foundational component to understanding and addressing the implications of the Initiative on vulnerable populations. This can be achieved through greater engagement and facilitated conversations between the business community and vulnerable individuals (as well as the individuals that support them) and be the first step in seeking appropriate and effective solutions.

This combined with increased training, tools, and knowledge of resources for addressing the needs of individuals such as crisis response services or hotlines can better meet the needs of individuals that may be causing disruption to businesses.

### **Recommendations for Consideration by the Regina Board of Police Commissioners**

In recognition of information presented in this report, Council can consider the following recommendations to advance to the Regina Board of Police Commissioners.

1. Continue to review and monitor enforcement changes made to the Initiative in 2020 regularly.
2. Await national advice and information regarding race-based data collection from the Canadian Center for Justice Statistics. When available, take under review for future direction in relation to the Initiative.
3. Once endorsed by Council, take the Community Safety and Well-Being Plan for Regina under review/advisement to inform future planning, approaches, and collaboration to address issues of crime and safety from a policing perspective.
4. Continue to work collaboratively with, and provide in-kind support, to the RDBID Community Support Program in 2021-2022.

In consultation with RPS regarding the Initiative, the *Trespass to Property Act (2009)* is a useful tool for business owners when an individual may need to be removed from an environment and do so in a manner that does not criminalize or overly punish individuals. This legislation is commonly used by school resource officers to remove problematic individuals and to maintain a safer school setting for students and staff. For this reason, policy recommendations specific to the *Trespass to Property Act (2009)* to advance to the provincial government and the Regina Board of Police Commissioners are not included in this report.

## DECISION HISTORY

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On August 26, 2020, Council passed MN20-12 directing Administration to conduct a review and report back to Council upon completion.

Respectfully submitted,

Respectfully submitted,



Laurie Shalley, Director, Parks, Recreation & Cultural Services

10/28/2021



Diana Hawryluk, Executive Director, City Planning & Community Dev.

11/3/2021

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## ATTACHMENTS

Appendix A: MN20-21 - A Review of Unwanted Guests

Appendix B: Regina Police Service Information in relations to the Unwanted Guest Initiative Discussion (Briefing Note prepared by RPS)

Appendix C: Community-Based Organizations Consultation Summary

Appendix D: RDBID Community Support Program Report (Interim Report prepared by RDBID)