



## VANCOUVER POLICE DEPARTMENT PLANNING, RESEARCH & AUDIT SECTION

**April 16, 2009**

**To:** Drazen Manojlovic, Director  
Planning, Research & Audit Section

**From:** Roger Berar, Constable 1862  
Planning, Research & Audit Section

**Subject: Downtown Community Court - Appearance Notices** **2009-053**

---

### **Assignment**

To amend the Regulations and Procedures Manual (RPM) Section 1.5 – Appearance Notices, to better reflect the current Downtown Community Court (DCC) practice.

### **Background**

The DCC opened in September 2008. The new court will test new ways of providing justice, health and social services to individuals coming to the justice system. Ultimately, the new court aims to reduce crime in Vancouver's downtown and improve public confidence in the justice system.

The VPD has been a long term partner in the development of the DCC and is committed in continuing its support of this initiative. Sgt. Clark of the DCC has requested that the Planning, Research and Audit Section (PR&A) amend the current policy to better reflect its practices. One of the mandates for the DCC is for expedient court access for offenders that choose this option. Therefore, the changes requested would facilitate such expediency by allowing members to make the turn around times shorter for accused persons attending community court, when filling out Appearance notices(A/N) or Promise to Appear(PTA's).

### **Resources**

Matt Clark, Sergeant 1784, Liaison for Community Court

### **Research and Analysis**

The DCC partners with various treatment providers and other justice groups within the community to provide a comprehensive response to criminal activity.

The DCC is the court of first appearance for the majority of people charged with offences in District 1 and District 2 west of Clark Drive. It is expected that this will include both persons held in custody for court and those released by the police and compelled to court via A/N or PTA.

The DCC will hear the following offences: Provincial offences heard by a Provincial Court Judge (such as driving while prohibited, and Safe Streets Act offences), Criminal Code offences in the absolute jurisdiction of the Provincial Court (such as theft under \$5000), all summary conviction offences, and hybrid offences where the Crown proceeds summarily. It will also hear "simple" possession under the Controlled Drug and Substance Act. (Section 4(1) CDSA) The Court will also hear breaches of community court orders.

One of the features of the community court is that offenders who are willing to take responsibility for their offence will have their matters dealt with in a much shorter time than the regular court process. To this end the Court has been staffed and set up so that the needs of the offender can be assessed, weighed together with the risk to the community and his (her) criminal record and a recommendation can be made to the court regarding sentencing in many cases on the date of the first appearance. Offenders can, at the point of first meeting with defence counsel or upon appearing in community court, chose to opt out of the community court process and have a trial scheduled in the normal court stream at the Vancouver Provincial Court at 222 Main St. If the proposed amendment is adopted it will allow the DCC to accomplish this goal.

### **Risk Management**

The VPD continues to support the DCC initiative and by adopting this amendment it will further facilitate the ability of the court to effectively manage its process, while at the same time providing members direction on how to properly process the paperwork in relation to the DCC. There is no risk associated with the proposed amendment.

### **Budget Implications**

There are no financial implications with the proposed amendment. All training needs can be met through a training bulletin and an e-parade briefing.

### **Conclusion**

The VPD has been a long term partner in the development of the DCC and is committed in continuing its support of this initiative. The DCC partners with various treatment providers and other justice groups within the community to provide a comprehensive response to criminal activity. In order to be consistent with the DCC philosophy of more timely dispositions, a request was made to amend the RPM to reflect its mandate. If the proposed amendments are adopted it will allow the DCC operate in a manner that will assist it to meet its goals of providing offenders a timely disposition.

## **Recommendations**

I recommend that:

the proposed amendments to RPM Section 1.5 – Appearance Notices be approved; and  
this file be concluded.

---

Roger Berar, Constable 1862  
Planning, Research & Audit Section

## Existing Procedure

### 1.5 Appearance Notices

#### 1.5.1 Issuing Appearance Notices - Federal & Provincial

(Effective: 2004.08.17)

1. Members shall allow six (6) calendar weeks between the date the Appearance Notice is issued and the initial Court appearance.

#### Adult Court

2. For Adult Federal or Provincial Court, time and location on all Appearance Notices should be specified as 9:00 a.m., in Courtroom 100, 222 Main Street, Vancouver, BC. Members shall select a first appearance court date for the accused person charged with any criminal or provincial offence (except drugs) for the day of the week indicated on the table below based on the first letter of the accused's last name. In the case of Federal Crown matters (such as drug cases), the day of appearance shall always be a Wednesday. If the day selected happens to be a statutory holiday, members shall select the same day in the following week.

Last Name Beginning with	Day of the Week for First Appearance (six weeks from date of issue)	Courtroom Number and Time
A - E	Monday	Courtroom 100, 0900 hrs
F - L	Tuesday	Courtroom 100, 0900 hrs
Any Federal Crown Matter (e.g. Drugs)	Wednesday	Courtroom 100, 0900 hrs
M - R	Thursday	Courtroom 100, 0900 hrs
S - Z	Friday	Courtroom 100, 0900 hrs

3. When there are two or more accused persons charged jointly with the same offence or charged with offences arising from the same incident, all accused shall be given the same court date based on the first letter of the last name of the accused that appears first in the alphabet.

#### Federal and Provincial Charges

4. Where an accused is charged with a criminal (or provincial) offence and with an offence for which Federal Crown has responsibility, members shall issue two Appearance Notices with appearance days as per table above.

#### Youth Court

5. When youths are released on an appearance notice, the following shall apply:
  - a. For Youth Court, time and location on all Appearance Notices should be specified as 9:30 a.m., in "Initial Appearance Room", 800 Hornby Street,

Vancouver, BC. Appearances shall be set for Mondays only, excluding holidays.

- b. The Section 10(b) Charter Warning must be written on the Appearance Notice in the following manner:

**"YOU HAVE THE RIGHT TO RETAIN AND INSTRUCT COUNSEL WITHOUT DELAY"**

#### **6. Fingerprinting and Photographing of Youths and Adults**

7. Fingerprinting and photographing shall be Monday to Friday, except holidays, at 1300 hours. The day set shall be as close as possible to, but not less than, five (5) weeks after the issue of the Appearance Notice but 5 days prior to the court appearance.

#### **Information Required**

8. A full description of the accused shall be noted on the back of the yellow copy of the Appearance Notice including:
  - a. Height;
  - b. Weight;
  - c. Scars, marks and tattoos;
  - d. Hair colour;
  - e. Facial hair if any; and
  - f. Any other prominent feature to assist with identification of the accused.
9. The accused shall be given the blue copy.
10. The member who issued the Appearance Notice shall swear to the affidavit of Service on the back of the Appearance Notice.
11. The Appearance Notice (white and yellow copy) shall be submitted as an attachment. The GO report number must be clearly marked at the top of the Appearance Notice.
12. Members wishing to have a suspect fingerprinted before releasing on Appearance Notice shall refer to Section 1.5.2, Releasing on Appearance Notice".

#### **Youth Process – Notification of Guardian**

13. Members shall complete a VPD 262 (Notice to Parent), advising that the young person has been issued an Appearance Notice. In the event that the Notice is unable to be delivered in person, the Notice shall be sent by registered mail.
14. Members shall complete a VPD YTH023 (Affidavit of Service). (Service on a Young Person and Service on Parent or Adult). In the event that the Affidavit is unable to be served in person, the affidavit shall be sent by registered mail.
15. Members requiring a VPD 262 (Notice to Parent) or VPD YTH023 (Affidavit of Service) to be sent by registered mail shall:
  - a. During normal business hours attend the Mail Room, 312 Main Street, to make the necessary arrangements; or

- b. Outside of business hours, attend the Mail Room, 312 Main Street. Access the Mail Room using your building key. Place the documents to be mailed in an addressed envelope, and leave the envelope on the Mail Room desk. Clearly indicate to Mail Room staff that it is to be sent by registered mail, along with your name, PIN, and section so a receipt/tracking number may be forwarded to you.

## Proposed Procedure

### 1.5 Appearance Notices

#### 1.5.1 Issuing Appearance Notices - Federal & Provincial

(Effective: 2004.08.17)

1. Members shall allow six (6) calendar weeks between the date the Appearance Notice is issued and the initial Court appearance.

##### Adult Court

2. For Adult Federal or Provincial Court, time and location on all Appearance Notices should be specified as 9:00 a.m., in Courtroom 100, 222 Main Street, Vancouver, BC. Members shall select a first appearance court date for the accused person charged with any criminal or provincial offence (except drugs) for the day of the week indicated on the table below based on the first letter of the accused's last name. In the case of Federal Crown matters (such as drug cases), the day of appearance shall always be a Wednesday. If the day selected happens to be a statutory holiday, members shall select the same day in the following week.

Last Name Beginning with	Day of the Week for First Appearance (six weeks from date of issue)	Courtroom Number and Time
A - E	Monday	Courtroom 100, 0900 hrs
F - L	Tuesday	Courtroom 100, 0900 hrs
Any Federal Crown Matter (e.g. Drugs)	Wednesday	Courtroom 100, 0900 hrs
M - R	Thursday	Courtroom 100, 0900 hrs
S - Z	Friday	Courtroom 100, 0900 hrs

3. When there are two or more accused persons charged jointly with the same offence or charged with offences arising from the same incident, all accused shall be given the same court date based on the first letter of the last name of the accused that appears first in the alphabet.

##### Federal and Provincial Charges

4. Where an accused is charged with a criminal (or provincial) offence and with an offence for which Federal Crown has responsibility, members shall issue two Appearance Notices with appearance days as per table above.

##### Youth Court

5. When youths are released on an appearance notice, the following shall apply:
  - a. For Youth Court, time and location on all Appearance Notices should be specified as 9:30 a.m., in "Initial Appearance Room", 800 Hornby Street,

Vancouver, BC. Appearances shall be set for Mondays only, excluding holidays.

- b. The Section 10(b) Charter Warning must be written on the Appearance Notice in the following manner:

**"YOU HAVE THE RIGHT TO RETAIN AND INSTRUCT COUNSEL WITHOUT DELAY"**

## **6. Downtown Community Court**

Members shall select the fourth business day after the Appearance Notice (A/N) is issued for the date of initial appearance at community court. For community court, time and location on all A/N's and Promise to Appear (PTA) should be specified as 9:00 a.m., in Courtroom 1, 211 Gore avenue, Vancouver, BC.

### **Fingerprints**

An attempt should be made to fingerprint and photograph the Accused before release. If the Accused is released prior to fingerprints and photographs being taken, and this is required, the Accused will be directed to return to the Vancouver Police Station at 312 Main Street for this purpose. Fingerprinting and photographing shall be Monday to Friday, except holidays, at 1300 hours. The day set shall be on the fifth business day after release from custody.

Note: In this event the Accused will be required to attend the Community Court on the fifth business day after attending 312 Main Street for fingerprinting.

### **Fingerprinting and Photographing of Youths and Adults**

7. Fingerprinting and photographing shall be Monday to Friday, except holidays, at 1300 hours. The day set shall be as close as possible to, but not less than, five (5) weeks after the issue of the Appearance Notice but 5 days prior to the court appearance.

#### **Information Required**

8. A full description of the accused shall be noted on the back of the yellow copy of the Appearance Notice including:
  - a. Height;
  - b. Weight;
  - c. Scars, marks and tattoos;
  - d. Hair colour;
  - e. Facial hair if any; and
  - f. Any other prominent feature to assist with identification of the accused.
9. The accused shall be given the blue copy.



10. The member who issued the Appearance Notice shall swear to the affidavit of Service on the back of the Appearance Notice.
11. The Appearance Notice (white and yellow copy) shall be submitted as an attachment. The GO report number must be clearly marked at the top of the Appearance Notice.
12. Members wishing to have a suspect fingerprinted before releasing on Appearance Notice shall refer to Section 1.5.2, Releasing on Appearance Notice".

#### **Youth Process – Notification of Guardian**

13. Members shall complete a VPD 262 (Notice to Parent), advising that the young person has been issued an Appearance Notice. In the event that the Notice is unable to be delivered in person, the Notice shall be sent by registered mail.
14. Members shall complete a VPD YTH023 (Affidavit of Service). (Service on a Young Person and Service on Parent or Adult). In the event that the Affidavit is unable to be served in person, the affidavit shall be sent by registered mail.
15. Members requiring a VPD 262 (Notice to Parent) or VPD YTH023 (Affidavit of Service) to be sent by registered mail shall:
  - a. During normal business hours attend the Mail Room, 312 Main Street, to make the necessary arrangements; or
  - b. Outside of business hours, attend the Mail Room, 312 Main Street. Access the Mail Room using your building key. Place the documents to be mailed in an addressed envelope, and leave the envelope on the Mail Room desk. Clearly indicate to Mail Room staff that it is to be sent by registered mail, along with your name, PIN, and section so a receipt/tracking number may be forwarded to you.