

Pages 1 through 27 redacted for the following reasons:

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**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Request for meeting by MLA Austin with Minister Shirley Bond on May 15, 2012 to discuss flood threat to Dutch Valley, a subdivision located just north of Terrace on the Kalum River.

**BACKGROUND:**

**Request:**

The Regional District of Kitimat-Stikine is requesting s.16, s.17 in emergency funding to construct erosion protection measures (approximately 800 linear metres of riprap) to better protect the subdivision of Dutch Valley.

On Wednesday, May 9, 2012, the Regional District submitted a request for emergency funding (Expenditure Authorization Form) to the Northwest Region of Emergency Management BC (EMBC) for s.16, s.17 to conduct emergency erosion protection works.

A full engineering report is not complete. Preliminary analysis indicates that the habitual flooding affecting Dutch Valley is the result of both erosion and ground saturation (percolation). Erosion protection works will not alleviate saturation issues or overland flooding.

No imminent threat is in place and no advisories have been issued for the Kalum River by the River Forecast Centre at this time.

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Mitigation funding is only available through the application-based Flood Protection Program (FPP). The Kitimat-Stikine Regional District did not apply for mitigation funding under the last FPP Intake (2010), therefore, FPP funding is not available. There are no other mechanisms to access provincial mitigation funding for local governments or individuals at this time.

**Dutch Valley History for flooding:**

Flooding in the Dutch valley is a common phenomenon with nearly complete inundation occurring a number of times since settlement. The Dutch Valley has complex hydrological problems and is situated on two floodplains and is susceptible to flooding.



Permanent flood mitigation works (i.e. dikes) are not appropriate to address erosion issues of this nature as they would have limited benefit in the long term and create a reliance on provincial funding. Additionally, it is not known if permanent works could address the ground saturation issues that are a primary cause of flooding in Dutch Valley.

The Regional District has submitted a preliminary engineering synopsis of erosion protection works. A full engineering report will not be available until the week of May 22, 2012.

Planning, preparedness and emergency response are the responsibility of the local government. Erosion in the Dutch Valley is a known factor, and to date, the Regional District has not initiated any works to alleviate the issue.

**Flood Protection Program:**

Funding to construct permanent flood mitigation works is only available through the application-based FPP. The Dutch Valley proposal is for non-permanent mitigation works and would not be eligible for funding under the Building Canada Plan – Communities Component. Additionally, the Regional District did not apply for funding under the last FPP Intake (2010) and is therefore not eligible for funding under the program.

The Regional District of Kitimat-Stikine had applied for funding from the Flood Protection Program in 2007, 2008, 2009 for extensive flood mitigation works and were not successful due to the high cost, low benefit of the requests and that the works were not technically feasible. Feedback was provided to the Regional District on why the proposed applications did not receive funding.

**Emergency Works – Expenditure Authorization Form (EAF):**

Emergency funding is intended for extreme circumstances when an imminent threat is present and requires immediate protection of public safety and property. EAF funding is only available during the duration of the threat and is withdrawn once the threat subsides (e.g. high water recedes).

It is unlikely that the proposed 800 linear metres of riprap could be effectively sourced, transported and constructed within the short time frame required. Partial construction could create a greater flood risk and accelerate erosion in non-protected areas. Riprap is not an effective flood mitigation technique as it only protects against erosion. One of the known causes of flooding in the Dutch Valley is ground water saturation or percolation. Placement of riprap will not alleviate ground water saturation, percolation or over-land flooding resulting in the community maintaining the same level of flood risk.

All in-stream works are subject to appropriate permitting and approvals under the provincial *Water Act* and the federal *Fisheries Act* and *Environmental Protection Act*. If works are undertaken as part of an emergency response, approvals under this legislation is not required: however, environmental compensation may be required after the completion.

**Emerging Works:**

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funding for emerging works not included in the last FPP Intake (2010) would not be eligible for federal cost sharing. Any

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**DISCUSSION:**

**Funding Policy/ Program Considerations:**

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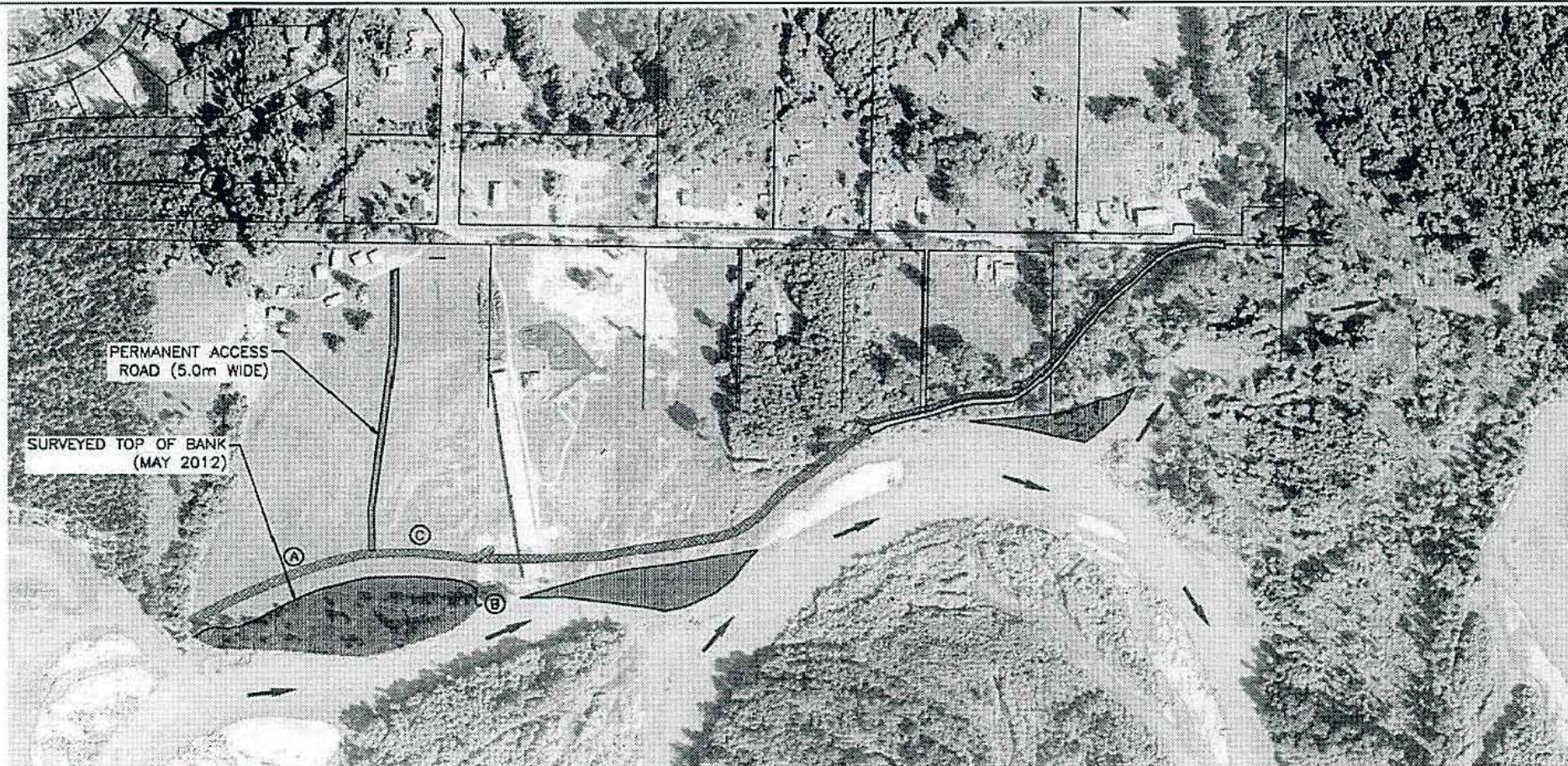
The Dutch Valley situation will require consistent monitoring to determine the level of threat due to the Spring Freshet. The Regional District should take all reasonable steps to help the citizens prepare and protect their properties. Upon completion of the detailed engineering report, EMBC will be in a better position to assess the level of threat and possible public safety impact.

**Prepared by:**  
Carol Loski  
Director, Flood Protection Program  
250 953-4079

Attachment

**Approved by:**  
Rebecca Denlinger  
Assistant Deputy Minister / Fire and  
Emergency Management Commissioner  
250 953-4083





#### LEGEND

- EROSION PROTECTION  
CONSTRUCTED JUNE 2009
- PRIORITY 1 - EROSION PROTECTION
- PRIORITY 2 - EROSION PROTECTION
- PRIORITY 3 - EROSION PROTECTION
- ESTIMATED LAND LOST TO EROSION  
DURING/SINCE 2007 FLOOD
- CHANNEL FLOW

#### SURVEY NOTES

- 1) SITE SURVEY PERFORMED JUNE 11-14, 2007 BY McElhanney Consulting Services Ltd. FOR PHILLIPS & CLAUDE MOIR ALONG OPEN FIELD AREA.
- 2) SITE COORDINATES ARE NAD83 GROUND LEVEL UTM COORDINATES  
HUB 5 HUB 7  
N: 8043584.134 N: 8043457.226  
E: 522925.068 E: 522869.777  
ELEV. 155.730 ELEV. 155.725
- 3) SITE ELEVATIONS ARE GEODETIC DERIVED FROM GPS CONTROL.
- 4) GROUND SURVEY COMBINED WITH LIDAR MODEL AND AERIAL PHOTOS FROM SPRING 2009 FLIGHT PATH.

#### PROACTIVE SOLUTIONS

- (A) START SECTION OF EROSION CONTROL SETBACK (RECOMMENDED)
- (B) ROCK REMOVAL (ESSENTIAL)
- (C) SET BACK EROSION PROTECTION



**McElhanney**

McElhanney Consulting Services Ltd.  
SUITE 41-0000 PRINCE AVENUE  
TORONTO, ONT. CANADA

PH (416) 594-7100  
FAX (416) 594-6646

Designed:	Checked: CH	Date: 04/14/2012
Drawn: RJH	Surveyed: CR	
SCALE: 1:4000		
0 20 40 60 80 100 120 140 160 180 200		
1:40,000 (Horizontal) and 1:40,000 (Vertical)		

KITIMAT STIKINE REGIONAL DISTRICT  
DUTCH VALLEY  
EMERGENCY EROSION CONTROL  
PLAN

Client Name:	Kitimat Stikine Regional District
Client Project No.:	01335-0-01
Drawing No.:	01335-0-01
Scale:	1:4000



**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

MLA Randy Hawes has requested a meeting to discuss a new Task Force on sediment removal in the Fraser River. The following includes background on Emergency Management BC's (EMBC) Sediment Removal Program and information related directly to questions posed by MLA Hawes to the Honourable Shirley Bond, Minister of Justice and Attorney General.

**BACKGROUND**

Flood mitigation is a local government responsibility.

EMBC's Flood Protection Program (FPP) administers sediment removal in the Fraser Gravel Reach.

FPP has the oversight of both a Technical and a Management Committee comprised of members from Ministry of Environment (MOE), Ministry of Forests, Lands and Natural Resource Operations (FLNRO), Transport Canada, the federal Department of Fisheries and Oceans (DFO), and EMBC.

Other stakeholders include local governments and First Nations.

Complex permitting and approvals are required from FLNRO (*Water Act*), MOE (Ecosystems, Species at Risk) and DFO (Aquatic Habitat). The local authorities also provide permitting for gravel storage and access. Access permits are also provided by First Nations.

Sediment was not removed in the Spring of 2011 nor the Spring of 2012.

Sediment removal is expected to resume in 2013.

EMBC has been engaging stakeholders in the development of a long term (10 year) sediment removal plan.



### **PURPOSE AND OBJECTIVE OF THE EMBC PROGRAM:**

Sediment removal in a constrained river system maintains the flood profile and risk by removing equal amounts of sediment that deposit into the river every year (aggradation).

This maintains the channel's capacity and reduces the potential for river bed rising. Sediment removal in a large dynamic system cannot mitigate large erosion issues.

Maintaining the integrity of the entire system is a paramount public safety priority.

Prolonged and cumulative water level increases can render the diking system ineffective.

The Technical and Management Committees have agreed to an annual removal target of 230,000 cubic metres based on scientific advice and research provided by Dr. Michael Church of the University of British Columbia.

The large-scale removal of gravel will not have a significant impact on *lowering* the flood profile, but will maintain the existing flood profile is *maintained*.

### **PROCESS:**

Sediment removal sites are chosen to maximize hydraulic benefit while minimizing disruption to fish habitat.

DFO is mandated to protect the environment and riparian habitat. According to DFO, any alteration within watercourses must be justified against the benefit of the proposed activity.

Public consultation and First Nations consultation is also a requirement of DFO permitting and authorization.

Potential sediment removal projects are subject to extensive review and approval processes from many agencies including the Canadian Environmental Assessment Agency (CEAA), DFO, MoE, Transport Canada, Energy and Mines and the Forest Tenures Branch (Crown Lands).

### **CHALLENGES:**

#### **Conflicting Scientific Evidence**

The Sediment Removal Program is based on a collection of scientific data gathered through leading experts in the field of hydrology and Fraser River dynamics.

EMBC conducts extensive environment modeling and sampling programs as part of the permitting requirements over several years.

Department of Oceans and Fisheries (DFO)

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EMBC has over 40 government sponsored reports that indicate sediment removal is worthwhile provided it is part of a broader mitigation strategy.

A DFO commissioned report by Northwest Hydraulic Consultants Ltd., (March 2007) concluded that:

- Removals of 1.4 million m<sup>3</sup> have a maximum localized impact of 5-10 cm
- Removals of 2.8 million m<sup>3</sup> have a maximum localized impact of 5-15 cm
- Removals of 4.2 million m<sup>3</sup> have a maximum localized impact of up to 15 cm

The Northwest Hydraulic 2007 report demonstrates that sediment removal is most appropriate and effective in small, localized areas.

Multiple Jurisdictions

Local governments are responsible for flood mitigation.

Differing priorities and approaches to watershed management such as channelization, diking and dredging may create adverse downstream or upstream impacts.

First Nations

There are ten First Nations in and around the Fraser Gravel Reach. Most have been active supporters of sediment removal.

First Nations indicate that sediment removal enriches and preserves fish habitat by maintaining a consistent water depth and temperature of water.

First Nations flood mitigation funding is within the federal jurisdiction of Aboriginal Affairs and Northern Development Canada (AANDC).

The First Nations lands bordering the Fraser River are not protected and as a result, these areas are experiencing significant erosion.



#### Modelling the Flood Profile and Water Levels

The Ministry of Forests, Lands and Natural Resources is responsible for mapping the flood plain and conducting modeling in and around the Fraser River.

Resourcing of the modeling has been limited, and the exercise will not be completed until the Fall of 2012. Substantial progress has been made on this project.

#### **DISCUSSION OF ADDITIONAL ITEMS:**

##### Flood Threat in the Fraser Valley

The diking and mitigation system is extensive. It does not protect against seepage, saturation or high water tables.

The highest potential impact and public safety threat from flooding in the Fraser Valley is dike failure, not overland flow.

Continued build up of permanent infrastructure works and sediment removal or dredging can lead to a false sense of security and lead to increased development.

Given the size of the Fraser River, any changes in one area of the river must be evaluated for adverse impacts upstream and downstream.

The tidal influence reaches as far up the river as Chilliwack and impacts of Sea level rise will further impact the existing mitigation systems in place.

##### Flood Threat – 2012 Freshet

Snow pillows in watersheds leading to the Fraser River are generally higher than normal this year.

It is too soon to determine if the Fraser Valley will be impacted by overland flooding or the extent, if any, of erosion in unprotected areas.

##### Provincial Declaration for Public Safety

Declarations of a State of Emergency are declared by local governments.

Provincial declarations are only used during extreme situations where there is a present, existing or imminent threat that requires the prompt coordination of personnel to address the public safety issue.

The Minister of Justice must be satisfied that the definition of an emergency has been met in order to sign the declaration.

Large scale gravel removal sufficient to reduce the flood profile would not be the preferred method of response, nor would it be actionable in the time frame required.

Should sediment removal take place under an Emergency Declaration, the DFO would most likely require extensive habitat compensation.

#### Dredging for Flood Mitigation

Dredging is conducted to maintain navigation routes and safe water passage by removing large amounts of sediment and silt from a watercourse.

Dredging is used for flood mitigation to increase channel capacity; however, dredging may not alter downstream exit channels and the net result may be a higher flood risk.

The maintenance of dredged channel must be conducted regularly to keep the channel from filling in. Failure to conduct the proper maintenance may increase flood risk.

Careful analysis of downstream and adjacent impacts would be required prior to conducting any dredging

#### Wing Dams

Wing dams are concrete or rock structures built in stream and perpendicular to waterflow.

There is some evidence that in certain circumstances wing dams contribute to flooding and as a result, many of these structures are being removed from large watercourses.

Specific studies to determine the long term impact and adverse effects would be required prior to the construction of any permanent works.

A full permitting process from the federal and provincial governments would also be required.

#### Economic Activity and Navigable Waters:

Economic development is within the jurisdiction of the Ministry of Jobs, Tourism and Innovation (JTI).

The facilitation of trade, including short sea shipping (barging) initiatives is under the jurisdiction of Pacific Gateway at Ministry of Transportation and Infrastructure (MoTI), the federal Department of Transport and Port Metro Vancouver.



Stakeholders (communities and First Nations) from the Fraser Reach area have proposed dredging to facilitate the movement of logs in the river and the creation of a short sea shipping route and terminal in the area.

There may be an opportunity to establish a transload or logistics facility could prove beneficial for trade and for emergency response operations by providing a secure alternative for goods movement and access. This should be explored.

Transporting and storage of logs, including log booms has traditionally been a contentious issue with other First Nations due to the negative impact to riparian habitat.

For example, the Musquem Band downstream recently cancelled a long standing lease for access to lands for log booms.

Significant work and consultation with the First Nations Bands and regulatory bodies would be required to determine to what extent and what type of economic activity can be supported in this area.

#### Stakeholder Support

Adjacent communities and First Nations along the Fraser Gravel Reach and Harrison River have expressed support for sediment removal.

Dredging has also been publicly supported by these groups as a method to increase economic activity and improve water transport.

The Harrison and Fraser River Gravel Committee has consistently requested that dredging and improved economic activity be addressed by the Province.

EMBC has advised the Committee that type of activity would require a multi-jurisdiction response including the federal and provincial regulatory authorities.

Other established stakeholder groups include:

- The Lower Mainland Local Government Flood Control and River Management Committee;
- The Joint Program Committee for Integrated Flood Hazard Management lead by the Fraser Basin Council; and
- The Ministry of Environment Sea Level Rise Committee.

#### Financial Support – private entities

FPP is not aware of any funding models or proposals for development that are supported by private entities for this work.

**OPTIONS:**

s.13, s.16

**Attachment**

Appendix 1

**Prepared by:**

Carol Loski  
Director, Flood Protection Program  
250 953-4079

**Approved by:**

Rebecca Denlinger  
Assistant Deputy Minister / Fire and  
Emergency Management Commissioner  
250 953-4083



## Appendix 1

### Stakeholder Groups:

Fraser and Harrison River Committee is actively supporting sediment removal in the Fraser Gravel Reach.

- Cheam First Nation
- District of Kent
- Scowlitz First Nation
- Seabird Island Band
- Sto:lo Tribal Council
- Sts'ailes First Nation

The concerns of this committee include:

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Lower Mainland Local Government Flood Control and River Management Committee consists of the following people:

Member	Representing
Cllr. Jason Lum	LMLGA (FVRD)
Dir. Dennis Adamson	LMLGA (FVRD)
Dir. Patricia Heintzman	LMLGA (SLRD)
Cllr. Linda Barnes	Metro Vancouver
Cllr. Moe Gill	Metro Vancouver
Cllr. Mae Reid	Metro Vancouver
Mayor Ted Adlem	FVRD
Dir. Ray Boucher	FVRD
Dir. David Lamson	FVRD
Mayor John Van Laerhoven	FVRD
Dir. Jordan Sturdy	SLRD

Joint Program Committee for Integrated Flood Hazard Management (Fraser Basin Council Lead). The Committee consists of representatives from the Federal, Provincial and Local Governments, including UBCM and Port Metro Vancouver.

The Joint Program Committee is:

- A forum for to share flood-related information among organizations with flood management roles and responsibilities.

- A collaborative approach to identify priority actions and undertake projects of common and strategic interest to strengthen flood hazard management across multiple jurisdictions.

### **Regulatory Bodies and Stakeholders.**

<b>Regulatory Body</b>	<b>Mandate</b>	<b>Authority</b>	<b>Operations</b>
EMBC	Public safety, flood mitigation works	Emergency Protection Act	Administers Sediment Removal Program
FLNRO and MoE	Dike system integrity, Flood Forecasting, River Levels, Flood Profile and Modelling, Ecosystems, fish and at-risk species Use of Crown land, permitting and access	Water Act Dike Maintenance Act Environmental Assessment Act Fish Protection Act Crown Lands Act	Reviews and issues Water Permit authorizing proponents to work in and about the Fraser River.
EMNR	Gravel removal		
MOTI	Transportation (water and road)		
Dept. Transport	Safe and Efficient Transportation Routes	Navigable Waters Act Shipping Act	
DFO	Sustainable Aquatic Ecosystems	Fisheries Act Species at Risk Act Canadian Environmental Assessment Act Canadian Environmental Protection Act	Permitting authority Reviews Biological Fish Sampling Reports which indicates fisheries aspects in the river at the proposed gravel removal site.
Coast Guard	Responsible for services and programs that contribute to the safety, security, and accessibility of Canada's waterways.	Special Operating Agency within DFO	
Local Authorities	Access, Storage, Permitting,	Community Charter Local Government Act	



**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Status of West Kelowna "Interface Response Plan" Provincial Pilot Project

**BACKGROUND:**

- On August 31, 2011 a meeting was held with Minister Shirley Bond, MLA John Slater, Fire and Emergency Management Commissioner Rebecca Denlinger and, an independent contractor from Quintech Fire Services Ltd, Darren Hutchinson.
- One of the issues discussed in the meeting was the possibility of running a pilot project for a community wildfire pre-plan of operations in the City of West Kelowna.
- Although funding was not directly available to support the project from the Office of the Fire Commissioner (OFC), the meeting attendees agreed to support an application by the City of West Kelowna for funding through the Union of British Columbia Municipalities (UBCM).
- The request was submitted by the City of West Kelowna in December of 2011 outlining a detailed project plan to use West Kelowna as a pilot project to test the operational readiness of communities in adhering to the Community Wildland Protection Plan (CWPP). The City of West Kelowna was selected due to the frequency of Wildland Urban Interface incidents and the high probability that it could be tested this summer with a full peer review.
- In March of 2012 the UBCM informed the Office of the Fire Commissioner that a funding grant of this type did not fit within their operational mandate and the request was denied.
- UBCM indicated that they would inform all interested parties of their decision.
- Once informed, Darren Hutchison sent a letter to MLA Slater on March 26, 2012, expressing his position regarding UBCM's decision.

**NEXT STEPS:**

- Under the current mandate, the OFC will continue to liaise with the City of West Kelowna and all local governments to give advice on wildfire structure protection issues as required.
- The OFC will also continue to coordinate the deployment of Structure Protection Units (SPUs), Structure Protection Supervisors (SPS) and structure protection crews as required during response to Wildland Interface Forest Fires.
- No further action required at this time.

**Approved by:**  
Kelly Gilday  
Executive Director, Mitigation  
Emergency Management BC  
250-952-4919

**Prepared by:**  
Rob Owens, CFO  
Deputy Fire Commissioner  
Office of the Fire Commissioner  
Emergency Management BC  
250-202-7712



**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Interim report on the province's response to the Fire Services Liaison Group's (FSLG) report "*Public Safety in British Columbia: Transforming the Fire/Rescue Service*" released on April 27, 2010 which identifies 14 recommendations for improving the provision of fire and rescue services across all of British Columbia.

**BACKGROUND:**

Report Foundations

- The FSLG report was initiated in May 2007 with \$1.275M in government funding provided by six provincial ministries/entities and Indian and Northern Affairs Canada.
- Chaired by the Fire Chiefs' Association of BC, the FSLG's membership includes representatives from the BC Fire Training Officers' Association, the Fire Prevention Officers Association of BC, the Volunteer Firefighters' Association of BC, and the BC Professional Fire Fighters' Association.
- The Union of British Columbia Municipalities initially participated in the report's development but withdrew in early 2008 due to concerns that, while they supported the idea of the project, they did not feel they could endorse all of the recommendations in the final document.
- The Local Government Management Association of BC also participated in the deliberations on an ex-officio basis.
- The Office of the Fire Commissioner (OFC) has been engaged throughout the report's development process.

Report Findings

- The FSLG report identified a number of systemic challenges to the province's fire/rescue services. These challenges were found to include an expanded scope of responsibilities beyond traditional fire services (i.e. road rescue), legacy governance frameworks, inadequate operational practices, escalated public service expectations and ongoing fiscal challenges. These issues were found to most significantly challenge the sustainability of volunteer firefighting units within the province.
- The report contains 14 recommendations classified as either 'Immediate' or 'Longer-Term' priorities. Twelve of the recommendations were positioned as the responsibility of the provincial government.

### Provincial Response

- The Ministry of Justice created the 'Fire/Rescue Services Leadership Group' (Leadership Group) to assist the Province in developing practical, affordable responses to the FLSG Report.
- The Terms of Reference for the Leadership Group (attached) state that the Leadership Group's deliverables will occur within a two year time line from the commencement date of October 1, 2010.

### UPDATE:

This update covers the period since the last interim report was submitted on July 19, 2011. The Leadership Group has met face-to-face on three occasions since July 2011. Meetings continue to benefit from near full attendance and active engagement by participants.

Key areas of focus for the OFC and the Leadership Group are:

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The attached "FSLG Report Recommendations – Summary of Leadership Group Deliberations" (Summary Report) lists all 14 recommendations contained in the FSLG Report and provides a guide to the activities being undertake to assist the Province respond to them.



### Stakeholder Buy-in

- The majority of the key recommendations contained in the FSLG Report, would
- s. 13, s.17
- Thus, consistent with the Leadership Group's TOR, the development of recommendations has focussed on those which are practical and affordable.
- Emergency Management BC and the Office of the Fire Commissioner are satisfied that the fire service acknowledges and appreciates the effort being put forward by the Province to address the recommendations. Stakeholder buy-in and engagement with the Leadership Group's work remains strong, and the Leadership Groups key areas of focus were recently confirmed through a survey completed by the Fire Chiefs Association of BC.
- However, upon completion of the Leadership Group's initial two year mandate, fire service stakeholders

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### NEXT STEPS

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**Prepared by:**  
Dave Ferguson  
EMBC/OFC

**Approved by:**  
Cameron Lewis  
Executive Officer  
EMBC  
250.953.4036

Attachment(s):      Summary Report  
                             Members of Leadership Group  
                             Leadership Group Terms of Reference

## Fire Services Liaison Group Report Leadership Group

Name	Representing	Affiliation/Position
Steve Gamble	Fire Services Liaison Group	Fire Chiefs Association of British Columbia
Richard Melnyk	Fire Services Liaison Group	BC Professional Firefighters Association
Len Garis	Fire Services Liaison Group	Fire Chiefs Association of British Columbia
Doug Bell	Fire Services Liaison Group	Fire Prevention Officers Association of BC
Dean Colthorp	Fire Services Liaison Group	BC Fire Training Officers Association
Les Fisher	Emergency Health Services Commission	Chief Operating Officer
Kurtis Isfeld	Wildfire Management Branch	Deputy Fire Centre Manager Cariboo Fire Centre
David Stuart	LGMA	District of North Vancouver
Al Richmond	UBCM	Cariboo Regional District
Ken Vance	UBCM	Senior Policy Advisor
Marg Gordon	Business and Industry Representative	Chief Executive Officer BC Apartment Owners and Managers Association
Becky Denlinger	EMBC	Fire and Emergency Management Commissioner
Cameron Lewis	EMBC	Executive Officer
Dave Ferguson	EMBC	Executive Director, Mitigation and Deputy Fire Commissioner



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CLIFF No: 392457

X-Ref: 391461

DATE SENT TO ADM: 27-Apr-2012

REQUIRED DATE: 11-May-2012

**MINISTRY OF JUSTICE  
JUSTICE SERVICES BRANCH  
BRIEFING NOTE**

**TOPIC:** Tele-bail – background and difference from video conferencing.

**PURPOSE OF NOTE:**

FOR DECISION BY: Minister

MEETING REQUIRED: YES

**ISSUE:**

Information about the tele-bail process and bail hearings with video conferencing technology is being considered in light of the report by the Representative for Children and Youth (RCY) on the death of the children of s.22

**EXECUTIVE SUMMARY:**

- Tele-bail is used outside the regular court sitting hours to allow for a decision about a pre-trial release to be made as early as possible as required by the *Criminal Code*. The bail hearing takes place by phone between the police station where the accused is held and the Justice Centre in Burnaby where a judicial officer is located.
- Videoconferencing is used mainly for court appearances during court operating hours. Videoconferencing brings together a judge or a judicial officer at the court location and accused at a correctional facility. Videoconferencing is used frequently and across the province.

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**BACKGROUND / DISCUSSION:**

**Videoconferencing in BC courts**

The courts in British Columbia started using videoconferencing on a regular basis in 1998. Videoconferencing technology allows for court participants who are not in the same room or community to engage in communications. Videoconferencing is used for court proceedings and testimony of out-of-town experts, injured victims and sensitive witnesses. Videoconferencing is used to reduce security risks, reduce costs of the administration of justice, and enhance access to justice. Videoconferencing is also available at some court locations to accommodate interviews between counsel and their in-custody clients at a designated correctional centre to reduce or eliminate the need for counsel travel and prisoner transportation to/from courts for these interviews.



### Tele-bail

Under the *Criminal Code*, a judicial officer must make a decision either to release or to remand a person in custody as soon as possible or at the latest within 24 hours from the arrest. When a person is arrested after court hours or on a weekend, that determination must often be made when courts are closed. Under the *Criminal Code*, if appropriate, the police may release the accused from custody themselves and compel accused to return to court on a specified date to respond to the charges. If the police determine that a bail hearing is required before a judicial officer, tele-bail allows the conduct of a bail hearing within the timelines above by bringing together by telephone a Judicial Justice located at the Justice Centre in Burnaby, the accused at the police station and a police officer presenting the allegations.

### Bail Reform Project

In 2008/09, the Bail Reform Project expanded the use of videoconferencing to a small number of police stations for the purposes of bail hearings. At this time, the equipment continues to be used in the original sites. The capital investment made as part of the project was \$165,000 and the annual operational cost is \$76,000 and relates to the cost of the required network lines. In Surrey, the cost is increased by having Crown and duty counsel available on weekends.

### Cost of Expanding Video Conferencing

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Attached is a draft letter to the Chief Judge responding to his letter to the Minister of March 9 responding the report of the RCY.

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**Prepared by:** James Deitch  
Executive Director, Justice Services  
250 387-2109

**ATTACHMENT:** Draft letter to Chief Judge Crabtree

**Approved by:** Jay Chalke, QC  
Assistant Deputy Minister

Date: 5 May 2012

**Approved by:**   
David Loukidelis QC  
Deputy Attorney General

Date: May 15, 2012

**Approved by:** \_\_\_\_\_  
The Honourable Shirley Bond  
Minister of Justice and Attorney General

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**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
POLICE SERVICES DIVISION  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** RCMP Agreement approvals and the first meeting of Local Government  
RCMP Contract Management Committee

For Information for Minister Bond prior to meeting with Mayor Fassbender  
(8:00am) and the UBCM Community Safety Committee (8:30am) on  
May 17, 2012

**BACKGROUND:**

- RCMP Municipal Police Unit Agreement (MPUA) approvals
  - 38 out of 62 MPUAs had been returned to the Province as of May 14, 2012. Over the coming week staff will begin calling those municipalities that have not yet returned their MPUAs to determine if any assistance or information is required. Information/support has been provided to staff of every municipality that has made a request.
  - Some Mayors have indicated that they do not wish to sign their MPUAs until they have further cost impact information about the recent federal announcements regarding RCMP compensation, health benefits, and budget reductions. The Province has requested such information; however, it may not be available for several weeks or more.
  - Municipalities have been given until May 31, 2012, to sign their MPUAs. If they do not sign their MPUA by that date, the Director of Police Services (Clayton Pecknold, Assistant Deputy Minister) will be in a position to issue Mayors and Councils a notice that they are not in compliance with the *Police Act* because they are not providing policing.

- Local Government Contract Management Committee
  - The Province committed to establishing a new Local Government Contract Management Committee to improve communication and oversight with respect to MPUAs. The Committee met for the first time on May 1, 2012, and finalized the Terms of Reference, discussed the operations of the committee, received updates on the Companion Document to the new MPUAs, and other work related to the implementation of the new RCMP Agreements.
  - Staff are working to follow up on all commitments made during that meeting (e.g. providing a list of reports related to the new MPUAs) and are on track to meet the timelines.
  - The next meeting is being set for the week of July 9, 2012.

**Prepared by:**  
Kimberley McLean  
Director, Governmental Relations  
Policing and Security Programs  
Branch  
250 387-2787

**Approved by:**  
Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100



**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
POLICE SERVICES DIVISION  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** May 17, 2012 meeting with Jon Eaton, President, and David Winkler, QC,  
Vice-President, British Columbia Association of Police Boards

**BACKGROUND:**

- The British Columbia Association of Police Boards (BCAPB) was formed as a non profit society on April 4, 1992. The Association was created to carry out the following responsibilities:
  - promote the public's understanding of police boards and their role in the community;
  - develop, foster and guide police services in an informed and progressive manner for the benefit of our communities and our police services;
  - develop and maintain the highest standards of professionalism and accountability on the part of police boards in British Columbia in the performance of their duties; and
  - liaise with the Ministry of Justice on policing issues.
- The BCAPB has participated on a number of stakeholder committees and public consultations in the last year that included the following:
  - Provincial Committee on Diversity and Policing.
  - UBCM Community Safety Committee.
  - participated in public consultations with Police Services Division regarding *Police Act* Amendments and the Police Complaint Process.
  - Police Board Member Training/Development, working with Police Services Division and the JIBC to provide informative development sessions to assist police board members with their duties.
  - Most recently the stakeholder consultations on the development of a strategic plan for policing in British Columbia.

**DISCUSSION:**

- The purpose of the meeting is for the BCAPB to provide an overview of the Association for the Minister and to reinforce the relationship between the Association and Ministry.



- The BCAPB, at its Annual General Meeting held on February 25, 2012, in Saanich, adopted three resolutions that were provided to the Minister (Appendix A: CLIFF 479262, 479263 and 479264 with the Minister's response). The issues and responses were as follows:

- Continued participation and involvement in justice reform and in the development of the strategic plan on policing.

Information was provided to the Association on the British Columbia Justice Reform Initiative as well as information on how to participate in the process. The Association, as well as local municipal police boards, has participated on the strategic plan for policing stakeholder roundtables.

- Another resolution (Vancouver) recommended that new police board members be identified in advance of an expiring police board appointment, and that board terms be staggered to avoid vacancies arising at the same time.

Ministry staff and the Board Resourcing and Development Office have taken steps to address these issues by developing a recruitment process that will advance recruitment dates by six months. This should eliminate the current delay and provide greater flexibility in staggering appointments.

It should be noted that in the last year the Ministry identified a number of new police board members well in advance of appointments expiring on a number of boards, including Saanich, Central Saanich and Vancouver.

- The final resolution recommends that the number of members on a municipal police board be increased (primarily an issue for Vancouver Police Board).

Ministry staff will consult with local government to solicit their views on this recommendation to determine the potential impact on the police board budget. Following this consultation the Ministry will meet with the BCAPB

s.13

s.13

- The Ministry is in the process of developing a number of training and development activities that include the following:
  - Webinars for police board members and police Executive - the first will be held in mid-June and will feature Mr. Richard Rosenthal, Director of the Independent Investigations Office. Future topics will include presentations on the BC Police Complaints Commission, board effectiveness and board relationship with the Chief Constable.
  - Update of the Police Board Handbook, which serves as a guide for new police board members.



- Police Board orientation seminar to be held in the fall.
- The Ministry also works closely with the Association on developing the topics and agenda for the annual conference.
- The Ministry and the Association participate on a standing governance committee that addresses training related issues.

**RECOMMENDED RESPONSE:**

- Police Services Division will continue to support and facilitate training events for members, attend quarterly meetings and AGMs of the BCAPB, and invite the BCAPB to participate in public consultations on policing.
- Being a police board member in today's environment is not an easy role to fulfill, the government needs good people on our police boards who are willing to work with their communities and government to problem solve and help us find creative solutions that make our communities healthier and safer for our children and families.
- The Ministry looks forward to working with and enhancing the relationship with the BCAPB.

**Prepared by:**  
 Bob Cole, Sr Program Manager  
 Police Services Division  
 250 356-6676

**Recommended by:**  
 Perry Clark  
 Executive Director  
 Policing, Security & Law Enforcement  
 Infrastructure & Finance  
 250 356-8146

**Approved by:**  
 Clayton Pecknold  
 Assistant Deputy Minister  
 and Director of Police Services  
 Policing and Security Programs Branch  
 250 387-1100

Attachment: Appendix A

May 2, 2012

Mr. Jon Eaton  
President  
BC Association of Police Boards  
PO Box 9285 Stn Prov Govt  
Victoria BC V8W 9J7

Dear Mr. Eaton:

Thank you for providing me with the three resolutions that were adopted at the British Columbia Association of Police Board (BCAPB) Annual General Meeting held on February 25, 2012, in Saanich. I apologize for the delay in responding.

With regard to the resolution on the review of the justice system, I would encourage the Association to participate in the British Columbia Justice Reform Initiative that has been created to identify and recommend reforms to improve the criminal justice system. The provincial government's Green Paper, Modernizing British Columbia's Justice System, provides the foundation for this review. You can access the Green paper by visiting the website [www.bcjusticereform.ca](http://www.bcjusticereform.ca). The site also provides an opportunity for police board members to post reform ideas as well as a process for the BCAPB to provide formal submissions. The deadline for making submissions through the website is May 30, 2012.

If you wish to meet with the Review Chair, Mr. Geoffrey Cowper, please contact Ms. Emma Dear, Executive Director, Justice Reform Initiative, at 604 631-3176 or [edear@bcjusticereform.ca](mailto:edear@bcjusticereform.ca).

In addition, you may be aware that my ministry is working on a strategic plan for policing in British Columbia. One component of the plan will include input from a series of regional stakeholder roundtables with representatives including a mixture of local governments, local police representatives, First Nations and community organizations.

The roundtables are designed to engage communities in identifying public safety issues, defining priorities and suggesting solutions on policing and crime prevention for further exploration and input into the strategic plan. Topics will include public and community safety, crime prevention and policing responsibilities. We will be inviting representatives from municipal police boards and the BCAPB to participate in these discussions.

.../2



Mr. Jon Eaton  
Page 2

Another resolution recommends that new police board members be identified in advance of an expiring police board appointment, and that board terms be staggered to avoid vacancies arising at the same time. I support this resolution and will have ministry staff and the Board Resourcing and Development Office take steps to address these issues by developing policy and processes to ensure that effective good governance practices are maintained. I am pleased to advise you that in the last year we identified a number of new police board members prior to appointments expiring on a number of boards, including Saanich, Central Saanich and Vancouver. The ministry will consult with the BCAPB on the development of the policy and processes.

The final resolution recommends that the number of members on a municipal police board be increased. I have asked ministry staff to consult with local government to solicit their views on this recommendation to determine the potential impact on the police board budget. Following this consultation the ministry will meet with the BCAPB and review the any proposed amendment to the *Police Act*.

I would like to thank you again for bringing these resolutions to my attention. I believe that it is only through open communication and dialogue between the BCAPB and the ministry that we will continue to enhance police board governance that maximizes performance that continues to effective and accountable to the community it serves.

I also wish to congratulate you on your appointment as President of the BCAPB. I look forward to working with both the Association and yourself in the future.

Sincerely,

*Original signed by*

Shirley Bond  
Minister of Justice  
and Attorney General

pc: Mr. Clayton Pecknold  
BCAPB Membership c/o Ms. Stacey Perri

PSPB      PECKNOLD/CLARK/COLE/LOGIE/SMITH      C/479262,479263,479264



<b>RECEIVED</b> MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL	
APR 02 2012	
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March 21, 2012

The Honourable Shirley Bond  
Minister of Justice and Attorney General  
PO Box 9053 Stn Prov Govt  
Room 236, Parliament Buildings  
Victoria BC V8W 9E2

*Draft one letter  
for all*

Dear Minister Bond:

Re: Justice Delays in British Columbia – BCAPB 2012 Resolution

On behalf of the British Columbia Association of Police Boards (BCAPB), I am writing to advise you that at the 2012 BCAPB Annual General Meeting, February 25, 2012, the membership adopted the following resolution:

**"THEREFORE BE IT RESOLVED THAT** the BC Association of Police Boards support the Government of British Columbia's review of the justice system and requests that the BCAPB be engaged in discussions with the Justice Minister of the Province of British Columbia with respect to this review".

The BCAPB Executive Board are committed to working with the Ministry of Justice in support of the February 2012 announcement launching the "justice reform initiative" review and look forward to being involved in consultation throughout this review process.

Yours truly,

*[Signature]*

Jon Eaton  
President  
BC Association of Police Boards

cc: Mr. Clayton Pecknold  
BCAPB Membership





<b>RECEIVED</b>	
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March 21, 2012

The Honourable Shirley Bond  
Minister of Justice and Attorney General  
PO Box 9053 Stn Prov Govt  
Room 236, Parliament Buildings  
Victoria BC V8W 9E2

- and -

Ms. Ann Wicks  
Managing Director  
Board Resourcing and Development Office  
Office of the Premier  
Suite 920 - 350 West Georgia Street  
Vancouver BC V6B 6B2

Dear Minister Bond and Ms. Wicks:

**Re: Succession Planning for Police Boards - BCAPB 2012 Resolution**

On behalf of the British Columbia Association of Police Boards (BCAPB), I am writing to advise you that at the 2012 BCAPB Annual General Meeting, February 25, 2012, the membership adopted the following resolution:

**THEREFORE BE IT RESOLVED THAT** the BC Association of Police Boards urge that the provincial Board Resourcing and Development Office (BRDO) work in collaboration with police boards to ensure that:

1. potential police board candidates are identified at an early stage, and their appointments confirmed to take effect as soon as a vacancy exists, to ensure the continuing effectiveness of municipal police boards; and
2. wherever possible, the terms of police board members are staggered to avoid two or more vacancies arising at the same time.

The BCAPB Executive Board are committed to working with the Ministry of Justice and the BRDO in an effort to support this resolution and look forward to further consultation in the near future.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Jon Eaton'.

Jon Eaton  
President  
BC Association of Police Boards

pc: Mr. Clayton Pecknold  
BCAPB Membership



<b>RECEIVED</b> MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL	
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March 21, 2012

The Honourable Shirley Bond  
Minister of Justice and Attorney General  
PO Box 9053 Stn Prov Govt  
Room 235, Parliament Buildings  
Victoria BC V8W 9E2

Dear Minister Bond:

Re: Police Board Size in British Columbia – BCAPB 2012 Resolution

On behalf of the British Columbia Association of Police Boards (BCAPB), I am writing to advise you that at the 2012 BCAPB Annual General Meeting, February 25, 2012, the membership adopted the following resolution:

*THEREFORE BE IT RESOLVED THAT* the BC Association of Police Boards call upon British Columbia's Minister of Justice to bring forward amendments to the *Police Act* to allow for the appointment of two or four additional members for the police boards.

The current provisions within the *BC Police Act* provide for Boards of a maximum of seven including: the Mayor of Council, one member appointed by the Council, and not more than five persons appointed by the Lieutenant Governor in Council on the recommendation of the Director of Police Services.

In November 2008, BCAPB encouraged Police Boards to review the *Police Act* for the purposes of identifying matters of concern. Part 5, Section 23 of the Act was identified and in April 2009 BCAPB put forward Recommendation 2 to the Province "That Part 5 Section 23 be amended to permit Boards to request an increase in size of a Board by way of application, with rationale, to British Columbia Police Services Division".

Time has passed since the original BCAPB submission and, in supporting the above stated resolution, the BCAPB membership have formed a definitive position on the issue suggesting that legislation be changed to allow boards to determine their size based on the complexity of issues, the volume of board and committee work and the time required for training and education as well as board representation at official functions.

The BCAPB Executive Board reaffirm their commitment to work with the Ministry of Justice in an effort to support this recommendation and look forward to further consultation in the near future.

Yours truly,

A handwritten signature in dark ink, appearing to read "Jon Easton".

Jon Easton  
President  
BC Association of Police Boards

Enclosure (Adopted BCAPB Resolution #2012-3)

pc: Mr. Clayton Pecknold  
BCAPB Membership



Resolution # 2012-3

Author: Vancouver Police Board

Resolution: Police Board size in British Columbia

*WHEREAS* the BC *Police Act* stipulates that a municipal police board must consist of the mayor of the municipal council, one person appointed by the council, and not more than five persons appointed by the Lieutenant Governor in Council;

*WHEREAS* in larger municipalities the complexity of the issues, the volume of board and committee work, and the time required for training and education as well as board representation at official functions, mean that resources are spread very thin;

*WHEREAS* the Vancouver Police Board is of the view that its optimal size would be eight or ten members in addition to the Chair, and has been advocating for an increase in its membership since 2007;

***THEREFORE BE IT RESOLVED THAT*** the BC Association of Police Boards call upon British Columbia's Solicitor General to bring forward amendments to the *Police Act* to allow for the appointment of two or four additional members for the police boards of larger municipalities.

BCAPB Response at the 2012 AGM: Request to amend the resolution: to remove the last three words of the "therefore be it resolved -- strike "of larger municipalities".

MOVED by M. Collins/SECONDED by D. Winkler,

THAT the last three words "of larger municipalities" be deleted.

**CARRIED**

**Majority in Favour**

**CARRIED**

**ACTION:** BCAPB forward correspondence to the Minister of Justice requesting that the *Police Act* be amended to allow for the appointment of additional board members.

**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** Release of Canadian Centre for Justice Statistics Juristat, *Family Violence in Canada: A Statistical Profile, 2010*.

**BACKGROUND:**

- The Canadian Centre for Justice Statistics (CCJS) releases its report on Family Violence in Canada on May 22, 2012.
- This report is produced annually and presents aggregate information at the national and provincial level (some information is also presented by Census Metropolitan Area). There is no comparison to data from previous years in this report.
- The report is based on information collected through three data sources: the Incident-based Uniform Crime Reporting (UCR2) Survey, the General Social Survey (GSS) on Victimization and the Homicide Survey.
- The annual UCR2 Survey includes data on all incidents known to, or substantiated by, police services in Canada. This includes data on the number of family violence incidents reported to the police as well as information pertaining to the incidents such as the age, sex and relationship of the victim and the offender in 2010.
- The Homicide Survey is an annual questionnaire that collects information on homicides occurring in Canada from the investigating police departments. The homicide survey provides a count of the number of homicides reported to police in 2010.
- The GSS is conducted every five years and collects self-reported information from a sample of Canadians on the nature and extent of victimization, including incidents of family violence. The most recent cycle of the GSS was conducted in 2009.



## **DISCUSSION:**

### **Overview of family violence**

#### *Canada:*

- According to the UCR2, there were 99,000 victims of family violence reported to police in Canada in 2010; this accounted for 25% of all victims of violent crime. Victims of family violence include spouses, children, parents, siblings, and extended family members.
- Females had more than double the risk than men of becoming a victim of family violence (407 victims per 100,000 for females versus 180 victims per 100,000 for males).
- In 2010, 56% of family violence incidents resulted in charges laid or recommended; this was higher than the proportion for non-family violence incidents (43%).

#### *BC:*

- In 2010, BC's rate of family violence (302 victims of family violence per 100,000) was slightly higher than the national average of 294 victims per 100,000 and was seventh highest among the Canadian provinces.
- According to the Homicide Survey, from 2000 to 2010 BC had 5.1 victims of family homicide per 100,000; this was higher than the national average of 4.8 victims per 100,000 and was fourth highest among the provinces.
- Of the Census Metropolitan Areas (CMAs) in Canada in 2010, Kelowna and Abbotsford-Mission ranked third (346 victims per 100,000) and fourth (325 victims per 100,000) highest respectively with rates of victims of family violence higher than the national average. Vancouver (223 victims per 100,000) and Victoria (222 victims per 100,000) fell below the national average.

### **Violence against intimate partners**

#### *Canada:*

- In 2010, there were 363 intimate partner victims, including spouses and dating partners, per 100,000 population in Canada. This was 2.5 times higher than the rate recorded for family violence against a child, parent or other family member (150 victims per 100,000).
- Police-reported rates of intimate partner violence tended to be highest among female victims and among those aged 25 to 34 years. This contrasts non-intimate partner violence, where the victims were predominantly male and among those aged 15 to 24 years.
- Intimate partner violence was more likely than non-intimate partner violence to result in charges being laid or recommended (68% versus 38%).
- In general, rates of homicides against intimate partners have dropped over the previous twenty years.



**BC:**

- In 2010, BC's rate of intimate partner violence (427 victims of intimate partner violence per 100,000) was higher than the national average of 363 victims per 100,000 and was fifth highest among the Canadian provinces.
- From 2000 to 2010, BC had 5.6 victims of intimate partner homicide per 100,000; this was slightly higher than the national average of 5.0 victims per 100,000 and was fourth highest among the provinces. Female intimate partner homicide (8.1 victims per 100,000) and male intimate partner homicide (3.0 victims per 100,000) also were above the national average and were fourth highest among the provinces.
- Of the Census Metropolitan Areas (CMAs) in Canada in 2010, Kelowna and Abbotsford-Mission ranked fourth (497 victims per 100,000) and sixth (471 victims per 100,000) highest respectively with rates of victims of intimate partner violence higher than the national average. Victoria (333 victims per 100,000) and Vancouver (316 victims per 100,000) fell below the national average.

**Family violence against children and youth**

*Canada:*

- In 2010, approximately 74,000 children and youth under the age of 17 were the victims of police-reported violent crime in Canada. One-quarter of these offences were committed by a family member.
- Police-reported rates of family violence were generally higher among older children and youth, though this was not the case for homicides. Between 2000 and 2010, the rate of family homicide was highest among infants under one year old.
- Family violence was more prevalent among girls than boys (338 victims per 100,000 versus 212 per 100,000). Children and youth were most at risk of police-reported violence in small cities, towns and rural areas, with a rate more than double the rate recorded for Census Metropolitan Areas (CMAs).
- According to the 2009 GSS, parents were four times as likely to involve the police when a child witnessed the incident of spousal violence, compared to when children were not present during the spousal violence incident (39% versus 10%).

**BC:**

- In 2010, BC had the second lowest rate of family violence against children and youth (257 child and youth victims per 100,000) of the provinces in Canada, after Ontario. This was slightly below the national average of 274 victims per 100,000.
- Of the Census Metropolitan Areas (CMAs) in Canada in 2010, Kelowna was tied for fourth (344 victims per 100,000) highest, with rates of child and youth victims of family violence higher than the national average. Victoria (194 victims per 100,000), Vancouver (189 victims per 100,000), and Abbotsford-Mission (168 victims per 100,000) fell below the national average.



## **Family violence against seniors**

### *Canada:*

- Overall, seniors are most at risk of becoming victims of violent crime from friends or acquaintances (73 victims per 100,000), followed by family members (61 victims per 100,000) and strangers (51 victims per 1,000). Grown children were most often identified as the perpetrator of family violence.
- Senior women were most at risk of family violence, while senior men were more at risk of non-family violence.
- The leading motives for family homicides of seniors were frustration and the escalation of an argument (32% and 26%). In contrast, financial gain was the leading motive in non-family homicides; one-quarter of all non-family homicides against seniors were committed during the commission of a robbery.
- Rates of family homicides against seniors have been relatively steady over the previous fifteen years.

### *BC:*

- In 2010, BC's rate of family violence against seniors (74 senior victims of family violence per 100,000) was higher than the national average of 61 victims per 100,000 and tied for third highest among the Canadian provinces.
- Female senior victims of family violence (84 victims per 100,000) and male senior victims of family violence (62 victims per 100,000) also were above the national average and were third and sixth highest among the provinces respectively.
- Of the Census Metropolitan Areas (CMAs) in Canada in 2010, Abbotsford-Mission had the highest rate of family violence against seniors (103 victims per 100,000) higher than the national average. Kelowna (60 victims per 100,000) and Vancouver (59 victims per 100,000) fell just below the national average and Victoria (49 victims per 100,000) fell below the national average.

#### **Prepared by:**

Elise LaRue  
Research Analyst  
Police Services Division  
604 660-2642

#### **Review by:**

Lynne McNally  
Executive Director  
Police Services Division  
604 660 2532

#### **Approved by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100

**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
POLICE SERVICES DIVISION  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** Operational Audit of the Transit Police by Vancouver Police Department

**BACKGROUND:**

- In February 2011, in his capacity as Acting Chief Officer, Andy Hobbs requested the Audit Unit of the Vancouver Police Department to initiate an independent operational review of the South Coast British Columbia Transit Authority Police Service (Transit Police).
- The purpose of the project was to outline and assess the business model/culture, systems, processes, and service delivery options of the Transit Police.
- The review was sponsored by senior police executive in order to assess the accomplishments of Transit Police, to examine current state practises and processes, and to determine what is required for sustained success in the future to meet operational policing standards and continue a process to enhance the delivery of the Transit Police Service.
- The objectives of the operational review were as follows:
  - Review the organizational structure, governance model, and strategic direction of the Transit Police.
  - Review the operational capacity and deployment model of the Transit Police.
  - Review the administrative structure of the Transit Police.

**DISCUSSION:**

- Findings and recommendations of the Review included:

s.13, s.15, s.16.s.17



s.13, s.15, s.16, s.17

- The Ministry has been advised that the Chief Officer has developed an action plan to address priorities, identify and/or initiate next steps, and report on progress. As well, the Ministry will meet with the Transit Police Board to discuss this issue in the future.
- The Findings and Recommendations (Appendix A), and the Action Plan (dated March 26, 2012)(Appendix B) are attached.

**Prepared by:**  
Corinne Alexander  
Program Manager  
Police Services Division  
250 387-0099

**Recommended by:**  
Kathy Kirby, Director  
Legislation Initiative & Police Accountability  
Policing and Security Programs Branch  
250 387-6950

**Approved by:**  
Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100

Attachments – Appendix A and B

Pages 82 through 91 redacted for the following reasons:

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13, 15, 16, 17



**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** "Making the Malahat Safer" campaign

**BACKGROUND:**

- There has been increased public and media interest in improved road safety along the Malahat as a result of a number of recent factors, including:
  - release of Capital Regional District Integrated Road Safety Unit's (CRD IRSU) report *Making the Malahat Safer*;
  - Ministry of Transportation and Infrastructure April 16, 2011, release of their *Malahat Incident: Traffic Management and Communication Review*;
  - a video of a motorcycle being driven at extreme speeds on the Malahat; and
  - most recently, the report of a crash involving a suspected impaired driver travelling at speeds in excess of 130 km/hr.
- This interest reflects public and police perceptions that more consistent and effective enforcement is needed to bring vehicle speeds back in line (current average speed is 100-110km/hr) with posted speed limits of 70, 80 and 90 km.
- The campaign was organized by CRD IRSU and included enforcement efforts from South Vancouver Island Traffic Services, Saanich Police, Westshore RCMP, Shawnigan Lake RCMP, and Commercial Vehicle Safety and Enforcement.
- The objectives of the campaign were to have no fatal collisions, reduce overall collisions by 25%, and correct high risk driving behaviour (speeding, impaired driving, aggressive driving, distracted driving, and commercial vehicle safety) through enforcement and public awareness.

**DISCUSSION:**

- The CRD IRSU acknowledges in their report, that they did not have the equipment or capacity to accurately measure performance or outcomes based on the campaign objectives.

- CRD IRSU's "Making the Malahat Safer: Post Enforcement Operational and Analytical Review" recommendations include:
  - Better speed measurement and monitoring equipment.
  - Better data management tools that can be implemented across different platforms.
  - Working with Ministry of Transportation and Infrastructure (MoTI) to identify and put in place safe road side pull-outs for enforcement.
  - Identifying and piloting alternate/automated enforcement tactics in those locations where traditional enforcement is not safe or feasible.

s.13, s. 15, s.16, s.17

- The CRD IRSU is supported under the Traffic and Road Safety Enforcement Memorandum of Understanding (MOU); the unit receives a fixed budget based on operational priorities. New undertakings or recommendations from operational studies are presented to its Joint Management Team, and if supported, forwarded to government for consideration.

- 

s.13, s.15, s.16

- In addition, a well designed study with accurately measured performance outcomes and a full business case would precede the development and deployment of a dedicated corridor team. This would include an assessment of contravention and crash data, review of current baseline enforcement resources and responsibilities, identification of additional funding, as well as new legislation, acquisition, and installation of automated enforcement technology in order to address the primary recommendations of the report.

- 

s.13, s. 15, s.16, s.17

- MoTI recently announced a series of roadway upgrades and installation of a centre median barrier that will begin this year; it is unlikely that this initiative will be repeated while the Malahat is under construction.



- **NEXT STEPS:**

- In future campaigns, Police Services Road Safety Unit will work with the CRD IRSU Joint Management Team (JMT), ICBC and MoTI to develop pre and post-campaign performance indicators, explore solutions for effective data capture/reporting, and research technological solutions for enforcement in hazardous locations.
- Police Services has prepared a technical summary of automated speed technology that could be considered on the Malahat and other dangerous speed corridors.

**RECOMMENDED RESPONSE:**

- I commend the CRD IRSU for their tremendous work on this campaign.
- The report by the CRD IRSU demonstrates the value of the integrated policing model at work: a cross section of enforcement agencies and partners working together to focus on the key challenges of travelling safely on the Malahat.
- Communities determine their policing priorities and the operational decisions about how to address those priorities with local police; This is an excellent example of how the public, partners and police have come together to address this local priority.

**Prepared by:**

Jan Staples  
Director, Road Safety Unit  
Policing and Security Programs  
Branch  
604 775-2108

**Recommended by:**

Sam MacLeod  
Executive Director  
Policing and Security Programs Branch  
250 387-1387

**Approved by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100

**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
POLICE SERVICES DIVISION  
BRIEFING NOTE**

**PREPARED FOR:** Minister Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** British Columbia's Options for the Victoria/Esquimalt Police Board

**BACKGROUND:**  
Victoria - Esquimalt Study

- In October 2011, Clayton Pecknold, Director of Police Services for BC, appointed Jean Greatbatch, Mediator, Arbitrator, Consultant under Section 42 (1) of the Police Act to study the issues causing conflict between the City of Victoria, the Township of Esquimalt, and the Victoria Police Board.
- The study was to examine the following issues:
  - Governance issues and structure;
  - Decision making processes regarding financing;
  - Methods for dispute resolution; and
  - Other issues that affect the ability of the Board to work effectively.
- The reviewer, Jean Greatbatch, was to look for mutual solutions and make recommendations and to submit the report by January 30, 2012. Ms. Greatbatch's report has been submitted which provides recommendations on how the amalgamated board can work more effectively (see Appendix A).
- Since receiving the report, Ms. Greatbatch, Clayton Pecknold and ministry staff met confidentially with the Victoria Amalgamated Police Board, Victoria Municipal Council, Esquimalt Municipal Council, BC Police Association, CUPE and the Esquimalt Policing and Law Enforcement Panel to provide an overview and answer any questions regarding the study. As a follow-up, a confidential draft containing the recommendations will be sent out in the near future, so that such parties can provide additional feedback, and comments regarding their level of commitment on moving forward.

**OPTIONS:**

s.13, s.15, s.16



s.13, s.15, s.16

s.13, s.15, s.16



**RECOMMENDATION:**

s.13, s.15, s.16

**SUGGESTED NEXT STEPS:**

s.15, s.13, s.16

**Prepared by:**

Jessica Hodge  
Research & Policy Analyst  
Policing and Security Programs Branch  
250 387-2762

**Recommended by:**

Kathy Kirby  
Director  
Policy, Legislation & Strategic  
Initiatives  
Policing and Security Programs Branch  
250 387-1387

**Approved by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100

**Attachments:** Appendix A Detailed Greatbatch Recommendations  
Appendix B Letter from BC Police Association to Esquimalt  
Appendix C Letter from Public Safety Canada to ADM Pecknold

**SUMMARY OF GREATBATCH REPORT RECOMMENDATIONS:**

• **Supporting the Amalgamation**

***Responsibility: Police Board/Ministry of Justice (JAG)***

- Change the name of the Board to "Victoria and Esquimalt Police Board" (*through OIC*).
- Change the name of the Department to: "Victoria and Esquimalt Police Department." Note: The Victoria and Esquimalt Police Board will need to develop a plan (with budget) to change communication materials, car decals, and shoulder flashes to the new name within six months.
- Changing the board structure by having 2 co-chairs, as compared to the chair/vice chair structure that exists now (*through OIC*).
- Improve the decision making processes through clarification of roles through training sessions provided by Police Services Division (PSD) on the roles and responsibilities of the police boards.

• **Establishing New Frameworks and Processes**

***Responsibility: Police Board***

- Establish a framework agreement that deals with service delivery policy, funding formulas, budget development and approval processes, resolution processes, and review processes. The framework agreement would be developed by a Municipal Leadership Group consisting of the Mayors, Chief Administrative Officers, and Chief Financial Officers of Victoria and Esquimalt and the Chief Constable, the Victoria and Esquimalt Police Department Comptroller, and one Victoria and Esquimalt Police Board member. In addition, the Director of Police Services would provide a mediator and necessary funding to assist the Municipal Leadership Group to negotiate the Framework Agreement.
- Establish new Community Advisory Committee (one from Esquimalt, one from Victoria) to receive input from both communities about policing and law enforcement issues and needs if they are to meet citizens' expectations.
- Build a strategic planning process whereby the Victoria and Esquimalt Police Board develop a five year strategic plan to establish policing and law enforcement priorities and goals for the Board and Department. The process would:
  - invite each municipal Council to send two representatives to be part of strategic planning process;
  - invite the Community Advisory Committees to be part of the strategic planning process;
  - instruct the Chief Constable to develop Annual Business Plans, based on the approved Five Year Strategic Plan, for each fiscal year to detail advancement toward goals and how priorities will be met over the year; and
  - develop the Chief Constable's annual performance objectives based on specific priorities in Annual Business Plan and evaluate his/her performance against the objectives.



- Build a budget development approval process which actively involves board members, and that Chief Financial Officers from both Victoria and Esquimalt have access to all the necessary financial information.
- Conduct efficiency reviews and develop performance indicators to ensure effective and efficient of resources.
- **Developing Methods for Dispute and Conflict Resolution**

***Responsibility: Police Board, JAG***

  - Existing unresolved disputes between the City of Victoria and the Township of Esquimalt regarding financial matters related to police services be resolved using the conflict resolution process in the Framework Agreement.
  - PSD provide joint educational and lead facilitated discussions with Councillors and Board members to develop and strengthen working relationships, and to create a common understanding about roles.
  - In the event of an unresolved conflict regarding any Annual Business Plan or budget issue between the Victoria and Esquimalt Police Board and Councils, the conflict resolution process contained in the Framework Agreement would apply.
- **Promoting Discussions on Regional Costs**

***Responsibility: Capital Regional District***

  - The Capital Regional District strike a working group composed of municipal Chief Financial Officers to conduct an analysis of which, if any, of Victoria and Esquimalt Police Department costs are regional in nature, and propose a formula for sharing costs between municipalities.
  - The Mayors of Victoria and Esquimalt invite other Mayors in the Capital Region to enter into discussions about sharing regional policing costs for the Victoria and Esquimalt Police Department

## **DETAILED HISTORY**

### **Amalgamation History:**

In July 2002, then Solicitor-General Rich Coleman, announced that the Esquimalt Police Department and Victoria Police Department would be amalgamated. He appointed the Director of Police Services to head up a small Transition Committee to make recommendations for a smooth change-over. The Committee was composed of the Director of Police Services, the Chief Constables of both police forces, City Managers from each municipality, and the Presidents of both Police Unions. Five subcommittees composed of rank and file officers, civilian staff, the Unions, Council Members, and managers from both Victoria and Esquimalt were struck to create integration plans within 14 weeks. The subcommittees recommended a decentralized model for the new force based on: three geographic zones, each commanded by an inspector and with its own resources; a method of community-based policing prioritizing interaction with youth and schools; and specialized units within each zone to target local issues. The Finance Subcommittee recommended against a fee for service contract model and developed a funding formula.



Policing services in the City of Victoria and the Township of Esquimalt were amalgamated on January 1, 2003.

### **Activities since Amalgamation**

- ***Audit of Police Department***

Continued concern over service delivery and funding of this amalgamated service necessitated an audit to be called by the Minister of Public Safety and Solicitor General in 2009.

On March 10, 2010, Police Services Division (PSD) released an audit report regarding policing services provided by Victoria Police Department to the municipalities of Victoria and Esquimalt. The audit team made three major recommendations about the funding, structure and governance of the amalgamated department:

1. The current service delivery model be revised to allow Esquimalt to contract for policing services with any municipal police department in the Capital Regional District. The terms of the contract would include:
  - minimum level of service;
  - mandatory dedicated patrol for the municipality;
  - opting in and opting out provisions for specific services; and
  - a fixed schedule for contract review.
2. A new funding formula be developed as part of the contract negotiations. The formula would include a fixed schedule for review.
3. The current governance structure be revisited to ensure:
  - Esquimalt have the capacity to form its own police board to address governance issues within its jurisdiction.
  - The new board be appointed in keeping with current Police Board appointment processes.
  - The role of the Board would be to manage the relationship with the contractual partner and oversee delivery of police services in Esquimalt.

- ***Esquimalt Advisory Panel:***

An Order in Council was drafted and signed on June 3, 2010, that established the *Esquimalt Policing and Law Enforcement Panel* with the explicit purpose of designing policing for the jurisdiction. The Panel was to research and report to the Solicitor General and Director of Police Services by regarding the following terms of the future policing and law enforcement contract:

- Options and recommendations for Esquimalt to meet the requirements of Section 15 of the *Police Act* (such as contracting with another neighbouring municipality, maintaining the status quo, or contracting with Victoria);
- Specific policing and law enforcement services required by the Township and levels of these services;
- A budget that includes provisions for dedicated patrol;
- The Township's ongoing policing governance structure;
- Identifying municipalities which can fulfill the terms of the contract; and
- A schedule to review the funding formula and contract.



The Ministry received the report in June 2011, in which it was reported that the Advisory Panel had undertaken an RFP process and chosen the RCMP. The ministry has raised concerns about the issues pertaining funding, labour and contractual obligations that were not addressed in the report from the Panel. Ministry staff continues to meet with the Advisory Panel, to ensure that such issues that need to be addressed before further efforts can be made to change the policing structure in Esquimalt to the RCMP.

- **Financing**

Concerns relating to the existing amalgamated policing service for Esquimalt and Victoria have continued to pose a challenge for both communities. Of note is that PSD received letters from both municipalities citing a dispute over the 2010 policing budget and requesting that the Director of Police Services intervene to solve the dispute. The Director responded on September 22, 2010, in a letter to the Mayors of both jurisdictions stating that Esquimalt was required to pay for their share of all budgeted policing costs, less the amounts associated with two new Community Resource Officers for the City of Victoria. Esquimalt Council paid the amounts as requested by the Director. When the amalgamated Victoria Police Board wrote again to the Director to express dissatisfaction, a reply was sent stating that PSD's involvement in the matter had concluded. However, current disagreements over the funding model continue between the two parties.

Pages 103 through 104 redacted for the following reasons:

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s.13, s.15, s.16, s.17



**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**SUBJECT:** Summary of the concerns raised by mayors at the semi annual RCMP  
Lower Mainland (LMD) Mayors Forum held Friday, April 20, 2012, in Surrey

**BACKGROUND:**

- The RCMP LMD Mayors meet twice per year to discuss policing issues. The RCMP Contract and LMD integrated teams were both included on the agenda for the April 20, 2012 meeting. Many of the concerns raised were answered during the meeting and Police Services Division will also be preparing a Question and Answer document to distribute to the mayors.
- Assistant Deputy Minister Clayton Pecknold and Mayor Peter Fassbender, City of Langley, provided an update on what has transpired to date in terms of the renewal of the contract:
  - negotiations over the past four years;
  - federal ultimatum to sign Alberta Agreement in August 2011;
  - Minister Bond/Mayor Fassbender presentation to UBCM September 2011;
  - negotiations ended November 2011;
  - generic MPUAs sent to Mayors week of March 12, 2012;
  - PPSA signed March 21, 2012;
  - MPUAs sent to Mayors and council immediately afterwards;
  - federal budget released March 29, 2012; and
  - D/Commissioner Broadcast sent out March 30, 2012 detailing the new RCMP pay and compensation package.
- A question and answer period followed this update.

s.16

s.16



s.16

## **STATUS**

- Many of the issues raised by the Mayors were addressed factually by Mayor Fassbender, Assistant Deputy Minister Pecknold and the RCMP.
- Ministry staff will prepare formal responses to all questions and continue to assist municipalities with any questions or concerns as they arise.
- The Local Government Contract Management Committee (LGCMC) will be holding its first meeting on May 1, 2012. The Province will continue to work towards ensuring the LGCMC is an effective forum for local governments to table their concerns and work in partnership with the Province to advance the policing needs of every community.

### **Prepared by:**

Lisa Godenzie  
Director, RCMP Contract Team  
Police Services Division  
Policing and Security Programs Branch  
604 660-2917

### **Recommended by:**

Perry Clark  
Executive Director  
Policing, Security & Law Enforcement  
Infrastructure & Finance  
Policing and Security Programs Branch  
250 356-8146

### **Approved by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100



**MINISTRY OF JUSTICE  
POLICING AND SECURITY PROGRAMS BRANCH  
BRIEFING NOTE**

**PREPARED FOR:** Honourable Shirley Bond, Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:** BC Policing Plan – Status Update

**BACKGROUND/PROJECT STATUS UPDATE:**

- The major catalyst to develop a strategic plan for policing is the commitment to do so in the *Families First Agenda for Change*. The BC Policing Plan project is also referenced in the justice reform initiatives announced on February 8, 2012.
- The BC Policing Plan will be built using citizen engagement and stakeholder consultation to provide communities and interested parties with opportunities to assist in defining priorities, developing solutions, and influencing the development process. The major deliverable of the initiative is a strategic plan for policing that sets out goals, targets, and performance standards for the next 3, 5, and 10 years. The project is expected to be complete by the end of 2012.
- Four strategies are planned for completing the project:
  1. **Regional roundtables** with key stakeholders including police representatives, local governments, community leaders and social services. The focus of the roundtables is on public perceptions of safety and the role of policing.

**Pre-engagement stakeholder outreach** – COMPLETED March 2012

- Minister sent a letter to UBCM, mayors and police informing them of the BC Policing Plan and public engagement initiative.
- Emails have been sent out to mayors in communities where roundtables will be held and will be followed up by phone calls.
- Assistant Deputy Minister (ADM) Pecknold has spoken with the Mayors of each roundtable location.

**Current Status: Roundtables** – Kick off date: Victoria, April 25, 2012

- Roundtables will take place in 8 locations (Victoria, Nanaimo, Prince George, Prince Rupert, Kelowna, Cranbrook, Vancouver, and Surrey) with the first roundtable scheduled for Wednesday, April 25, 2012, in Victoria.
- Stakeholders invited include community safety and crime prevention organizations, First Nations, local governments, police, and representatives from Union of British Columbia Municipalities (UBCM), OPCC, IIO, BC Civil Liberties Association, Justice Institute of BC, and the Diversity Committee.



- Participants will be asked to identify: 1) public safety issues in their community; 2) crime prevention initiatives and policing practices that have been successful; and 3) how existing practices can be enhanced (strategies).
- Findings from the roundtables' discussions will be summarized into a compendium document that will be distributed to participants and posted on the website.
- Themes and issues emerging from the roundtables will form the basis for the creation of focus groups which will be convened to brainstorm solutions and strategies.
- A facilitator has been hired to lead the roundtables' discussions. At least one ADM from Policing and Security Programs Branch (PSPB) or Community Safety and Crime Prevention will attend each roundtable.

2. An **interactive website** with a blog to encourage citizen engagement.

**Current Status:** Target launch date is April 25, 2012, to coincide with first roundtable in Victoria.

- An event plan has been developed by GCPE and is awaiting approval by the Minister's Office.
- A video introduction by the Minister is preferred for the launch of the blog.
- **A live blog will be held twice a week for 3 hours each**, following a Q&A format to solicit opinions on subjects such as "What makes you feel safe in your community?", "What services do you expect from police?", "What are the top concerns or issues the Province should be working to address with respect to policing in B.C.?"
- Responses will be posted and will include links to relevant background information available on the web, with particular emphasis on the Police Services Division (PSD) website. The blog will also be punctuated by strategic posts to mark project milestones, respond to high profile issues or developments (i.e., roundtable meetings).

3. A small number of **focus groups** with key stakeholders to develop strategies and solutions to key issues.

**Current status:** Target completion date: September/October 2012

- Participants will include practitioners who have the expertise to answer more technical questions around police governance, police financing, police oversight and accountability, as well as focused strategies on gangs and guns.
- To date, four focus groups are contemplated, including: (a) guns and gangs; (b) crime prevention/public safety issues; (c) police governance and accountability (i.e., current regulatory structure); and (d) service delivery (e.g., i.e., integrated policing, regionalization, continuum of policing, performance measurement). Additional focus groups may be added. Topics/attendee groups under consideration are: union stakeholder groups (e.g., police unions, BCGEU); and, non-governmental civil society groups (e.g., BCCLA, PIVOT).



4. A province-wide scientific **telephone survey** of British Columbians will be conducted to establish baseline measures for issues such as confidence in police and fear of crime.

**Current status:** Target completion date: June 2012

- The survey will be conducted at the provincial level (results can speak to BC in general) due to the prohibitive cost of surveying at the regional or local level.
- Development of the survey instrument is complete. It utilizes a number of pre-tested questions from the federal General Social Survey (GSS) on victimization and fear of crime.
- A contractor will be procured to complete the telephone survey and provide the data to PSD for analysis.

#### **DISCUSSION:**

- PSD, PSPB, have established a Project Team responsible for carrying out this initiative. Planning work on the project has been ongoing for some time. The Project Team reports to an Executive Steering Committee which has met twice. A number of discussion/decision points for the Minister were identified during the Steering Committee meetings.
- Assistant Deputy Minister Pecknold will brief the Minister on a number of options regarding the following discussion/decision points:
  - Roundtable questions;
  - Invitation/notification to MLAs;
  - Website design and blog content; and
  - Launch date/event planning.

**Prepared by:**

Lynne McNally  
Executive Director  
Standards & Evaluation  
Policing and Security Programs Branch  
604 660-0838

**Approved by:**

Clayton Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Programs Branch  
250 387-1100

Pages 112 through 132 redacted for the following reasons:

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s.14

s.14



**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Request for meeting by MLA Austin with Minister Shirley Bond on May 15, 2012 to discuss flood threat to Dutch Valley, a subdivision located just north of Terrace on the Kalum River.

**BACKGROUND:**

**Request:**

The Regional District of Kitimat-Stikine is requesting s.16, s.17 in emergency funding to construct erosion protection measures (approximately 800 linear metres of riprap) to better protect the subdivision of Dutch Valley.

On Wednesday, May 9, 2012, the Regional District submitted a request for emergency funding (Expenditure Authorization Form) to the Northwest Region of Emergency Management BC (EMBC) for s.16, s.17 to conduct emergency erosion protection works.

A full engineering report is not complete. Preliminary analysis indicates that the habitual flooding affecting Dutch Valley is the result of both erosion and ground saturation (percolation). Erosion protection works will not alleviate saturation issues or overland flooding.

No imminent threat is in place and no advisories have been issued for the Kalum River by the River Forecast Centre at this time.

s.13

s.13

Mitigation funding is only available through the application-based Flood Protection Program (FPP). The Kitimat-Stikine Regional District did not apply for mitigation funding under the last FPP Intake (2010), therefore, FPP funding is not available. There are no other mechanisms to access provincial mitigation funding for local governments or individuals at this time.

**Dutch Valley History for flooding:**

Flooding in the Dutch valley is a common phenomenon with nearly complete inundation occurring a number of times since settlement. The Dutch Valley has complex hydrological problems and is situated on two floodplains and is susceptible to flooding.



Permanent flood mitigation works (i.e. dikes) are not appropriate to address erosion issues of this nature as they would have limited benefit in the long term and create a reliance on provincial funding. Additionally, it is not known if permanent works could address the ground saturation issues that are a primary cause of flooding in Dutch Valley.

The Regional District has submitted a preliminary engineering synopsis of erosion protection works. A full engineering report will not be available until the week of May 22, 2012.

Planning, preparedness and emergency response are the responsibility of the local government. Erosion in the Dutch Valley is a known factor, and to date, the Regional District has not initiated any works to alleviate the issue.

**Flood Protection Program:**

Funding to construct permanent flood mitigation works is only available through the application-based FPP. The Dutch Valley proposal is for non-permanent mitigation works and would not be eligible for funding under the Building Canada Plan – Communities Component. Additionally, the Regional District did not apply for funding under the last FPP Intake (2010) and is therefore not eligible for funding under the program.

The Regional District of Kitimat-Stikine had applied for funding from the Flood Protection Program in 2007, 2008, 2009 for extensive flood mitigation works and were not successful due to the high cost, low benefit of the requests and that the works were not technically feasible. Feedback was provided to the Regional District on why the proposed applications did not receive funding.

**Emergency Works – Expenditure Authorization Form (EAF):**

Emergency funding is intended for extreme circumstances when an imminent threat is present and requires immediate protection of public safety and property. EAF funding is only available during the duration of the threat and is withdrawn once the threat subsides (e.g. high water recedes).

It is unlikely that the proposed 800 linear metres of riprap could be effectively sourced, transported and constructed within the short time frame required. Partial construction could create a greater flood risk and accelerate erosion in non-protected areas. Riprap is not an effective flood mitigation technique as it only protects against erosion. One of the known causes of flooding in the Dutch Valley is ground water saturation or percolation. Placement of riprap will not alleviate ground water saturation, percolation or over-land flooding resulting in the community maintaining the same level of flood risk.



All in-stream works are subject to appropriate permitting and approvals under the provincial *Water Act* and the federal *Fisheries Act* and *Environmental Protection Act*. If works are undertaken as part of an emergency response, approvals under this legislation is not required: however, environmental compensation may be required after the completion.

**Emerging Works:**

s.13, s.16, s.17

Any  
funding for emerging works not included in the last FPP Intake (2010) would not be eligible for federal cost sharing.

s. 13, s.16, s.17

**DISCUSSION:**

**Funding Policy/ Program Considerations:**

s.13, s.17

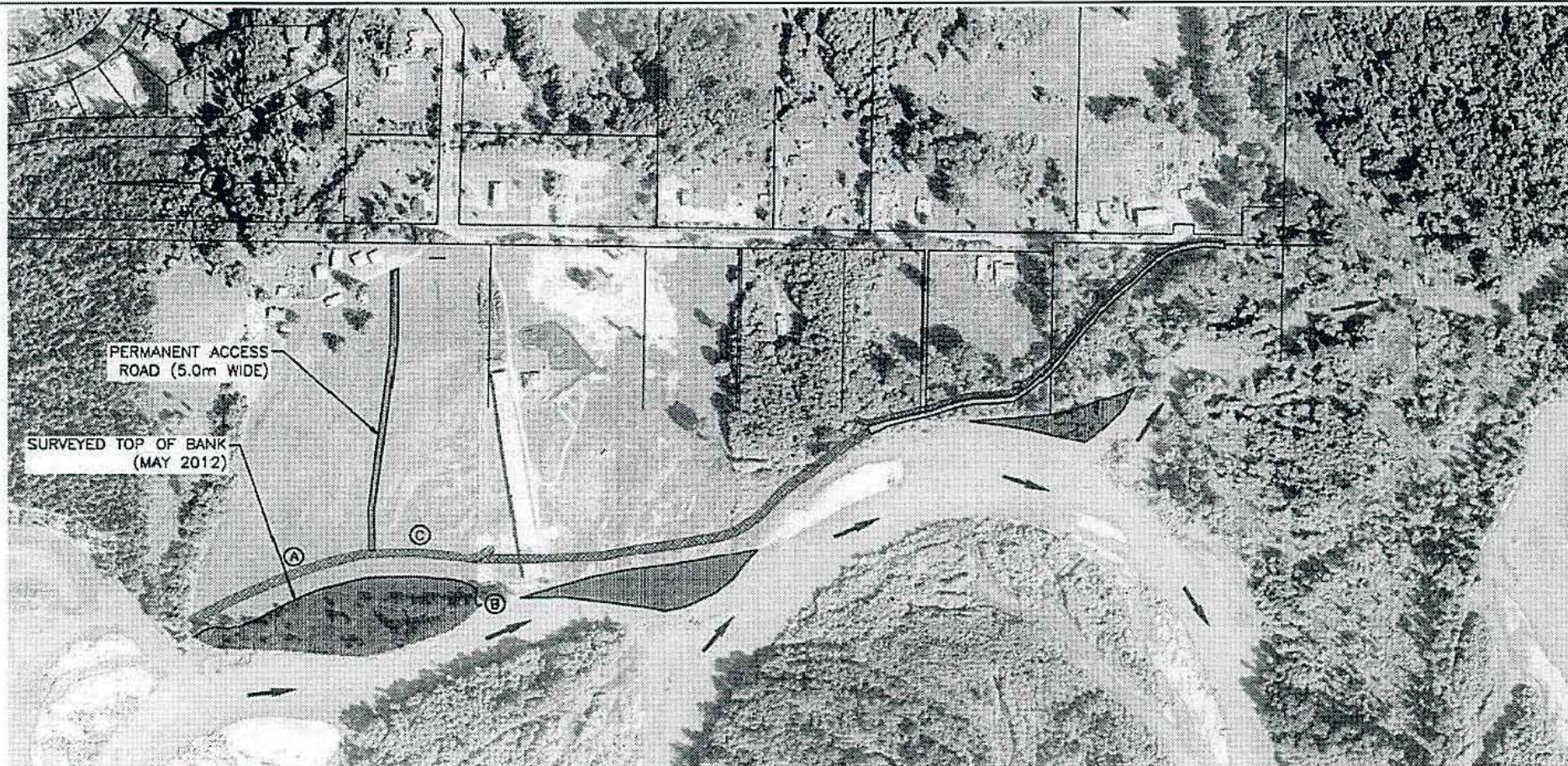
The Dutch Valley situation will require consistent monitoring to determine the level of threat due to the Spring Freshet. The Regional District should take all reasonable steps to help the citizens prepare and protect their properties. Upon completion of the detailed engineering report, EMBC will be in a better position to assess the level of threat and possible public safety impact.

**Prepared by:**  
Carol Loski  
Director, Flood Protection Program  
250 953-4079

Attachment

**Approved by:**  
Rebecca Denlinger  
Assistant Deputy Minister / Fire and  
Emergency Management Commissioner  
250 953-4083





#### LEGEND

	EROSION PROTECTION CONSTRUCTED JUNE 2009
	PRIORITY 1 - EROSION PROTECTION
	PRIORITY 2 - EROSION PROTECTION
	PRIORITY 3 - EROSION PROTECTION
	ESTIMATED LAND LOST TO EROSION DURING/SINCE 2007 FLOOD
	CHANNEL FLOW

#### SURVEY NOTES

- 1) SITE SURVEY PERFORMED JUNE 11-14, 2007 BY McElhanney Consulting Services Ltd. FOR PHILLIPS & CLAUDE MOIR ALONG OPEN FIELD AREA.
- 2) SITE COORDINATES ARE NAD83 GROUND LEVEL UTM COORDINATES  
 HUB 5 N: 8043584.134 E: 522905.068 ELEV. 55.730  
 HUB 7 N: 8043457.226 E: 522869.777 ELEV. 55.725
- 3) SITE ELEVATIONS ARE GEODETIC DERIVED FROM GPS CONTROL
- 4) GROUND SURVEY COMBINED WITH LIDAR MODEL AND AERIAL PHOTOS FROM SPRING 2009 FLIGHT PATH.

#### PROACTIVE SOLUTIONS

- (A) START SECTION OF EROSION CONTROL SETBACK (RECOMMENDED)
- (B) ROCK REMOVAL (ESSENTIAL)
- (C) SET BACK EROSION PROTECTION



**McElhanney**

McElhanney Consulting Services Ltd.  
 SUITE 41-0000 PO BOX 1000  
 TORONTO, ONT. CANADA

PH (416) 593-7100  
 FAX (416) 593-6648

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KITIMAT STIKINE REGIONAL DISTRICT  
 DUTCH VALLEY  
 EMERGENCY EROSION CONTROL  
 PLAN

Client Name: [ ]	Client Project No: [ ]
Client Project No: 01335-0-01	Client Project No: 01335-0-01
Client Project No: 01335-0-01	Client Project No: 01335-0-01



**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

MLA Randy Hawes has requested a meeting to discuss a new Task Force on sediment removal in the Fraser River. The following includes background on Emergency Management BC's (EMBC) Sediment Removal Program and information related directly to questions posed by MLA Hawes to the Honourable Shirley Bond, Minister of Justice and Attorney General.

**BACKGROUND**

Flood mitigation is a local government responsibility.

EMBC's Flood Protection Program (FPP) administers sediment removal in the Fraser Gravel Reach.

FPP has the oversight of both a Technical and a Management Committee comprised of members from Ministry of Environment (MOE), Ministry of Forests, Lands and Natural Resource Operations (FLNRO), Transport Canada, the federal Department of Fisheries and Oceans (DFO), and EMBC.

Other stakeholders include local governments and First Nations.

Complex permitting and approvals are required from FLNRO (*Water Act*), MOE (Ecosystems, Species at Risk) and DFO (Aquatic Habitat). The local authorities also provide permitting for gravel storage and access. Access permits are also provided by First Nations.

Sediment was not removed in the Spring of 2011 nor the Spring of 2012.

Sediment removal is expected to resume in 2013.

EMBC has been engaging stakeholders in the development of a long term (10 year) sediment removal plan.

### **PURPOSE AND OBJECTIVE OF THE EMBC PROGRAM:**

Sediment removal in a constrained river system maintains the flood profile and risk by removing equal amounts of sediment that deposit into the river every year (aggradation).

This maintains the channel's capacity and reduces the potential for river bed rising. Sediment removal in a large dynamic system cannot mitigate large erosion issues.

Maintaining the integrity of the entire system is a paramount public safety priority.

Prolonged and cumulative water level increases can render the diking system ineffective.

The Technical and Management Committees have agreed to an annual removal target of 230,000 cubic metres based on scientific advice and research provided by Dr. Michael Church of the University of British Columbia.

The large-scale removal of gravel will not have a significant impact on *lowering* the flood profile, but will maintain the existing flood profile is *maintained*.

### **PROCESS:**

Sediment removal sites are chosen to maximize hydraulic benefit while minimizing disruption to fish habitat.

DFO is mandated to protect the environment and riparian habitat. According to DFO, any alteration within watercourses must be justified against the benefit of the proposed activity.

Public consultation and First Nations consultation is also a requirement of DFO permitting and authorization.

Potential sediment removal projects are subject to extensive review and approval processes from many agencies including the Canadian Environmental Assessment Agency (CEAA), DFO, MoE, Transport Canada, Energy and Mines and the Forest Tenures Branch (Crown Lands).

### **CHALLENGES:**

#### **Conflicting Scientific Evidence**

The Sediment Removal Program is based on a collection of scientific data gathered through leading experts in the field of hydrology and Fraser River dynamics.



EMBC conducts extensive environment modeling and sampling programs as part of the permitting requirements over several years.

Department of Oceans and Fisheries (DFO)

s. 16

EMBC has over 40 government sponsored reports that indicate sediment removal is worthwhile provided it is part of a broader mitigation strategy.

A DFO commissioned report by Northwest Hydraulic Consultants Ltd., (March 2007) concluded that:

- Removals of 1.4 million m<sup>3</sup> have a maximum localized impact of 5-10 cm
- Removals of 2.8 million m<sup>3</sup> have a maximum localized impact of 5-15 cm
- Removals of 4.2 million m<sup>3</sup> have a maximum localized impact of up to 15 cm

The Northwest Hydraulic 2007 report demonstrates that sediment removal is most appropriate and effective in small, localized areas.

Multiple Jurisdictions

Local governments are responsible for flood mitigation.

Differing priorities and approaches to watershed management such as channelization, diking and dredging may create adverse downstream or upstream impacts.

First Nations

There are ten First Nations in and around the Fraser Gravel Reach. Most have been active supporters of sediment removal.

First Nations indicate that sediment removal enriches and preserves fish habitat by maintaining a consistent water depth and temperature of water.

First Nations flood mitigation funding is within the federal jurisdiction of Aboriginal Affairs and Northern Development Canada (AANDC).

The First Nations lands bordering the Fraser River are not protected and as a result, these areas are experiencing significant erosion.

#### Modelling the Flood Profile and Water Levels

The Ministry of Forests, Lands and Natural Resources is responsible for mapping the flood plain and conducting modeling in and around the Fraser River.

Resourcing of the modeling has been limited, and the exercise will not be completed until the Fall of 2012. Substantial progress has been made on this project.

#### **DISCUSSION OF ADDITIONAL ITEMS:**

##### Flood Threat in the Fraser Valley

The diking and mitigation system is extensive. It does not protect against seepage, saturation or high water tables.

The highest potential impact and public safety threat from flooding in the Fraser Valley is dike failure, not overland flow.

Continued build up of permanent infrastructure works and sediment removal or dredging can lead to a false sense of security and lead to increased development.

Given the size of the Fraser River, any changes in one area of the river must be evaluated for adverse impacts upstream and downstream.

The tidal influence reaches as far up the river as Chilliwack and impacts of Sea level rise will further impact the existing mitigation systems in place.

##### Flood Threat – 2012 Freshet

Snow pillows in watersheds leading to the Fraser River are generally higher than normal this year.

It is too soon to determine if the Fraser Valley will be impacted by overland flooding or the extent, if any, of erosion in unprotected areas.

##### Provincial Declaration for Public Safety

Declarations of a State of Emergency are declared by local governments.

Provincial declarations are only used during extreme situations where there is a present, existing or imminent threat that requires the prompt coordination of personnel to address the public safety issue.



The Minister of Justice must be satisfied that the definition of an emergency has been met in order to sign the declaration.

Large scale gravel removal sufficient to reduce the flood profile would not be the preferred method of response, nor would it be actionable in the time frame required.

Should sediment removal take place under an Emergency Declaration, the DFO would most likely require extensive habitat compensation.

#### Dredging for Flood Mitigation

Dredging is conducted to maintain navigation routes and safe water passage by removing large amounts of sediment and silt from a watercourse.

Dredging is used for flood mitigation to increase channel capacity; however, dredging may not alter downstream exit channels and the net result may be a higher flood risk.

The maintenance of dredged channel must be conducted regularly to keep the channel from filling in. Failure to conduct the proper maintenance may increase flood risk.

Careful analysis of downstream and adjacent impacts would be required prior to conducting any dredging

#### Wing Dams

Wing dams are concrete or rock structures built in stream and perpendicular to waterflow.

There is some evidence that in certain circumstances wing dams contribute to flooding and as a result, many of these structures are being removed from large watercourses.

Specific studies to determine the long term impact and adverse effects would be required prior to the construction of any permanent works.

A full permitting process from the federal and provincial governments would also be required.

#### Economic Activity and Navigable Waters:

Economic development is within the jurisdiction of the Ministry of Jobs, Tourism and Innovation (JTI).

The facilitation of trade, including short sea shipping (barging) initiatives is under the jurisdiction of Pacific Gateway at Ministry of Transportation and Infrastructure (MoTI), the federal Department of Transport and Port Metro Vancouver.

Stakeholders (communities and First Nations) from the Fraser Reach area have proposed dredging to facilitate the movement of logs in the river and the creation of a short sea shipping route and terminal in the area.

There may be an opportunity to establish a transload or logistics facility could prove beneficial for trade and for emergency response operations by providing a secure alternative for goods movement and access. This should be explored.

Transporting and storage of logs, including log booms has traditionally been a contentious issue with other First Nations due to the negative impact to riparian habitat.

For example, the Musquem Band downstream recently cancelled a long standing lease for access to lands for log booms.

Significant work and consultation with the First Nations Bands and regulatory bodies would be required to determine to what extent and what type of economic activity can be supported in this area.

#### Stakeholder Support

Adjacent communities and First Nations along the Fraser Gravel Reach and Harrison River have expressed support for sediment removal.

Dredging has also been publicly supported by these groups as a method to increase economic activity and improve water transport.

The Harrison and Fraser River Gravel Committee has consistently requested that dredging and improved economic activity be addressed by the Province.

EMBC has advised the Committee that type of activity would require a multi-jurisdiction response including the federal and provincial regulatory authorities.

Other established stakeholder groups include:

- The Lower Mainland Local Government Flood Control and River Management Committee;
- The Joint Program Committee for Integrated Flood Hazard Management lead by the Fraser Basin Council; and
- The Ministry of Environment Sea Level Rise Committee.

#### Financial Support – private entities

FPP is not aware of any funding models or proposals for development that are supported by private entities for this work.



**OPTIONS:**

s.13, s.16

**Attachment**

Appendix 1

**Prepared by:**

Carol Loski  
Director, Flood Protection Program  
250 953-4079

**Approved by:**

Rebecca Denlinger  
Assistant Deputy Minister / Fire and  
Emergency Management Commissioner  
250 953-4083

## Appendix 1

### Stakeholder Groups:

Fraser and Harrison River Committee is actively supporting sediment removal in the Fraser Gravel Reach.

- Cheam First Nation
- District of Kent
- Scowlitz First Nation
- Seabird Island Band
- Sto:lo Tribal Council
- Sts'ailes First Nation

The concerns of this committee include:

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s. 13, s.16

Lower Mainland Local Government Flood Control and River Management Committee consists of the following people:

Member	Representing
Cllr. Jason Lum	LMLGA (FVRD)
Dir. Dennis Adamson	LMLGA (FVRD)
Dir. Patricia Heintzman	LMLGA (SLRD)
Cllr. Linda Barnes	Metro Vancouver
Cllr. Moe Gill	Metro Vancouver
Cllr. Mae Reid	Metro Vancouver
Mayor Ted Adlem	FVRD
Dir. Ray Boucher	FVRD
Dir. David Lamson	FVRD
Mayor John Van Laerhoven	FVRD
Dir. Jordan Sturdy	SLRD

Joint Program Committee for Integrated Flood Hazard Management (Fraser Basin Council Lead). The Committee consists of representatives from the Federal, Provincial and Local Governments, including UBCM and Port Metro Vancouver.

The Joint Program Committee is:

- A forum for to share flood-related information among organizations with flood management roles and responsibilities.



- A collaborative approach to identify priority actions and undertake projects of common and strategic interest to strengthen flood hazard management across multiple jurisdictions.

#### **Regulatory Bodies and Stakeholders.**

<b>Regulatory Body</b>	<b>Mandate</b>	<b>Authority</b>	<b>Operations</b>
EMBC	Public safety, flood mitigation works	Emergency Protection Act	Administers Sediment Removal Program
FLNRO and MoE	Dike system integrity, Flood Forecasting, River Levels, Flood Profile and Modelling, Ecosystems, fish and at-risk species Use of Crown land, permitting and access	Water Act Dike Maintenance Act Environmental Assessment Act Fish Protection Act Crown Lands Act	Reviews and issues Water Permit authorizing proponents to work in and about the Fraser River.
EMNR	Gravel removal		
MOTI	Transportation (water and road)		
Dept. Transport	Safe and Efficient Transportation Routes	Navigable Waters Act Shipping Act	
DFO	Sustainable Aquatic Ecosystems	Fisheries Act Species at Risk Act Canadian Environmental Assessment Act Canadian Environmental Protection Act	Permitting authority Reviews Biological Fish Sampling Reports which indicates fisheries aspects in the river at the proposed gravel removal site.
Coast Guard	Responsible for services and programs that contribute to the safety, security, and accessibility of Canada's waterways.	Special Operating Agency within DFO	
Local Authorities	Access, Storage, Permitting,	Community Charter Local Government Act	

**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Status of West Kelowna "Interface Response Plan" Provincial Pilot Project

**BACKGROUND:**

- On August 31, 2011 a meeting was held with Minister Shirley Bond, MLA John Slater, Fire and Emergency Management Commissioner Rebecca Denlinger and, an independent contractor from Quintech Fire Services Ltd, Darren Hutchinson.
- One of the issues discussed in the meeting was the possibility of running a pilot project for a community wildfire pre-plan of operations in the City of West Kelowna.
- Although funding was not directly available to support the project from the Office of the Fire Commissioner (OFC), the meeting attendees agreed to support an application by the City of West Kelowna for funding through the Union of British Columbia Municipalities (UBCM).
- The request was submitted by the City of West Kelowna in December of 2011 outlining a detailed project plan to use West Kelowna as a pilot project to test the operational readiness of communities in adhering to the Community Wildland Protection Plan (CWPP). The City of West Kelowna was selected due to the frequency of Wildland Urban Interface incidents and the high probability that it could be tested this summer with a full peer review.
- In March of 2012 the UBCM informed the Office of the Fire Commissioner that a funding grant of this type did not fit within their operational mandate and the request was denied.
- UBCM indicated that they would inform all interested parties of their decision.
- Once informed, Darren Hutchison sent a letter to MLA Slater on March 26, 2012, expressing his position regarding UBCM's decision.



**NEXT STEPS:**

- Under the current mandate, the OFC will continue to liaise with the City of West Kelowna and all local governments to give advice on wildfire structure protection issues as required.
- The OFC will also continue to coordinate the deployment of Structure Protection Units (SPUs), Structure Protection Supervisors (SPS) and structure protection crews as required during response to Wildland Interface Forest Fires.
- No further action required at this time.

**Approved by:**  
Kelly Gilday  
Executive Director, Mitigation  
Emergency Management BC  
250-952-4919

**Prepared by:**  
Rob Owens, CFO  
Deputy Fire Commissioner  
Office of the Fire Commissioner  
Emergency Management BC  
250-202-7712

**MINISTRY OF JUSTICE  
EMERGENCY MANAGEMENT BC  
BRIEFING NOTE**

**PREPARED FOR:** The Honourable Shirley Bond  
Minister of Justice and Attorney General  
**FOR INFORMATION**

**ISSUE:**

Interim report on the province's response to the Fire Services Liaison Group's (FSLG) report "*Public Safety in British Columbia: Transforming the Fire/Rescue Service*" released on April 27, 2010 which identifies 14 recommendations for improving the provision of fire and rescue services across all of British Columbia.

**BACKGROUND:**

Report Foundations

- The FSLG report was initiated in May 2007 with \$1.275M in government funding provided by six provincial ministries/entities and Indian and Northern Affairs Canada.
- Chaired by the Fire Chiefs' Association of BC, the FSLG's membership includes representatives from the BC Fire Training Officers' Association, the Fire Prevention Officers Association of BC, the Volunteer Firefighters' Association of BC, and the BC Professional Fire Fighters' Association.
- The Union of British Columbia Municipalities initially participated in the report's development but withdrew in early 2008 due to concerns that, while they supported the idea of the project, they did not feel they could endorse all of the recommendations in the final document.
- The Local Government Management Association of BC also participated in the deliberations on an ex-officio basis.
- The Office of the Fire Commissioner (OFC) has been engaged throughout the report's development process.

Report Findings

- The FSLG report identified a number of systemic challenges to the province's fire/rescue services. These challenges were found to include an expanded scope of responsibilities beyond traditional fire services (i.e. road rescue), legacy governance frameworks, inadequate operational practices, escalated public service expectations and ongoing fiscal challenges. These issues were found to most significantly challenge the sustainability of volunteer firefighting units within the province.
- The report contains 14 recommendations classified as either 'Immediate' or 'Longer-Term' priorities. Twelve of the recommendations were positioned as the responsibility of the provincial government.



### Provincial Response

- The Ministry of Justice created the 'Fire/Rescue Services Leadership Group' (Leadership Group) to assist the Province in developing practical, affordable responses to the FLSG Report.
- The Terms of Reference for the Leadership Group (attached) state that the Leadership Group's deliverables will occur within a two year time line from the commencement date of October 1, 2010.

### UPDATE:

This update covers the period since the last interim report was submitted on July 19, 2011. The Leadership Group has met face-to-face on three occasions since July 2011. Meetings continue to benefit from near full attendance and active engagement by participants.

Key areas of focus for the OFC and the Leadership Group are:

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The attached "FSLG Report Recommendations – Summary of Leadership Group Deliberations" (Summary Report) lists all 14 recommendations contained in the FSLG Report and provides a guide to the activities being undertake to assist the Province respond to them.

### Stakeholder Buy-in

- The majority of the key recommendations contained in the FSLG Report, would
- s. 13, s.17
- Thus, consistent with the Leadership Group's TOR, the development of recommendations has focussed on those which are practical and affordable.
- Emergency Management BC and the Office of the Fire Commissioner are satisfied that the fire service acknowledges and appreciates the effort being put forward by the Province to address the recommendations. Stakeholder buy-in and engagement with the Leadership Group's work remains strong, and the Leadership Groups key areas of focus were recently confirmed through a survey completed by the Fire Chiefs Association of BC.
- However, upon completion of the Leadership Group's initial two year mandate, fire service stakeholders

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### NEXT STEPS

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**Prepared by:**  
Dave Ferguson  
EMBC/OFC

**Approved by:**  
Cameron Lewis  
Executive Officer  
EMBC  
250.953.4036

Attachment(s):      Summary Report  
                             Members of Leadership Group  
                             Leadership Group Terms of Reference



## Fire Services Liaison Group Report Leadership Group

Name	Representing	Affiliation/Position
Steve Gamble	Fire Services Liaison Group	Fire Chiefs Association of British Columbia
Richard Melnyk	Fire Services Liaison Group	BC Professional Firefighters Association
Len Garis	Fire Services Liaison Group	Fire Chiefs Association of British Columbia
Doug Bell	Fire Services Liaison Group	Fire Prevention Officers Association of BC
Dean Colthorp	Fire Services Liaison Group	BC Fire Training Officers Association
Les Fisher	Emergency Health Services Commission	Chief Operating Officer
Kurtis Isfeld	Wildfire Management Branch	Deputy Fire Centre Manager Cariboo Fire Centre
David Stuart	LGMA	District of North Vancouver
Al Richmond	UBCM	Cariboo Regional District
Ken Vance	UBCM	Senior Policy Advisor
Marg Gordon	Business and Industry Representative	Chief Executive Officer BC Apartment Owners and Managers Association
Becky Denlinger	EMBC	Fire and Emergency Management Commissioner
Cameron Lewis	EMBC	Executive Officer
Dave Ferguson	EMBC	Executive Director, Mitigation and Deputy Fire Commissioner

Pages 152 through 172 redacted for the following reasons:

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s.14



CLIFF No: 392457

X-Ref: 391461

DATE SENT TO ADM: 27-Apr-2012

REQUIRED DATE: 11-May-2012

**MINISTRY OF JUSTICE  
JUSTICE SERVICES BRANCH  
BRIEFING NOTE**

**TOPIC:** Tele-bail – background and difference from video conferencing.

**PURPOSE OF NOTE:**

FOR DECISION BY: Minister

MEETING REQUIRED: YES

**ISSUE:**

Information about the tele-bail process and bail hearings with video conferencing technology is being considered in light of the report by the Representative for Children and Youth (RCY) on the death of the children of s.22

**EXECUTIVE SUMMARY:**

- Tele-bail is used outside the regular court sitting hours to allow for a decision about a pre-trial release to be made as early as possible as required by the *Criminal Code*. The bail hearing takes place by phone between the police station where the accused is held and the Justice Centre in Burnaby where a judicial officer is located.
- Videoconferencing is used mainly for court appearances during court operating hours. Videoconferencing brings together a judge or a judicial officer at the court location and accused at a correctional facility. Videoconferencing is used frequently and across the province.

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s.16, s.17

**BACKGROUND / DISCUSSION:**

**Videoconferencing in BC courts**

The courts in British Columbia started using videoconferencing on a regular basis in 1998. Videoconferencing technology allows for court participants who are not in the same room or community to engage in communications. Videoconferencing is used for court proceedings and testimony of out-of-town experts, injured victims and sensitive witnesses. Videoconferencing is used to reduce security risks, reduce costs of the administration of justice, and enhance access to justice. Videoconferencing is also available at some court locations to accommodate interviews between counsel and their in-custody clients at a designated correctional centre to reduce or eliminate the need for counsel travel and prisoner transportation to/from courts for these interviews.

### Tele-bail

Under the *Criminal Code*, a judicial officer must make a decision either to release or to remand a person in custody as soon as possible or at the latest within 24 hours from the arrest. When a person is arrested after court hours or on a weekend, that determination must often be made when courts are closed. Under the *Criminal Code*, if appropriate, the police may release the accused from custody themselves and compel accused to return to court on a specified date to respond to the charges. If the police determine that a bail hearing is required before a judicial officer, tele-bail allows the conduct of a bail hearing within the timelines above by bringing together by telephone a Judicial Justice located at the Justice Centre in Burnaby, the accused at the police station and a police officer presenting the allegations.

### Bail Reform Project

In 2008/09, the Bail Reform Project expanded the use of videoconferencing to a small number of police stations for the purposes of bail hearings. At this time, the equipment continues to be used in the original sites. The capital investment made as part of the project was \$165,000 and the annual operational cost is \$76,000 and relates to the cost of the required network lines. In Surrey, the cost is increased by having Crown and duty counsel available on weekends.

### Cost of Expanding Video Conferencing

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Attached is a draft letter to the Chief Judge responding to his letter to the Minister of March 9 responding the report of the RCY.

s.13

s.13

**Prepared by:** James Deitch  
Executive Director, Justice Services  
250 387-2109

**ATTACHMENT:** Draft letter to Chief Judge Crabtree

**Approved by:** Jay Chalke, QC  
Assistant Deputy Minister

Date: 5 May 2012

**Approved by:**   
David Loukidelis QC  
Deputy Attorney General

Date: May 15, 2012

**Approved by:** \_\_\_\_\_  
The Honourable Shirley Bond  
Minister of Justice and Attorney General



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s.3