Everything Comes at a Price: An Exploration of the Impact of Bylaw Enforcement Practices in the City of Calgary

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A Report prepared for the

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Introduction

Across the country, municipal governments utilize varying legal tools, specifically bylaws, to address issues of order and disorder within Canadian cities. Some examples of areas targeted by bylaws include environmental protection, land use, property maintenance, parking, and numerous social disorder restrictions (behaviours targeted by such laws that include, but are not limited to, loitering, panhandling, public urination, littering). These legal tools are used to prescribe what are deemed to be pro-social behaviours that encourage environmental protection, safety and social order within these municipalities. As the City of Calgary states, "Bylaws are created as a way to address issues and concerns of the local community. They are created to protect the environment, public health, public safety, or to maintain an orderly appearance in your community and city" (City of Calgary). And while such statements may appear impartial as written, we know that these laws are not without prejudice in their operation. That is, bylaws, in particular those targeting social disorder, often have a disproportionately negative impact on the most vulnerable members of a community.

A significant body of research has explored the, often unequal, impact social disorder infractions can have on marginalized populations (Amster, 2003; Berti and Sommers, 2010; Culhane, 2010; Ruddick, 1996; NLCHP, 2006, 2009; Hermer & Mosher, 2002; Sommers, 2005; Sylvestre, 2010; USCCR, 2017). The vast majority of this work focuses on adult and youth homeless populations (Amster, 2003; Gaetz, 2002ab; Savoie & Cornez, 2014; O'Grady and Greene, 2003; O'Grady et. al, 2011; Sommers et. al., 2005), as well as the disproportionate impact such fines can have on visible minority communities (Ruddick, 1996; Savoie & Cornez, 2014; USCCR, 2017). For example, the Commission des droits de la personne et des droits de la jeunesse (2009) has suggested that bylaw enforcement is a tool to legitimize the fight against "public disorder" and uncivil behaviour. This is echoed by Gordon (2004), whose research has suggested that bylaw practices are a way to "aid in the forceful removal of 'undesirables' from

certain neighbourhoods" (p. 35). While bylaw practices may be "broad in scope," the groups being targeted are much more purposeful (Gordon, 2004, p. 49). Broadly speaking then, while these laws may be written to address community concerns generally, they do have the unintended consequence of targeting our most vulnerable citizens. It has been suggested that individuals experiencing homelessness, panhandlers, sex workers, and the visibly poor are all disproportionately affected by bylaw enforcement (Commission des droits de la personne et des droits de la jeunesse, 2009; Gordon, 2004). This disproportionate impact occurs because bylaws typically regulate the strategies that these vulnerable individuals rely on to survive (Chesnay, Bellot, & Sylvestre, 2013), thus affecting their well-being and livelihood. Examples of such unintended consequences are easy to imagine when one considers the context of homelessness where access to restrooms is severely restricted and remaining in pubic locations for too long may be considered loitering. Basic needs and actions, taken for granted by many, may be effectively criminalized for our most vulnerable citizens.

The broad scope of municipal bylaws also masks the differences in how such laws are enforced within neighborhoods. We know that certain laws are enforced at greater rates in certain neighborhoods. This is not surprising as many cities typically have specific areas that experience concentrated (or higher levels) of poverty. Enforcement may also vary as a result of neighborhood revitalization (gentrification) as well as high profile city events that bring visitors and outside media attention to a City. Research conducted by PIVOT & Vancouver Area Network of Drug Users (n.d.) acknowledged that specific neighborhoods in Vancouver, specifically the areas of Downtown Eastside and Strathcona, are ticketed at much higher rates than other areas in Vancouver. The Downtown Eastside has predominantly low-income residents, alongside high levels of addiction, homelessness, and poverty (City of Vancouver Community Services & City of Vancouver Planning and Development Services, 2013). The area of Strathcona also has high levels of low income residents with 47.8% of Strathcona residents living in low income households in 2011 (City of Vancouver, 2011). These neighborhood demographics are consistent with existing research that suggests the impoverished are disproportionately subject to bylaw monitoring and enforcement.

What this suggests is that vulnerable citizens are more likely to experience bylaw enforcement and that these citizens are likely to make up a considerable proportion of those ticketed for bylaw infractions. Indeed, the Commission des droits de la personne et des droits de la jeunesse (2009) highlighted that "22,685 bylaw tickets were issued to 4,036 people" between January of 2005 and March of 2006 in the City of Montreal (p. 53). Additionally, this report identified that 20% of the tickets that were issued were for sleeping on public transit property, thus regulating the use of public space primarily by individuals experiencing homelessness (Commission des droits de la personne et des droits de la jeunesse, 2009). What this research appears to suggest is that a small number of, typically marginalized, individuals is receiving a disproportionate number of tickets in these cities. In Calgary specifically, research conducted by Srivastava, Anderson, & Atanase (2017) identifies types of bylaw tickets that disproportionately affect marginalized populations in Calgary. These include sleeping in public parks, bottle picking, and urinating in public. By ticketing these practices, the study suggests that existing bylaw practices are criminalizing those who have few other options available to them. Because particular groups in society are disproportionately receiving the majority of bylaw tickets, it has been suggested that rather than increasing enforcement, "prevention and diversion activities may be more appropriate" (Patricia Evans & Associates Inc., 2017, p. 43). Varying enforcement practices across major Canadian cities (specifically, Montreal, Toronto, Vancouver, Calgary), as outlined by the research discussed above, are indicative of the ways in which bylaws are used to regulate the behaviour of the most vulnerable. As research across multiple Canadian jurisdictions has suggested, certain citizens are being fined/ticketed for circumstances that they have little control over. Recall the example of access to restroom facilities. When access to restroom facilities are severely restricted (typically to those who are paying customers, etc.) one has little choice but to use public spaces to relieve themselves and risk being ticketed. Given the critical role that circumstance plays in bylaw infraction risk, it would likely be more effective to provide the necessary supports, such as free access to restroom facilities as the above example requires, to prevent individuals from having to engage in "disruptive" behaviour to begin with. Indeed, the heavy costs associated with the criminalization of homelessness (as a result of fines going unpaid which may lead to arrest and incarceration) must be weighed against the perceived benefits of such laws.

While strong evidence has shown the disproportionate impact that fines can have on marginalized populations, often the purpose and value of such fines maintain some level of support from Governmental officials and citizens. This is particularly true for social disorder laws as they are seen, despite their negative consequences, as providing an overall benefit, in the form of increased social order, to the municipality. One justification for social disorder bylaws originates from broken windows theory. For example, the United States Commission on Civil Rights (2017) suggests that fines were introduced as a way to deal with minor offences through the structured implementation of broken windows theory. In general, this theory posits that serious crime within neighborhoods is the result of more minor physical and social disorder that has gone unchecked. As the theory's founders state, "if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken" (Wilson & Kelling, 1982, p. 30). The idea here is that if we can reduce, or eliminate, both the physical manifestations of disorder (for example, abandoned buildings, buildings in disrepair) as well as social disorder (for example, loitering, littering) this will have a positive impact on reducing crime more generally within a target neighborhood. From this perspective then, fines that result from bylaw infractions help to limit disarray within the municipality or within specific neighborhoods within that municipality. This theory has found longstanding as well as widespread acceptance in law enforcement policies and practices. It is worth noting that despite this widespread acceptance, evidence documenting the success of initiatives guided by the theory have been contentious. Although results assessing the effectiveness of such approaches have been mixed, the theory continues to resonate in how many view the utility of social disorder bylaws (Berk and McDonald, 2010; Piquero, 2010; Rowe and O'Connell, 2010). Indeed, we do not need to look far to find support for this understanding of the effectiveness of bylaw fines in reducing social disorder. Contrary to the literature that identifies the negative impacts that bylaw practices have on marginalized populations, the Vancouver Police Department (2013) (VPD) suggests that bylaw practices have a greater overall benefit to citizens because they act as a tool to "change behaviour that puts people at risk or contributes negatively to the community" (p. 1). This statement from the VPD was in response to PIVOT and Vancouver Area Network of Drug Users' critique of bylaw enforcement in Vancouver. This response by the VPD is indicative of the two

starkly different understandings of bylaws and the context in which they are operationalized within neighborhoods.

It is within this context, we set out to explore the impact of Calgary's municipal bylaw enforcement practices. This study is based on survey research conducted in the City of Calgary between September 2016 and June 2017. The goal of this research was to better understand the potential social and economic impacts of bylaw fines on citizens in the City of Calgary. The researchers surveyed 417 people at the Courts and within community agencies that had received bylaw fines in Calgary.

Methodology

Data collection

This study is based on survey research conducted in the City of Calgary. There were two components of the data collection: surveys of court attendees as well as community based survey administration. The goal of the survey was to understand the potential social and economic impact of bylaw fines on citizens in the City of Calgary.

Between September 2016 and June 2017, the researchers surveyed 417 people that had received at least one bylaw fine within the City of Calgary. The number of people surveyed at the courts and in a community setting varied each day and ranged from 1 to 9. Court participants were approached by the researchers while waiting for their court appearance or while in line waiting to make fine payment(s) and were asked by one of the researchers if they would be willing to participate in the study. The court surveys, which lasted approximately 20 minutes, were conducted in the common areas of the Calgary Courts Centre. The community surveys, which also lasted approximately 20 minutes, were conducted within the common areas of various community organization facilities in Calgary. The community organizations that participated in this research and permitted access to their clients included Alpha House, the Drop-In and Rehab Centre, Inn from the Cold, Vibrant Communities Calgary, Law at Your Library workshops, Calgary John Howard Society, Women's Resource Centre, Elizabeth Fry Society of Calgary,

Mustard Seed, and Calgary Legal Guidance.

Data Analysis

The data collected in this research is presented through a variety of descriptive statistics that describe who the participants are within the context of their experiences with municipal fines in Calgary. Demographic information on respondents is presented and discussed in the next section and involved presentation of frequencies on gender, age, education level, amounts and sources of household income. We had a total of 435 respondents complete the survey. Some of these respondents (N=18) reported only having provincial infractions and were excluded from sample. This left a total sample of 417 respondents who had reported having received at least one municipal bylaw fine over the past year in the City of Calgary. Of these respondents, 297 were completed at court and 120 were completed in the community. We begin the analysis by examining the experiences of receiving bylaw fines for the entire sample (N=417). Data analysis techniques include the use of frequencies and cross tabulations. We follow this by comparing the experiences of the court and community samples. Data analysis in this section involved frequencies and cross tabulations.

Sample Demographics

Respondents were slightly more likely to be male, with females representing 40.6% of the sample and males accounting for 59.1% (see Table 1.1). Respondents ranged in age from under 18 to over 51 (see Table 1.2, page 9). As we might expect, respondents reported a range of education levels with 22.9% having some high school, 22.4% have a high school diploma, 20.0% reported some college/or university, and 33.6% reported a college diploma or university degree (see Table 1.3, page 9).

Table 1.1: Gender

	Frequency	Percent	Valid Percent	Cumulative Percent
Female	160	38.4	40.6	40.6
Male	233	55.9	59.1	99.7
Other	1	.2	.3	100.0

	Total	394	94.5	100.0	
Missing	Missing	23	5.5		
Total		417	100.0		

Table 1.2: Age

		Frequency	Percent	Valid Percent	Cumulative Percent
	Under 18	6	1.4	1.4	1.4
	18-30	174	41.7	41.8	43.3
	31-50	169	40.5	40.6	83.9
	51+	67	16.1	16.1	100.0
	Total	416	99.8	100.0	
Missing	System	1	.2		
Total		417	100.0		

Table 1.3: Highest Level of Education

		Frequency	Percent	Valid Percent	Cumulative Percent
	Some high school	90	21.6	21.9	21.9
	High school diploma	92	22.1	22.4	44.3
	Some college or university	82	19.7	20.0	64.2
	College diploma/ university degree	138	33.1	33.6	97.8
	Other	9	2.2	2.2	100.0
	Total	411	98.6	100.0	
Missing	Prefer not to answer	5	1.2		
	Missing	1	.2		
	Total	6	1.4		
Total		417	100.0		

As with education, the general sources of respondents' income varied with 18.5% holding part-time, seasonal or temporary employment, 19.5% being unemployed; 32.9% working full-time and a further 16.5% were receiving Government assistance. 12.5% indicated other sources of income that included student loans, retirement income, and self-employment. To put this in some context, data from Statistics Canada (2017) identified that the median income of Calgarians in 2015 was $104,410.

Table 1.4 Source of Income

		Frequency	Percent	Valid Percent	Cumulative Percent
	Part time, seasonal, or temporary	74	17.7	18.5	18.5
	Full time	132	31.7	32.9	51.4
	Not working	78	18.7	19.5	70.8
	Government assistance	66	15.8	16.5	87.3
	Other	51	12.2	12.7	100.0
	Total	401	96.2	100.0	
Missing	System	16	3.8		
Total		417	100.0		

The majority of respondents (54.6%) had household incomes of less than $30,000, while 15.3% reported household incomes of greater than $30,000 but less than $50,000, and 19.2% reported over $50,000. Table 1.5 (page 11) provides a complete breakdown of household incomes of the respondents.

Table 1.5 Household Income

		Frequency	Percent	Valid Percent	Cumulative Percent
	≤ $15,000 or less	109	26.1	32.7	32.7
	$15,001 - $30,000	73	17.5	21.9	54.7
	$30,001 - $50,000	51	12.2	15.3	70.0
	$50,001 - $70,000	38	9.1	11.4	81.4
	$70,001+	62	14.9	18.6	100.0
	Total	333	79.9	100.0	
Missing	System	84	20.1		
Total		417	100.0		

Simply examining household income alone as a measure of relative poverty can mask important context such as the number of people that income supports. Table 1.6 presents household income by number of individuals in the household. All respondents (100.0%) reporting an income of $15,000 or less also reported living alone. By contrast all respondents (100.0%) in the highest income category (over $70,000) reported that this income supported 5 or more household members. This suggests that the vast majority of households surveyed for this research had limited household incomes when the number of people supported by this income is accounted for.

At least 70% of respondents[1] had a household income that was below the LICO rate. This suggests that the majority of respondents surveyed were experiencing poverty and thus, that the impacts of bylaw tickets on this population are much more significant and impactful than they would be on individuals with more financial stability.

Table 1.6 Household Income by Household Size

		Household size					
		1 person	2 people	3 people	4 people	5+ people	Total
Household income	$15,000 or less	109	0	0	0	0	109
		100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	$15,001 - $30,000	0	36	37	0	0	73
		0.0%	49.3%	50.7%	0.0%	0.0%	100.0%
	$30,001 - $50,000	0	0	0	27	24	51
		0.0%	0.0%	0.0%	52.9%	47.1%	100.0%
	$50,001 - $70,000	0	0	0	0	38	38
		0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
	$70,001 or more	0	0	0	0	62	62
		0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Total		109	36	37	27	124	333
		32.7%	10.8%	11.1%	8.1%	37.2%	100.0%

Turning next to the living situations of respondents, Table 1.7 shows housing status. The majority of respondents reported living in rental accommodations. 23.2% reported owning their home. 25.6% of respondents reported unstable living arrangements (these included being homeless, couch surfing, living in temporary shelters). Finally, 2.9% of respondents reported other and examples of these include living in a residential treatment centre.

Table 1.7 Housing Status

		Frequency	Percent	Valid Percent	Cumulative Percent
Status	**Rent**	200	48.0	48.3	48.3
	Own	96	23.0	23.2	71.5
	Unstably housed	106	25.4	25.6	97.1
	Other	12	2.9	2.9	100.0
	Total	414	99.3	100.0	
Missing	System	3	.7		
Total		417	100.0		

[1] This percentage may be an underestimate of the number of respondents who are below the LICO rate. This is because of how income was measured as we are unable to identify whether or not participants were above or below the LICO rate in the $50,000-$70,000 range as the LICO cut-off for families of five or more fall between this income measure.

Results and Analysis

Fine Experiences and Impact over the Past Year

Table 2.1 shows the types of fines respondents reported receiving over the last year (N=317). The majority of respondents, or 65.7% of cases, reported having received a fine related to fare evasion on Calgary Transit property. The second most frequently reported bylaw fine reported were pet related at 17.5% of cases. Next were public intoxication (10.5% of cases) and loitering (10.2% of cases). The remaining bylaw offences reported were related to public urination/defection (7.3% of cases), fighting (7.0% of cases), littering (7.0% of cases), Panhandling (6.3% of cases), home maintenance (5.7% of cases), noise (5.1% of cases), spitting (5.0% of cases), graffiti (1.9% of cases). In 9.8% of cases, respondents indicated other types of bylaw fines. Examples of these include jaywalking, parking, and sleeping while on Calgary Transit.

Table 2.1: Fines Received in Last Year

		Responses		Percent of Cases
		N	Percent	
Fine type[a]	**Pet fines**	55	11.0%	17.5%
	Graffiti	6	1.2%	1.9%
	Home maintenance	18	3.6%	5.7%
	Littering	22	4.4%	7.0%
	Noise	16	3.2%	5.1%
	Panhandling	20	4.0%	6.3%
	Fighting	22	4.4%	7.0%
	Public urination/defecation	23	4.6%	7.3%
	Public intoxication	33	6.6%	10.5%
	Spitting	17	3.4%	5.4%
	Loitering	32	6.4%	10.2%
	Transit	207	41.2%	65.7%
	Other bylaw	31	6.2%	9.8%
Total		502	100.0%	159.4%

a. Group

Respondents were asked about their ability to pay for the fines they had received over the past year (see Table 2.2). The majority of respondents indicated that they were unable to pay for the

fines they had received. 58.4% of respondents reported being unable to pay their fines while 41.6% indicated they were able to pay their fines.

Table 2.2 Ability to pay for fines received over the last year

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	226	54.2	58.4	58.4
	No	161	38.6	41.6	100.0
	Total	387	92.8	100.0	
Missing	System	30	7.2		
Total		417	100.0		

In order to understand the impact of owning fines on respondents, each was asked to report what, if any, impact being fined and owing fines had on their lives. Table 2.3 presents each of the types of impacts respondents reported. It should be noted that respondents were able to list multiple impacts and all are included. For those reporting impacts, 74.9% of cases reported experiencing stress as a result of the fines received. The next most frequently reported impact was a warrant issued for arrest (34.8% of cases). A non-trivial number of respondents reported spending time in a correctional facility (18.3% of cases). Respondents also indicated impacts on employment with 26.7% having missed work or being late to work (21.6%).

Table 2.3 Impact of Owing Fines

		Responses		Percent of Cases
		N	Percent	
Impact of owing fines[a]	**Unable to pay rent**	74	7.5%	19.9%
	Unable to license vehicle	52	5.2%	14.0%
	Stress	278	28.0%	74.9%
	Time in remand or other correctional institution	68	6.8%	18.3%
	Time doing community service	43	4.3%	11.6%
	Lost job	37	3.7%	10.0%
	Lost time at work	99	10.0%	26.7%
	Late for work	80	8.1%	21.6%
	Warrant issued for arrest	129	13.0%	34.8%
	Detained for one day	61	6.1%	16.4%
	Detained for more than one day	49	4.9%	13.2%
	Childcare	22	2.2%	5.9%
	Other	1	0.1%	0.3%
Total		993	100.0%	267.7%

a. Group

In order to get a more complete picture of the impact of fines on respondents the following section examines a selection of the impact of fines by respondents' self-reported ability to pay. Table 2.4 shows that regardless of respondents' ability to pay having fines was stressful. 72.0% of respondents who had the money to pay their fines as well as 79.2% of respondents who reported being unable to afford their fines found receiving the fines as stressful.

Table 2.4 Impact of owing fines: Stress by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: stress	Yes	59	175	234
		72.0%	79.2%	77.2%
	No	23	46	69
		28.0%	20.8%	22.8%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.5 shows the number of respondents that needed to find childcare as a result of the fines they received by their ability to pay those fines. Few differences were found between those who

were able to pay and those who were unable to pay fines in this analysis. Few respondents needed to attain childcare in order to address their fines (5.6% of respondents).

Table 2.5 Impact of owing fines: Childcare by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: childcare	Yes	5	12	17
		6.1%	5.4%	5.6%
	No	77	209	286
		93.9%	94.6%	94.4%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.6 shows the impact of fines – specifically – impact on rent payment against their ability to pay their fines more generally. For respondents that indicated they were unable to pay rent because of their fines, 28.1% indicated they did not have the money to pay for outstanding fines.

Table 2.6 Impact of owing fines: Unable to Pay Rent by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: unable to pay rent	Yes	4	62	66
		4.9%	28.1%	21.8%
	No	78	159	237
		95.1%	71.9%	78.2%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.7 shows, in general, that inability to license their vehicle was a less frequent impact of owing fines with 17.2% of respondents who did not have the money to pay their fines reporting that they were also unable to license their vehicle.

Table 2.7 Impact of owing fines: Unable to License Vehicle by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: unable to license vehicle	Yes	5	38	43
		6.1%	17.2%	14.2%
	No	77	183	260
		93.9%	82.8%	85.8%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.8 indicates the number of respondents that lost time at work as a result of the fines received. For those who could afford to pay their fines, 30.5% missed some work to address fine payment and for those who could not afford to pay the fine, 26.2% missed work to address these outstanding fines.

Table 2.8 Impact of owing fines: Lost Time at Work by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: lost time at work	Yes	25	58	83
		30.5%	26.2%	27.4%
	No	57	163	220
		69.5%	73.8%	72.6%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.9 shows the number of respondents who reported adverse employment outcomes because of the fines they had received. 14.9% of respondents indicated that they lost their job as a result of the fines that they received over the last year. It is unclear what the mechanisms are by which the fines resulted in job loss for these respondents. One possible scenario is that those who were unable to pay their fines and who ended up with arrest warrants and in remand/other correctional facility may have faced employment challenges.

Table 2.9 Impact of Owing Fines: Lost Job by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: lost job	Yes	1	33	34
		1.2%	14.9%	11.2%
	No	81	188	269
		98.8%	85.1%	88.8%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.10 shows the number of respondents that indicated having to complete community services as a result of the fines they had received. The vast majority of respondents did not have community service as an impact of the fines they had received over the past year. This was true for both those who could pay their fines (98.8%) and those who could not (82.8%). Despite this, it was clear the slightly more respondents who could not pay their fines were involved in some form of community service as a result of their fines.

Table 2.10 Impact of Owing Fines: Community Service by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: time doing community service	Yes	1	38	39
		1.2%	17.2%	12.9%
	No	81	183	264
		98.8%	82.8%	87.1%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.11 shows the number of respondents that indicated a warrant of their arrest had been issued by their ability to pay the fine. Not surprisingly, there were considerable differences between respondents who could and could not afford to pay their fines. 8.5% respondents that reported they could afford to pay their fines had a warrant, while 48.0% of respondents that indicated they could not afford to pay their fines had a warrant issued for their arrest.

Table 2.11 Impact of Owing Fines: Warrant Issued for Arrest by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: warrant issued for arrest	Yes	7	106	113
		8.5%	48.0%	37.3%
	No	75	115	190
		91.5%	52.0%	62.7%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.12 shows the number of respondents that reported spending time in a remand or other correctional facility as a result of the fines they had received. 57 respondents reported spending time in remand or another correctional facility due to the fines they had received. A non-trivial number, 24.0% of respondents that reported being unable to pay their fines also reported being held in remand or another correctional facility as result of their fines.

Table 2.12 Impact of Owing Fines: Time in Remand or Other Correctional Institution by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: time in remand or other correctional institution	Yes	4	53	57
		4.9%	24.0%	18.8%
	No	78	168	246
		95.1%	76.0%	81.2%
Total		82	221	303
		100.0%	100.0%	100.0%

In order to get a better picture of the impact of being held in remand or another correctional facility respondents were asked to indicate the lengths of time they had spent incarcerated. Respondents were asked if they had spent one day or less or if they had spent more than one day incarcerated due to the fines they had received. Tables 2.13 and 2.14 (see immediately below) appear to indicate that those who were unable to pay their fines were more likely to not only be incarcerated but were more likely to be incarcerated for longer periods of time. 3.7% of respondents that indicated they were able to pay their fine indicated spending less than one day

in custody, while those who could not pay their fine (23.5%) indicated they were held in custody for one day or less. More striking were the responses for those who had reported experiencing custody for more than one day. None of the respondents that indicated they could pay their fine were held in custody for longer than one day, while 20.4% of respondents who could not pay their fines were held in custody for more than one day.

Table 2.13 Impact of owing fines: Detained for One Day or Less by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: detained for one day or less	Yes	3	52	55
		3.7%	23.5%	18.2%
	No	79	169	248
		96.3%	76.5%	81.8%
Total		82	221	303
		100.0%	100.0%	100.0%

Table 2.14 Impact of owing fines: Detained Two Days or More by Ability to Pay Fine

		Did you have enough money to pay the fine?		
		Yes	No	Total
Impact of owing fines: detained for more than one day	Yes	0	45	45
		0.0%	20.4%	14.9%
	No	82	176	258
		100.0%	79.6%	85.1%
Total		82	221	303
		100.0%	100.0%	100.0%

Often one of the primary goals of bylaws is deterrence. For example, deterring behaviours considered to contribute to social disorder in public spaces (for example, loitering). Respondents were asked if the fines they had received would deter them from committing similar acts in the future and why this might be the case. 45.4% of respondents indicated that the fines they had received would deter them from taking similar actions in the future. A further 16.8% also indicated that the fine acted as a deterrent because they could not afford to be caught and fined similarly in the future. Despite the majority of respondents (62.2%) indicated some level of

deterrence as it relates to the fines they received, a non-trivial number of respondents (37.9%) indicated that the fines would not deter them from committing similar acts in the future. 27.2% of respondents indicated that they would not be deterred by the fines because their circumstances made it difficult to avoid receiving similar tickets in the future. A further 10.7% pf respondents seemed to be apathetic about the future fines stating that they were not deterred by them and did not care if they received them.

Table 2.16 Fine as deterrent

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes, it prevented me from taking those actions again	157	37.6	45.4	45.4
	Yes, I could not afford to take that action again	58	13.9	16.8	62.1
	No, my circumstances made it difficult for me to avoid getting a ticket again	94	22.5	27.2	89.3
	No, I did not care about getting the ticket	37	8.9	10.7	100.0
	Total	346	83.0	100.0	
Missing	System	71	17.0		
Total		417	100.0		

Most Recent Fine

In order to get a more detailed understanding of the impact of fines on participants the survey asked a number of questions relating to the most recent fine(s) participants had received. This was done so that we might explore additional details relating to the most recent fine(s) respondents could recall receiving at one time. Table 3.1 shows that 72.6% of respondents reported receiving one fine while 27.4% of respondents indicated receiving more than one fine during their most recent experience with bylaw enforcement.

Table 3.1 Number of Fines Received

		Frequency	Percent	Valid Percent	Cumulative Percent
	One fine	278	66.7	72.6	72.6
	Two or more fines	105	25.2	27.4	100.0
	Total	383	91.8	100.0	
Missing	System	34	8.2		

Total	417	100.0		

Table 3.2 summarizes the types of fines respondents received most recently. As with fines over the past year, the vast majority, 65.5%, respondents indicated they had received transit fines most recently. The next most frequently reported fines received by respondents were related to pets at 13.8% of cases. These were followed by public intoxication (7.6%), loitering (6.5%), Public urination/defection (4.5%), Littering (4.0%), Noise (3.7%), Panhandling (3.4%), fighting (3.4%), spitting (3.4%), home maintenance (2.5%) and graffiti (0.6%). A further 9.6% of cases reported other types of bylaws (for example, jaywalking, parking fines, and skateboarding).

Table 3.2 Type of Fine Last Received

		Responses		Percent of Cases
		N	Percent	
Last fine type[a]	**Pet fines**	49	10.8%	13.8%
	Graffiti	2	0.4%	0.6%
	Home maintenance	9	2.0%	2.5%
	Littering	14	3.1%	4.0%
	Noise	13	2.9%	3.7%
	Panhandling	12	2.6%	3.4%
	Fighting	12	2.6%	3.4%
	Public urination/defecation	16	3.5%	4.5%
	Public intoxication	27	5.9%	7.6%
	Spitting	12	2.6%	3.4%
	Loitering	23	5.1%	6.5%
	Transit	232	51.0%	65.5%
	Other bylaw	34	7.5%	9.6%
Total		455	100.0%	128.5%

a. Group

Table 3.3 shows the location respondents reported receiving their most recent fine. 52.3% of respondents indicated they were fined while on transit. 35.5% of respondents indicated they were fined in a public location. It should be noted that this category may also include those who were on Transit property when fined as this may have been considered a public location. Finally, 12.2% of respondents indicated they received the fine at their residence.

Table 3.3 Location when Fined

		Frequency	Percent	Valid Percent	Cumulative Percent
	At my home	43	10.3	12.2	12.2
	In a public location	125	30.0	35.5	47.7
	While on transit	184	44.1	52.3	100.0
	Total	352	84.4	100.0	
Missing	System	65	15.6		
Total		417	100.0		

Table 3.4 shows the amount of money respondents reported owing for their most recently received fine(s). The majority, 61.8%, of respondents reported owing between $150 and $299 in fines. 13.9% reported owing between $300 and $499 in fines. 11.6% reported owing between $25 and $149. 9.0% owed between $500 and $999 and finally, 3.8% reported owing $1000 or more in fines. Additionally, 177 respondents reported receiving a fine of $250 (51.2% of cases).

Table 3.4 Fine amount owed for most recent fine

		Frequency	Percent	Valid Percent	Cumulative Percent
	$25 - $149	40	9.6	11.6	11.6
	$150 - $299	214	51.3	61.8	73.4
	$300 - $499	48	11.5	13.9	87.3
	$500 - $999	31	7.4	9.0	96.2
	$1,000+	13	3.1	3.8	100.0
	Total	346	83.0	100.0	
Missing	System	71	17.0		
Total		417	100.0		

Table 3.5 shows the number of respondents who had the money to pay their fines. The majority of respondents (69.1%) indicated they did not have enough money pay their fines.

Table 3.5 Did you have enough money to pay the fine?

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	106	25.4	30.9	30.9
	No	237	56.8	69.1	100.0
	Total	343	82.3	100.0	
Missing	System	74	17.7		
Total		417	100.0		

Table 3.6 shows the number of respondents that indicated whether or not they took their fine to court. 54.9% of respondents indicated they chose to take their fine to court.

Table 3.6 Did you take the fine to court?

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	203	48.7	54.9	54.9
	No	167	40.0	45.1	100.0
	Total	370	88.7	100.0	
Missing	System	47	11.3		
Total		417	100.0		

Table 3.7 shows whether or not respondents had to miss work as a result of their fines. 47.3% of respondents indicated that they had to miss work to pay their fines.

Table 3.7 Did you have to miss work to pay the fine?

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	176	42.2	47.3	47.3
	No	196	47.0	52.7	100.0
	Total	372	89.2	100.0	
Missing	System	45	10.8		
Total		417	100.0		

Respondents were also asked whether or not they had to attend a court hearing for their most recent fine. 46.6% of respondents indicated that they had attended a court hearing as a result of their most recent fine. The vast majority of these respondents indicated that they had attended court once (69.4% of cases), while 17.8% reported attending court twice. A further 11.1% of respondents reported attending court 3-4 times and 1.8% of respondents indicated attending court more than 5 times to address their most recent fine (see table 3.9 below).

Table 3.8 Did you have to miss work to attend court?

		Frequency	Percent	Valid Percent	Cumulative Percent
	Yes	176	42.2	46.6	46.6
	No	202	48.4	53.4	100.0
	Total	378	90.6	100.0	
Missing	System	39	9.4		
Total		417	100.0		

Table 3.9 Number of court appearances for most recent fine

		Frequency	Percent	Valid Percent	Cumulative Percent
	1	125	30.0	69.4	69.4
	2	32	7.7	17.8	87.2
	3	15	3.6	8.3	95.6
	4	5	1.2	2.8	98.3
	6	1	.2	.6	98.9
	10	1	.2	.6	99.4
	11	1	.2	.6	100.0
	Total	180	43.2	100.0	
Missing	System	237	56.8		
Total		417	100.0		

Table 3.10 shows the outcomes that respondents reported for their most recent fine. 30.5% of respondents indicated they had not addressed their fine (it remained unpaid). 25.1% of respondents indicated that they had their fine reduced. 15.1% of respondents had been given a payment plan. 15.1% of respondents indicated having paid their fines in full. 12.9% had their fine withdrawn. 8.6% reported taking part in a fines option program. Finally, 7.9% reported being given information on a fines options program.

Table 3.10 Outcome of most recent fine

		Responses		Percent of Cases
		N	Percent	
Fine outcome[a]	**Reduced**	70	21.6%	25.1%
	Withdrawn	36	11.1%	12.9%
	Given payment plan	42	13.0%	15.1%
	Paid in full	42	13.0%	15.1%
	Have not addressed payment	85	26.2%	30.5%
	Given information about fines options program	22	6.8%	7.9%
	Taken part in fines options program	24	7.4%	8.6%
	Other	3	0.9%	1.1%
Total		324	100.0%	116.1%

a. Group

Table 3.11 shows respondents' views on how likely they thought they might receive a similar fine in the future. 14.2% of respondents reported that they were likely to receive similar fines in the future. 16.6% reported they were somewhat likely to receive a similar fine in the future while 57.4% indicated there were unlikely and 11.8% were somewhat unlikely to receive a similar fine in the future.

Table 3.11 Likelihood of receiving a similar fine in the future

		Frequency	Percent	Valid Percent	Cumulative Percent
	Likely	47	11.3	14.2	14.2
	Somewhat likely	55	13.2	16.6	30.8
	Unlikely	190	45.6	57.4	88.2
	Somewhat unlikely	39	9.4	11.8	100.0
	Total	331	79.4	100.0	
Missing	Don't know	56	13.4		
	Missing	30	7.2		
	Total	86	20.6		
Total		417	100.0		

Court and Community Sample Comparisons

This section examines the survey data by looking separately at the court and community survey samples. This was done in order to determine if there might be any meaningful similarities/ differences between the two sample groups. Recall that we had a total of 417 respondents who had reported having received at least one municipal bylaw fine over the past year, and of these respondents, 297 were completed at court and 120 were completed in the community. It is these groups that we will examine in section 4. We begin by looking at some basic demographics.

Community and Court Sample Demographics

Table 4.1 shows the age breakdown for the community and court survey samples. We see that the community sample appears to slightly older compared to the court survey group. For example, 48.3% of the court sample was between 18-30 years of age while this age group represented 25.8% of the community sample. In addition, f we look at respondents that were 31 years of age

or older we find that they made up 49.6% of the court sample and 74.2% of the community sample.

Table 4.1 Age by Sample Type

Age		Survey location		
		Court	Community	Total
	17 and under	6	0	6
		2.0%	0.0%	1.4%
	18-30 years	143	31	174
		48.3%	25.8%	41.8%
	31-50 years	109	60	169
		36.8%	50.0%	40.6%
	51 or more years	38	29	67
		12.8%	24.2%	16.1%
Total		296	120	416
		100.0%	100.0%	100.0%

Table 4.2 shows the gender breakdown for the community and court survey samples. There appears to be little difference between the two groups, with females making up 40.1% (court) and 42.0% (community) sample.

Table 4.2 Gender by Sample Type

Gender		Survey location		
		Court	Community	Total
	Female	113	47	160
		40.1%	42.0%	40.6%
	Male	168	65	233
		59.6%	58.0%	59.1%
	Other	1	0	1
		0.4%	0.0%	0.3%
Total		282	112	394
		100.0%	100.0%	100.0%

Table 4.3 highlights the highest level of education attained by community and court survey groups. Not surprisingly the court sample respondents appear to have slightly higher levels of education either partially or entirely completed while community survey respondents appeared to have the lowest levels of education attained. For example, 13.6% of court respondents indicated having completed some high school while 42.7% of community respondents indicated

completing some high school as their highest level of education attained. 25.5% of court respondents indicated some college or University, while 6.0% of community respondents indicated some college or university as the highest level of education attained.

Table 4.3 Highest level of education by Sample Type

		Survey location		
		Court	**Community**	Total
Highest level of education	**Some high school**	40	50	90
		13.6%	42.7%	21.9%
	High school diploma	65	27	92
		22.1%	23.1%	22.4%
	Some college or university	75	7	82
		25.5%	6.0%	20.0%
	College diploma/ university degree	112	26	138
		38.1%	22.2%	33.6%
	Other	2	7	9
		0.7%	6.0%	2.2%
Total		294	117	411
		100.0%	100.0%	100.0%

As with education, sources of income varied somewhat between the court and community samples. Court respondents were most likely to report working full time (43.7% of cases) while only 6.7% of the community sample reported working full time. Community respondents were most likely to report either being currently unemployed (35.7% of cases compared to 12.9% of court respondents) or on government assistance (33.9% compared to 9.4% of court respondents). Finally, 21.3% of court respondents and 11.3% of community respondents indicated they were working part time.

Table 4.4 Source of income by Sample Type

		Survey location		
		Court	Community	Total
Source of income	**Part time, seasonal, or temporary**	61	13	74
		21.3%	11.3%	18.5%
	Full time	125	7	132
		43.7%	6.1%	32.9%
	Not working	37	41	78
		12.9%	35.7%	19.5%
	Government assistance	27	39	66
		9.4%	33.9%	16.5%
	Other	36	15	51
		12.6%	13.0%	12.7%
Total		286	115	401
		100.0%	100.0%	100.0%

Table 4.5 shows household income by community and court sample groups. It appears that community respondents on average reported lower household incomes than court respondents. For example, 23.1% of court respondents and 56.8% of community respondents indicated household incomes of less than $15,000 and 24.8% of court respondents and 3.2% of community respondents indicated household incomes of greater than $70,000. It should be noted that this does not account for the number of persons in each household. As was shown in Table 1.6, 100% of respondents reporting an income of 15,000 or less had one person households, while 100% of the respondents reporting household incomes greater than $70,000 also reported having 5 or more family members in their household. Thus, the differences we see are likely reduced when we account for the number of household members. That is, it may be that court respondents were more likely to be younger and have families while the community sample may be more likely to be older and living alone.

Table 4.5 Household Income by Sample Type

		Survey location		
		Court	Community	Total
Household income	**≤ $15,000**	55	54	109
		23.1%	56.8%	32.7%
	$15,001 - $30,000	50	23	73
		21.0%	24.2%	21.9%
	$30,001 - $50,000	40	11	51
		16.8%	11.6%	15.3%
	$50,001 - $70,000	34	4	38
		14.3%	4.2%	11.4%
	$70,001+	59	3	62
		24.8%	3.2%	18.6%
Total		238	95	333
		100.0%	100.0%	100.0%

Fine Information: Court and Community Sample

Table 4.6 shows that number of fines respondents reported in each of the two sample groups. Court respondents when compared to community respondents tended to have fewer fines over the past year. 91.3% of court respondents and 67.7% of community respondents indicated they had received between 1-5 fines over the past year. By contrast, 8.7% of court respondents indicated have 6 or more fines during the last year while 32.3% of community respondents reported having 6 or more fines over the last year. Of community respondents, 13.1% reported having 6-10 fines.

Table 4.6 Number of Fines by Sample Type

	Survey location		
Number of fines	**Court**	**Community**	Total
1-5 fines	167	67	234
	91.3%	67.7%	83.0%
6-10 fines	11	13	24
	6.0%	13.1%	8.5%
11+ fines	5	19	24
	2.7%	19.2%	8.5%
Total	183	99	282
	100.0%	100.0%	100.0%

Table 4.7 shows the place in which respondents received their most recent fine. Court respondents were only slightly more likely to report receiving their fine while at home (13.4% of cases) or on transit (50.6% of cases) when compared to the community group (8.2% and 46.9% respectively). The community sample appeared to be slightly more likely to report having received their most recent fine in a public location (38.8% of cases) compared to the court sample (27.6% of cases).

Table 4.7 Place fined by Sample Type

		Survey location		
		Court	**Community**	Total
Place fined	**At my home**	35	8	43
		13.4%	8.2%	12.0%
	In a public location	72	38	110
		27.6%	38.8%	30.6%
	While on transit	132	46	178
		50.6%	46.9%	49.6%
	Other	22	6	28
		8.4%	6.1%	7.8%
Total		261	98	359
		100.0%	100.0%	100.0%

Table 4.8 highlights the types of fines respondents reported having received over the last year by sample group. As expected, the vast majority of reported fines for both groups were transit related. 59.7% of court respondents and 77.2% of community respondents reported having received transit fines. The court sample (21.3% of cases) was more likely than the community sample (8.9% of cases) to report pet related fines. The community sample appears to be more likely to have received fines related to public disorder. After transit fines, the community sample reported these as the most frequent fines received: littering 11.9%, fighting 10.9%, public urination/defection 16.8%, public intoxication 26.7%, spitting 13.9% and loitering 23.8%. A full breakdown of the fines received by sample group is shown in the table below (Table 4.8)

Table 4.8 Fine Type by Sample Type

	Survey location		Total
	Court	**Community**	
Pet fines	46	9	55
	21.3%	8.9%	17.4%
Graffiti	3	3	6
	1.4%	3.0%	1.9%
Home maintenance	11	7	18
	5.1%	6.9%	5.7%
Littering	10	12	22
	4.6%	11.9%	6.9%
Noise	8	8	16
	3.7%	7.9%	5.0%
Panhandling	7	13	20
	3.2%	12.9%	6.3%
Fighting	11	11	22
	5.1%	10.9%	6.9%
Public urination/defecation	6	17	23
	2.8%	16.8%	7.3%
Public intoxication	6	27	33
	2.8%	26.7%	10.4%
Spitting	3	14	17
	1.4%	13.9%	5.4%
Loitering	8	24	32
	3.7%	23.8%	10.1%
Transit	129	78	207
	59.7%	77.2%	65.3%
Other bylaw	23	8	31
	10.8%	8.1%	9.9%

Some discussion had been had regarding the frequency with which people were receiving fines, so we asked respondents if they felt there had been any change over time in the number of fines they were receiving. Most respondents indicated that they were receiving fewer fines (62.6% court and 55.7% community). However, a non-trivial number of respondents also indicated they were receiving a greater number of fines over time (18.5% court and 24.5% community). It is not clear why this might be the case and our research is unable to determine the extent to which change may be occurring in enforcement practices. It is clear however from a quarter of the respondents that those considered most vulnerable perceive that they are being fined more often.

Table 4.8 Change in fines overtime by Sample Type

		Survey location		
		Court	**Community**	Total
Change in fines overtime	**Fewer fines**	142	59	201
		62.6%	55.7%	60.4%
	Same number of fines	43	21	64
		18.9%	19.8%	19.2%
	More fines	42	26	68
		18.5%	24.5%	20.4%
Total		227	106	333
		100.0%	100.0%	100.0%

Fine Outcomes and Impacts by Community and Court

Table 4.9 shows the outcomes or current status for the fines most recently received by sample group. 28.4% of court respondents and 19.2% of community respondents reported that their fines had been reduced. 14.8% of court respondents and 9.6% of community respondents reported their fines being withdrawn. 15.9% of court respondents and 13.5% of community respondents indicated that they had established a payment plan to address their fines. 16.5% of court respondents and 12.5% of community respondents reported that they had paid their fines in full. 6.3% (court) and 10.6% (community) indicated they had received information about the fine options program. 3.4% of court respondents and 17.3% of community respondents indicated they had taken part in a fine options program. Finally, most respondents in both groups had not addressed their outstanding fines (for the court sample this represented 27.8% of cases and for the community sample this represented 34.6% of cases).

Table 4.9 Fine Outcome by Sample Type

	Survey location		
	Court	**Community**	Total
Reduced	50	20	70
	28.4%	19.2%	25.0%
Withdrawn	26	10	36
	14.8%	9.6%	12.9%
Given payment plan	28	14	42
	15.9%	13.5%	15.0%
Paid in full	29	13	42
	16.5%	12.5%	15.0%
Have not addressed payment	49	36	85
	27.8%	34.6%	30.4%
Given information about fines options program	11	11	22
	6.3%	10.6%	7.9%
Taken part in fines options program	6	18	24
	3.4%	17.3%	8.6%
Other	2	1	3
	1.1%	1.0%	1.1%

It is worth noting here, that consistent with existing research, respondents that were experiencing unstable housing appeared more likely to report specific types of bylaw offences. These included panhandling, loitering, urinating/defecating in public, etc. Thus, any discussion of the impact of fines must also consider the broader impact of bylaws that target vulnerable populations (see table A in the appendices for complete summary of fines by housing status). Table 4.10 shows the impact of fines reported by respondents in each sample group. 18.0% of court respondents and 31.0% of community respondents indicated that the fines they received were unavoidable as they did not have alternatives. 30.9% of court respondents and 20.4% of community respondents indicated that they would avoid similar infractions in the future. 8.3% of the court sample and 20.4% of the community sample indicated they were unable to license their vehicle due to their fines. Finally, for both group fines caused considerable stress as 51.6% of court respondents and 53.1% of community respondents indicated stress as an impact of receiving fines.

Table 4.10 Impact of fines by Sample Type

	Survey location		Total
	Court	**Community**	
No alternatives	39	35	74
	18.0%	31.0%	22.4%
Avoided similar infractions	67	23	90
	30.9%	20.4%	27.3%
Unable to license vehicle	18	23	41
	8.3%	20.4%	12.4%
Stress	112	60	172
	51.6%	53.1%	52.1%
Other	18	22	40
	8.3%	19.5%	12.1%
None	11	2	13
	5.1%	1.8%	3.9%

Table 4.11 shows respondents' self-reported ability to pay fines by community and court sample. Community respondents (76.1% of cases) were more likely than court respondents (50.7% of cases) to indicate they were unable to pay their fines.

Table 4.11 Unable to pay fines by Sample Type

		Survey location		Total
		Court	**Community**	
Unable to pay fines	**Yes**	137	89	226
		50.7%	76.1%	58.4%
	No	133	28	161
		49.3%	23.9%	41.6%
Total		270	117	387
		100.0%	100.0%	100.0%

Table 4.12 shows respondents' self-reported ability to pay fines by sample group. The court sample (39.2%) was more likely to report being able to pay their fines when compared to the community group (12.3% of cases). Looked at another way, 60.8% of court respondents indicated they could not pay their fines while 87.7% of community respondents indicated they were unable to pay their fines.

Table 4.12 Fine Payment Ability by Sample Type

Ability to pay fine		Survey location		Total
		Court	Community	
	Yes	93	13	106
		39.2%	12.3%	30.9%
	No	144	93	237
		60.8%	87.7%	69.1%
Total		237	106	343
		100.0%	100.0%	100.0%

Table 4.13 shows the likelihood respondents felt they were going to receive similar fines in the future. There were some differences between the two groups. 24.0% of court respondents indicating they were likely or somewhat likely to receive similar fines in the future compared to 47.9% of community respondents indicating they were likely or somewhat likely to receive similar fines in the future.

Table 4.13 Likelihood of Similar Future Fine by Sample Type

Likelihood of future fine		Survey location		Total
		Court	Community	
	Likely	25	22	47
		10.5%	23.4%	14.2%
	Somewhat likely	32	23	55
		13.5%	24.5%	16.6%
	Unlikely	149	41	190
		62.9%	43.6%	57.4%
	Somewhat unlikely	31	8	39
		13.1%	8.5%	11.8%
Total		237	94	331
		100.0%	100.0%	100.0%

Table 4.14 shows the deterrent impact of the fine by sample groups. There were some fairly substantial differences between the court and community groups on the deterrent impact of the fines they received. 53.3% of court respondents reported that the fines they received prevented them from committing similar subsequent infractions compared to 27.4% of community respondents. 16.7% of court respondents and 17.0% of community respondents indicated that they would not commit similar infractions in the future because they could not afford to do so. 22.1% of court respondents and 38.7% of community respondents indicated that the fines were

not a deterrent because their circumstances made them unavoidable. Finally, 7.9% of court respondents and 17.0% of community respondents indicated they were not deterred by prior fines as they did not care about receiving tickets. Looked at another way, 70.0% of court respondents indicated their fines would deter them from similar infractions in the future while only 34.4% of community respondents felt this way.

Table 4.14 Fine as Deterrent by Sample Type

		Survey location		Total
		Court	**Community**	
Fine as deterrent	**Yes, it prevented me from taking those actions again**	128	29	157
		53.3%	27.4%	45.4%
	Yes, I could not afford to not take that action again	40	18	58
		16.7%	17.0%	16.8%
	No, my circumstances made it difficult for me to avoid getting a ticket again	53	41	94
		22.1%	38.7%	27.2%
	No, I did not care about getting the ticket	19	18	37
		7.9%	17.0%	10.7%
Total		240	106	346
		100.0%	100.0%	100.0%

Respondents who received a transit ticket in the last year

We chose to examine a few variables for individuals reporting they had received a transit fine in the last year. This was done because transit fines were by far the most prevalent type of fine reported by respondents in both the court and community samples (see Table 4.8 for full description). Table 5.1 shows the age of respondents reporting transit fines. The vast majority of respondents (82.1% of case) were between the ages of 18-50.

Table 5.1 Age

		Frequency	Percent	Valid Percent	Cumulative Percent
	17 and under	4	1.9	1.9	1.9
	18-30 years	96	46.4	46.4	48.3
	31-50 years	74	35.7	35.7	84.1
	51 or more years	33	15.9	15.9	100.0
	Total	207	100.0	100.0	

Table 5.2 shows the gender of those reporting transit fines. More males (63.9% of cases) reported transit fines than females (35.6%) of cases.

Table 5.2 Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
	Female	69	33.3	35.6	35.6
	Male	124	59.9	63.9	99.5
	Other	1	.5	.5	100.0
	Total	194	93.7	100.0	
Missing	Missing	13	6.3		
Total		207	100.0		

Table 5.3 shows household income by household size for respondents reporting transit fines. It is clear that respondents that reported transit fines generally fall into a low- income category, this is true even for the highest income categories when we take into account the number of people within these households. This may highlight the need to address transit affordability.

Table 5.3 Household income by Household size for those with Transit Fines

		Household size					
		1 person	**2 people**	**3 people**	**4 people**	**5+ people**	Total
Household income recoded	**≤ $15,000**	67	0	0	0	0	67
		100.0%	0.0%	0.0%	0.0%	0.0%	40.6%
	$15,001 - $30,000	0	21	15	0	0	36
		0.0%	100.0%	100.0%	0.0%	0.0%	21.8%
	$30,001 - $50,000	0	0	0	10	9	19
		0.0%	0.0%	0.0%	100.0%	17.3%	11.5%
	$50,001 - $70,000	0	0	0	0	21	21
		0.0%	0.0%	0.0%	0.0%	40.4%	12.7%
	$70,001+	0	0	0	0	22	22
		0.0%	0.0%	0.0%	0.0%	42.3%	13.3%
Total		67	21	15	10	52	165
		100.0%	100.0%	100.0%	100.0%	100.0%	100.%

Discussion and Recommendations

This research provides insight into how bylaw enforcement is experienced by citizens in the City of Calgary. Before discussing the results, we must highlight the limitations of this research. First, this is not a representative sample. Respondents were approached at the Calgary Courts Centre and within a variety of community agencies and asked to participate. Our sample then is limited to those who agreed to participate and obviously does not include those who were not present at court to address their fines or at a community agency. Thus, our sample (and subsequent findings) will likely underrepresent those who received and paid their fines immediately as well as those who received fines and avoided court and/or community agency contact. Within the context of these limitations, we discuss the results of the survey and provide some preliminary recommendations for those interested in municipal bylaw policy development and modification.

As one might expect, respondents varied in age and were evenly split along gender lines.

However, when we examine incomes we see that respondents were somewhat different from the 'average' family in the City of Calgary. This research found that many of the people attending Court, or community service agencies, to address their fines reported lower incomes when compared to the general population in Calgary. The majority of respondents indicated that they had difficulties paying their fines and that the fines had a considerable impact on their daily lives. Aside from the stress the fines caused, many respondents indicated quite serious impacts on their lives. Some of these included having warrants issued for their arrest and spending time in a correctional facility. During this research, the Province of Alberta passed Bill 9: An Act to Modernize Enforcement of Provincial Offences (see Government of Alberta). This was a significant development within the Province particularly as it relates to how municipal bylaws are enforced. The purpose of the Bill was to increase the efficiency and effectiveness of provincial and municipal bylaw enforcement in the Province. Specifically, and of most relevance to this research, Bill 9 stops the use of warrants in cases with provincial and/or municipal bylaw infractions with penalties of one thousand dollars or less; and restricts the use of arrest and custody for minor provincial and municipal infractions and instead replaces these with civil enforcement measures, such as restricting motor vehicle license renewal and

garnishing wages. It is too early to determine what impact this change in law will have on municipal bylaw enforcement and to what extent it will reduce the disproportionately negative impact these bylaws have on those living in poverty. We would encourage further research to evaluate the impact of Bill 9 in the near future.

By far the most frequently reported bylaw offences were transit fines. These fines were all related to fares going unpaid (for example, not having proof of payment). These fines represented roughly 65% of the fines reported by our 417 respondents. When we explored the circumstances of those who had received transit fines over the last year, it was clear that the vast majority of these respondents reported low incomes. Once household size was taken into account, this remained true for all respondents reporting transit fines. This suggests that addressing issues of transit affordability may be a place to start if we are to reduce the negative impacts of these fines on low income households. During this research, Calgary Transit initiated a low income monthly pass system that works on a sliding scale. This initiative may help to alleviate the number of non-payment fines being issued. Upon evaluating the sliding scale for low-income transit passes, it appears that families receiving social assistance and many individuals earning minimum wage will qualify for transit passes at a reduced price. This would suggest that many low-income Calgarians will be able to access more affordable transit services. Additional research examining the uptake of these sliding scale transit passes will be important to determine if those with low incomes are using this service and to identify any potential concerns with uptake. A number of factors must be considered in examining the benefits of such research. For example, ease of access in attaining low income transit passes as well as determining if established low income thresholds are sufficient. We are hopeful that this initiative will help to create greater access to transit and reduce the number of fines low income citizens are experiencing on Transit and strongly recommend a full evaluation of the impact of this initiative in the future.

Finally, our research complements existing research on the impact of fines on homeless populations. Respondents reporting unstable housing were more likely to report receiving social disorder bylaw tickets when compared to those who were in stable housing. We echo the concerns of prior research on this issue. One additional noteworthy finding from this survey

research relates to the deterrent impact of tickets received. One of the primary goals of bylaw enforcement is to discourage certain behaviour through deterrence. That is, it is assumed the individuals calculate the costs and benefits of engaging in the behaviours regulated under the municipal bylaws. Many respondents indicated that fines themselves would not deter them from committing similar infractions in the future because of their life circumstances. And many further indicated they simply did not care if they received fines in the future. This suggests that for some citizens bylaws are simply unavoidable and are unlikely to be deterred by the fines they receive. Given these findings, one must question the use of limited public resources in addressing tickets for low income and homeless citizens. There are a number of things that municipalities might consider if they want to address this disproportionately negative impact of bylaws on its citizens (and reduce their high administrative costs). Below we highlight some of the ways these problems might be addressed in the City of Calgary:

- Accessible and Affordable Public Transit. Our findings suggest that easy access to affordable transit will be an important step in reducing the negative impact of bylaw fines on low income Calgarians. During this research, Calgary Transit took significant steps to address this problem and should be commended for this work. We encourage future research to evaluate the success of the low income pass initiative in order to determine if the income categories are sufficient to meet low income needs and most importantly, to determine if the requirements for accessing the low income pass do not discourage its attainment.
- Modify (or repeal) Bylaws that Discriminate. Social disorder bylaws result in disproportionately negative impacts on vulnerable citizens. A progressive municipality might consider tackling the root causes of the behaviours requiring regulation rather than focusing on the behaviours after the fact. It is also worth noting that full repeal may not be necessary to address these problems. Municipalities might also consider the adoption of guiding principles in the law itself that discourage the over reliance of ticketing as a tool of enforcement. One of the most effective ways of creating change in practice can be to prescribe how laws are to be enforced in the legislation itself. That is, we can provide formal legal guidance on how bylaw enforcement should be used within the law itself and this may be done without adding additional, often costly, administrative layers, such as

formal diversion. Research has shown that when we provide sufficient guidance within legislation, practices will change and this can have positive impacts downstream within the criminal justice system. An excellent example of this is the implementation of the Youth Criminal Justice Act and the significant impact it had on reducing the use of court and custody for youth in Canada (see Bala et al., 2009; Doob and Sprott, 2009). As mentioned earlier, the Province of Alberta has taken steps to reduce the negative impact of bylaw enforcement through the implementation of Bill 9 in 2016, we encourage future research that evaluates the impact of this legislation.

- Community Partnerships and Training. Encouraging collaborative partnerships between stakeholders will be important to address the complex issues bylaw enforcement officials are faced with when dealing with the diverse needs of Calgary's vulnerable citizens. We would encourage training that emphasizes safe and effective response during encounters with citizens that may help to deescalate potentially violent or unsafe situations. If legal change occurs, additional training for officers may also help to encourage early compliance.

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Appendix

Table A: Types of Fines by Housing Status (continues over 2 pages)

		Housing Status				
		Rent	Own	Unstably housed	Other	Total
Pet fines	Yes	30	19	5	1	55
		20.1%	28.8%	5.6%	10.0%	17.5%
	No	119	47	85	9	260
		79.9%	71.2%	94.4%	90.0%	82.5%
Graffiti	Yes	3	0	3	0	6
		2.0%	0.0%	3.3%	0.0%	1.9%
	No	146	66	87	10	309
		98.0%	100.0%	96.7%	100.0%	98.1%
Home maintenance	Yes	9	4	3	2	18
		6.0%	6.1%	3.3%	20.0%	5.7%
	No	140	62	87	8	297
		94.0%	93.9%	96.7%	80.0%	94.3%
Littering	Yes	9	2	9	2	22
		6.0%	3.0%	10.0%	20.0%	7.0%
	No	140	64	81	8	293
		94.0%	97.0%	90.0%	80.0%	93.0%
Noise	Yes	6	3	7	0	16
		4.0%	4.5%	7.8%	0.0%	5.1%
	No	143	63	83	10	299
		96.0%	95.5%	92.2%	100.0%	94.9%
Panhandling	Yes	6	1	11	2	20
		4.0%	1.5%	12.2%	20.0%	6.3%
	No	143	65	79	8	295
		96.0%	98.5%	87.8%	80.0%	93.7%
Fighting	Yes	10	0	10	2	22
		6.7%	0.0%	11.1%	20.0%	7.0%
	No	139	66	80	8	293
		93.3%	100.0%	88.9%	80.0%	93.0%
Public urination/defecation	Yes	4	1	17	1	23
		2.7%	1.5%	18.9%	10.0%	7.3%
	No	145	65	73	9	292
		97.3%	98.5%	81.1%	90.0%	92.7%
Public intoxication	Yes	10	1	20	2	33
		6.7%	1.5%	22.2%	20.0%	10.5%
	No	139	65	70	8	282
		93.3%	98.5%	77.8%	80.0%	89.5%
Spitting	Yes	6	1	8	2	17
		4.0%	1.5%	8.9%	20.0%	5.4%
	No	143	65	82	8	298
		96.0%	98.5%	91.1%	80.0%	94.6%

Loitering	Yes	6	1	19	6	32
		4.0%	1.5%	21.1%	60.0%	10.2%
	No	143	65	71	4	283
		96.0%	98.5%	78.9%	40.0%	89.8%
Transit	Yes	92	32	72	9	205
		61.7%	48.5%	80.0%	90.0%	65.1%
	No	57	34	18	1	110
		38.3%	51.5%	20.0%	10.0%	34.9%
Other bylaw	Yes	13	9	7	2	31
		8.9%	13.6%	7.9%	20.0%	10.0%
	No	133	57	82	8	280
		91.1%	86.4%	92.1%	80.0%	90.0%