

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING & SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Mike Morris, Minister of Public Safety and Solicitor General

ISSUE: Police Use of Body-Worn Cameras

SUMMARY:

- Police agencies within Canada are in various stages of evaluating Body-Worn Cameras (BWCs) to enhance accountability, evidence collection and training.
- The Office of the Privacy Commissioner of Canada, in collaboration and consultation with the provincial privacy commissioners, has released a document outlining key considerations for police agencies adopting BWC technology.
- A BC Association of Chiefs of Police (BCACP) Working Group, with support from the Policing and Security Branch (PSB), has developed a Guidance Document covering operational and procedural issues for police agencies considering adopting BWCs.
- Information derived through the Working Group's efforts has informed considerations of procedural, technological and fiscal impacts that will arise from the wide-scale use of BWCs by police agencies.
- Based on the documents developed by the Working Group, PSB's Standards and Evaluation Unit (SEU) have initiated the development of *British Columbia Provincial Policing Standards* (BCCPS) concerning police use of body-worn cameras. The BCCPS will not mandate the use of BWCs, but will provide direction on provincial expectations and requirements should a police agency choose to utilize BWCs.

BACKGROUND:

- BWCs are emergent technology that creates video records of police incidents from an officer's perspective – information otherwise summarized in officers' notebooks.
- BWCs may serve to:
 - Enhance accountability/transparency relating to officer conduct;
 - Moderate officer/citizen behaviour (fewer complaints against police);
 - Improve evidence sources in support of criminal investigations; and
 - Capture reality-based scenarios to derive lessons learned for police training.
- Police agencies within Canada are in various stages of testing BWCs.

- At their November 2014 meeting, BCACP members discussed BWCs and determined that while they offer potential as a policing tool, their application must be informed by best practices. Consequently, members approved a motion whereby the Ministry, in conjunction with key stakeholders, would lead a working group to determine the utility of a BWC program for police agencies in BC, and if deemed viable develop the basic standards and requirements of a BWC program.
- Following the BCACP motion, the Assistant Deputy Minister and Director of Police Services endorsed a project to examine current implementation approaches and related best practices for the use of BWCs by law enforcement and potential options for standardization within the province. PSB then established a working group comprised of representatives from municipal police, RCMP, PRIME-BC, and the BC Police Association.
- To date, the working group has:
 - Conducted a jurisdictional scan of existing approaches to leveraging BWC technologies while ensuring appropriate oversight mechanisms are in place;
 - Consulted with Criminal Justice Branch, Legal Services Branch, Court Services Branch, the Office of the Information and Privacy Commissioner of BC, BC Civil Liberties Association and academic institutions to identify their perspectives; and

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- The BCACP will be kept informed of the Ministry's next steps with respect to BWCs.

OTHER MINISTRIES AND AGENCIES IMPACTED/CONSULTED:

- Policing agencies (municipal police & RCMP), BCACP, Criminal Justice Branch, Court Services Branch, Legal Services Branch, the Office of the Information and Privacy Commissioner of BC, BC Civil Liberties Association, academic institutions, PRIME-BC, and the BC Police Association.

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**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
CORRECTIONS BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Mike Morris, Minister of Public Safety and Solicitor General

ISSUE: Transgender Policy: Placement Decisions

SUMMARY:

- In November 2015, BC Corrections implemented new policy outlining how transgender inmates are admitted, placed, managed and integrated into correctional centres throughout the province.
- The new policy allows inmates to be placed in correctional centres based on an assessment of a variety of factors, including their self-identified gender identity as a primary consideration.
- While self-identified gender identity is an important part of the placement process, overriding health and/or safety concerns may mean that an inmate is placed in a correctional centre contrary to their preference.
- These assessments and placement decisions take into account risk posed to the inmate themselves as well as the risk they may pose to other inmates. This assessment also examines past criminal offences as well as history of past behaviour within our correctional centres.
- This policy aligns with BC Corrections' obligation to make decisions that ensure the safety of all inmates.

BACKGROUND:

- In April 2016, an inmate who has self-identified as female^{s.22} to custody.^{s.22}
s.22
- Due to concerns about s.22 as well as the safety of inmates at ACCW, the inmate was placed at Surrey Pretrial Services Centre (SPSC) [a male correctional centre] s.22 while an assessment occurred to determine placement suitability.
- s.22
- A comprehensive assessment was completed and in order to protect the safety of female inmates, BC Corrections cannot support this inmate's placement at ACCW.^{s.22}
s.22
- This assessment was done in conjunction with mental health professionals s.22
s.15, s.22

- When s.22 entered custody at ACCW in fall 2015, there was widespread media coverage, including praise from PLS, of the inmate as an example of BC Corrections' progressive transgender policy.
- s.22
- BC Corrections acknowledges the needs of transgender inmates who cannot be placed at female correctional centres and respects their need for a space to express their gender identity in a safe way.
- To ensure this support is in place s.22 BC Corrections has created a living unit space at SPSC which will allow inmates to express their gender identity.
- This living unit will allow access to amenities and specialized programs and services that best support the needs of transgender inmates who cannot be housed at a female correctional centre due to the risks they pose to others.
- BC Corrections will continue to follow policy and will treat this individual with respect and accommodate their needs as a transgender individual, including ensuring they are referred to by their preferred name and gender pronoun, and that they may retain the personal items they require to express their gender.

OTHER MINISTRIES IMPACTED/CONSULTED:

- N/A

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**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL,
MINISTRY OF HEALTH AND MINISTRY OF JUSTICE**

BRIEFING NOTE

PURPOSE: For INFORMATION of the Honourable Mike Morris, Minister of Public Safety and Solicitor General, the Honourable Terry Lake, Minister of Health, and the Honourable Suzanne Anton, Minister of Justice and Attorney General

ISSUE: Marijuana - status update

SUMMARY:

- The federal government has committed to introduce legislation in the spring of 2017 to legalize marijuana across Canada. The federal government has indicated that the objective of the legislation is to keep marijuana out of the hands of children and profits out of the hands of criminals.
- The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, the Honourable Jane Philpott, Minister of Health, and the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, are tasked to deliver on the commitment to legalize, restrict and strictly regulate marijuana in Canada. Liberal MP, Bill Blair, has been appointed Parliamentary Secretary to the Minister of Justice and Attorney General of Canada and will take a lead role on this initiative.
- To respond to this initiative, the Ministry of Public Safety and Solicitor General is leading efforts to identify concerns for BC and to develop a provincial strategic policy direction on the issue of marijuana legalization that will need to be considered as the federal government gathers input.
- To assist in this work, the Ministry of Public Safety and Solicitor General has established an inter-ministry ADMs committee, with representation from the Ministries of Health; Agriculture; Community, Sport and Cultural Development; Finance; Justice; Small Business and Red Tape Reduction; as well as the Office of the Premier. The Committee held its first meeting on March 21, 2016 and a subsequent meeting on May 3, 2016.
- s.12

BACKGROUND:

Legalization

- On April 20, 2016, Health Minister Jane Philpott announced the federal government will introduce new legislation to legalize marijuana across Canada in the spring of 2017.
- At the April 2016, Crime Prevention and Policing Committee (ADM Level) meeting in Ottawa, Public Safety Canada and Health Canada confirmed the establishment of the Cannabis Legalization and Regulation Secretariat housed at Health Canada. The Secretariat reported on plans for engagement with provinces and territories to build evidence-based knowledge and plans to develop an early public education and awareness campaign. In addition, Public Safety Canada is drafting a paper on data collection/metrics on cannabis legalization which has not yet been released. Efforts are underway to obtain an advance copy of the draft.
- The legislative responsibility for controlled drugs and substances, including marijuana, lies with the federal government under the *Controlled Drugs and Substances Act (CDSA)*. The *CDSA* enables Health Canada to specify certain drugs, their precursors and other substances as controlled and places conditions upon their import/export, production, distribution, and in some cases, possession.
- The *CDSA* applies to all provinces and territories within Canada. Health Canada, the Canadian Border Services Agency and the RCMP are responsible for enforcing the *CDSA* with the assistance and cooperation of other police forces throughout Canada. Justice Canada oversees the prosecution of drug-related offences under the *CDSA*.
- Until Canadian law is changed, the production, sale, and possession of non-medical marijuana is illegal, and police have a responsibility to enforce related offences. A change in the legal status of marijuana will have many impacts, including an impact on police enforcement of the law.
- The three lead federal ministers have recently written their provincial counterparts regarding the establishment of a federal-provincial-territorial (FTP) Task Force on marijuana legalization (comprised of experts in the fields of public health, substance use, law enforcement and justice) and an intergovernmental working group of senior officials. These will be the central engagement mechanisms for the legalization and regulation of marijuana in Canada. Parliamentary Secretary, Bill Blair, will lead the FPT Task Force.
- Minister Mike Morris recently spoke with Parliamentary Secretary Blair about the federal efforts to legalize marijuana. In addition, Minister Morris met with the Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, and the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, when he was in Ottawa in mid-April 2016.
- The BC Ministers of Public Safety and Solicitor General, Justice and Health co-signed a letter of provincial recommendations on the names of experts to be considered for the FPT Task Force (Appendix 1). The Task Force will not require fulltime work and has a

mandate of approximately six months.

- In support of the inter-ministry ADMs committee, an inter-ministry working group has been established to undertake the policy work required. This group is co-chaired by the Ministry of Public Safety and Solicitor General and the Ministry of Health. Identified areas of policy work by this working group include but are not limited to:
 - Strategic policy direction recommendations to the ADM committee;
 - Public Health;
 - Public Safety and Justice (including Road Safety);
 - Legislation and Regulation;
 - Performance Measurement and Evaluation; and
 - Finance and Taxation.
- On February 25 and 26, 2016, staff from Policing and Security Branch led a BC delegation to Washington State with representation from the RCMP, Vancouver Police Department, Victoria Police Department, RoadSafetyBC, and Liquor Control and Licensing Branch in the Ministry of Small Business and Red Tape Reduction to analyze their approach to regulating the production, processing and sale of marijuana.
- The delegation participated in joint sessions with law enforcement and public safety officials from Washington State, including officials from the Washington State Liquor and Cannabis Board; Washington State Patrol; Washington State Attorney General's Office; and the Washington Traffic Safety Commission. The experience was informative and highlighted the significant scope of considerations required to successfully legalize marijuana while addressing the associated health, social, public safety and law enforcement factors that may arise. A letter was sent to Federal Public Safety and Emergency Preparedness Minister Goodale informing him of the outcome of the meetings.

Medical Marijuana

- Health Canada is responsible for managing the federal *Medical Marijuana Access Program (MMAP)*, including the legislation which governs it: the *Marihuana for Medical Purposes Regulation (MMPR)*.
- The *MMPR* regulates a new supply and distribution system of licensed commercial producers and requires that the product be dispensed to patients who have received a medical authorization document through the mail or other method of shipping, not through store front operations.
- On March 31, 2014, the *Medical Marijuana Access Regulation (MMAR)* was due to be repealed to complete the transition to the new *MMPR*, thus ending all personal use and designated personal production licences. However, an injunction was granted to allow patients and providers to continue to produce their own marijuana based on the allegation that to ensure accessibility to marijuana, it was unconstitutional to prevent individuals from producing their own.
- In February of 2016, the Federal Court released its decision in the case of *Allard et al. v. Canada*. The plaintiffs argued that the *MMPR* violates their *Charter* rights by restricting

medical marijuana patients' ability to grow their own marijuana or have it grown for them. The court agreed and struck down the entire *MMPR*, but delayed implementation of the decision and gave the government six months to develop a new regulatory regime. As such, the right to grow marijuana remains restricted to those patients and their designated producers previously authorized to do so under the *MMAR*.

- In March of 2016, Federal Health Minister Philpott announced that the federal government will not be appealing the Federal Court decision and will be moving to address the court's concerns by August 2016.

Marijuana Dispensaries

- Marijuana dispensaries that purport to be supplying medical marijuana are illegal under federal law. This includes product dispensed to licenced medical users under the *MMPR*, where the distribution system requires that the product be sent through the mail or other method of shipping.
- In August 2015, Health Canada announced that they are moving away from a complaint-based approach to respond to illegal promotion and advertising of marijuana to a more proactive monitoring regime. The federal department will issue compliance letters in those cases where violations are identified.
- Letters to non-compliant marijuana dispensaries have been sent out by Health Canada, including to some businesses operating in Vancouver and Victoria. In the letter, the businesses were advised to stop "all activities with controlled substances" immediately and submit a written statement confirming this action by September 21, 2015. Health Canada has confirmed that continued non-compliance with the federal legislation may result in a referral to law enforcement agencies.
- To ensure compliance with the federal legislation, Health Canada has been monitoring print, radio and television advertising and will also monitor web sites of marijuana related businesses, including dispensaries, to identify any illegal advertising.
- As with any business licensed by a municipal authority, marijuana-related businesses (including dispensaries) can be covered by municipal bylaws. If marijuana-related businesses are operating contrary to a municipal bylaw, the municipality is responsible for addressing the contravention.
- Awareness has been raised in the media regarding the proliferation of marijuana-related businesses across BC and Canada. Vancouver has passed bylaws granting dispensaries business licences that allow them to operate within municipal boundaries, and Victoria is considering a bylaw scheme. In other parts of the province, such as Chilliwack, Nanaimo and Sidney police have taken enforcement action on dispensaries.
- Vancouver has recently taken steps to stem the growth of dispensaries in the city. Marijuana-related businesses and compassion clubs are only allowed to operate if a number of conditions are met (e.g., at least 300m from schools and/or community centres, etc.).

- The Vancouver Board of Variance started hearing appeals in February 2016 and has since denied nine appeals and deferred two so that more information could be submitted. Three appeals were successful as of April 21, 2016.
- Enforcement against marijuana-related businesses that continue to operate without a business licence after April 29, 2016 is unrelated to the Board of Variance appeal process. Therefore, any that remain open after that date are subject to enforcement.
- 60- and 30-day notices were sent to property and business owners to remind them of the deadline. During the first week of May 2016, bylaw officers will conduct an enforcement blitz to check on compliance.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministries of Health; Agriculture; Community, Sport and Cultural Development; Finance; Justice; Small Business and Red Tape Reduction; as well as the Office of the Premier are involved in the development of the provincial strategic policy direction. Many other ministries will be kept apprised of this initiative and consulted as needed and as issues arise.

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Attachment:

Provincial Task Force nominations letter from Ministers Morris, Lake and Anton to Ministers Goodale, Wilson-Raybould and Philpott



APR 14 2016

The Honourable Jane Philpott, P.C., M.P.
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The Honourable Jody Wilson-Raybould, P.C., M.P.
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Dear Ministers:

Thank you for your letters regarding your government's intention to deliver on the commitment to legalize, restrict and strictly regulate marijuana in Canada. We too believe a collaborative approach between federal, provincial and territorial governments is critical in the implementation of such a regime. As British Columbia has significant exposure to cannabis-related issues, we look forward to working with you and your officials on this important issue.

As Minister of Public Safety and Solicitor General, Attorney General and Minister of Justice and Minister of Health for the Province of British Columbia, we are pleased to recommend that the following individuals and organizations be considered for your Task Force:

Justice

s.13

Law Enforcement

s.13

Public Health

s.13

Substance Use

s.13

.../2

The Honourable Jane Philpott, P.C., M.P.
The Honourable Ralph Goodale, P.C., M.P.
The Honourable Jody Wilson-Raybould, P.C., M.P.
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Youth Engagement

- McCreary Centre Society (www.mcs.bc.ca)
- Federation of BC Youth In Care Networks (www.fbcyicn.ca)
- In addition, we are aware that the Canadian Safe School Network is convening an event about cannabis in Vancouver on April 25, 2016 (see <https://canadiansafeschools.com/events/m-word-exploring-perspectives-legalization-marijuana-safe-schools-vancouver-conference/>)

We agree that the Task Force and the engagement of youth will be an important mechanism to begin the dialogue on the legalization, restriction and regulation of marijuana in Canada. We look forward to hearing more about the proposed intergovernmental working group to be established in the coming months.

Should your officials have any questions or concerns regarding our provincial recommendations of Task Force Members, please contact Mr. Clayton Pecknold, Assistant Deputy Minister and Director of Police Services, by email at Clayton.Pecknold@gov.bc.ca or by telephone at 250-387-1100.

We look forward to working with you.

Sincerely,



Mike Morris
Minister of Public Safety
and Solicitor General



Suzanne Anton QC
Attorney General
Minister of Justice



Terry Lake
Minister of Health

pc: Mr. Eric Costen, Healthy Environments and Consumer Safety Branch

Enclosure

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
CORRECTIONS BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Minister Mike Morris, Minister of Public Safety and Solicitor General

ISSUE: Identified PSSG/JAG priorities for existing program expansion under the Mental Health Strategy

BACKGROUND:

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DISCUSSION:

s.12,s.13

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Withheld pursuant to/removed as

s.12;s.13

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Mike Morris, Minister of Public Safety and Solicitor General

ISSUE: Meeting with the Union of British Columbia Municipalities (UBCM) Community Safety Committee regarding the Cost of Biology Casework (DNA) Analysis Services – April 14, 2016 in Victoria.

SUMMARY:

- The Minister will be speaking to the UBCM Community Safety Committee on April 14, 2016. One of the topics of discussions will be the DNA analysis services costs to local governments.
- Recent correspondence between the President of UBCM and the Minister regarding the transfer of DNA analysis services costs to local government is attached (see Appendix A). As well, ADM Clayton Pecknold and a staff member met with UBCM on December 9, 2015, to discuss their concerns.

BACKGROUND:

- Biology Casework (DNA) Analysis for police agencies in British Columbia is provided by the RCMP Forensic and Identification Services lab as part of National Police Services.
- Since 2004, BC has contributed \$1.366 million per year to Canada for these services under the previous Biology Casework Analysis Agreement. As the demand for and cost of providing the service increased, in recent years this represented less than 20% of the actual costs of providing this service.
- In 2013, the federal government advised that it would no longer continue to provide DNA analysis services at the historic flat rate contribution amount and would require reimbursement based on actual costs. All Provinces and Territories (PTs) entered into negotiations and have signed new Agreements Respecting Biology Casework Analysis (BCAAs) 2014-2024, committing to the contribution of actual costs based on usage at a cost share of 54% PT/46% federal after a three year escalation period. BC was the last Province to accept the terms (February 2015) as it was reluctant to sign on without improvements to cost control mechanisms.
- Under the new BCAA, BC's costs will escalate over a three year phase in period from the previous flat rate of \$1.366 million by fixed charges of an additional \$1.177 million, \$2.267 million and \$4.538 million for 2014/15 to 2016/17 based on cost sharing percentages of 28%, 40% and 54% respectively.

- Starting in 2017/18 charges will no longer be fixed: they will be based on a combination of two year average actual costs and two year actual average usage of lab services.
- The Province will continue to fund the analysis at the historical level of \$1.366 million as a deduction from the gross annual DNA billing and will also pay for the Provincial Business Line share of DNA costs estimated at \$.4 million annually. Starting January 1, 2016, police agencies are required to contribute funding beyond that level in order to continue receiving the services.
- Under the *Police Act*, municipalities with a population over 5,000 are responsible for providing policing and law enforcement in the municipality, and for bearing the expenses necessary to generally maintain law and order. Though the Province historically contributed funding for DNA analysis services, DNA analysis is one of many operational policing expenses for which police agencies are responsible. As part of the three year phase in, the province agreed to pay the bill for all agencies for the first year (2014/15). For the second year (2015/16), the province paid 75% (three quarters of the year) of the cost to agencies, and municipalities were invoiced in October 2015 for the final quarter of the year (January-April 2016). Starting April 1, 2016, agencies will be invoiced annually with payments due by June 30th of each year.
- In 2015/16, the invoice to municipalities for the one-quarter year payment range from approximately \$500 to approximately \$400,000 – the estimated costs for 2016/17 range from approximately \$800 to \$675,000.
- The Province has implemented a new service delivery model that involves the Organized Crime Agency of British Columbia (OCABC) and its' Board as administrators of the new BCAA in order to provide better separation of police operations and governance from the Ministry. The agreement accommodates the use of the OCABC to discharge the Province's obligations under the BCAA, manage demand and policies for analysis, and administer the payments, billings and recoveries from local governments related to DNA analysis services provided to police agencies in BC.
- Municipalities have been informed through various forums (e.g., BC Association of Chiefs of Police {BCACP}, Local Government Contract Management Committee) that they will be billed for their police agency's usage of DNA analysis services under the BCAA (see Appendix B).

OTHER MINISTRIES IMPACTED/CONSULTED:

- n/a

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Appendix A – Letter to Al Richmond, President, UBCM
Appendix B – List of DNA Conversations



BRITISH
COLUMBIA

January 5, 2016

Mr. Al Richmond
President
Union of British Columbia Municipalities
60-10551 Shellbridge Way
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Dear Mr. Richmond:

I am responding to your December 2, 2015 letter, address to my colleague, the Honourable Suzanne Anton, Attorney General and Minister of Justice, regarding funding for DNA Analysis in British Columbia.

The new Agreement Respecting Biology Casework Analysis 2014-2024 (BCAA) between the Province of British Columbia (BC) and the federal government was negotiated as a result of the federal government informing the Province that it would no longer provide DNA analysis through the RCMP at the historical flat rate. In December 2013, the federal government informed the Province that if BC did not agree to pay considerably more for the service, as of April 1, 2014, the RCMP would significantly reduce the forensic DNA analysis services provided to law enforcement agencies in BC. Under the new BCAA, after a three-year escalation period (which began in fiscal 2014/15), DNA analysis services will be charged based on a calculation that reflects the two-year average of the actual cost to Canada to provide the service, and the two-year average of proportionate usage of service recipients. After the three-year escalation period, Canada will contribute 46 per cent of the total costs.

It is important to note that under the *Police Act*, municipalities with 5,000 population or more, are responsible for providing policing and law enforcement in the municipality, and for bearing the expenses necessary to generally maintain law and order. As per s. 15 (1) of the *Police Act*, in British Columbia, police agencies are responsible for bearing expenses necessary to maintain law and order, to adequately enforce criminal law, and to provide adequate equipment and supplies for the operations of and use by the police. DNA analysis is one of those operational policing expenses for which police agencies are responsible. However, in order to reduce the cost to police agencies, the Province will continue to contribute its historical funding of \$1.366 million, thereby leaving municipalities to pay a portion of their DNA analysis costs. Additionally, as you may be aware, the Province will pay the DNA analysis costs for all communities in British Columbia with a population under 5,000.

Ministry of
Public Safety
and Solicitor General

Office of the Minister

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Mr. Al Richmond

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In order to assist police agencies with the transition to paying for a portion of their DNA analysis usage, the Province paid \$1.2 million, in addition to the historical funding of \$1.366 million for the first year of the phase-in period for 2014/15. For the second year of the phase-in, in addition to the historical contribution, the Province has committed to paying for the first three quarters of the fiscal year to accommodate police agencies, whose budgets operate on a calendar year.

During the negotiations for the agreement, police agencies and the UBCM were informed in a number of venues, including the various Associations of Chiefs of Police meetings, that the federal government was seeking to increase recovery for DNA analysis and that negotiations were underway. Senior officials with the Union of British Columbia Municipalities (UBCM), UBCM's Public Safety Committee and UBCM's Local Government Contract Management Committee were also briefed. On February 21, 2014, UBCM President Rhona Martin and the co-chair of UBCM Local Government Contract Management Committee Dianne Watts wrote to the federal government strongly urging them to reach an agreement with the Province on a number of issues, including DNA analysis. They made the point that it was not appropriate for Public Safety Canada to make assertions about possible service reductions when service delivery is the responsibility of the RCMP.

At the BC Association of Police Boards meeting in April 2015, the attendees were informed that the Province would continue to provide the historical contribution of \$1.366 million and, because DNA analysis is an operational policing expense, police agencies would be required to contribute funding beyond the Province's historical contribution starting in fiscal 2015/16. In June 2015, the Director again informed the BC Association of Chiefs of Police that as DNA analysis is an operational expense, police agencies will be required to fund their usage beyond the Province's historic funding of \$1.366 million. This is consistent with the obligations under the *Police Act*.

As you are aware, the Organized Crime Agency of British Columbia (OCABC) will be responsible for billing and administering the BCAA. In regards to your question about OCABC administering the BCAA, it was felt that it would be more appropriate for a designated policing unit (in this case OCABC) to administer the agreement because police agencies operate at arm's length from government and it is important that the Province and Local Governments are not seen to be making decisions regarding criminal investigations in British Columbia.

Finally, I would note that the Province makes significant contributions to policing in British Columbia, including more than \$70 million annually for over 20 integrated teams (including IHIT and CFSEU) and a total of \$38.6 million in traffic fine revenue in 2014 (and \$38.4 million in 2013) which can be contributed to municipal policing costs.

Mr. Al Richmond
Page 3

I appreciate that this decision by the federal government has had financial impacts on our local governments. I can assure you that every effort to mitigate this decision was made. You may wish to raise your concerns with the federal government.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mike Morris', with a long horizontal flourish extending to the right.

Mike Morris
Minister of Public Safety
and Solicitor General

pc: The Honourable Peter Fassbender

PSPB PECKNOLD/MCLEAN/LENZ

C/513267

December 2, 2015

The Honourable Suzanne Anton
Attorney General and Minister of Justice
Parliament Buildings
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RE: DNA Analysis Costs to Local Governments

Dear Minister Anton,

I am writing with regard to your decision to transfer a portion of provincial costs resulting from the recent federal-provincial *Agreement Respecting Biological Casework Analysis 2014-2024 (BCAA)* to local governments with populations greater than 5,000. I am concerned both with the process leading to this decision and its fairness. I also believe that there are matters of jurisdiction and authority that have not been addressed by the Ministry of Justice in its handling of this decision.

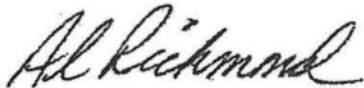
It is anticipated that this decision will allow the Province of British Columbia to maintain its historical base financial contribution, while transferring the majority of additional costs to local governments. In 2016/17 alone, \$2.90 million in unexpected costs will be shifted onto municipalities with populations greater than 5,000. Given the impact of this transfer, the lack of any consultation with the Union of BC Municipalities prior to sending out bills to local police agencies is a significant oversight. The Province has committed itself to a funding approach without any knowledge of the ability of local governments to pay for these services. Not only does this create additional pressure on local finances, the decision flies in the face of the "One Taxpayer" principle so often invoked by the provincial government.

While all provinces and territories are faced with the same cost pressures related to DNA analysis services, I am not aware of any other province, other than British Columbia, that is shifting a portion of these costs to local government. If it does not make sense for local governments in Alberta or Saskatchewan to be contributing to these fees, I would suggest that is also true in British Columbia. From our perspective, the provincial and federal orders of government have an obligation to fund DNA analysis services, and cost shifting to local government is not acceptable. Given the lack of rationale by the Ministry of Justice for its decision, the cost shift to local government is both unwarranted and unfair.

Finally, I would also add that it remains unclear by what authority the Ministry of Justice has directed the Organized Crime Agency of BC to send bills for DNA analysis services to local governments. Has this decision been authorized through an Order in Council? If so, please indicate the regulation and its effective date.

In light of these concerns, I am requesting that you reverse the decision of the Ministry of Justice to fund a portion of its DNA analysis services costs under the BCAA by passing these along to local governments. I would be pleased to discuss this matter further and meet with you at your convenience.

Sincerely,



Al Richmond
President
Union of BC Municipalities

CC: *The Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness
Canada*

*The Honourable Peter Fassbender, Minister of Community, Sport, Cultural Development
and Minister Responsible for Translink*

Lori Wanamaker, Justice Reform and Deputy Solicitor General, Ministry of Justice

*Clayton J.D. Pecknold, Assistant Deputy Minister and Director of Police Services,
Policing and Security Branch, Ministry of Justice*

	During the negotiations for the agreement, police agencies and the UBCM were informed in a number of venues, including the various Associations of Chiefs of Police meetings, that the federal government was seeking to increase recovery for DNA analysis and that negotiations were underway.
	Senior officials with the Union of British Columbia Municipalities (UBCM), UBCM's Public Safety Committee and UBCM's Local Government Contract Management Committee were also briefed.
Feb. 21, 2014	UBCM Director Rhona Martin and then-president and co-chair of UBCM Dianne Watts wrote to the federal government strongly urging them to reach an agreement with the Province on a number of issues, including DNA analysis. They made the point that it was not appropriate for Public Safety Canada to make assertions about service reductions when service delivery is the responsibility of the RCMP.
March 11, 2014	Deputy Chief Warren Lemke, on behalf of the BC Association of Chiefs of Police, wrote to the federal government regarding federally-threatened service cuts if a BCAA funding agreement was not reached.
Feb. 17-19, 2015	The Director of Police Services informed the BCAMCP of the new agreement and <u>may</u> have announced that municipalities would be paying for DNA services.
April 30, 2015	At the BC Association of Police Boards meeting the attendees were informed that the Province would continue to provide the historical contribution of \$1.366 million and that, as DNA analysis is an operational policing expense, police agencies would be required to contribute funding beyond the Province's historical contribution starting in fiscal 2015/16.
April 30, 2014	The Director of Police Services met with a group of police representatives, including Chief Constable Adam Palmer, at VPD Gravelly to discuss the status of the BCAA negotiations and the resulting budget impacts.
June 16-18, 2015	The Director informed the BC Association of Chiefs of Police that as DNA analysis is an operational expense, police agencies will be required to fund their usage beyond the Province's historic funding of \$1.366 million.

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honorable Mike Morris,
Minister of Public Safety and Solicitor General

ISSUE: Meeting with Minister Oakes regarding concerns over possible movement of gangs from Chilcotin to the Alexandria First Nations Reserve in the Quesnel area and the potential for increased criminal activity.

SUMMARY:

- A Statistical and analytical review was conducted to determine if there is any rise in serious and or gang related crimes within the Quesnel Detachment area.
- As a result of the review, the RCMP determined there is no intelligence or data to suggest that there has been an increase in gang related activity within the Quesnel Detachment area.
- The Quesnel Detachment Commander and Quesnel officers are aware of the potential for gang violence in the area and continue to monitor the situation by gathering s.16 intelligence, engaging the RCMP North District Commander and relevant services, the RCMP Aboriginal Policing Section and s.16 s.16

BACKGROUND:

- North District has seen an increase in serious Aboriginal gang related activity in the areas of Alexis Creek and Williams Lake.
- The Quesnel RCMP Detachment provides policing to four First Nation communities, including the Alexandria Reserve which borders with the Williams Lake RCMP Detachment's jurisdiction.
- s.15,s.16
-

- The RCMP Criminal Intelligence Unit in the North District, in conjunction with the management team of the Quesnel RCMP Detachment recently reviewed data regarding Violent Crime in the Quesnel Detachment jurisdictional area from 2011 to 2015.
- It was determined that while violent crime in Quesnel was elevated in 2015 (in comparison with 2014), it remains in keeping with the five year range and is actually below levels experienced in 2011 and 2012.
- s.15,s.16
-
- Calls for service to the Alexandria Reserve were also reviewed and revealed a 7% decrease as compared with 2014.

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**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
POLICING AND SECURITY BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for the Honourable Mike Morris,
Minister of Public Safety and Solicitor General

ISSUE: New RCMP Labour Relations Legislation

BACKGROUND:

- The RCMP is the only police service in Canada without the right or freedom to engage in collective bargaining.
- Currently RCMP members are represented through the Staff Relations Representative Program (SRRP), originally established in 1974 (currently section 56 of the *Royal Canadian Mounted Police Regulations, 2014* (SOR/2014-281)).
- The SRRP provides members with formal representation on matters that impact their work conditions, including workplace safety, staffing and training, but it does not provide for a bargaining agent.
- The Staff Relations Representatives (SRR) are elected to represent members in their home division. There are 44 SRRs across the country, with 12 in BC alone.
- On January 16, 2015, in the case of the *Mounted Police Association of Ontario vs. Attorney General of Canada* (MPAO), the Supreme Court of Canada (SCC) ruled that parts of the current SRRP RCMP labour relations regime are unconstitutional. Specifically, the SCC confirmed the members' right to "meaningfully associate in the pursuit of collective workplace goals" through collective bargaining.
- The Court stated in its ruling "It has not been shown how or why the RCMP is materially different from police forces that have the benefit of collective bargaining regimes that provide basic bargaining protections." The court did not specify the model, but stated that the government must ensure there is a meaningful collective bargaining process and it must include the freedom for members to choose their representation and provide sufficient independence from management.
- The Court gave the federal government until January 2016 to consider its options and enact compliant legislation appropriate to the RCMP, giving consideration to the uniqueness of the policing environment in the context of collective bargaining. In January, the SCC granted the federal government an extension until May 17, 2016.
- The federal government has consulted with RCMP members through a series of surveys and "town hall" meetings to seek their views on options for a new labour relations model. Provinces and Territories were also consulted through the Contract Management Committee (CMC) on key components of the legislation.

DISCUSSION:

- On March 9, 2016, Bill C-7, the *Federal Public Sector Labour Relations Act*, was introduced in the House of Commons to provide a new labour relations regime for RCMP members and reservists.
- The legislation provides a process for an employee organization to acquire collective bargaining rights for members and reservists. It includes provisions that regulate collective bargaining, arbitration, unfair labour practices and grievances.
- The legislation also removes the exclusion of RCMP members from the workers' compensation scheme under the *Government Employees Compensation Act* (GECA) and amends the *RCMP Superannuation Act* in order to ensure full coverage under GECA for RCMP members. This will allow members uninterrupted access to third party adjudication and specialized medical and disability case management services from Provincial workers' compensation boards.
- s.16
- It is expected that both the development of an RCMP union and a pay and benefit model driven by police services arbitrations will have significant implications for contracting Provinces and Territories and in turn local governments as it relates to cost, quality, service delivery and governance (see attached Restrictions and Arbitral award limitations).
- A proposal to hire a labour relations specialist to analyze the potential risks and impacts to PTs will be tabled at the CMC meeting in Ottawa in April.

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Attachment:

1. Restrictions and Arbitral Award Limitations

Attachment 1

Restrictions and Arbitral award limitations

Restriction

238.19 A collective agreement that applies to the bargaining unit determined under section 238.14 must not, directly or indirectly, alter or eliminate any existing term or condition of employment or establish any new term or condition of employment if

(a) doing so would require the enactment or amendment of any legislation by Parliament, except for the purpose of appropriating money required for the implementation of the term or condition;

(b) the term or condition is one that has been or may be established under the *Royal Canadian Mounted Police Superannuation Act*, the *Royal Canadian Mounted Police Pension Continuation Act*, the *Public Service Employment Act*, the *Public Service Superannuation Act* or the *Government Employees Compensation Act*; or

(c) the term or condition relates to

(i) law enforcement techniques,

(ii) transfers from one position to another and appointments,

(iii) appraisals,

(iv) probation,

(v) discharges or demotions,

(vi) conduct, including harassment,

(vii) the basic requirements for carrying out the duties of an RCMP member or a reservist, or

(viii) the uniform, order of dress, equipment or medals of the Royal Canadian Mounted Police.

Also last part related to Arbitration limitations:

Arbitral award — limitations

Limites de la décision arbitrale

238.22 (1) The arbitral award that applies to the bargaining unit determined under section 238.14 must not, directly or indirectly, alter or eliminate any existing term or condition of employment, or establish any new term or condition of employment, if

(a) doing so would require the enactment or amendment of any legislation by Parliament, except for the purpose of appropriating money required for the implementation of the term or condition;

(b) the term or condition is one that has been or may be established under the *Royal Canadian Mounted Police Superannuation Act*, the *Royal Canadian Mounted Police Pension Continuation Act*, the *Public Service Employment Act*, the *Public Service Superannuation Act* or the *Government Employees Compensation Act*;

(c) doing so would affect the organization of the public service, the categories of **members** as defined in subsection 2(1) of the *Royal Canadian Mounted Police Act* or the assignment of duties to, and the classification of, positions and persons employed in the public service; or

(d) the term or condition relates to

(i) law enforcement techniques,

- (ii) transfers from one position to another and appointments,
- (iii) appraisals,
- (iv) probation,
- (v) discharges or demotions,
- (vi) conduct, including harassment,
- (vii) the basic requirements for carrying out the duties of an RCMP member or a reservist,
- (viii) the uniform, order of dress, equipment or medals of the Royal Canadian Mounted Police, or
- (ix) standards, procedures or processes governing matters referred to in any of subparagraphs (i) to (viii).