

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

**PURPOSE:** For **DECISION** by the Honourable Suzanne Anton, Attorney General and Minister of Justice

**ISSUE:** Establishing requirements for annual reports respecting emergency demands for records under the *Missing Persons Act*

**SUMMARY:**

- The *Missing Persons Act* (the Act) effective June 9, 2015, requires a police force to report on their use of emergency demands for records to the Minister annually.
- In order for a police force to comply with reporting provisions, the Minister must specify the form of the report and deadline for submitting the report as required by the Act.
- The attached Ministerial Order and Schedule A establishes the form of an annual report respecting emergency demands for records, sets the timeframe for submitting reports, and designates the Director of Police Services to receive reports.

**BACKGROUND:**

- The Act allows a member of a police force to serve an emergency demand for records on a person when the member believes the time delay in applying to the courts may result in the missing person suffering serious harm or death, or destruction of the record.
- The information and records that can be accessed through an emergency demand for records are more limited than court orders. s.13  
s.13 a police force must prepare an annual report respecting their use of demands for the previous year and submit it to the Minister, who will then make the report public.
- The Act requires the report to contain specific information such as indicating the number of missing person investigations in which a demand was made. The information required by the legislation is duplicated in the proposed form of the report, attached as Schedule A.
- In addition to setting the form of the report, the Minister must also specify the time by which the report must be submitted each year. s.13  
s.13 February 15, 2016 would be a reasonable deadline.
- Lastly, the Act requires a police force to provide the annual report to the Minister, or person designated by the Minister. As the responsibility for the Act and other policing matters rests with Policing and Security Branch, the Director of Police Services is the most appropriate person to be designated by the Minister to receive these reports. This designation is set out in the attached Ministerial Order.

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- The Ministerial Order and Schedule A have been reviewed by the Branch's solicitor.
- Consultation on the draft Ministerial Order and Schedule A occurred with staff from the Office of the Information and Privacy Commissioner for British Columbia. No concerns were expressed – in fact, staff were pleased to learn the form will be posted to the ministry's website.
- A Ministerial Order is put forward as the instrument to establish the Minister's requirements under the Act to maximize public transparency.

**OPTIONS:**

1. Approve attached Ministerial Order and Schedule A. **[Recommended]**
2. Do not approve the attached Ministerial Order and Schedule A.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

**OPTION \_\_\_\_\_ APPROVED**

**DATE:**

\_\_\_\_\_  
Suzanne Anton  
Attorney General and Minister of Justice

**Prepared by:**  
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**Recommended by:**  
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**Approved September 29, 2015 by:**  
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Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Branch  
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**Attachments**

Attachment 1 – Ministerial Order  
Attachment 2 – Schedule A

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE ATTORNEY GENERAL AND  
MINISTER OF JUSTICE

*Missing Persons Act*

Ministerial Order No. \_\_\_\_\_

I, Suzanne Anton, Attorney General and Minister of Justice, order that:

1. For the purposes of section 18 of the *Missing Persons Act*, S.B.C. 2014, c. 2, I hereby specify the annual report respecting emergency demands for records to be in the form attached to this Order as Schedule A (an "Annual Report").
2. The Director of Police Services, under s. 39 of the *Police Act*, R.S.B.C. 1996, c. 367, is designated to receive Annual Reports.
3. Annual Reports must be provided no later than February 15 of each year.

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Attorney General and Minister of Justice

\_\_\_\_\_  
(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Missing Persons Act*, S.B.C. 2014, c. 2, s. 18 (3).

Other: (Initial Order)

Date

July 31, 2015

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## SCHEDULE A

### Annual Report Respecting Emergency Demands for Records

Every year, a police force must prepare a report respecting emergency demands for records made by the police force in the immediately preceding calendar year. This report must be completed and submitted by **February 15** of each year, starting in 2016, to:

Director of Police Services  
Ministry of Justice  
Policing and Security Branch  
PO Box 9285 Stn Prov Govt  
Victoria, BC V8W 9J7  
Fax: 250-356-7747

This report will be made public by posting a copy of it on the Ministry of Justice's website at <http://www.gov.bc.ca/justice/>

<b>Name of Police Force:</b>	<b>Detachment location (if applicable):</b>
<b>Number of missing person investigations in which a demand was made:</b>	<b>Total number of persons who were served with a demand:</b>
<b>Number of times a demand was made because the time required for applying for an order may have resulted in serious bodily harm to or the death of a missing person:</b>	<b>Number of times a demand was made because the time required for applying for an order may have resulted in destruction of the record:</b>
<b>The number of times that each record set out below was included in an emergency demand for records:</b>	
Contact information	School, university or other educational institution
Identification information	Travel information
Telephone & Electronic Communications	Accommodation information
Internet browsing history	Employment information
GPS tracking	Health information
Photographs	Financial information
Video	Other records (justice considers appropriate)
<b>Number of missing person investigations in which a demand was made and a missing person was located:</b>	

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**MINISTRY OF JUSTICE**  
**RoadSafetyBC/Policing and Security Branch**  
**BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Honourable Suzanne Anton, QC  
Attorney General, Minister of Justice

**ISSUE:** Immediate Roadside Prohibitions (IRP) issued by Tofino RCMP using Approved Screening Devices (ASDs) that were not accuracy checked in accordance with RCMP policy.

**SUMMARY:**

- The RCMP has identified a procedural issue with an ASD calibration accuracy check that affects the validity of 39 IRPs served by the Tofino detachment from January 23, 2015 to July 31, 2015.
- The RCMP has determined that because the ASD accuracy check was not conducted with certified dry gas as per RCMP policy, that to maintain the integrity of the program, the IRP's served using the ASD's were invalidly issued.
- As a result of this notification from the RCMP the Superintendent of Motor Vehicles will be taking immediate action to cancel all 39 IRPs and remove them from the driver's record.
- All money paid to the Province resulting from these invalidly issued IRPs, including, review fees, monetary penalties, remedial program fees, etc. will be refunded to the driver under section 16 of the *Financial Administration Act* (FAA).
- In addition, as authorized by section 266 of the *Motor Vehicle Act*, the Superintendent will exercise his discretion to reimburse the registered owner of the vehicle for direct costs incurred as a result of the wrongful impoundment.

**BACKGROUND:**

- ASDs are prescribed under the Approved Screening Device Regulation. Under this regulation the following devices are approved for use in British Columbia (BC): Alcolmeter S-L2; Alco-Sensor IV DWF; and Alco-Sensor FST.
- The RCMP and many of the municipal police agencies have moved to the new Alco-Sensor FST as their approved screening device, replacing the "Alco-Sensor IV DWF".
- To ensure the accuracy of the 2,000 plus ASDs used by BC police agencies, police policy requires each ASD undergo extensive calibration accuracy checks by a

qualified ASD calibrator once every four weeks.

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## DISCUSSION:

- On July 31 2015, the RCMP proactively contacted RoadSafetyBC to inform the Superintendent of Motor Vehicles about a calibration accuracy check issue impacting a number of ASD's from the Tofino detachment.

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- Tofino's Alco-Sensor FST devices were immediately taken out of service

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- The ASD's at the Tofino detachment were subsequently calibration accuracy checked by a different RCMP qualified ASD calibrator using the certified dry gas and were found to all be operating correctly and placed back into service.

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- The ASD calibrator, when completing the *Certificate of a Qualified ASD Calibrator* signs the certificate confirming that the calibration was conducted in accordance with their training and using Alcohol Standards suitable for this purpose. By using non-certified dry gas the ASD calibrator cannot conclude either of these points and as such the validity of the certificate is compromised.
- The RCMP has identified 39 IRPs that have been invalidly served from January 23, 2015 to July 31, 2015 due to the calibration check issue at Tofino. These include:
  - 8 warn-range 3 day IRPs
  - 26 fail-range 90 day IRPs
  - 5 refuse 90 day IRPs
- The Superintendent of Motor Vehicles will be in a position to issue letters to the affected drivers cancelling their IRPs, removing them from their records and providing them with their updated licence status as of August 10, 2015. A separate

letter will follow regarding the reimbursement of money paid to the Province in error and other costs incurred as a result of the IRP, including, reimbursement to the registered owner of the vehicle for direct costs incurred as a result of the wrongful impoundment.

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- The RCMP is currently undertaking a province-wide review to determine if there are other detachments that have been inappropriately using the non-certified dry gas. On August 7, 2015 the RCMP confirmed there are 13 additional invalid IRPs served by the Vernon detachment following a similar non-certified dry gas issue.

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- The IDAC monitors Approved Screening Device (ASD) calibration issues and documentation, as well as police training, operational policies and procedures that

support police in their use of BC's Immediate Roadside Prohibition (IRP) legislation in particular, and impaired driving in general. PSB, working with IDAC, helped develop and implement a new standardized provincial training process for recertifying Qualified Breath Technicians (QT), which was implemented in BC in 2014. PSB continues to monitor the currency and required annual recertification of all Qualified Breath Technicians in the province.

- Additionally, through the Enhanced Traffic Enforcement Program, PSB annually contributes funding for enhanced traffic training at the Justice Institute and Pacific Regional Training Centre for specialized police training in Standard Field Sobriety Testing, Intox EC/IR II Conversion and Certification Training, as well as Drug Recognition Evaluators.

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**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Policing and Security Branch
- Legal Services Branch

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**MINISTRY OF JUSTICE  
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Suzanne Anton, Attorney General and Minister of Justice

**ISSUE:** Background information for September 17 meeting with Minister Anton, Mayor Barbara Desjardins of Esquimalt, and Mayor Lisa Helps of Victoria – co-chairs of the Victoria and Esquimalt Police Board.

**SUMMARY:**

- In their roles as co-chairs of the Victoria and Esquimalt Police Board, Mayor Desjardins and Mayor Helps have requested a meeting with Minister Anton to discuss funding for Restorative Justice Victoria.
- Restorative Justice Victoria is a non-profit, community-based organization that delivers restorative justice programs in Victoria, Oak Bay, and Esquimalt.
- Since 2004, Restorative Justice Victoria has received \$2,500 annually from the Ministry through the Community Accountability Program (CAP) and has been enrolled in the Master Insurance Program (MIP).

**BACKGROUND:**

- Since 1998, the Ministry has supported the delivery of community-based restorative justice approaches through CAP. There are currently over 49 CAP programs in operation across the province delivered by 37 grass-root non-profit organizations utilizing large numbers of volunteers; programs receive a maximum of \$2,500 each per year from the Province.
- In their letter to the Minister, the Mayors indicate that Restorative Justice Victoria is faced with an increasing case load, referrals from Crown and diminished capacity as a result of recently losing funding from the United Way of Greater Victoria. This funding makes up a significant portion of Restorative Justice Victoria's budget.
- In 2013/14 Restorative Justice Victoria received funding through other sources including Gaming Grants (\$46,000), the municipalities of Victoria and Esquimalt and their respective Police Departments (\$12,000), and the United Way of Greater Victoria (\$22,000).
- In 2014-15, Restorative Justice Victoria received a Civil Forfeiture grant in the amount of \$9,500 to work in partnership with the local victim service program to establish protocols and practices for working with victims.

- Restorative Justice Victoria is a well-respected leader in restorative justice programming in British Columbia and is supported by 65-85 volunteers and two part-time staff members. In 2013/14, they received a total of 68 referrals including 21 referrals from Crown.
- The Criminal Justice Branch (CJB) has a process to establish MOUs between CJB and restorative justice programs that allow direct referrals to programs for alternative measures and extrajudicial sanctions. Currently, there are nine CAP programs that have MOUs with the CJB and receive referrals from Crown including Restorative Justice Victoria.
- Restorative justice continues to advance in our province. A number of activities have been supported to improve relationships between restorative justice and victim service programs, provide restorative justice programs with further training, and enhance services to victims through restorative justice approaches/processes.
- A provincial project is underway that will result in the development victim-oriented standards of practice guiding the use of restorative justice; Restorative Justice Victoria is one of the partner organizations involved in this project.
- Throughout the year, the Minister has met with several restorative justice programs in Fort St. John, Vernon, Cranbrook and Abbotsford. All of these communities have active CAP programs and have advocated for more provincial support for restorative justice in British Columbia.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- No other Ministries are impacted.

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**Attachment - Biographies: Mayor Helps and Mayor Desjardins**

## **Bio**

### **Mayor Helps**



### **Regional Service and Civic Committees**

- **Capital Regional District (CRD) Board** - January 2015 to December 31, 2018
- **Greater Victoria Labour Relations Association (GVLRA)** - January 2015 to December 31, 2016
- **Victoria Regional Transit Commission** - January 2015 to December 31, 2018

### **Experience**

Prior to being elected as Mayor, Lisa served as a Victoria City Councillor for one term, from 2011 to 2014.

Lisa is known for having a huge heart, a wealth of experience, and a history of getting things done. Lisa has worked with people to create things (housing, organizations, businesses, newspapers, gardens) which enable people to thrive. She has collaborated with politicians, contractors, neighbours, people on the street, community associations and more to bring about positive change in the community. Mayor Helps is known for being generous, patient, firm, and focused. Lisa learns best by doing, and in conversation with people. She is thrilled to be at the Victoria City Council table and will bring her heart, experience and big-picture, long-term thinking (as a trained historian) to bear on all decisions.

Lisa's leadership principles and values:

- Have clarity of vision
- Meet people where they are at
- Pay more attention to what is than "what if?"
- Ensure that the scale of energy invested is reflected in the scale of the effect
- Bring a diversity of interests, agendas and ideologies into a singularity of focus; turn that focus into action

Her past community experience includes: the Executive Director of Community Micro Lending - an organization that she helped to start in 2009; board member and board Chair of Fernwood NRG, which bought the Cornerstone building, opened the Cornerstone Cafe as social enterprise

and built 10 units of affordable housing for families during her involvement; member Leadership Victoria Program Committee in which she helped craft and deliver a nine month community leadership program; Chair, Bread and Roses Collective, which produces the Victoria Street Newz for low-income people to sell.

Lisa has an undergrad degree in history and women's studies, a master's degree in history focused on the history of public space in Victoria between 1871-1901 and a perhaps-one-day-to-be-completed Ph.D. on the history of housing, homelessness and the governance of poverty in Victoria and San Francisco from 1931-1971, for which she was awarded a Trudeau Scholarship.

### ***Bio***

Mayor Desjardins



In addition to being the Mayor of Esquimalt, Barbara Desjardins is also a physiotherapist. The mother of two grown children, Barb is a strong advocate for active and healthy living. Barb was elected to Esquimalt Council in 2005 and was recognized for advocacy of issues -- both large and small -- within the community. She successfully ran for Mayor in 2008 and was acclaimed again in 2011. In her career as a public servant, Barb is guided by a couple of rules: 1) pay personal attention to issues and 2) be a visible and active participant in your community.

### ***Appointments***

- CRD Board/Hospital Board
- CRD Core Area Liquid Waste Management Committee
- CRD Finance Committee
- CRD Governance Committee
- CRD Planning, Transportation & Protective Services Committee
- CRD Transportation Select Committee
- CRD Westside Wastewater Treatment and Resource Recovery Select Committee
- Greater Victoria Labour Relations Association
- Local Government Treaty Committee (Te'Mexw Treaty Advisory Committee)
- Municipal Insurance Association of British Columbia

### ***Internal Appointments***

- Department of National Defence Liaison

**MINISTRY OF JUSTICE  
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Suzanne Anton, Attorney General and Minister of Justice.

**ISSUE:** Meeting with representatives from the Sts'ailes First Nation on Wednesday, September 9, 2015 at the First Nations Gathering to discuss family violence in the community.

**SUMMARY:**

- Representatives from the Sts'ailes First Nation (formerly the Chehalis First Nation) have requested a meeting with the Minister to discuss opportunities to work with the justice system regarding family violence in their community.

**BACKGROUND:**

- The Sts'ailes First Nation is located on the north side of the Harrison River in the Upper Fraser Valley close to Harrison Lake. The community includes 564 people and is a 25 minute drive to Agassiz.
- s.16 the Sts'ailes s.16  
s.16 are interested in learning more about how they can curb the violence within their community as well as options/recommendations for moving forward.

*Provincial Strategies, Programs and Services Targeting Family Violence*

- The Province of British Columbia takes the issue of family violence very seriously.
- This past year, the Premier announced *A Vision for a Violence Free BC: Addressing Violence Against Women in British Columbia*. The long term strategy seeks to eliminate violence against women in the province over the next decade and builds on several existing provincial action plans and initiatives to address violence against women, including:
  - The Provincial Domestic Violence Plan; and,
  - The Memorandum of Understanding with Aboriginal Leadership outlining a joint commitment to addressing violence against Aboriginal women.
- For its part, the Ministry of Justice (the ministry) maintains a network of victim service and violence against women counselling and outreach programs across the province that provide local support to victims of violence as well as expertise to communities on this issue.

- The ministry also funds the Community Coordination for Women's Safety (CCWS) program, which assists BC communities to develop new models or improve upon existing models of cross-sector coordination on the issue of violence against women. CCWS is currently supporting an Indigenous Community Safety Project that addresses family violence in First Nations communities.
- The ministry also supports the rehabilitation of offenders through dedicated Relationship Violence Prevention Programming run by BC Corrections, which has extensive experience supporting community justice initiatives for Aboriginal people.

*Opportunities for Addressing the Violence*

- Ministry staff would be pleased to connect with representatives from the Sts'ailes First Nation to provide further assistance on this issue.
- Staff can provide information about victim services in the area as well as make connections to other supports that would be of assistance (e.g. Indigenous Community Safety Project).
- Staff can also describe potential grant funding opportunities available to the community.
- For further assistance, please contact:

Amar Randhawa, Program Manager  
Victim Services and Crime Prevention  
Email: [Amar.Randhawa@gov.bc.ca](mailto:Amar.Randhawa@gov.bc.ca)  
Phone: 604-660-3697

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- N/A

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**MINISTRY OF JUSTICE  
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for Suzanne Anton, Attorney General and Minister of Justice.

**ISSUE:** Meeting with Chawathil First Nation on September 9, 2015, regarding missing and murdered Indigenous women.

**SUMMARY:**

- Chawathil First Nation is located in Hope, British Columbia.
- Government takes the issue of violence against Aboriginal women very seriously, and is engaged in a number of important initiatives aimed at better preventing, responding to, and helping individuals and communities to rebuild from the impacts of violence.
- In June 2011, the Province established the Minister's Advisory Council on Aboriginal Women (MACAW) to provide advice to government on how to improve the quality of life for Aboriginal women across British Columbia.
- A Memorandum of Understanding (MOU) was signed in June 2014, which outlines a joint commitment between government and Aboriginal leadership to stop violence against Aboriginal women and girls in our province.
- On February 6, 2015, the BC government released the *Vision for a Violence Free BC* strategy (VFBC). VFBC identifies five key priorities for moving towards a violence free BC, including addressing violence against Aboriginal women.
- A family gathering is being jointly planned by government representatives and Aboriginal partners for late 2015. The gathering will provide a safe and supportive place for families of missing and murdered Aboriginal women to heal together by sharing their stories and their strength, and identifying a path forward to end violence against Aboriginal women and girls.

**BACKGROUND:**

National Context

- In June 2015, the RCMP released an update report entitled, *Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview*, which confirms that Aboriginal women continue to be over-represented among Canada's murdered and missing women.



- There have been an increasing number of calls in recent years for a national inquiry into missing and murdered Aboriginal women. Calls for an inquiry have also been made by international bodies, including in a report<sup>1</sup> released by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in March 2015.
- The BC government continues to support the call by national Aboriginal organizations for a national inquiry, and participated in the National Roundtable on Missing and Murdered Indigenous Women and Girls in February 2015.

### Provincial Action

- One of the five strategic priorities in VFBC is to address violence against Aboriginal women, including specific actions aimed at prevention, response and rebuilding:
  - Work with the signatories to the MOU regarding Stopping Violence Against Aboriginal Women and Girls to establish a joint partners table to oversee implementation of the MOU commitments, including the development of shared priorities and actions required to achieve outcomes in stopping violence against Aboriginal women and girls.
  - Work with federal, provincial and territorial governments to take targeted action to address violence against Aboriginal women.
  - Target new investments, as funding becomes available, to support Aboriginal communities in efforts to promote healing from the impacts of violence against women.
- In March 2015, government announced \$3.4 million in civil forfeiture grant funding for community-led projects that support key priorities within VFBC. A total of \$824,711 in civil forfeiture grant funding went to support projects focused on addressing violence against Aboriginal women and girls.
- In 2013/14, government announced over \$1 million in civil forfeiture grant funding to support community-led initiatives that respond to recommendations from the Missing Women Commission of Inquiry. Over \$768,568.00 in civil forfeiture funding was provided for projects and initiatives to address violence against Aboriginal women.
- In fulfilment of the Provincial Domestic Violence Plan's commitments to increase services and supports to Aboriginal women, children and families, the following actions have recently been taken:
  - \$1.5M in grant funding allocated to enhance direct services to Aboriginal children, youth, and families, which will be distributed through the BC Association of Aboriginal Friendship Centres to partner agencies that serve on-off reserve communities.

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<sup>1</sup> Report may be found online at:

[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW\\_C\\_OP-8\\_CAN\\_1\\_7643\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CAN/CEDAW_C_OP-8_CAN_1_7643_E.pdf)

- \$200,000 in grant funding provided to the BC Association of Aboriginal Friendship Centres to enhance and evaluate culturally appropriate programs for perpetrators of domestic violence.
- \$500,000 in grant funding allocated to support women and children in rural/remote communities, including Aboriginal women on and off reserve, with limited transportation options to access safe shelter and support services.
- The Province provided \$120,000 in 2013/14 and \$400,000 in 2014/15 to support MACAW's Giving Voice project. This initiative allows communities to access grant funding to "Give Voice" to the issue of violence against Aboriginal women and girls, identify champions, build partnerships, engage community, and take action on community-identified issues.
- In response to one of the recommendations in the Missing Women Commission of Inquiry Report (MWCI), the Ministry of Justice completed the development of provincial policing standards governing missing person investigations.
- Scheduled to take effect in September 2016, the Standards contain:
  - Risk assessment process, which includes consideration of a number of factors such as whether a missing person is part of an identifiable group that statistically faces an increased risk of harm.
  - Prevention and intervention requirements, including those specific to Aboriginal communities and exploited youth.
- Targeted improvements to policing practices, standards, structure and accountability will continue to be prioritized through continued work on MWCI policing-related recommendations and implementation of the BC Policing and Community Safety Plan.

**OTHER MINISTRIES IMPACTED/CONSULTED:**

- Ministry of Aboriginal Relations and Reconciliation
- Provincial Office of Domestic Violence

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**MINISTRY OF JUSTICE  
RoadSafetyBC  
BRIEFING NOTE**

**PURPOSE:** For INFORMATION for the Honourable Suzanne Anton, QC Attorney General, Minister of Justice.

**ISSUE:** Proposed options to increase the sanctions for distracted driving.

**BACKGROUND:**

- The mandate letter for the Minister of Justice, 2015 includes the requirement to "work with the Ministry of Transportation and Infrastructure to review and make recommendations to Cabinet on the potential of increasing fines in addition to driver demerit points for distracted driving offences."
- The province has committed publicly to implement changes to increase distracted driving sanctions by Spring 2016.

**DISCUSSION:**

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Withheld pursuant to/removed as

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