

ADMINISTRATIVE REPORT

Report Date: March 9, 2009
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TO: Vancouver City Council

FROM: General Manager of Community Services in consultation with Director of Legal Services and the General Manager of Financial Services

SUBJECT: Municipal Ticket Information (MTI) Pilot Project

RECOMMENDATIONS

- A. THAT Council approve the Municipal Ticketing Information (MTI) process as a permanent by-law prosecution tool.
- B. THAT Council approve amendments to the Ticket Offences By-law to provide for graduated fines for MTIs as outlined in this report.
- C. THAT the Director of Legal Services bring forward the appropriate amendments to the Ticket Offences By-law.

CITY MANAGER'S COMMENTS

The use of MTIs adds to the range of tools available to the City in achieving effective and efficient enforcement of its by-laws and is therefore supported. Staff will continue to improve administrative procedures associated with the tracking and payment of violations so that the effectiveness of the various tools can be monitored and improved on a continuing basis.

COUNCIL POLICY

In May 2006, Council approved a Municipal Ticketing Information (MTI) Pilot Project for enforcement of 13 offences in the following by-laws: Animal Control, Street & Traffic, Health, Licensing and Noise Control.

SUMMARY AND PURPOSE

The purpose of this report is to provide Council with an update on the results of the MTI Pilot Project and to recommend its continuation on a permanent basis and to note the conditions necessary to permit expansion to include additional by-law offences.

BACKGROUNDMTI vs. Long Form Information Process

City of Vancouver by-laws are enforced by means of letters and orders to obtain voluntary compliance, by direct enforcement methods such as s. 324A nuisance resolutions, by civil injunctions, and by prosecutions. Prior to Council enactment of the Ticket Offences By-law, prosecutions were commenced by preparation of a Long Form Information (LFI) containing the allegations against the accused. The LFI may follow the issuance of a By-law Violation Notice ticket (BVN). The LFI must be sworn before a Justice of the Peace (JP) who also issues a summons requiring the attendance of the accused in court. The summons must be personally served before the court has jurisdiction to try the matter. Personal service of summonses can be difficult, time consuming and expensive. There is typically a delay of over one year from the date of the alleged infraction to the first trial date. Unless the defendant pleads guilty a trial must be held. A conviction can result in a fine and an order to remedy the infraction.

The MTI streamlines the prosecution of those offences designated in the Ticket Offences By-law. The MTI ticket issued by a designated enforcement officer is an Information which can immediately be served upon the accused, usually at the time the offence is observed. Unlike the LFI, there is no requirement for the Informant to swear the Information before a JP or for service of a separate summons. If an MTI is disputed, a trial date is mailed to the accused. If an MTI is not disputed or paid, or if the disputant does not appear on the trial date, the accused is automatically convicted without trial and the designated fine is imposed. The time from the offence and service date to automatic conviction is 15 days; to a trial date if disputed, about three months. Appendix A illustrates the processes for prosecution and collection of by-law fines following issuance of MTIs and BVNs.

In May 2006, Council approved a MTI Pilot Project. In September 2006, Council passed the Ticket Offences By-law designating the by-law infractions that could be enforced by means of MTIs - see Table below. The MTI Pilot Project commenced on January 1, 2007.

BY-LAW	Section	INFRACTION
Street and Traffic By-Law No. 2849	Section 6: Section 12(2): Section 60: Section 60D: Section 69A:	Disobey traffic sign/signal Jaywalking No riding bike on sidewalk No helmet Fighting in public
Animal Control By-law No. 9150	Section 3.1: Section 4.2:	No dog licence Dog off leash
Licensing By-law No. 4450	Section 3(1):	No business licence
Health By-law No. 6580 (No. 9535 as of October 2007)	Section 4.21: Section 6.1: Section 6.2:	Urinating/defecating/expectorating Smoking in public place Proprietor permitting smoking
Noise Control By-law No. 6555	Section 4: Section 19:	Objectionable noise Refuse collection noise outside of permitted time

DISCUSSION**MTI Pilot Project**

The pilot project has been successful in promoting compliance and providing an effective alternate method of enforcement. MTIs eliminate the need for a summons and there is a reduction in the number of court appearances and trials, therefore shortening the time from offence to imposition of penalty and reducing City costs associated with prosecution.

The following table illustrates the current status of MTIs which have been issued in the last two years:

Status	2007	2008	TOTAL
Acquitted	7	4	11
Active File	2	1	3
Paid	170	53	223
Deemed Convicted	7	12	19
Deemed Valid	30		30
Quashed	32	5	37
Under Collection	301	215	516
Under Dispute (Waiting for Court)	18	24	42
Under Scrutiny (Waiting for Prosecutor Review)	8	14	22
TOTAL	575	328	903

It is interesting to note that relatively few tickets are quashed. When the tickets are reviewed on an infraction basis the most frequent offences are for:

Urinating/Defecating/Expectorating	39%
Jaywalking	11.6%
Dog off leash	10%
Fighting	9.8%
Disobey Traffic Signs	9.5%
Objectionable Noise	5.9%
All other offences	16.2%

Further analysis of payments made on each type of infraction indicates that the voluntary payment rate for MTIs is marginally higher than for LFIs, despite restricted payment venues. The main advantage of the MTIs, however, is that unless they are promptly disputed, unpaid MTIs result in automatic convictions on the 15th day following the offence. All LFIs which are not paid voluntarily must be prosecuted in court before a fine can be imposed. Although collection of unpaid MTI fines is an issue, the fact that there is a speedy fine is a significant benefit in terms of fine collection. In the case of multiple offenders, the Law Department is frequently able to combine these fines with other existing fines, whether from LFIs or other MTIs and pursue collection of the combined judgement through the various enforcement proceedings available in provincial court.

Through this pilot project period it has become evident that the MTI is an effective enforcement tool with the following benefits:

- Provides a higher deterrence than BVNs because of the speed and certainty with which the penalty is imposed;

- Automatic MTI convictions and trials following disputes occur relatively quickly (15 days and three months respectively) from the date of the offence, therefore there is greater likelihood of conviction due to increased by-law officer availability and recollection;
- Collection can begin sooner and can be combined with fines from other sources;
- The offender can be more easily located;
- Higher rate of voluntary payment;
- Fewer trials mean enforcement officers are on the street rather than in court to give evidence;
- Simplified procedures require less City and court resources.

Graduated Penalties

The Province recently authorized the use of graduated penalties for MTIs, reducing the fine amount if a ticket is paid before a specified date. Since a reduced fine amount is an incentive for voluntary payment, a graduate fine system is expected to increase the voluntary payment rate. Graduated penalties are currently used very effectively for parking violations: a 50% reduction for early payment produces a 74% voluntary payment rate. Staff therefore recommends that the Ticket Offences By-law be amended to adopt graduated penalties consistent with the provisions for parking violations.

The City issues approximately 7,600 non-parking related BVNs, on an annual basis which would be eligible for the MTI process, if MTI is expanded. It should be noted that with an increased voluntary fine payment for graduated penalties, we can expect revenue per ticket to decrease since the fine is reduced 50% for early payment. This decrease should be offset by increased efficiencies and benefits as described earlier in this report and a higher rate of voluntary payment. An increase in the number of offences for which MTIs are issued would also help mitigate the expected decrease in revenue. More importantly, the biggest benefit is an increase in voluntary compliance and the ensuing benefit of improved public behaviour.

Expansion of MTI Ticketing

There are currently four different computer systems used by various departments to track by-law charges, voluntary payments, convictions, fines and collections. A major challenge is the lack of integration which severely limits the City's ability to analyze the effectiveness of penalties for by-law infractions and the resulting inefficiency with the same information being recorded several times in different computer systems.

During the MTI Pilot Project, MTI payments were processed only in the Licence Office using a software system unique to the Community Services Group. This meant that offenders could not pay fines in the Revenue Services By-law Fines office nor through a web-based payment application. These options are available for the payment of other City ticket types such as parking tickets.

The Provincial Court is also reviewing their tracking system in use for prosecution of offences and the opportunity exists to harmonize the transfer of data between our two systems to yield relevant data to provide more thorough analysis of ticketing effectiveness.

City staff is currently undertaking a review of all of the business processes undertaken in all affected City departments in order that an integrated computer tracking solution can be implemented.

City staff are anxious to expand MTI for a variety of additional offences (for example; failure to remove snow on a public sidewalk adjacent to a business), but are not prepared to recommend further expansion of MTI ticketing in this report due to the lack of an integrated tracking system.

FINANCIAL IMPLICATIONS

The existing Legal Assistant I position is required to provide ongoing support for the MTI process. However, it is anticipated that further costs will not be incurred by approving the MTI as a permanent by-law prosecution tool.

CONCLUSION

The MTI pilot project has demonstrated that there are advantages to prosecution by MTI. Staff recommends that the MTI process continue on a permanent basis, that a graduated fine system to increase the voluntary payment rate be incorporated, and that expansion of MTIs for other offences be deferred until an integrated tracking system is in place.

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CITY OF VANCOUVER – PROSECUTION & COLLECTION OF BY-LAW FINES

