

MacLeod, Peggy JAG:EX

From: Sitter, Donna GCPE:EX
Sent: Thursday, October 11, 2012 2:55 PM
To: Pecknold, Clayton JAG:EX
Subject: FW: For Review! Police - Provincial Police Service Review - IN - Jul18 upd Oct10 2012
Attachments: Police - Provincial Police Service Review - IN - Jul18 upd Oct10 2012.docx

Importance: High

Sorry I think you gave me a verbal okay yesterday but want to make sure before it goes up to DM

DS
Office - 250-387-3520
BB - s.17

From: Sitter, Donna GCPE:EX
Sent: Wednesday, October 10, 2012 11:15 AM
To: Pecknold, Clayton JAG:EX
Subject: For Review! Police - Provincial Police Service Review - IN - Jul18 upd Oct10 2012

An IN for the FOI request that is upstairs now. I hope this is correct!

DS
Office - 250-387-3520
BB - s.17

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Public Safety and Solicitor General
Date: July 18, 2012, updated Oct 12, 2012.

Minister Responsible: Hon. Shirley Bond

Police - Provincial Police Service Review

SUGGESTED RESPONSES:

- We need to be clear, the report is not finalized, so it cannot be released at this time.
- It is a review of how government oversees the RCMP contract – not a review of the RCMP.
- Decisions around severing on FOI Requests are made by professional public servants, and are in line with exceptions under the Freedom of Information and Protection of Privacy Act.
- This report was done to review how we were managing the previous RCMP contract. As such, it was one significant component in determining the terms we sought in the new agreement, particularly around accountability.
- For example, under the new agreement we have significantly increased financial and operational reporting, established a new management committee structure that is consulted before decisions are made and we now have the ability to conduct reviews of programs, including national programs.

IF ASKED:

- When the report is finalized, we will need to look at it to see if there are any FOIPPA concerns as we consider a public release.

BACKGROUND:

On October 9, 2012, responding to FOI request JAG-2012-01158 for "A copy of the RCMP Audit" by a political party, Information Access Operations (IAO) recommended withholding access to this document in its entirety. The report, which is a review of the previous Provincial Police Service Agreement, has not been finalized, and was prepared for submission to Treasury Board.

IAO recommends that the enclosed records be withheld in their entirety pursuant to sections 13 (Policy advice or recommendations), 16 (disclosure harmful to intergovernmental relations or negotiations) and 17 (disclosure harmful to the financial or economic interests of a public body) of FOIPPA.

IAO recommends following OOP's recommendation concerning the application of section 12 (Cabinet confidences) of FOIPPA, when it is provided.

On July 17, 2012, MLA Corrigan wrote to the Minister, requesting a copy of the report.

The final draft of this report is with Internal Audit. It will go to chair of Treasury Board who signs as "accepting" the report, probably in the fall. It then goes to cabinet for approval after which it will be determined whether it can be made public under FOIPPA guidelines.

On Oct. 4, 2011, in the Times Colonist, NDP leader Adrian Dix urged the Province to release a 'secret audit' of the RCMP so taxpayers can have an informed debate on whether a provincial police force would be cheaper and more accountable than renewing a 20-year contract with the Mounties (full story below). Earlier, in October 2010, the BC Civil Liberties Association requested from PSSG a copy of the RCMP 'audit' report and all related correspondence under the Freedom of Information and Protection of Privacy Act.

The Office of the Comptroller General, Ministry of Finance, has conducted a Provincial Police Service Review, but it is not an 'audit' of the RCMP – rather, it is a review of provincial oversight by Police Services Division (PSD) of the RCMP contract. The draft document is dated May 2010.

The purpose of the review is to determine whether roles and responsibilities are defined, understood, appropriate and allow the province to direct the services' priorities and strategic direction, and whether the province's policing expenditures

ADVICE TO MINISTER

are effectively controlled and monitored to ensure that they are appropriate and the province's priorities are achieved. In addition, the review was to identify and recommend options to reduce provincial police service contract expenditures.

The B.C. Civil Liberties Association says the provincial government is refusing to release the results of the review (they refer to it as an audit of RCMP services.) The BCCLA received a letter from the OIPC (dated August 15, 2011) denying a release of the report saying it is in draft format and although it has been prepared for Treasury Board or Cabinet, neither body has had the opportunity to review the record or deliberate on its contents. The BCCLA issued a news release saying the information should be made public before a new RCMP contract is signed.

The BCCLA has previously requested all correspondence and reports relating to any audit findings or proposed audits. Records responsive to the request were located; however, Nov. 5, 2010, the BCCLA was informed that the records are being withheld in their entirety pursuant to sections 13 (policy advice or recommendations), 15 (harm to law enforcement), and 16 (harm to intergovernmental relations or negotiations) of the Act.

On Aug. 25, 2011, PSD became aware, through the media, that on Aug. 15, 2011, the Office of the Information and Privacy Commissioner (OIPC) responded to BCCLA's written request for the OIPC to review a decision by the Ministry of Finance to withhold information regarding the "audit" under section 12(1) (information on deliberations of the Executive Council including advice, recommendations, policy considerations or draft legislation).

The BCCLA went to the media again arguing for the release of the review. Global News reported that under BC law, once a report is reviewed by cabinet, it must be made public. Global said when he was solicitor general, Kash Heed asked for the audit because he knew BC had to make a big decision--to stick with the RCMP or create a provincial police force. Heed was quoted by phone in the story: Kash Heed: "Certainly it was incumbent upon government to make sure we were getting value for our dollar. We needed to know what was going on with respect to the RCMP here in British Columbia."

Current Status

A number of drafts of the report have flowed from the field work by internal audit staff, which has included discussions with and data collection from numerous RCMP and Police Services Division staff. The review remains in draft format and needs to be reviewed and discussed internally; it won't be finalized until approved by Treasury Board.

Program Area Contact: Kevin Begg and Clayton Pecknold (250) 387-1292

Communications Contact: Donna Sitter (250) 387-3520

Attachments: BCCLA NR and link to Letter to BCCLA from Ministry of Finance and letter to BCCLA from Vicky Hudson below; PSSG BN and Appendix.



British Columbia Civil Liberties Association
August 25, 2011

RCMP audit has not been disclosed to Cabinet

The BCCLA has been notified by the Office of the Information and Privacy Commissioner that the audit of B.C.'s RCMP has not been given to Cabinet or to the Treasury Board, despite the fact that these bodies are on the verge of signing another 20 year agreement with the force.

"We can only imagine that the point of this audit, which is almost a year old now, was commissioned to inform the government on how to ensure the best quality policing for B.C.," said Micheal Vonn, Policy Director of the BCCLA. "How is it that B.C.'s Cabinet and Treasury Board have not yet received a copy of it, given that they're on the verge of signing a single-source, multi-billion dollar, 20 year contract with the RCMP?"

The decision, issued by an analyst from the Office of the Information and Privacy Commissioner, reads as follows:

ADVICE TO MINISTER

The Ministry states that all audit reports, other than ad hoc and forensic ones, are presented to both Treasury Board and Cabinet for deliberation. The Ministry tells me that the record is currently in draft format. It has been prepared for Treasury Board or Cabinet. I understand that neither body has yet had the opportunity to review the record or deliberate on its contents.

"Once the contract is signed, it's too late to read the audit and realize what should have been included in the contract," says Vonn. "This audit needs to get to Cabinet and Treasury Board urgently, and before B.C.'s signature goes on the dotted line."

The BCCLA will be appealing the decision to refuse to disclose the audit pursuant to an FOI request made by the BCCLA for the audit, which the organization first learned about in October of 2010.

[Click here to read the OIPC's letter to the BCCLA >>](#)

MEDIA CONTACTS:

David Eby, Executive Director, (604) 630-9752

Our File Number: 292-30/PSS-2010-01852

November 5, 2010

s.22

British Columbia Civil Liberties Association
Suite 550 - 1188 West Georgia Street
Vancouver BC V6E 4A2

Dear s.22

Re: Request for Records
Freedom of Information and Protection of Privacy Act (the Act)

I am writing in response to your request received by the Ministry of Public Safety and Solicitor General on October 12, 2010. You requested:

1. Any audit of the RCMP's service to the province of BC, which has been completed for the Ministry of Public Safety and Solicitor General in the years 2009-2010
2. All correspondence and reports relating to any audit findings or proposed audits, including but not limited to all correspondence between Deputy Minister Kevin Begg and the Ministry of Finance with a date range of May 2009 to October 12, 2010.

The first part of your request is being processed by the Ministry of Finance under file reference FIN-2010-00170 as the Ministry of Finance has confirmed custody and control of the audit.

Records responsive to the second part of the request were located, however, these records are being withheld in their entirety pursuant to sections 13 (policy advice or recommendations), 15 (harm to law enforcement), and 16 (harm to intergovernmental relations or negotiations) of the Act. Copies of these sections are enclosed for your reference.

You have a right to request a review of this decision. You have 30 business days to request a review. I have enclosed information regarding this process. If you have any questions or concerns relating to your request, please contact Karine Bordua, the Analyst assigned to your request at 250-387-5584. You may be transferred to this telephone number free of charge by calling Enquiry BC at 604-660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

Yours sincerely, Vicki Hudson, Manager

Release RCMP audit info, NDP says
Times Colonist (Victoria)
04-Oct-2011
Page A03
By Katie DeRosa

Copyright

ADVICE TO MINISTER



110829



110829 Appendix

_Provincial Police S E Relevant New...

Clark, Perry JAG:EX

From: Clark, Perry JAG:EX
Sent: Monday, October 22, 2012 3:21 PM
To: Godenzie, Lisa JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158
Attachments: Integrated Call For Records form.pdf

Perry Clark, CA
Executive Director,
Policing, Security and Law
Enforcement Infrastructure and Finance
Policing and Security Programs Branch
Ministry of Justice
Phone 250 356-8146
Cell 250 888-3950
Fax 250 356-7747

From: MacLeod, Peggy JAG:EX
Sent: Monday, October 22, 2012 12:01 PM
To: Clark, Perry JAG:EX
Cc: Miller, Lesley JAG:EX; Butterfield, Nicole JAG:EX; Smith, Melissa JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

I've highlighted this new FOI request in "yellow". The FOI Request JAG-2012-01158 was for "A copy of the RCMP Audit."

Could you please provide me with any records for this request by October 30. Thank you.

From: Justice Social FOI SSBC:EX
Sent: Friday, October 19, 2012 10:03 AM
To: MacLeod, Peggy JAG:EX
Cc: Justice Social FOI SSBC:EX; Chalifour, Adrian LCTZ:EX; Miller, Lesley JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

Hello Peggy,

Please find attached a new Call for Records form. It is electronic, fillable and saveable. The only time you may need to print it out is if the people involved in your sign-off process do not have an electronic signature. The form has active links and pull-down menus. Responses should still go through the Justice/Social mailbox at justice.social.foi@gov.bc.ca at this time, as the Shared Drive process is undergoing some fine tuning. We'll advise at a later date when records can be deposited to the shared drive location.

Thank-you.

Your Ministry has received a formal request made under the *Freedom of Information and Protection of Privacy Act* (FOIPPA). The request is for:

Any and all records related to JAG-2012-01158 including emails, pin-to-pin messages, BBMs, phone messages, text messages, meeting minutes and notes, briefing notes and memoranda. The time frame is July 17, 2012 to October 17, 2012.

Please note, the Office of the Premier and GCP have also received this request.

The analyst processing this request is Adrian Chalifour and can be reached at (250) 387-1422.

What Do You Need to Do?

Please complete the attached Call for Records form.

- ❖ If search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records exceeds 200 pages, complete **only** Sections 1 & 2 of the Call for Records Form as we may be in a position to issue a fee estimate. Then, return the form to the Justice/Social FOI Mailbox at justice.social.foi@gov.bc.ca by October 25, 2012. Please await further instruction from IAO as the records will not be required until the fee estimate process has been completed. Once fees have been paid or waived, Adrian Chalifour will contact you to continue the call for records process. IAO will advise you if the request is abandoned and closed.
- ❖ If no fees apply then proceed with the call for records process. If the request proceeds, please complete the attached Call for Records Form and return it to justice.social.foi@gov.bc.ca by October 31, 2012.
- ❖ Send records via email in **PDF format**. One PDF document is preferable. If email is not possible, please send the records in electronic format (CD, memory stick) via house mail with a copy of this note.

Reminder

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay, openly, accurately, and completely. In the event that the ministry must defend the adequacy of its search to the Information and Privacy Commissioner at Inquiry, those involved in searching for records may be required to sign affidavits confirming they have conducted an adequate search for relevant records.

Questions and Concerns

Please do not hesitate to contact your analyst noted on the attached Call for Records form to discuss:

- whether the records may be routinely releasable;
- whether the information is being prepared for public release or is already publicly available;
- ways in which an applicant may want to narrow/focus their request to reduce potential fees; and/or
- any other questions or concerns relating to this request.

Thank you for your assistance.

Clark, Perry JAG:EX

From: Clark, Perry JAG:EX
Sent: Wednesday, October 24, 2012 11:54 AM
To: MacLeod, Peggy JAG:EX
Cc: Miller, Lesley JAG:EX; Butterfield, Nicole JAG:EX; Smith, Melissa JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158
Attachments: 485236 Letter.pdf; 485236 Letter.pdf; 48261 Incoming.pdf; 482612 Response.docx; 483805 Report.pdf; 483805 3 year report.pdf

Thank-you Melissa

Peggy can you ensure that you review these very closely for compliance with the request. I think there may be more here than required.

Perry Clark, CA
Executive Director,
Policing, Security and Law
Enforcement Infrastructure and Finance
Policing and Security Programs Branch
Ministry of Justice
Phone 250 356-8146
Cell 250 888-3950
Fax 250 356-7747

From: Smith, Melissa JAG:EX
Sent: Wednesday, October 24, 2012 10:23 AM
To: Clark, Perry JAG:EX
Cc: Miller, Lesley JAG:EX; Butterfield, Nicole JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

Hi Perry – attached are the correspondence/cliff results for the search requested below.

Thanks,

Melissa

From: Carter, Kim JAG:EX
Sent: Wednesday, October 24, 2012 10:00 AM
To: Smith, Melissa JAG:EX
Subject: RE: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

C/485093 also came up but there are no attachments.

From: Smith, Melissa JAG:EX
Sent: Wednesday, October 24, 2012 9:43 AM
To: Carter, Kim JAG:EX
Subject: FW: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

Hi Kim – can you please do a cliff search for “RCMP Audit” during the timeline of July 17, 2012 to October 17, 2012 and save the attachments and send back to me please.

From: MacLeod, Peggy JAG:EX
Sent: Wednesday, October 24, 2012 9:39 AM
To: Smith, Melissa JAG:EX
Subject: RE: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

Electronic copies are fine.....Thank you.

From: Smith, Melissa JAG:EX
Sent: Wednesday, October 24, 2012 9:37 AM
To: MacLeod, Peggy JAG:EX
Subject: RE: New FOI request -JAG-2012-01838 Records Related to JAG-2012-01158

Are we to provide paper or electronic copies to you?

From: MacLeod, Peggy JAG:EX
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- any other questions or concerns relating to this request.

Thank you for your assistance.

Clark, Perry JAG:EX

From: Clark, Perry JAG:EX
Sent: Thursday, December 6, 2012 2:18 PM
To: Worthy, Ken FIN:EX
Subject: RE: OAG report "2012/2013 Report 8: Summary Report: Results of Completed Projects and Other Matters" now posted

Of course... sorry

Perry Clark, CA
Executive Director,
Policing, Security and Law
Enforcement Infrastructure and Finance
Policing and Security Programs Branch
Ministry of Justice
Phone 250 356-8146
Cell 250 888-3950
Fax 250 356-7747

From: Worthy, Ken FIN:EX
Sent: Thursday, December 6, 2012 12:32 PM
To: Clark, Perry JAG:EX
Subject: RE: OAG report "2012/2013 Report 8: Summary Report: Results of Completed Projects and Other Matters" now posted

Hi Perry:

The e-mail is referring to some reports prepared by the Office of the Auditor General and not Internal Audit.

A batch of 10 reports from our office just went through Treasury Board but did not include the PPS Review report. That report will be included in the next batch.

We have no idea when it will get to Treasury Board but we will keep you informed.

Have a great holiday season, Perry.

Cheers,

Ken

Ken Worthy, MBA, CA
A/Director
Internal Audit and Advisory Services Branch
Ministry of Finance
Tel: 250-387-0283
Fax: 250-356-2001
e-mail: ken.worthy@gov.bc.ca

From: Clark, Perry JAG:EX

Sent: Thursday, December 6, 2012 12:22 PM

To: Worthy, Ken FIN:EX

Subject: FW: OAG report "2012/2013 Report 8: Summary Report: Results of Completed Projects and Other Matters"
now posted

Was this the last batch or is there still another batch to be approved by TB before the PPS review batch goes forward ?

Perry Clark, CA
Executive Director,
Policing, Security and Law
Enforcement Infrastructure and Finance
Policing and Security Programs Branch
Ministry of Justice
Phone 250 356-8146
Cell 250 888-3950
Fax 250 356-7747

Not Responsive